

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Main Modification Reference General Comment

Respondent Number: 95      Comment Number: 1  
Name: Mark Harrison      Organisation: The Coal Authority  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: General Comment / / No comment:

#### Q4 Soundness Comment

Thank you for your consultation notification received on the 5 January 2017 in respect of the above.

I have now had an opportunity to review the Main Modifications and the Schedule of Minor Proposed Changes and can confirm that the Coal Authority has no specific comments to make.

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 96      Comment Number: 1  
Name: Dawn Dury      Organisation: Keynsham Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: General Comment / / No comment:

#### Q4 Soundness Comment

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 154      Comment Number: 1  
Name: Jane Hennell      Organisation: The Canal & River Trust  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: General Comment / / No comment:

### Q4 Soundness Comment

Thank you for your consultation on the Bath NES mains modifications documents. The Canal & River Trust have considered the content of the document and have no comments to make in this case.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 274      Comment Number: 1  
Name: Gary Parsons      Organisation: Sport England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: General Comment / / No comment:

### Q4 Soundness Comment

Sport England has reviewed the main modifications document and has no comments.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Main Modification Reference MM01

Respondent Number: 1253      Comment Number: 1  
Name: Emily Merko      Organisation: Hinton Blewett Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM01      /      / No comment:

Q4 Soundness Comment

Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 3095      Comment Number: 1  
Name: Nigel Long      Organisation: Campaign to Protect Rural England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM01      /      / No comment:

Q4 Soundness Comment

We are concerning that any weakness in wording may lead to unacceptable developments outside the Housing Development Boundaries.

Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 7116      Comment Number: 1

Name: Rosemary Naish      Organisation:

Agent Name:      Agent Organisation:

Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')     

Does the respondent consider the document is sound?      Yes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM01      /      /      No comment:

**Q4 Soundness Comment**

M1 Policy RA1 p34 I believe this is a good modification

**Q5 Change Requested**

but would be better if the second sentence were to read Residential development on sites outside the Green Belt adjacent to the housing development boundary only if identified in an adopted Neighbourhood Plan

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM02

Respondent Number: 1503      Comment Number: 1

Name: Ian Connock      Organisation: Shoscombe Parish Council

Agent Name:      Agent Organisation:

Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')     

Does the respondent consider the document is sound?      Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM02      /      /      No comment:

**Q4 Soundness Comment**

We are concerned that the proposed modifications to policies RA2 and SV1 as they interact with ED2B which proposes allowing residential development on industrial development & employment sites as it will reduce potential employment opportunities on the identified sites at the expense of further housing. In particular we are concerned how it might affect Bath Business Park, part of which is within our Parish and which adjoins the Housing Development Boundary of Peasedown St John."

**Q5 Change Requested**

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 3095      Comment Number: 2  
Name: Nigel Long      Organisation: Campaign to Protect Rural England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM02      /      / No comment:

### Q4 Soundness Comment

We are concerning that any weakness in wording may lead to unacceptable developments outside the Housing Development Boundaries.

### Q5 Change Requested

We suggest that further clarification is given in terms of issues such as the height, density and effect on other properties that may be (un) acceptable.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM03

Respondent Number: 7269      Comment Number: 1  
Name: Paul Davis      Organisation: Persimmon Homes Severn Valley  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM03      /      / No comment:

### Q4 Soundness Comment

Now that modification MM3 makes a specific reference to reducing carbon dioxide emissions, given that the policy itself is indeed technology neutral, it is even more important that the reference to solar PV or biomass district heating in paragraph 110 should be deleted.

Also despite the modification to exclude B2 and B8 uses, there remains lack of clarity over what developments it applies



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## Schedule of Duly Made Comments Received (in MM Order)

### Main Modification Reference MM07

Respondent Number: 1338      Comment Number: 1  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM07      /      / No comment:

#### Q4 Soundness Comment

The Council supports additions that the estimated land value should reflect national and regional policy requirements for its allocated use and the needs of the community rather than from a perceived maximum based on the type of development that brings the highest possible return. The Council considers that the default for viability assessments should be retention and enhancement of the historic environment in the first instance, rather than to prioritise maximum income against minimum outgoings through inappropriate development.

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 1338      Comment Number: 3  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
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The representation relates to: MM07      /      / No comment:

#### Q4 Soundness Comment

Support the BAP inclusion (and MM47 map changes) as an additional tool against development where the lack of national designation has put important local habitat at risk. This needs to be emphasised in the Midsomer Norton area where land left derelict by the decline in the railway, mining and manufacturing industries has been reclaimed by nature or is located adjacent to recent green field development and wildlife corridor infill such that greater mitigation is required around what is left. This is because such sites have been targeted in the past as brownfield sites of no environmental importance.

#### Q5 Change Requested

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 6524      Comment Number: 1  
Name: Andrew Jones      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
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The representation relates to: MM07      /      / No comment:

### Q4 Soundness Comment

Comment on Minor Modification MPC7 - policy SR6, amend criterion 1.

This should not read "Up to 10 dwellings" but instead "Upto 5-8 dwellings". This is to be consistent with the findings set out 2 pages earlier in para 87 of the PMP under East Harptree which explains why 10 dwellings on this site was not possible. The request for this change was made at the verbal evidence hearings and acknowledged by the Examiner but it looks like this has not translated properly into this modification.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM08

Respondent Number: 170      Comment Number: 1  
Name:      Organisation: Robert Hitchins Limited  
Agent Name: Sarah Hamilton-Foyrn      Agent Organisation: Pegasus Planning Group  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM08      /      / No comment:

### Q4 Soundness Comment

POLICY NE2A - LANDSCAPES SETTING OF SETTLEMENTS

"Any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in harm adverse impact to the landscape setting of



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3. We suggest that it should be left to planning application stage to establish, with the aid of a full landscape and visual impact assessment, the degree to which a site plays a role in contributing to the character of a settlement, including views into and out of the settlement. This approach (in conjunction with Policy NE2, purely on landscape as opposed to settlement setting) will guide the appropriate response by the decision taker - ranging from refusal to the need for development to take a particular form in terms of layout, height and materials if it is to be permitted.

### Q5 Change Requested

4. An 's' needs to be removed from 'Landscapes' in the title of this policy.

5. There is no explanation of why 'harm' has been changed to 'adverse impact' and why the LPA sees this as ascribing a different meaning to the policy and what that changed meaning is.

6. The stipulation for 'no harm' to landscape setting has been changed to the need to 'adequately mitigate adverse impacts'. This seems to offer a degree of flexibility and the acceptance of less than 'full' mitigation and a degree of residual negative impact, so long as efforts to mitigate/conservate the baseline setting value/characteristics of the land as far as possible have been fully taken up. This approach would be applicable in respect of much of the land identified on the policies map (e.g. Langfords Lane at Bishop Sutton) but is disingenuous as a whole theory as in many instances adequate mitigation will equate to full mitigation in the Council's assessment. There are some particularly sensitive parts of Bath for instance where development will always be refused. This demonstrates why the policy as a whole, including its codification on the policies plan is ineffective and captures too wide a spread of 'significance'.

7. A further example of the evidence base and policy being unsound relates to the inclusion of Edward Ware Homes Farringdon Road site within the policies map for NE2A. An application for 47 homes was refused at appeal (APP/F0114/A/14/2214596) but the Council's decision and the appeal decision refers in absolutely no way to landscape or landscape setting in the reasoning. We therefore submit that that the NE2A map wrongly incorporates the site and that this is reflective of the blunt, broad brush, and unsubstantiated overall policy approach.

8. If the policy is to remain in this general form Edward Ware homes considers that that policy should be written so that (current text: 'that cannot be adequately mitigated') (which presents the scope for pre-judgement by the decision taker on the overall scope for mitigation) is changed to (new text: 'that does not take up the opportunities to achieve an adequate degree mitigation') (so that the decision taker is less inclined to take a pre-conceived position in relation to the principle of development and is required to fully engage with details and effects of the proposed mitigation).

9. We do draw some comfort from the fact that the policies plan pertaining to NE2A covers part of the area of land allocated in the Core Strategy for 180-200 dwellings under policy KE4. The site requirements for KE4 require additional green infrastructure on part of the NE2A. This demonstrates, albeit retrospectively in this example, that adequate mitigation within an NE2A can allow development to proceed.

10. It is also relevant that the policies map for NE2A, as it applies to Whitchurch village, identifies an extensive area that will have to be built on based on the Council's identification of a strategic allocation of 3,500 homes in this area in the West of England JSP. Clearly the Council believes that even this level of development can be provided whilst adequately mitigating effects on the setting of Whitchurch.

11. Given these observations we submit that the supporting text to NE2A should also be amended to clarify the meaning of adequate mitigation; that this is not full mitigation and that some residual adverse impact is acceptable. If it were not acceptable then full mitigation and 'no adverse impact' would be the requirement, which is not what the policy allows. We also observe that the supporting text (para 260) currently states that the purpose of Policy NE2A is to "protect, conserve and enhance the landscape setting of settlements". However, the word protect is not in the policy itself and therefore should be removed from the supporting text as it does not accurately reflect its purpose. We do remain concerned that the Council has been reluctant to downgrade the policy and that its true position of 'preservation' is reflected in the original version.

Does the Respondent wish to participate at the Examination (ticked if yes)?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 1338      Comment Number: 2  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM08      /      /      No comment:

### Q4 Soundness Comment

Strongly support the refusal of development where landscape character, views and features are impacted adversely. However, we are concerned over the subjective nature of how impact and the adequacy of mitigation are assessed and abused. We trust measures will be in place to ensure decisions reflect and prioritise how the community Strongly support the refusal of development where landscape character, views and features are impacted adversely. However, we are concerned over the subjective nature of how impact and the adequacy of mitigation are assessed and abused. We trust measures will be in place to ensure decisions reflect and prioritise how the community values its local settings rather than taking at face value the uninformed opinions of outsiders and stakeholders.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 1503      Comment Number: 1  
Name: Ian Cannock      Organisation: Shoscombe Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
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The representation relates to: MM08      /      /      No comment:

### Q4 Soundness Comment

proposed wording is not clear enough. A good example of where this is change is vital is the area to the south of the A367 at Peasedown St John an area previously considered for housing development known as site PEA10. Although it is currently outside the green belt it is an extremely prominent site visually and rightly inside the proposed "Landscape Setting" area around PSJ & Shoscombe as defined in the draft Placemaking Plan. This area should remain undeveloped due to its being very visually prominent. We fully support the proposed Landscape Setting area here and we further recommend the green belt be extended here across this area to give added protection to this vital prominent area.

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### Q5 Change Requested

"should seek to conserve and enhance the landscape setting" should be replaced by "must conserve and enhance the landscape setting".

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 3095      Comment Number: 3  
Name: Nigel Long      Organisation: Campaign to Protect Rural England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
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The representation relates to: MM08 / / No comment:

### Q4 Soundness Comment

We strongly support the current wording. Consideration of the landscape settings of developments are vital not only in relation to the City of Bath itself but also other proposed rural areas.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 4532      Comment Number: 1  
Name:      Organisation: Silverwood Partnership  
Agent Name: Des Dunlop      Agent Organisation: D2 Planning Limited  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM08 / / No comment:

### Q4 Soundness Comment

Main Modification 8 relates to Policy NE2A - Landscape Setting of Settlements. The wording has been amended as follows:-  
Any development should seek to conserve and enhance the landscape setting of settlements and their landscape

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## Schedule of Duly Made Comments Received (in MM Order)

character, views and features. Development that would result in harm-adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

It is considered that the proposed main modification is less restrictive than originally proposed which is supported by the objectors.

However, it is still not clear why Policy NE2A is needed on top of Policy NE2. Policy NE2 already gives the countryside a level of protection, including its landscape character and setting. Therefore, it is still unclear what this Policy will achieve over and above the protection afforded by Policy NE2. All it does is place an unnecessary policy burden on sites which has still not been adequately justified.

However, objections still remain to the designation of the land north of Kilmersdon Road, Manor Farm, Haydon as part of the landscape setting of Radstock. The Council's SHLAA (2013) assessed both RAD 31c (3.8ha) (the site) as well as the larger site RAD 31b (12ha). RAD 31b was discounted as it was concluded:

Building on the entire 12ha field would likely to have a more significant impact on the contribution of this area to the setting of Radstock.

The SHLAA identifies the site (RAD 31c) as having potential to deliver a yield of about 100 dwellings. It states: In respect of the smaller area only (RAD 31c), development would have a low to moderate impact on landscape character. Whilst it would be seen from a distance, it would relate well to the rest of Haydon village on the ridge top. The SHLAA continues to state:

Development would have moderate impact on the houses opposite which are set back from the road and their front garden hedge restrict rural views; moderate impact from the road - the rural view is limited so loss will not be great; low to moderate impact on the view from the Clandown plateau as development would relate well to the adjacent housing and existing vegetation partly conceals the area.

Regarding design, the SHLAA states:

A design which is sensitive to the adjacent SSSI would ensure it was not harmed, neither directly nor indirectly. A design reflecting the layout and modest character of stone cottage opposite would effectively mitigate development by securing a scheme that would maintain local character and distinctiveness. Planting and an appropriate layout of houses at the new rural boundaries would effectively integrate the development into the surrounding landscape. The design should not make the new rural boundary the boundary of back gardens to take the control of planting away from residents.'

The SHLAA clearly assessed the landscape impact of developing the site and concluded that the development of the smaller site north of Kilmersdon Road would have a low to moderate impact on landscape character.

Furthermore, as part of the assessment of a recent outline planning application for up to 100 dwellings (15/01075/OUT), the Council's Landscape Architect commented that they would not have any 'in principle' objections. Their comments were updated in September 2015 to state:

This brief additional response is intended to clarify my 'no objection subject to conditions' position. There will obviously be a change in character from an open field to a residential development and some loss of view. This will cause, in my opinion, only a limited amount of landscape harm.

Therefore, it appears at odds with the views of the Council's Landscape Architect that the site continues to be allocated as part of the 'landscape setting' Radstock. In view of the above, strong objections remain to the proposed landscape setting designation on the site on the basis that it is not justified.

Finally, objections are lodged to the non-allocation of the site at Kilmersdon Road for residential purposes. The site is suitable for development and can be delivered immediately after planning permission is granted. The objectors have carried out all the necessary technical and environmental surveys. There are no access constraints and the site can be adequately drained. There are no issues on the grounds of archaeology and the SSSI can be adequately protected. Furthermore, there are no issues of ecological importance on the site. In all there are no constraints to residential development coming forward on the site. It is a sustainable, suitable and deliverable site.

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Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 6410 Comment Number: 1

Name: Organisation: Linden Homes

Agent Name: Sarah Hamilton-Foyne Agent Organisation: Pegasus Planning Group

Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM08 / / No comment:

Q4 Soundness Comment

### POLICY NE2A - LANDSCAPES SETTING OF SETTLEMENTS

"Any development should seek to conserve and enhance the landscape setting of settlements and their landscape character, views and features. Development that would result in harm adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted."

We objected to the wording of this policy in our reps as we considered that the wording was for more restrictive than the NPPF would accord to National Parks and AONBs. In a non-designated area such as the Landscape Settings identified on the policies maps it would be inconsistent with the NPPF to apply even more restrictive landscape policies. As proposed the policy in effect placed a moratorium on future development that would otherwise be sustainable etc.

The proposed new wording deleting "harm" and inserting "that cannot be adequately mitigated" has softened the policy wording and as a result the wording is now in accordance with the NPPF and PPG.

However, we still maintain our objection to the area designated landscape setting to the north of Radstock which was extended in the submission Plan from that included in the adopted Plan. We made the point that it was not clear what the justification was for doing this apart from to place an embargo on any development outside the settlement as the wording of Policy NE2A seemed to imply.

Whilst the revised wording of Policy NE2A in the Modifications deletes the restrictive wording, it still does not respond to the fact the area designated landscape setting to the north of Radstock has been extended. It is noted that MM46 is included to update the policies map to be consistent with the online version.

Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM10

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 3343      Comment Number: 1  
Name: Louis Hodgkin      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM10      /      / No comment:

### Q4 Soundness Comment

Sections MM10 & MM11 ref. 'Habitat Regulation Assessment'. Are Bats the only wildlife catered for? The disintegration of habitat is catastrophic in the City of Bath with no apparent strategy or effort at mitigating it. The Core strategy makes no commitment to the living environment (plants) that is critical to the wellbeing of everything including wild life.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM12

Respondent Number: 4487      Comment Number: 1  
Name: Andrew Hoyes      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM12      /      / No comment:

### Q4 Soundness Comment

What is the justification to remove GB3 Page 126 Sub Para 2?. Surely this is still required as the rural character of the village will deteriorate if this is not controlled .

### Q5 Change Requested

Please re-instate sub para 2.

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?





# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

and opened elsewhere to meet the needs of primary education of Midsomer Norton and surrounding areas the safeguarded land will no longer be needed."

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM18

Respondent Number: 1338      Comment Number: 6  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM18      /      / No comment:

#### Q4 Soundness Comment

Strongly support the addition of the last paragraph in CR4 to protect local shops from change of use. The Town Council would like to insert the words "robust, owner-independent" in front of "viability assessment".

#### Q5 Change Requested

We would also like to add that it should take into account the economic policies within the Core Strategy for our area given the inevitable exponential fall in total retail activity if shops are picked off one by one.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM19

Respondent Number: 93      Comment Number: 1  
Name: Sean Walsh      Organisation: Highways England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM19      /      / No comment:

# Placemaking Plan Main Modifications Consultation

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### Q4 Soundness Comment

Highways England welcomes the intention of the Council to work with neighbouring authorities to seek to address traffic issues relating to through traffic in Bath. Highways England will also continue to work alongside B&NES. Highways England, however, does not have specific funding. Representations for funding would need to be made to Government via the route strategies process. Schemes would need to demonstrate Value for Money and deliverability in operational and environmental contexts.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 152      Comment Number: 1  
Name: John Twist      Organisation: Corston Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM19 / / No comment:

### Q4 Soundness Comment

It is considered that the case for a Saltford bypass is weak, not a cost effective solution and would be an inappropriate use of public funds.

### Q5 Change Requested

Remove the option for a Saltford bypass from the MM19 stated proposal

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 170      Comment Number: 2  
Name:      Organisation: Robert Hitchins Limited  
Agent Name: Sarah Hamilton-Foyn      Agent Organisation: Pegasus Planning Group  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM19 / / No comment:

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Q4 Soundness Comment

PFA Consulting attended the Examination and provided a Hearing Statement.

The National Planning Policy Framework (NPPF) sets out the extant policy regarding safeguarding at paragraph 41. It states:

"Local planning authorities should identify and protect, where there is robust evidence, sites The Planning Practice Guidance 1.1 (PPG) provides guidance on the preparation of a robust evidence base which includes viability and deliverability. The evidence available concluded there was not a strong economic case, the road would serve a local not strategic function and the scheme is not identified in the forward programme of the LTP3 nor in the Infrastructure Delivery Programme.

In the light of the recently opened South Bristol Link, the declaration by Bristol City Council over the 'missing link' i.e. that it would not be pursued, the approval on appeal for development on land previously safeguarded, the lack of funding and taking into account the requirements of the NPPF and the PPG, there is now no justification for the A37 Whitchurch Bypass and consequently there is no need to safeguard the route.

We support this MM as the safeguarded route for the Whitchurch bypass has finally been deleted.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number:	3095	Comment Number:	4
Name:	Nigel Long	Organisation:	Campaign to Protect Rural England
Agent Name:		Agent Organisation:	
Further Information available in the original comment?	No	Attachments sent with the comment?	Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM19 / / No comment:

### Q4 Soundness Comment

We are concerned about any planned new routes which may impact on the Green Belt and/or the landscape locally. This would include not only the proposed A36/A46 link but also the suggestion of a bypass for Saltford. The latter would inevitably damage the Green Belt and, depending on the route, the Manor Road and ancient woodland to the South of the A4 or the river setting to the South. It would have little or no benefits to travel times to Bath given the congestion from Saltford to Bristol, would move pollution into semi-rural areas, would lose the fast A39 bus service to the village and would increase the risk of proposals for housing merging Keynsham and Saltford being brought forward again and allowed on appeal.

### Q5 Change Requested

We therefore suggest this option is removed from the Placemaking Plan and more emphasis given to working with the Metro Mayor on discouraging car travel on the A4.

Does the Respondent wish to participate at the Examination (ticked if yes)?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 6970      Comment Number: 1  
Name: Robert Eggbeer      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consistent            Not Effective     

The representation relates to: MM19      /      /      No comment:

### Q4 Soundness Comment

A Saltford bypass would intrude into the Bristol/Bath Green Belt. The Saltford Parish Plan (2010) showed a clear majority (93% of respondents to the survey) who thought it important to preserve the green belt around Saltford and prevent development that will encroach upon the Green Belt around Saltford.

The impact on existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners and spoil for all, the character and feel of the south side of Saltford.

Even if it were possible to avoid some destruction of the Community Woodland, its peace and environment would be severely affected.

It would create parcels of land no longer suitable for agricultural use which would inevitably be used for housing infill.

Saltford shops and businesses would come under financial strain due to the loss of passing trade.

The Greater Bristol Strategic Transport Study (2006) which considered a Saltford bypass concluded that "although the scheme produces some local relief, it does not provide strategic benefits".

### Q5 Change Requested

Removal of the sentence "This will include the options for a bypass of the village".

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM20

Respondent Number: 93      Comment Number: 2  
Name: Sean Walsh      Organisation: Highways England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM20 / / No comment:

### Q4 Soundness Comment

We welcome the inclusion of the justification for the expansion of the Park and Ride provision as part of a wider strategy promoting sustainable means of transport and reducing the impact on vehicles in the city. For the avoidance of doubt where this provision interfaces with the SRN it must not compromise safety or operational integrity.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 143

Comment Number: 1

Name: Moira Brennan

Organisation: Bathampton Parish Council

Agent Name:

Agent Organisation:

Further Information available in the original comment? No

Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM20 / / No comment:

### Q4 Soundness Comment

The sections regarding Park and Ride are based on an overriding drive by BANES to build Park and Rides and treat their existence as a measure of success. BANES have failed to look at the actual lack of success of the existing park and rides when success is measured as their impact on traffic, pollution levels and the holistic quality of life of local residents and are blind to any evidence that does not fit with their preferred view of the world. The policy in the placemaking plan needs to contain much higher hurdles in proving what issues park and rides are meant to address and how successful they have or have not been to date. It is not enough to keep stating that park and rides are needed or must be extended without having to prove that their worth comes anywhere near the cost in taxpayers money, environmental damage, destruction of the green belt etc. It was also clear at the recent cabinet meeting that councillors, many of whom had clearly not read their papers, did not have the analytical skills necessary to understand the business case or to identify its failings. The placemaking plan needs to require a level of professional rigour in evaluating these cases than is currently being demonstrated by BANES.

The modification needs to move away from an assumption that building park and rides is an outcome and focus more on identifying the problems that need to be resolved and looking for solutions. It also needs to accept that destroying one part of BANES (Bathampton Meadows) as the price of being able to tick a box to allow development of the Quays is not an acceptable tradeoff. It is an example of lazy thinking were BANES have proven themselves incapable of finding alternative solutions.

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 143      Comment Number: 2  
Name: Moira Brennan      Organisation: Bathampton Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM20      /      / No comment:

### Q4 Soundness Comment

The proposal to put a P&R to the east of Bath Has is totally unjustified. It is agreed that the congestion and pollution are unacceptable, but BANES have stated that the P&R would not alleviate either. No thorough survey has been done to assess why the traffic is there, and therefore why/how a P&R would be justified. The consultation process was severely flawed, and BANES continue to fall short of engaging with the local parish councils and residents. Existing P&Rs are far from fully utilised, yet BANES refuse to accept this fact. BANES own Scrutiny Panel recommended alternative measures but the main one has been ignored, as have conclusions from current transport studies in other areas. If BANES are actually interested in sustainable transport then the obvious immediate actions would be to support public transport from the East and to look at providing transport for the school run, but neither has even been considered. Development on the Green Belt is only permitted in exceptional circumstances and BANES have not proved that this is the case.

If a P&R is to be developed on Bathampton Meadows then it must only be done after alternative measures to tackle the problems have been tried, and then only if there is a provable business case that it is necessary and that it will work.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 162      Comment Number: 1  
Name: George Riley      Organisation: Batheaston Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

The representation relates to: MM20

/ No comment:

### Q4 Soundness Comment

With reference to an East of Bath P&R - ST6 has been re-written by BANES council and should be deleted in entirety because a) P&R is not justified as no evidence of need has been given b) P&R is not effective as this is undeliverable as no business case offered, no impact on Heritage assessment done and no funding is in place c) ST6 is not consistent with the planning policy framework.

Any site brought forward is not capable of overcoming the material planning considerations in the local plan and in the national planning framework.

Paragraph 6.2.3 has implied site selection is part of the plan - but this is misleading and not the case.

We have not been consulted at any level to discuss sites, placemaking or new objectives. Placemaking is an iterative process and BANES have made continued changes to which this is the first opportunity to comment. BANES rewrite policy to fit an idea and now have the opportunity to pass planning.

The East of Bath P&R plans are not justified as no evidence of need has been established. The 2013 Halcrow report asked for patronage studies to be done and this has not taken place. When Bath residents were consulted in August 2015 that a P&R was needed to ease congestion and pollution - 51% said no. The council have since published neither will be attainable and changed objectives such as Royal United Hospital patients can be transported and potential for a coach park. The MottMacdonald report states a P&R will ease congestion by 5% by 2029 and in a recent question and answer document stated pollution impact would be minimal. When the national inspector visited in September BANES officers acknowledged a need had not yet been established. On the 25/1/17 the BANES cabinet put forward site B on Bathampton Meadows as their preferred location and then stated a business case would be written before planning. Surely this is not acceptable. As there is no business case the East of Bath P&R is undeliverable and to date funds promised by the LEP have not been passed. £12.5m is not enough and asking residents to pay more council tax who do not understand the business case is unreasonable.

The site selection leading to site B as the preferred site with site F as an alternative is not part of the placemaking plan and no sustainability processes have been followed. The council has independently made up criteria on site selection and failed to look at alternative measures to achieve its original aims to ease Bath congestion. Batheaston Parish Council held a five week traffic count last Easter and saw a 33% reduction in traffic - this was attributed to the school run - school buses would achieve a healthy reduction in traffic. This data has been shared and ignored.

We also draw attention to the entrance of the proposed P&R from the A46 by-pass. Traffic lights will be put on this by-pass for cars to enter the P&R thus causing a build up which will lead to Batheaston High Street becoming congested with car travellers avoiding the A46 who do not want to use the P&R. This will lead to higher levels of pollution - Batheaston pollution levels sit just below legal limits.

We would also like to reiterate that the three P&Rs are not well used - only 41%, do not attract commuters (another initial objective which is now seen to be false) and P&R in 2029 may all be redundant with technological advancements such as on-demand driverless on the cusp of being introduced. We didn't have Smartphones 9 years ago and now they are the norm.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 224 Comment Number: 1

Name: Organisation: Bath Preservation Trust

Agent Name: Agent Organisation:

Further Information available in the original comment? No Attachments sent with the comment? No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM20

/ / No comment:

### Q4 Soundness Comment

para 623 This is no longer true as the B&NES Cabinet have selected a preferred site, with a preferred fallback site if the preferred site does not come forward. In our view, neither site could comply with either the former or the proposed draft of ST6. It is regrettable, given there were hearings on policy ST6, that a site decision has been taken before the Inspector's final report.

The deletion of the SETTING of the WHS from ST6 is not acceptable and unsound. From other B&NES policy documents, notably the WHS Landscape Setting SPD, it is clear that the Council's preferred sites fall within the setting, and so the only reason for deletion must be to exclude this part of local policy from the consideration of new Park and Rides. This is not compatible with the final paragraph of ST6, and conflicts with policy NE2 where it is acknowledged that the setting of the WHS is a designated area.

We welcome the inclusion of para f in ST6.

### Q5 Change Requested

Para 623 should be amended to make clear that though sites have been selected by way of a cabinet decision, the Placemaking Plan has not approved them. Any planning application for P&R would need to be determined in accordance with the local and national planning policies including the Placemaking Plan.

Regarding consultation of the public, this should read 'The council has consulted with the public regarding the options for the location of an East P & R', as the current wording suggests that public opinion influenced the decision making process on the choice of sites (which it has not, this is clear from public opposition to the options presented).

We believe specific reference should be made to policy D8 in ST6 given the proposed locations brought forward by B&NES.

The word 'Setting' should be included after 'World Heritage Site' and before 'or significance' so to read: 'clear and convincing justification is provided for any harm to the World Heritage Site and its setting or the significance of other designated heritage assets'

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 279

Comment Number: 1

Name:

Organisation: Historic England

Agent Name:

Agent Organisation:

Further Information available in the original comment?

No

Attachments sent with the comment?

No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

The representation relates to: MM20

/ / No comment:

### Q4 Soundness Comment

Thank you for providing an opportunity to consider proposed modifications to the Placemaking Plan and the associated updated SA following the recent hearings in public and the Inspector's subsequent recommendations.

These changes are noted. Our only comment relates to the proposed modification (MM20) to Policy ST6.

The Plan refers to a commitment to exploring potential sites for a Park and Ride facility to the east of the city and a series of related conditions were subsequently included. The Council has since taken a decision (B&NES Cabinet 25 January 2017) to promote a specific location for such a Park and Ride facility within the Greenbelt and setting of the World Heritage Site. As a consequence the Council may wish to consider whether it is appropriate to clarify whether it considers the Placemaking Plan needs to be further updated in this respect, and if so, whether as a consequence the need for the development within the Greenbelt, the justification and public benefits for any harm to the World Heritage Site which may arise, should be examined at this plan making stage, or at the planning application stage, as you had previously anticipated.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 281 Comment Number: 1

Name: Organisation: Natural England

Agent Name: Agent Organisation:

Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM20

/ / No comment:

### Q4 Soundness Comment

Previously, the policy permitting development of new or expansion of existing Park and Ride sites was only applicable if there were unacceptable impacts on the Cotswolds AONB. Implicit in this was that this covered impacts from development both within and outside the AONB. The modification now is silent on impacts arising from development outside the AONB. As a result it is unclear how such a development would be considered. We thus advise that the policy is not liable to be effective in giving sufficient protection to the AONB, and thus unsound.

### Q5 Change Requested

In order for the modification to be sound, we advise that the policy is further modified to address this. One possibility would be as follows:

- that proposals outside but affecting the AONB, will be determined in line with policy NE2 and NE2a, giving great weight to conserving the landscape and scenic beauty of the AONB.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 3095      Comment Number: 5  
Name: Nigel Long      Organisation: Campaign to Protect Rural England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consistent            Not Effective     

The representation relates to: MM20      /      / No comment:

### Q4 Soundness Comment

We have already submitted a substantial document of objection to a Park and Ride east of Bath highlighting the risks to the Green Belt, the APNB and the landscape setting of the city. Notwithstanding the fact that this proposal is progressing we still suggest that this is reconsidered. A Park and Ride site tends to favour car based journeys to the site to the detriment of rural bus services and will have little effect on overall traffic levels.

We suggest that alternatives continue to be explored such as small parking sites along the route of existing bus services and other measures to discourage cross city journeys.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 7221      Comment Number: 1  
Name: Christine Boyd      Organisation: Bathampton Meadows Alliance  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consistent            Not Effective     

The representation relates to: MM20      /      / No comment:

### Q4 Soundness Comment

#### 1. Introduction

This representation is made by the Bathampton Meadows Alliance (BMA) and is concerned with MM20 Park and Ride (P&R). It is BMA's primary submission that policy ST6 should, by reason of unsoundness, be deleted in its entirety from the draft Placemaking Plan.

If, notwithstanding this, the Planning Inspector considers that a Development Management Policy applicable to P&R is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound. ST6 as currently drafted is not consistent with the NPPF and there is potentially a factual inaccuracy in paragraph 623 which should be corrected.

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### 1.1 Modifications to ST6

With reference to PINs guidance, Procedural Practice in the Examination of Local Plans, paragraph 1.3 it is unclear whether the Inspector herself put forward amendments to ST6 to make it sound, or whether she has offered the council the opportunity to amend ST6. The latter would appear to reflect the discussion between the Council and the Inspector at the Placemaking Plan (PMP) hearings in September 2016, where the inspector gave an indication that in her view, each limb of ST6 would need to be considered in its own right and that the drafting did not allow benefit to be weighed against harm.

### 2. The Council's independent site selection process.

BMA considers that paragraph 623 should be deleted on the grounds that it is misleading and potentially inaccurate. ST6 is described in the SEA as a "Development Management Policy". Yet the whole of paragraph 623 is concerned with a council process on site selection that is entirely independent of the Placemaking Plan. The fact that the Council has selected various sites for examination, and has conducted their own alternatives appraisal of these, on its own terms and without independent scrutiny is irrelevant to the PMP. Reference to this in the PMP risks an inference that the PMP has sanctioned this process and any sites that may be brought forward as a result of it.

### 2.1 Cabinet report and decision of 25th January 2017

The Inspector's attention is specifically drawn to the fact that MM20 as currently expressed, potentially contains an inaccuracy that must be amended. In paragraph 623 it is stated:

" No final decision has been made on a preferred site. "

At its Cabinet meeting on 25 January 2017, B&NES Cabinet resolved to promote one of two sites for a new P&R east of Bath, with the final choice to be made by Place Strategic Director and a single cabinet member 'within a reasonable timescale' (specified in the meeting as about 4 weeks). The determining factors in the final choice will be whether arrangements for land purchase and agreement from Highways England on access can be obtained on the preferred site within this time-frame.

Notwithstanding the fact that this decision has been called for scrutiny on the 23rd February 2017, it is likely that the statement "No final decision has been made on a preferred site" will be incorrect by the time the inspector considers the consultation responses on the Main Modifications.

The BMA is concerned that despite the current consultation on Main Modifications, including ST6, the council has stated that 'informal discussion' has taken place with the Planning Inspector and that significant weight can be given to the original draft of ST6. We do not believe this to be correct. In its report to Cabinet on P&R on the 25.1.2017 the Council stated:

The Council has received informal comment from the Planning Inspector regarding the main modifications to the Placemaking Plan. The Inspector has advised that the modifications required are largely those set out by the Council during the Examination hearings and she has confirmed that she is not proposing any additional modifications. This means that Policy ST6 (see paragraph 4.16 below) can be afforded significant weight.

At paragraph 4.16 the Council has then set out the original version of ST6 rather than the amended version on which it is now consulting. They have not drawn Councillors' attention to the new draft version of ST6 in the Main Modifications.

At 8.1 of the report the Council advised Cabinet that;

The technical work that has been undertaken identifies a need for an east of Bath P&R and this was accepted by the Inspector at the recent Placemaking Plan Examination.

BMA understands that the Planning Inspector is not at liberty to have informal discussion with the Council or anyone else, and that all information about the process must be in the public domain. There is no published evidence to suggest that the Inspector has accepted that need for an east of Bath Park & Ride has been established. This is not surprising since:

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

a) at the public examination hearing on 22 September 2016, the Council's Planning Policy team manager Richard Daone conceded, in response to a direct question from the Planning Inspector, that need for park and ride would have to be tested; and

b) In her closing remarks to the public examination, on 14 October 2016 (ID/16), the Planning Inspector confirmed she would proceed to give further consideration to whether the submitted PMP is sound, having particular regard to the matters identified and in light of all written representations and discussions at the hearings.

It is quite improper of council officers to have represented to Cabinet that the Planning Inspector had expressed a view on such an important matter. Such statements from the Council cause concern and confusion about the status of the emerging PMP, including as to the weight that can now be afforded to ST6 and as to the likelihood that sites that have been promoted by the authority outside the PMP process will, when tested, meet the requirements of the local plan and national policy.

If ST6 remains in the PMP it must be made clear that no sites have been allocated or approved by the PMP, and that any site for an East of Bath Park & Ride will need to be tested against the requirements of the NPPF and local planning policy (including this emerging placemaking plan) and as such there can be no implication that the sites have been sanctioned by the plan.

### 3. ST6 to be deleted from the Placemaking Plan

BMA contends that policy ST6 is not sound and should be deleted from the plan on the grounds that it is not justified or effective. ST6 is not justified because it is not the most appropriate strategy to remove traffic from the city, when considered against reasonable alternatives. It is not effective because it is unlikely that an east of Bath P&R can be delivered. Deletion of ST6 would render the redrafted paragraphs 622, 623 and 624 superfluous and these too should be deleted.

Deletion of ST6 would not affect the delivery of the PMP since any application for P&R can be adequately assessed by reference to the NPPF and other material considerations, including other policies in the local plan such as ST7.

It is also the case that since the PMP was launched new evidence has emerged that question the benefit of P&R and that alternative transport solutions have become available to the council. These are better aligned with the most recent DEFRA guidance (2016) on tackling poor air quality and the fact that DEFRA has recommended to BANES that their Air Quality Action Plan should be integrated with the Transport Strategy.

#### 3.1 Expansion of P&R has not been justified

The Council has continually changed its case regarding the objectives that P&R will meet; this undermines the argument that there is a specific and properly evidenced need which the P&R is designed to address.

In Volume 1 of the draft Placemaking Plan the council states that P&R will:  
'reduce vehicle movements into the constrained city centre' (para 101, p28).

At Paragraph 279 the council specifies this as commuter traffic:

'Creation of one or more Park & Ride sites on the eastern side of the city to reduce commuter traffic.' (p138)

The Council has now conceded that a P&R to the east will have very little impact on the current traffic problem. Therefore, this "need" falls away. The Council has instead changed its justification to one of supporting future economic growth. P&R was not identified as contributing to Objective 4 in the original SAR, but in the January 2017 revised SAR, it has been identified as having a "minor positive impact". It appears that the Council has added economic growth as justification to replace those that have fallen away, but without a proper evidence based assessment of the way in which P&R would contribute to this aim.

The inspector will recall that in the summer of 2016 she raised a number of issues about P&R (matter 15) as part of the PMP examination process, including at Q3, which asked whether the provision of an east of Bath P&R is justified. In response to this question the Council expanded their justification for P&R to include the following:  
- to reduce congestion within the city and around our off-street car parking sites

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- P&R is successful and financially sustainable
- the Royal United Hospital (RUH) has expressed support for a Park and Ride site to the east of the city,
- to reduce carbon emissions from transport;
- to support the city's economic development and Enterprise Area

The consultation on the Main Modifications is the first opportunity BMA has had to comment on these revised justifications. Taking each of these in turn it can be seen that none provide adequate justification for large-scale expansion of Park and Ride, nor has it been demonstrated that this provides the best solution to any of the problems identified by the council. These are considered below.

### 3.1.1 To reduce vehicle movements into the constrained city centre

This is a similar justification to the one given in response to the inspector's question; 'to reduce congestion within the city and around our off-street car parking sites'

The Council conceded, in answer to the inspector's question 2 of matter 15 that a P&R to the east will not reduce congestion in the city; 'the traffic management proposals for Bath will seek to 'hold' or maintain the existing capacity of the highway network but not increase it to any notable degree. As such, they are not expressly dependent on a wholesale removal of existing car trips to Park and Ride or other modes to make them viable and acceptable. However, the existing central area network will cater for very limited traffic growth going forward, and it is equally the case that the traffic management changes proposed will not alter this position

The council has not yet completed its parking review (required by the Transport Strategy 2014) and has not revealed how much long stay parking it plans to remove or how much short-stay parking would be re-provided within new development. But the leader Tim Warren has given assurances to business indicating that 500 new short stay spaces are planned.

If the intention is to reduce congestion, including around off street parking sites this approach is seriously flawed. Short stay parking will induce more traffic movements not less, as the spaces will be used more times though out the day. For example, if 1000 long stay parking spaces were exported to P&R and replaced by 500 short stay spaces, and if those short stay spaces were used 3 times per day rather than once, that would result in 1500 return trips each day and a 50% increase in traffic around those car parks. To this would need to be added the extra P&R buses.

### 3.1.2 To reduce commuter traffic

The Council's own parking data has been analysed by Andrew Lea of the Bathampton Meadows Alliance. This shows that at 9am when one would expect commuters to be at work P&R is only 24% full (fewer than 700 spaces occupied across the city), it is therefore clear that very few commuters are using P&R. The Council has not challenged Andrew Lea's analysis; indeed his results are confirmed by Transport Evidence Explanatory Note CD/PMP/B27 albeit with CH2M additionally analysing P&R usage with Sundays excluded.

The CH2M (2014) report originally stated that between 7am and 10am an east P&R of 1600 spaces would remove 1314 traffic movements off the London Road and that between 3pm and 7pm it would remove 1621 vehicles off the London Road. But CH2M now concedes that the impact would be far less than they originally thought:

The 'net' reduction effect in both cases is around 100 vehicles, which is much lower than the overall patronage estimates set out for the different Park and Ride scenarios in Core Documents CD/PMP/B26 and CD/PMP/B22. (Source: B&NES Explanatory note CD/PMP/B28)

### 3.1.3 P&R is successful and financially sustainable

The Transport Evidence Explanatory Note CD/PMP/B27; Bath: Park and Ride Expansion is not fully quantified, and gives the impression that use of Park and Ride has increased since additional spaces were provided under the Bath Package. In fact the opposite is true, with Odd Down in particular performing badly even with the inclusion of the RUH bus. Where actual figures are reported, this shows that;

- At the busiest time of day, maximum occupancy is on average 63% (excluding Sundays)
- There are 1022 free spaces in P&R at the busiest time of day

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- There are on average more than 500 free spaces in Odd Down at the busiest time of day.

When the peak occupancy figures provided by CD/PMP/B27 are compared with peak occupancy figures provided in the 2009 planning application for expansion of P&R under the Bath package it can be seen that use of P&R has fallen by 125 over the 3 sites since 2009. Lansdown shows a modest increase, Newbridge remains broadly unchanged and Odd Down shows a dramatic decline.

Site - Newbridge

Expansion completed - Aug 15

Pre/post expansion capacity - 450 to 698

Pre expansion maximum - 450(100%)\*

Post expansion maximum - 454 (65%)\*\*

Net change - 4

Site - Lansdown

Expansion completed - Feb 13

Pre/post expansion capacity - 437 to 837

Pre expansion maximum - 437(100%)\*

Post expansion maximum - 494 (59%)\*\*

Net change - 57

Site - Odd Down

Expansion completed - Nov 12

Pre/post expansion capacity - 1022 to 1252

Pre expansion maximum - 850 (83%)

Post expansion maximum - 664 (53%)

Net change - 186

Site - Combined

Pre/post expansion capacity - 1909 to 2787

Pre expansion maximum - 1737

Post expansion maximum - 1612

Net change - 125

\*2009 planning application \*\* Transport Evidence Explanatory Note CD/PMP/B27; Bath: Park and Ride Expansion, ch2mhill April 2016

Banes Cabinet on the 27th January 2017 considered a report on the east of Bath P&R which claimed that P&R use had increased by 16% since 2009. This is incorrect; the evidence presented shows only that use of P&R buses has increased by this amount. Passengers can board along the route and therefore this is an argument that bus use has increased, not that the use of P&R has increased.

Cabinet on the 27th January 2017 selected two potential sites for an east of Bath P&R. They did this without a business plan. The limited financial information in the cabinet report indicates that these sites would not be financially sustainable, but would require ongoing subsidy. Cost benefit analysis of these sites is discussed further at 4.2

3.1.4 The Royal United Hospital (RUH) has expressed support for a Park and Ride site to the east of the city. The Council relies upon a model by Mott MacDonald to estimate the potential demand for an East of Bath P&R. This model has been extended to show the impact of adding a bus service from an east of Bath P&R to the Royal United Hospital (RUH) located west of the city. This increases the forecast demand by up to 50% (from 977 to 1411 ).

However, evidence was given to the Cabinet meeting of the 27th January 2017 that the RUH has not provided figures to the Council for likely P&R usage, nor have they been asked to verify figures calculated by anyone else. Additionally that the Council has not asked the RUH about its patients' travel behavior or about the hospital's future plans. In 2016 the

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hospital built 300 additional public parking spaces and their future plans are to deliver more treatment outside the hospital and nearer to communities.

Discussions between the council and the hospital are limited to a single informal meeting held in early 2016 where the RUH explained that patients are not willing to use existing P&R or existing service buses if they are required to change at the bus station. A direct bus route from the P&R to the RUH would be required to make this a workable solution. It should be noted that BANES financial model is not predicated on a dedicated bus service from the P&R to the RUH.

It is also important to note that the Mott MacDonald model as projected, results in a usage trend never previously observed in Bath.

- The trend shows a peak at 4pm rather than the middle of the day as has been observed by every previous study;
- When looking specifically at vehicles whose owners are going to the RUH this accounts for 13% (53 vehicles per hour) of total Odd Down users in 2014, by 2029 this projection has increased to 28% or 223 vehicles per hour (four times more than 2014)
- The 2029 projection shows no decrease in cumulative users through the day as with 2014. So that by 6pm there are still 301 cars at Odd Down P&R whose passengers are in theory still at the RUH. This is over 12 times higher than the 2014 model;
- The projection shows a 900% increase in usage of Park and Rides to the RUH by bus in 12 years.

It would be very difficult to justify the projections as even being close to the potential reality of RUH bus usage from Odd Down and the proposed eastern Park & Ride.

The numbers appear overinflated, providing no alignment with trends or behaviours and appear to be a means of inflating demand to justify a large eastern P&R.

### 3.1.5 To reduce carbon emissions from transport;

The council published a Question and Answer document about P&R to accompany the Cabinet Report of the 27th January 2017 and now available on its East of Bath P&R webpage.

Question 18 confirms that there will be no detectable changes in air quality as a result of an east of Bath P&R because this would be offset by future traffic growth.

'Any decrease in traffic volumes as a result of a park and ride to the east of Bath will not be significant enough to detect changes in air quality. The aim of park and ride is to maintain the capacity that Bath currently has in its transport network and support new development such as within the Enterprise Area. If the Council fails to do anything to overcome unmet parking demand the impacts upon Bath's highway network will be severe with increased levels of congestion resulting in worsening air quality and additional harm to the quality and fabric of the historic, environmental and cultural assets in the City'.

### 3.1.6 To support the city's economic development and Enterprise Area

Paragraph 623 of the PMP states: "Enhanced Park & Ride provision will help to remove a variety of vehicular trips from the city arising from both existing pressures and those associated with growth generated by the Enterprise Area". But even this claim is somewhat tenuous since it will not remove as many trips as was previously believed.

Transport Evidence Explanatory Note 'Bath - Park and Ride Expansion' (Core Document CD/PMP/B27) considers the impact that future development might have upon on the city's road network. The report identifies many variables that would impact this calculation and broadly recommends a wait and see approach. In particular it identifies a great deal of spare P&R capacity in P&R, it highlights uncertainty about the amount and type of future development, it also concludes that the requirement for additional P&R is dependent on how many trips can be extracted by alternative measures.

The Cabinet report of the 27th January misrepresented this report by claiming that it identified a need for 600 additional

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P&R spaces between 2018 and 2022. This is incorrect.

Core Document CD/PMP/B27 (April 2016) actually concludes the following:

‘At present, the average overall utilisation of the three Park and Ride sites is circa 63% with usage on Sundays excluded. This equates to existing spare capacity of some 1,020 spaces of the 2,787 available. In considering the timing of any additional Park and Ride capacity needed, it will be necessary to monitor and review the take-up of this existing spare capacity as the build-out of already ‘committed’ development continues or takes place. This review will also need to take into account other planned EA development as specific applications come forward and the delivery programme is better understood’

CH2M suggests that existing spare capacity can be used in the first instance, and that Lansdown and Odd Down can each be expanded by 300 spaces each. Even when considering the development scenario with the highest requirement for P&R, the report does not forecast a need that is greater than 400-500 spaces east of Bath, it recommends:

This delivery strategy would add around 1,000 new spaces to the overall Park and Ride capacity around Bath, whilst meeting a clear demand for a new site serving the eastern corridor. The current patronage forecasting work does not suggest a demand for greater provision than this by 2029.

CH2M qualifies this statement by saying;

Although the analysis of potential unmet parking demand associated with the EA developments suggests that need in the longer term could be greater. This will depend on the successful delivery of other measures to limit car use and provide greater travel choice, notably the delivery of planned rail capacity improvements. As such, there will remain a need to assess/review the case for capacity expansion beyond an initial strategy for delivering around 1,000 new spaces.

The Council’s own consultants do not make out a case for a car park of more than 4 - 500 spaces, by 2029, at worst, and depending on a host of variables which they were reluctant to predict. In the context of such small demand, alternatives to P & R become more feasible, and greater attention should be made to them.

### 3.2 Alternatives to P&R

The BMA believes that Policy ST6 is not justified because reasonable alternatives have not been properly considered as per paragraph 182 of the NPPF.

#### 3.2.1 Sustainability Appraisal

The modified Sustainability Appraisal does not consider alternative methods of dealing with traffic, but merely considers whether the policy is better or worse with the inclusion of ST6. In the period since publication of the original Sustainability Appraisal, the Council’s own estimates of additional parking need have been substantially reduced (see above), and there has been an acknowledgement that congestion and pollution will not be positively influenced by a park and ride site to the East. Appraisal of alternative transport and parking measures which might offer a more sustainable and cost effective solution to congestion and pollution ought to have taken place to consider the impact of this better understanding of need and impact.

#### 3.2.2 The Council’s alternatives

The council has not considered alternative sites as part of the plan making process. In January 2017 the Council identified two sites which it considers to be most appropriate for an additional Park and Ride facility. However, no such sites have been allocated in the PMP and their suitability has not been properly appraised against the requirements of NPPF.

[Indeed, statutory consultee Historic England wrote to the Council in advance of the Cabinet Meeting to express its concern that sites under consideration had not been assessed correctly against the requirements of national and local planning policy. See a copy of their letter at Appendix 2 to this submission].

The Inspector at Q4 of Matter 15 asked the Council; ‘What alternative options to the proposed East of Bath Park and Ride have been considered?’

This is the first opportunity BMA has had to comment on the council’s response which was little more than a reaffirmation of their belief in P&R rather than a genuine attempt to engage with alternatives:

‘...Park and Ride is an important element of an integrated strategy to help people get into and out of the city. Park and

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Rides are sustainable interventions not only in reducing car use within the city of Bath but also increasing the catchment of the City by allow those who cannot make these journeys by bus or train to transfer to public transport at an early opportunity towards the edge of the city. '

The Council then stated:

' alternatives to a P&R east of Bath are:

- a new railway station as an alternative to a bus based P&R
- Continuing to encourage transfer to existing bus services
- Support for improved rail services.

The council's response continued:

However, none of these options would provide an attractive alternative to the majority of fragmented and scattered locations to the east of the city, where the majority of workers and visitors live. '

The final paragraph of this statement is badly drafted. It is not the case that the majority of workers and visitors to Bath live to the east; but it could be said that those workers and visitors who do live to the east come from locations that are scattered rather than from a single town.

A new railway station is not a reasonable alternative within the period of the PMP since securing a new railway station would take many years to deliver if achievable at all.

Support for improved rail services is stated in the plan to be additional to an east of Bath P&R not an alternative. Continuing to encourage transfer to existing bus services is a reasonable alternative, but the Council has unreasonably dismissed it. Their comments disregard the needs of 30% of the population who do not have access to a car and so cannot access P&R. Rural bus services have worsened in the last year and are likely to be impaired further as abstraction from buses to P&R occurs making buses even less viable.

First Group, the major bus operator within the City, have observed that the Council is generally unwilling to subsidise bus routes which it cannot afford to run profitably.

The recent extensive cuts to bus services across the city corroborate this. The inability to control bus services is blamed by the Council for an inability to influence bus services. This is only partly true, as the option to subsidise routes exists, and subsidising rural bus services is a legitimate alternative to more extensive transport interventions such as park and ride, and ought properly to have been considered.

The council also proposes an A36/A46 link road, but this is a proposal rejected 3 times in the past at Public Inquiry for a variety of reasons. This proposal is not on the Highways Agency's current agenda and Leader of the council Tim Warren has acknowledged that it would not be built for at least 10-12 years. It is therefore not a reasonable alternative as it is unlikely to be delivered within the plan period.

### 3.2.3 West of England Combined Authority

In 2016 BANES voted to become part of the West of England Combined Authority. This brings additional funding for transport as well as powers over bus franchising that were not available to BANES when the PMP was launched. Supporting rural buses would offer a much more sustainable and inclusive alternative to P&R. The council has not considered this reasonable alternative, but has dismissed buses as unpopular with car drivers without considering the needs of other travellers.

### 3.2.4 Alternatives promoted by the community

BMA and other groups have presented the Council with empirical evidence suggesting measures to tackle the school run could have a much greater impact than the 5% reduction in peak hour traffic identified by Mott Macdonald as resulting from P&R. When asked about this by the Planning Inspector at the hearings, Peter Dawson, BANES Group Manager, Planning Policy & Transport stated that the school run contributed only about 5 or 6% of traffic. Following a complaint about this statement Mr Dawson has revised this number to 9%, but (although already higher than the 5% reduction in traffic case made by the council for P & R) this is a theoretical calculation, which BMA and others believe to be a gross underestimation.

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In the weeks leading up to Easter 2016 the Bathampton Meadows Alliance commissioned research that shows that traffic drops by 30% during the morning peak in Batheaston during the School holidays. This full automated traffic count was carried out by a company also employed by the Council to carry out similar studies and includes some 24,000 car count data points.

In October 2016, local group Transition Larkhall, supported by the University of Bath, conducted traffic counts in Larkhall on roads that have become rat runs avoiding the main London Road artery in from the East of Bath. Their submission to the recent West of England Joint Transport Vision consultation states:

‘It can therefore be reasonably Inferred that between 400 and 500 trips (editor’s note: or just under 50% of cars counted on these roads) in the morning peak times consist of parents or carers transporting children to schools - the majority of which are located in the South and West of Bath’

This group is planning to carry out a similar exercise on the London Road itself, following on from previous studies that have suggested a 20% fall in traffic on this key arterial route during school holidays.

The Council stopped collecting the data that allows it to analyse travel to school patterns once this became a non-statutory requirement. The only data they have is for the state school sector up to age 15 from 2011, which is clearly incomplete and out of date, plus a ‘short travel questionnaire’ sent to 12 Bath independent schools in December 2016 (of which 7 replied) in response to a complaint from the BMA that this data was absent from their work.

The Council’s only response to the dramatic fall in traffic witnessed each holidays is to say it is parents taking holidays too. This clearly does not tally - an average 5 weeks work annual leave vs. a minimum of 13 weeks school holiday in the State sector and far more in the private.

#### 4.P&R is not effective because an east of Bath Park and Ride is not deliverable

An east of Bath P&R has been an aspiration of the council for more than 20 years, but has proved undeliverable because of the inability to satisfy planning conditions, and because it was unaffordable and this combined with a lack of political will to proceed in the face of public opposition. BMA believes that these same factors exist today with regard to the latest proposals for an east of Bath P&R.

Opposition to the scheme has always been high and, if anything, has intensified, the post 2012 planning environment imposes significant hurdles to green belt, heritage setting development, and the latest cost estimates are currently running at levels of anywhere between 50% and more than 100% higher than those quoted in the current infrastructure delivery plan, depending on the final site and configuration, with the source of this funding unidentified, and operational surpluses unlikely to be achieved to offset borrowing costs.

#### 4.1 Council’s assessment of deliverability

The Inspector will recall that in the summer of 2016 she raised a number of issues about P&R (matter 15) as part of the PMP examination process, including at Q1:

Does the Infrastructure Delivery Plan demonstrate that the key Infrastructure required to achieve the proposed development can be achieved without compromising the timely delivery of development?

This is the first time BMA has had the opportunity to comment on the Council’s response to this question. We agree with the Council that some of the Infrastructure required to deliver the plan has been completed, such as the Bath Package and improvements to the train station.

#### 4.2 Cost

However with regard to the east of Bath P&R the inspector has been referred to paras 2.25-2.43 of the IDP. This gives an estimated cost of 10m for the east of Bath P&R and identifies that funds are available from the LEP. There are two potential problems with this:

- The LEP has only identified a need for 12.5m for this project, whereas the estimates provided in the council report of

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the 25th January 2017 for the promoted sites are; 14m for 800 spaces on site F, 16m for 1200 spaces on site F or 17.5m for 800 spaces on site B.

- The LEP has listed the scheme, but it is not fully approved and this is subject to a full business case, which has yet not been produced (as well as an equalities impact assessment).

The Council will need to correctly follow a WebTAG appraisal in order to conduct a cost-benefit analysis before funding will be released. However it appears that when the council previously used WebTAG to predict demand for P&R this assessment was not correctly carried out. The previous assessment predicted steeply rising demand but in fact there has been no additional take up of P&R since the last 4.5m investment in P&R.

The currently estimated development cost for site B (800 spaces) equates to almost £22k per space. The currently estimated development cost for site F (800 spaces) equates to £17,000 per space, or £13,300 per space for 1200 spaces on site F. This is up to 4 times more than the cost of the Bath Package expansions, which averaged £5100 per space.

BANES Cabinet expressed a preference for site B over site F. Not only is this the most expensive option at £17.5m for 800 spaces, but the Cabinet report of the 25th January 2017 also identifies that this option results in a year on year deficit: Net operating costs, including unfunded borrowing costs and income from fares show that the P&R would be expected to return a net deficit of approx. £115k/year (para 6.34).

The council has stated that it will not CPO site B. If it cannot reach agreement to purchase the site, and if they cannot gain agreement from Highways England on access (both of which it has failed to do over the past year), they will revert to site F.

In regard to site F, with 1200 spaces, the Council report identifies that;

Net operating costs, including unfunded borrowing costs and income from fares show that the P&R would be expected to return a net surplus of approx. £162k/year (para 6.23)

If the 800 space option were to be promoted on Site F, at an estimated cost of £14 million (£17,500 per space), a net deficit of approximately £65,000 per annum is estimated. The Council's figures are based on current revenue costs of existing P&R sites in Bath. The Council has not included the additional cost of operating a connecting service to the RUH in the above figures. Without this Mott Macdonald estimate maximum demand by 2029 of between 850 and 977, this would not be sufficient patronage to cover the cost of running the service.

The existing sites create a surplus of some 600k for the Council. For the new site to create a deficit of 115k (for 800 spaces at site B) or 65k (for 800 spaces at site F, not including the cost of the RUH service) or a surplus of 162k (for 1200 spaces at site F, but again not including the cost of the RUH service), shows that operating costs for an east of Bath P&R would be significantly higher than for the existing sites.

In the absence of a business case, and with only the limited financial information in the Council report of 25th January 2017, BMA are still able to show that the east of Bath P&R will have operating costs that are 250% higher than the existing P&R sites and that in the best case scenario it would take at least 10 years of subsidy before even site F, with 1200 spaces breaks even.

Under these circumstances there must be serious doubt as to whether this scheme could ever pass a cost benefit analysis in line with DfT requirements in order to secure funding, whether that be via the LEP or from the Public Works Loan Board.

It seems unlikely that site B, the Cabinet's preferred site, will prevail given that the Council has failed for more than a year to secure the purchase of this site and have stated publicly that they will not CPO. They have also failed over the past year to secure agreement from Highways England for access from the A4 bypass.

#### 4.3 Opposition to the scheme and political will

There is a great deal of opposition to a P&R on Bathampton Meadows, not only from the BMA but also from local Parish Councils and from NE Somerset MP Jacob Rees Mogg. Also opposed are The Bath Preservation Trust, the National Trust and Historic England.

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A petition against the proposal attracted 13,000 signatures and the consultation resulted in 51 % of people voting against the scheme. This was at a time when the Council were promoting site B and claiming that it would ease congestion and tackle emissions. The Council has now retracted these claims. The Council claim to have conducted an exhaustive site search and found no suitable sites other than site B and site F for an east of Bath P&R.

Site B now looks to be undeliverable, leaving site F as the only option and a highly unpalatable one at that. When asked during consultation to select a preferred site from 3 options only 15% of people chose site F. This is the same site as was selected in 2009 only to be rejected by Councillors in 2011. Opposition groups in BANES still reject site F and there is nervousness about this site amongst Councillors in the controlling group.

BANES voted to become part of the West of England Combined Authority. An election for a Metro Mayor will take place in May 2017 and it is the Mayor who will have the final say on this project. There can be no certainty that an east Park and Ride will retain political support through to completion.

### 4.4 Material Planning Considerations

It is unlikely that a site on Bathampton Meadows can overcome the planning hurdles either in NPPF or in ST6. The Cabinet report of the 25th January 2017 gave a limited planning assessment and paid no heed to the opinion of Historic England who have expressed serious reservations about the level of analysis and in particular the relative weight given to various aspects of national and local planning policy requirements. The council has not conducted HIAs in accordance with ICOMOS guidelines, despite repeated advice to do so from Historic England since September 2015 when consultation on sites began.

Nevertheless the Cabinet report admits there are 'a number of challenging issues with all of the sites' it has considered. They are all within the setting of the World Heritage site, within the Green Belt, and would impact on the Cotswolds AONB. The Bathampton Meadows sites are adjacent to the River Avon Site of Nature Conservation Interest (SNCI), a range of protected species utilise the area, including bats and otter, and it is likely to be used by light-sensitive bats including horseshoe bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and SSSI.

The council report identifies potential impacts from lighting and changes to vegetation, including the loss of existing habitat and an area of pasture, and potential impacts on the adjacent SNCI. The development would be completely at odds with the character of the local area and would impact views from scheduled monuments at Browns Folly, Little Solsbury Hill, from the National Trusts Skyline walk and from around 1000 properties that overlook the valley.

Sites B and F abut the flood plane and no specific assessment has yet been done of the potential for flooding and effect of water run off. Flood risk is historically the reason that planning conditions could not be discharged on the formerly agreed Lansdown P&R site. In order for any development on Site F to proceed, the land will have to be appropriated for development, since it is currently designated for flood mitigation purposes. The council will therefore have to establish that this land is no longer required for these purposes, and, presumably identify alternative flood mitigation land.

The fact that the decision has been called in, the fact that essential site assessments have not been carried out and that no business case has been provided calls into question the deliverability of this project. The council is considerably further away from having a site that it is able to deliver than it implies by way of the decision of the 25th January 2017. We would additionally argue that the council has yet to identify the public benefit that must be weighed against harm as required by the emerging ST6 and by NPPF. ST6 should therefore be deleted on the grounds that it is not effective, and because it is not deliverable.

### 5. Required amendments to ST6

Should the Planning Inspector consider that a Development Management Policy applicable to a new park & ride site is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound.

The current draft wording of ST6(a) is unsound in that;

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- it is inconsistent with national policy; and
- the wording contains a factual inaccuracy.

### 5.1 Inconsistent with National policy

The current draft wording of ST6(a) is unsound in that it is inconsistent with national policy. Paragraph 133 of NPPF provides the following:

"Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."

Paragraph 134 of NPPF provides:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

It can be seen from these two paragraphs that the NPPF provides a framework for the balancing of harm against benefit of a development which impacts upon a heritage asset, and that the more substantial the harm, the more significant must be the benefit in order to outweigh the harm.

The wording in ST6(a) has over simplified the balancing tests provided by paragraphs 133 and 134 NPPF so that in effect the policy wording has pre-judged the level of harm that might be caused by a park and ride development and determined it to be less than substantial, providing as a consequence a balancing test compatible with paragraph 134, but not 133 of NPPF.

The wording of ST6(a) has also ignored potential loss of significance to the WHS. Significance is the value of the heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting. Loss of significance of a designated Heritage Asset (including loss of significance to its setting) requires equal protection under NPPF to loss of or harm of the physical asset.

ST6(a), in order to be sound and in compliance with national planning policy therefore should provide for loss of significance to the WHS (including loss of significance to its setting), to be tested.

To correct these failings the wording must provide that substantial harm must be outweighed by substantial public benefit, and that loss of or harm to significance is afforded the same weight as physical loss of or harm to the heritage asset. This can be achieved by making the following amendments to ST6 (a):

"Development of new or expansion of existing Park and Ride sites will be permitted provided:

(a) clear and convincing justification is provided for any harm to or loss of significance to (add the words 'or loss of significance to') the World Heritage Site (delete 'significance of') or other designated heritage asset (add the following new words in brackets) (including any harm to or loss of significance to the setting of the World Heritage Site or other designated heritage asset), and that where substantial harm to or total loss of significance will result from the proposal, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, and that where less than substantial harm to the significance of the designated heritage asset will result, that this harm should be weighed against the public benefits of the proposal with the degree of public benefit weighed against the level of harm; and

### 5.2 The current draft wording of ST6 contains a factual inaccuracy

The inspector's attention is drawn to the fact that MM20 as currently expressed, potentially contains a factual inaccuracy that must be amended if it is not to lead to confusion about the status of any site brought forward for planning. In paragraph 623 it is stated:

"No final decision has been made on a preferred site."

At its Cabinet meeting on 25 January 2017, B&NES Cabinet resolved to promote one of two sites for a new Park & Ride east of Bath, with the final choice to be made 'within a reasonable timescale' which was specified in the meeting as about four weeks. This meeting and the decision that resulted from it are entirely separate from the local plan process.

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Notwithstanding the fact that this decision has been called for scrutiny on the 23rd February 2017, it is likely to be the case that by the time the inspector considers the consultation responses on the Main Modifications the Council will have selected a site, but this site will not be one that has been approved as part of the plan making process.

The Cabinet report of the 27th January demonstrates that the council has done only a superficial analysis of sites to determine those that the Council considers are the most desirable and most likely to comply with planning policy. The council's preferred sites have not been subject to a Sustainability Appraisal and no Heritage Impact Assessments have been carried out to determine whether they are the most suitable sites of the 21 sites considered by the Council.

As such these sites have not been allocated by the PMP and this needs to be made clear to avoid any implication that the sites have been sanctioned by the plan.

Paragraph 623 should be deleted since it is concerned with a council process on site selection that is entirely independent of the PMP. The fact that the Council has selected various sites for examination, and has conducted their own alternatives appraisal of these, on its own terms and without independent scrutiny is irrelevant to the PMP. Reference to this in the PMP risks an inference that the PMP has sanctioned this process and any sites that may be brought forward as a result of it.

If the Inspector believes there is merit in retaining paragraph 623 then it should record the current position, whilst making it clear that no neither site is allocated to this purpose within the Placemaking Plan and, that the process of site selection has been carried out independently by the Council, and outside the placemaking plan development process.

Appropriate wording would be:

"The Council has recently resolved to proceed to promote one of two preferred sites for a new Park & Ride east of Bath, with the final selection being subject to putting in place satisfactory arrangements for land purchase and agreement from Highways England on access. Neither of these sites has been allocated for an east of Bath Park & Ride pursuant to this Placemaking Plan, and the right to develop the selected site will be determined in accordance with the adopted Placemaking Plan, and all other relevant national and local planning policies and requirements."

Bathampton Meadows Alliance 14th February 2017

### Q5 Change Requested

This representation is made by the Bathampton Meadows Alliance (BMA) and is concerned with MM20 Park and Ride (P&R). It is BMA's primary submission that policy ST6 should, by reason of unsoundness, be deleted in its entirety from the draft Placemaking Plan.

If, notwithstanding this, the Planning Inspector considers that a Development Management Policy applicable to P&R is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound. ST6 as currently drafted is not consistent with the NPPF and there is potentially a factual inaccuracy in paragraph 623 which should be corrected.

Should the Planning Inspector consider that a Development Management Policy applicable to a new park & ride site is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound.

The current draft wording of ST6(a) is unsound in that;

- it is inconsistent with national policy; and
- the wording contains a factual inaccuracy.

#### 5.1 Inconsistent with National policy

The current draft wording of ST6(a) is unsound in that it is inconsistent with national policy. Paragraph 133 of NPPF provides the following:

" Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."

# Placemaking Plan Main Modifications Consultation

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Paragraph 134 of NPPF provides:

"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

It can be seen from these two paragraphs that the NPPF provides a framework for the balancing of harm against benefit of a development which impacts upon a heritage asset, and that the more substantial the harm, the more significant must be the benefit in order to outweigh the harm.

The wording in ST6(a) has over simplified the balancing tests provided by paragraphs 133 and 134 NPPF so that in effect the policy wording has pre-judged the level of harm that might be caused by a park and ride development and determined it to be less than substantial, providing as a consequence a balancing test compatible with paragraph 134, but not 133 of NPPF.

The wording of ST6(a) has also ignored potential loss of significance to the WHS. Significance is the value of the heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting. Loss of significance of a designated Heritage Asset (including loss of significance to its setting) requires equal protection under NPPF to loss of or harm of the physical asset.

ST6(a), in order to be sound and in compliance with national planning policy therefore should provide for loss of significance to the WHS (including loss of significance to its setting), to be tested.

To correct these failings the wording must provide that substantial harm must be outweighed by substantial public benefit, and that loss of or harm to significance is afforded the same weight as physical loss of or harm to the heritage asset. This can be achieved by making the following amendments to ST6 (a):

"Development of new or expansion of existing Park and Ride sites will be permitted provided:

(a) clear and convincing justification is provided for any harm to or loss of significance to (add the words 'or loss of significance to') the World Heritage Site (delete 'significance of') or other designated heritage asset (add the following new words in brackets) (including any harm to or loss of significance to the setting of the World Heritage Site or other designated heritage asset), and that where substantial harm to or total loss of significance will result from the proposal, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, and that where less than substantial harm to the significance of the designated heritage asset will result, that this harm should be weighed against the public benefits of the proposal with the degree of public benefit weighed against the level of harm;

Paragraph 623 should be deleted since it is concerned with a council process on site selection that is entirely independent of the PMP. The fact that the Council has selected various sites for examination, and has conducted their own alternatives appraisal of these, on its own terms and without independent scrutiny is irrelevant to the PMP. Reference to this in the PMP risks an inference that the PMP has sanctioned this process and any sites that may be brought forward as a result of it.

If the Inspector believes there is merit in retaining paragraph 623 then it should record the current position, whilst making it clear that no neither site is allocated to this purpose within the Placemaking Plan and, that the process of site selection has been carried out independently by the Council, and outside the placemaking plan development process.

Appropriate wording would be:

"The Council has recently resolved to proceed to promote one of two preferred sites for a new Park & Ride east of Bath, with the final selection being subject to putting in place satisfactory arrangements for land purchase and agreement from Highways England on access. Neither of these sites has been allocated for an east of Bath Park & Ride pursuant to this Placemaking Plan, and the right to develop the selected site will be determined in accordance with the adopted Placemaking Plan, and all other relevant national and local planning policies and requirements."

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM21

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 93      Comment Number: 3  
Name: Sean Walsh      Organisation: Highways England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM21      /      / No comment:

### Q4 Soundness Comment

Highways England is content with the addition of text allowing a flexible approach to parking standards where specific circumstances can be demonstrated. There should however be a strong justification for it, as development should be sustainably located in order to seek a reduction in the need to travel by private car. The text in MM22 requiring this full justification is therefore an important addition.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 102      Comment Number: 1  
Name: Robin Kerr      Organisation: Federation of Bath Residents' Associations  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM21      /      / No comment:

### Q4 Soundness Comment

The overall effect of the changes to MM19-22 appear to be to relax parking standards and so allow more parking provision. This is likely to generate increased traffic. In addition, the changes do not address FoBRA's key point at the Examination in Public (EiP) that parking standards fail to make any distinction between areas outside the very small City Centre Zone. Therefore, FoBRA again makes the point that, to comply with the Bath Transport Strategy, Parking Standards should be redefined. In particular:

- Parking Standards specific and appropriate to the Enterprise Area should be established, separately from the rest of the city outside the centre.
- Consideration should be given to the need to retain maximum parking standards for residential development within the Enterprise Area.
- Within the Enterprise Area, it may be appropriate to distinguish areas in the immediate vicinity of the city centre (eg the Bath Central Area as defined in the Core Strategy) from more peripheral parts of the Enterprise Area.



# Placemaking Plan Main Modifications Consultation

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### Q4 Soundness Comment

Do not support the discounting of minimum residential parking standards if undue weight is placed on the existence of designated free parking and sustainability rhetoric (bus routes without fit for purpose timetables and over reliance on walking and cycling to reduce car use). The requirement to justify through evidence-based assessment is still supported.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM22

Respondent Number: 102      Comment Number: 2

Name: Robin Kerr

Organisation: Federation of Bath Residents' Associations

Agent Name:

Agent Organisation:

Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?      No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM22      /      / No comment:

### Q4 Soundness Comment

The overall effect of the changes to MM19-22 appears to be to relax parking standards and so allow more parking provision. This is likely to generate increased traffic. In addition, the changes do not address FoBRA's key point at the Examination in Public (EiP) that parking standards fail to make any distinction between areas outside the very small City Centre Zone. Therefore, FoBRA again makes the point that, to comply with the Bath Transport Strategy, Parking Standards should be redefined. In particular:

- Parking Standards specific and appropriate to the Enterprise Area should be established, separately from the rest of the city outside the centre.
- Consideration should be given to the need to retain maximum parking standards for residential development within the Enterprise Area.
- Within the Enterprise Area, it may be appropriate to distinguish areas in the immediate vicinity of the city centre (eg the Bath Central Area as defined in the Core Strategy) from more peripheral parts of the Enterprise Area.
- In setting Parking Standards, due regard should be paid to the aggregate parking provision in the area, its impact on traffic levels and the objectives of the Bath Transport Strategy.

Specifically, on M22:

- Para 639 FoBRA opposes this, as it now provides for possibly increasing parking provision but with no reduction in standards. It therefore appears to provide an upwards ratchet in parking provision.
- Para 642A As with para 639, FoBRA opposes this, as it, too, removes the requirement to assess offsite impacts and requires a parking assessment of new developments of 10 or more dwellings in the City Centre Zone - a significant relaxation.
- Para 645 FoBRA opposes this, as the amendments have the effect of accepting that parking demand must be met rather than managed.
- Para 655 Quite what this means is unclear. Clarification required.

# Placemaking Plan Main Modifications Consultation

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### Q5 Change Requested

Discussion with Officers will be necessary. In some cases the Modifications are not consistent with the Bath Transport Strategy.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM24

Respondent Number: 102 Comment Number: 3

Name: Robin Kerr

Organisation: Federation of Bath Residents' Associations

Agent Name:

Agent Organisation:

Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM24 / / No comment:

### Q4 Soundness Comment

Para.17, p.4 Having long pressed B&NES to publish a Student Housing Strategy document capable of reacting to the changing aspirations of the Universities (declined again at Placemaking Plan (PMP) para 234), FoBRA welcomes the retention of the statement here that the development of the Universities requires strategic policy direction. As the Inspector suggests (para.23 - Interim Statement) 'the Council re-consider its approach to the changing circumstances of the Universities deferring consideration of how their requirements should or should not be addressed to the forthcoming [Local Plan] review', FoBRA proposes additional words as follows:

- This strategic policy direction should take the form of a comprehensive and regularly-updated Student Housing Strategy document agreed between all stakeholders.

Para.22, p.4 FoBRA welcomes retention of the important statement that the unmet conflicting demands for land use are not considered to represent the 'exceptional circumstances' needed to justify development in the Green Belt and that neither should they override the great weight to be afforded to the significance of the World Heritage Site. FoBRA notes that MM 24 prioritises the limited land available for housing, employment floorspace and growth in hotel demand at the expense of retail capacity. The growth aspirations of the Universities are unlikely to be realised under this approach (for example in terms of availability of sites for further Purpose Built Student Accommodation (PBSA) blocks), so it would be misleading to delete that as proposed here. The revised wording of this paragraph should be modified to read

- '...and will accept that there is a shortfall in meeting the retail capacity and student accommodation requirements identified for the whole plan period'.

In view of the Inspector's stated preference to defer consideration of student accommodation demand to a Local Plan review, just as MM 23 (para.9, p.3) proposes to add 'It is the Council's intention to review hotel requirements as part of the Local Plan review', FoBRA suggests that the following should be added to para.22, p.4

- 'It is the Council's intention to review student accommodation requirements as part of the Local Plan review'.

### Q5 Change Requested

FoBRA proposes additional words as follows:

- This strategic policy direction should take the form of a comprehensive and regularly-updated Student Housing

# Placemaking Plan Main Modifications Consultation

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Strategy document agreed between all stakeholders.

The revised wording of this paragraph should be modified to read

- '...and will accept that there is a shortfall in meeting the retail capacity and student accommodation requirements identified for the whole plan period'.

FoBRA suggests that the following should be added to para.22, p.4

- 'It is the Council's intention to review student accommodation requirements as part of the Local Plan review'.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 322      Comment Number: 2  
Name:      Organisation: Bath Spa University  
Agent Name: Hannah Blunstone      Agent Organisation: CBRE  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM24      /      /      No comment:

### Q4 Soundness Comment

This proposed main modification makes changes to introductory text to Volume 2 of the Placemaking Plan, removing reference to the revised growth aspirations of the university.

Strategic Issues, para. 17: "The development of the University of Bath and Bath Spa University requires strategic policy direction in order to secure the future of each institution, and to ensure that the student population does not continue to drive the student lettings market to the detriment of the normal private housing stock and existing communities. (deleted text: The recently revised growth aspirations for both the University of Bath and Bath Spa University is putting significant pressure on the city's housing stock for conversion to HMO's and the demand for purpose built student housing is competing with the Council's priorities of delivering housing and employment")

Strategic Issues, para. 22: "Whilst there are significant development opportunities within the city, there is not enough land in the city to meet the land use demands that have been identified by the evidence. This is because Bath is a small city with relatively few development sites. The unmet need is not considered to represent exceptional circumstances for developing in the Green Belt and in any case is not viewed as overriding the great weight that needs to be afforded to the significant of heritage assets, not least the World Heritage Site. The Council has therefore had to priorities land uses from the limited land available. It has agreed that it will plan to meet its housing numbers and employment floorspace in full; (deleted text: will strive towards meeting the projected) as well as the growth in hotel demand (added text: projected in evidence supporting the Core Strategy;) and will accept that there is a shortfall in meeting the retail capacity identified for the whole plan period. (Deleted text: The aspirations of the Universities are unlikely to be realised under this approach, but the Council will seek to enable their continued success as far as possible, so long as it does not put at risk the achievement of the plan priority land uses".)

BSU supports the proposed removal of text at paragraph 17, which references revised university growth aspirations and the impact the demand for purpose built student housing is having on the Council's priorities for delivering housing and employment. The removal of this paragraph is required to ensure that the needs of the universities can be reconsidered against the wider housing need in Bath and to ensure that other land uses are not prioritised above the university. In line

# Placemaking Plan Main Modifications Consultation

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with our previous representations, due weight should be given to the economic contribution and benefits of higher education as to traditional employment (B Class) uses.

BSU also supports the removal of text at paragraph 22 in relation to the continued success of the universities. However, this is only acceptable in the context of MM31, which reinstates text from the Core Strategy regarding the Council's support of the Universities.

Overall, BSU is supportive of the Proposed Main Modifications to the Placemaking Plan and believes that they are necessary to make the Plan sound in relation to the requirements of the universities both in regard to academic floorspace and student accommodation. However, we wish to ensure that BSU is specifically referenced in Policy B5 and that the economic contribution of the university is given sufficient weight.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 3095      Comment Number: 6  
Name: Nigel Long      Organisation: Campaign to Protect Rural England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?      Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM24      /      /      No comment:

### Q4 Soundness Comment

We strongly support the concerns about the high level of student accommodation currently needed in the area and agree that this is distorting the housing market to an unacceptable degree taking existing housing and sites suitable for housing for the general population near areas of employment to an unacceptable degree. It also is leading to pressures of housing developments in rural areas as well as congestion and pollution on incoming roads.

Clearly the success of the two universities is important but that success should be measured in the excellence of their teaching and research and not the business approach of winning market share from competitors. In the absence of Government action to reintroduce a cap on student numbers we wish the Council success in persuading the universities not to attempt further expansion.

Our particular concern with the wording of the Placemaking Plan is that by encouraging the provision of more student accommodation on the two campuses it will lead to unacceptable development damaging the Green Belt and the landscape setting of the campuses. We do not regard the need for on-campus student accommodation to represent the exceptional circumstances necessary for developments in the Green Belt as suggested in the Placemaking Modifications and suggest that this wording is removed.

We welcome the recent appeal decision concerning the unwelcome application by the University of Bath to extend its car parking and support the Placemaking Plan in encouraging the Universities to develop sustainable travel plans.

### Q5 Change Requested

# Placemaking Plan Main Modifications Consultation

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Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM25

Respondent Number: 93      Comment Number: 4  
Name: Sean Walsh      Organisation: Highways England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM25      /      / No comment:

#### Q4 Soundness Comment

This new paragraph 40a reinforces the requirement for proposals to conform with national planning guidance namely that in the NPPF. Highways England supports this and would reiterate that where safeguards are necessary to make a particular development acceptable in planning terms, and those safeguards cannot be secured, that planning permission should not be granted for unacceptable development.

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 224      Comment Number: 1  
Name:      Organisation: Bath Preservation Trust  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM25      /      / No comment:

#### Q4 Soundness Comment

We are delighted to see the inclusion of para 40a, p 14 in the schedule of changes and support its inclusion (though should this not include, after CIL, a reference to affordable housing responsibilities?)

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

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Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM26

Respondent Number: 102      Comment Number: 4  
Name: Robin Kerr      Organisation: Federation of Bath Residents' Associations  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM26      /      /      No comment:

#### Q4 Soundness Comment

Again, FoBRA notes that MM 26 prioritises the limited land available for housing, employment floorspace and growth in hotel demand in full at the expense of retail capacity. The growth aspirations of the Universities are unlikely to be realised under this approach (for example in terms of availability of sites for further PBSA blocks), so it would be misleading to delete that as proposed here. The revised wording of this paragraph should be modified to read:  
- '...and will accept that there is a shortfall in meeting the retail capacity and student accommodation requirements identified for the whole plan period'.

Once more, in view of the Inspector's stated preference to defer consideration of student accommodation demand to a Local Plan review, just as MM 23 (para.9, p.3) proposes to add 'It is the Council's intention to review hotel requirements as part of the Local Plan review', FoBRA suggests that the following should be added to para.44, p.15  
- 'It is the Council's intention to review student accommodation requirements as part of the Local Plan review'.

#### Q5 Change Requested

The revised wording of this paragraph should be modified to read:  
- '...and will accept that there is a shortfall in meeting the retail capacity and student accommodation requirements identified for the whole plan period'.

FoBRA suggests that the following should be added to para.44, p.15  
- 'It is the Council's intention to review student accommodation requirements as part of the Local Plan review'.  
- '...and will accept that there is a shortfall in meeting the retail capacity and student accommodation requirements identified for the whole plan period'.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 322      Comment Number: 3  
Name:      Organisation: Bath Spa University  
Agent Name: Hannah Blunstone      Agent Organisation: CBRE  
Further Information available in the original comment? No      Attachments sent with the comment? No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM26

/ / No comment:

### Q4 Soundness Comment

This proposed main modification also makes changes to the supporting text of the Strategic Issues introductory text to Volume 2 of the Placemaking Plan to ensure that the modifications made are consistent throughout the plan.

Strategic Issues, para. 44: "As set out in the 'Strategic Issues' above, there is not enough land in the city to meet its objectively assessed needs as identified by the evidence. The Council has therefore had to prioritise land uses for the limited land available. It has agreed that it will plan to meet its housing numbers and employment floorspace in full; (deleted text:will strive towards meeting) (added text:as well as the (deleted text:projected) growth in hotel demand (added text:projected in evidence supporting the Core Strategy;) and will accept that there is a shortfall in meeting the retail capacity currently identified for the whole plan period. (deleted text:The aspirations of the Universities are unlikely to be realised under this approach, but the Council will seek to enable their continued success as far as possible, so long as it does not put at risk the achievement of the plan priority land use.")

BSU is supportive of the proposed modification, which removes the consideration of the needs of the universities from this Plan. We believe this modification is necessary to the Plan's soundness as the text previously prioritised other uses above universities and did not fully consider their economic contribution.

Overall, BSU is supportive of the Proposed Main Modifications to the Placemaking Plan and believes that they are necessary to make the Plan sound in relation to the requirements of the universities both in regard to academic floorspace and student accommodation. However, we wish to ensure that BSU is specifically referenced in Policy B5 and that the economic contribution of the university is given sufficient weight.

### Q5 Change Requested

Strategic Issues, para. 44: "As set out in the 'Strategic Issues' above, there is not enough land in the city to meet its objectively assessed needs as identified by the evidence. The Council has therefore had to prioritise land uses for the limited land available. It has agreed that it will plan to meet its housing numbers and employment floorspace in full; (deleted text:will strive towards meeting) (added text:as well as the (deleted text:projected) growth in hotel demand (added text:projected in evidence supporting the Core Strategy;) and will accept that there is a shortfall in meeting the retail capacity currently identified for the whole plan period. (deleted text:The aspirations of the Universities are unlikely to be realised under this approach, but the Council will seek to enable their continued success as far as possible, so long as it does not put at risk the achievement of the plan priority land use.")

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM28

Respondent Number: 7123 Comment Number: 1

Name: Organisation: CMBI Ltd

Agent Name: Thomas S Rocke Agent Organisation: Rocke Associates

Further Information available in the original comment? No Attachments sent with the comment? No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM28

/ / No comment:

### Q4 Soundness Comment

The changes to paragraph 114 and Policy SB1 to encourage more comprehensive development are welcomed. However, they do not go far enough, and are unlikely to result in comprehensive redevelopment, including the replacement of what is generally considered to be one of the city's least popular buildings.

As has been established through case law, planning policies must be construed on their face and without reference to extraneous material. Construed on their face having regard to the words of Policy SB1 and Diagram 4, there would be no policy basis for resisting a proposal that is otherwise compliant with the policy provisions on the basis that it was not a comprehensive scheme inclusive of redevelopment of the Hilton Hotel site.

The words of the policy are therefore not consistent with achieving the Council's aspirations. Given that the Cattlemarket part of the site is the easiest and simplest part to develop in that it has been cleared of buildings, it is likely to be developed in isolation absent a policy framework that expressly commits to, and requires, a comprehensive scheme, absent which it would not be policy-compliant.

CMBI Ltd would therefore reiterate that the following changes, set out in their Position Statement to Matter 12 at the Examination, are required if the aspirations of the Council for comprehensive redevelopment are likely to have any prospect of being delivered:

- Extension of the site area on Diagram 4 to include the Hilton Hotel and Podium sites.
- Clarify the development concept as one for retail-led, mixed use development allowing for a range of development types as part of the mix, including replacement and additional hotel floorspace.
- Maintain maximum flexibility within the mix of uses, not expressly excluding student accommodation (which in any event is unnecessary having regard to the provisions of Policy B5).
- Allow for the precise mix and form of development to be agreed with an intending developer through a Development Concept Plan and supporting design principles, to be subject to public consultation as a precursor to a planning application.

The difficulties currently being experienced in relation to other regeneration sites in the Central and Enterprise Areas, and in particular Bath Quays North and Bath College (Policy SB4) and Bath Quays South and Riverside Court (Policy SB5), endorse the need for both clarity and flexibility in the policy provisions if aspirations are to be achieved, but without overly prescriptive requirements that will fetter development delivery.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM29

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 6372      Comment Number: 1  
Name: Steve Osgood      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consistent            Not Effective     

The representation relates to: MM29      /      / No comment:

### Q4 Soundness Comment

I write to object to Annex 1 diagram relating to Bath Recreation Ground

The used and traditional pedestrian link between the ground and the river has been downgraded to a 'potential pedestrian link' for the sole benefit of the present commercial user of the property and the disbenefit of citizen Beneficiaries of the property.

Where is the pedestrian route from Vine Street (the gateway still exists) across the subject property to the river ?

The designated viewpoint from North Parade bridge (presumably to John Adams Pulteney Bridge, and advised on many recommendations to visitors - indeed one of the iconic views of the city) incorporates views of the temporary rugby stadium and the sports centre, both structures being visually offensive and inappropriate to the WHS.

The designated viewpoint in the NE corner of the Ground (presumably to Bath Abbey, and recommended to visitors to the WHS, originally accessed from Vine Street, again a once iconic view of the Tudor Abbey) is blocked by the temporary rugby stadium in the foreground.

I question whether the Draft Placemaking Plan is complete for locations within the WHS, in the absence of three dimensional Townscape Studies to prove the written 'planning proposals' as set out in the document.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 7267      Comment Number: 1  
Name: John Flinn      Organisation: Recreation Ground Trust  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM29 / / No comment:

### Q4 Soundness Comment

Annex 1, Diagram 5 has introduced the possibility of a 'potential pedestrian link' over privately owned land. As landowner we have previously informed BaNES that we will not permit a Public Right of Way over our land and, as presented, this plan creates the possibility of a legal conflict in the future. We were consulted on this matter and made the position clear.

### Q5 Change Requested

Remove the 'potential pedestrian link' symbol from Diagram 5 and also the View Point symbol from within the Rec (this is situated with an area leased to Bath Croquet Club and as such is not accessible to the general public).

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM30

Respondent Number: 297 Comment Number: 3

Name: Organisation: Arena 1865 Ltd

Agent Name: Tim Burden Agent Organisation: Turley Associates

Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM30 / / No comment:

### Q4 Soundness Comment

MM30 proposes some amendments to the policy text of SB2, following the SOCG and Hearing session. The revised text is stated as follows:

"Riverside East (The Rec, including Bath Rugby Club...)

2. The design will respond appropriately and creatively to its sensitive context within the World Heritage Site, including the importance of open views for example from Grand Parade, Orange Grove and Terrace Walk to the hillsides beyond, and the iconic view from North Parade Bridge to Pulteney Bridge and Weir. The range of views is to be agreed through the Development Brief and Landscape and Visual Impact Assessment process.

4. The safety and convenience of vehicular access to and from the Rec will be improved.'

5. 'Ensuring landscape, tree planting and public realm enhancements along the river corridor contribute positively to its character, and that development alongside the riverside provides a positive relationship to it.'

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Our clients support policy SB2 as a matter of principle. The proposed changes to points 4. and 5. are minor in nature, and are supported (as per the SOCG). We also support the proposed change on p30, Annex 1, to "Change 'Pedestrian Link' (solid blue line) adjacent to the club house to 'Potential Pedestrian Link' (hatched blue line)". This is also as agreed in the SOCG and is necessary to reflect the legal considerations relating to such a route.

We do not, however, consider that the proposed drafting amendments to point 2, which although reflects the full text included in the SOCG at Appendix 1, does not reflect the discussions at the Hearing itself. We remain concerned that the reference to specific viewpoints and types of undefined views (there is no formal description of an 'open view', is unhelpful. It has been agreed with the Council that the Development Brief process is the best place to consider what views are 'important' - indeed, these have been commonly assessed in recent application at the Rec. We therefore object to the proposed MM30, and suggest the below version as an alternative (proposed deleted text struck through):  
2. The design will respond appropriately and creatively to its sensitive context within the World Heritage Site. ( including the importance of open views for example from Grand Parade, Orange Grove and Terrace Walk to the hillsides beyond, and the iconic view from North Parade Bridge to Pultney Bridge and Weir. (proposed text ' including the importance of ....to Pultney Bridge and Weir is deleted) The range of views is to be agreed through the Development Brief and Landscape and Visual Impact Assessment process.

We consider this approach would still result in the same end requirements of the Council - and at this time the Council has not presented any evidence or documentation to support its reference to a few specific viewpoints. Without the proposed drafting change, including the deletion of the text highlighted, the policy is not justified, effective, or in accordance with government policy. We therefore object to the proposed drafting of point 2.of MM30, but support the other proposed modifications

### Q5 Change Requested

suggest the below version as an alternative (proposed deleted text struck through):

2. The design will respond appropriately and creatively to its sensitive context within the World Heritage Site. ( including the importance of open views for example from Grand Parade, Orange Grove and Terrace Walk to the hillsides beyond, and the iconic view from North Parade Bridge to Pultney Bridge and Weir. (proposed text ' including the importance of ....to Pultney Bridge and Weir is deleted) The range of views is to be agreed through the Development Brief and Landscape and Visual Impact Assessment process.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM31

Respondent Number: 93      Comment Number: 5  
Name: Sean Walsh      Organisation: Highways England  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM31      /      / No comment:

### Q4 Soundness Comment

Highways England acknowledges the contribution that Bath's universities make to the city's identity and profile, and that the expansion plans for the institutions that are in place are difficult to achieve in the usual manner due to the city's non

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

student accommodation expansion requirements. We note that the growth aspirations for the universities and colleges and the additional pressures on MMthe housing market are considered to be strategic matters that will be assessed and responded to as part of the wider housing requirement through the future Local Plan review. Highways England will need to be party to this to seek to ensure that proposals do not adversely affect the SRN or that they include mitigation or provision for mitigation to address any adverse impact.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 102      Comment Number: 5  
Name: Robin Kerr      Organisation: Federation of Bath Residents' Associations  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? Yes      Attachments sent with the comment? Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM31      /      / No comment:

### Q4 Soundness Comment

The following arguments are expanded, with additional detail, in MM31 Supporting Document, attached. FoBRA agrees with recognition in the draft PMP that student accommodation is one of the most high profile issues affecting Bath, and notes the Inspector's confirmation that the PMP will be examined for soundness against its purpose of giving effect to Core Strategy strategic policies. Thus, the PMP as proposed to be modified by MM31 can hardly pass such a soundness test when:

- Core Strategy strategic policy on controlling student accommodation is minimal and inadequate;
- There is no restriction on recruitment at Bath's universities;
- Bath's universities are under no obligation to provide additional student accommodation on or off campus;
- MM31 proposes to reinstate a previously-deleted and outdated saved Local Plan Policy which simply sets an arbitrary upper limit on University of Bath (UoB) campus bedroom numbers, with no compulsion on UoB to provide them.
- The UoB has signalled its intention to house minimal numbers of additional students on campus (much of which is protected by AONB status), preferring instead to expand non-residential floorspace;
- Control of off-campus student accommodation (HMOs and PSABs) is ineffective in much of the city;
- B&NES proposes to defer corrective action until an unprogrammed Core Strategy review or a new Local Plan, instead reverting to policy that is 10 years out of date and inconsistent with the Core Strategy;
- B&NES consistently refuses to acknowledge the urgent need for a comprehensive Student Housing Strategy.

FoBRA suggests that, contrary to the wording proposed in MM31, and in the absence of the analysis previously included in the draft version, the PMP should state that:

- The universities should take lead responsibility in planning for the housing of their students and plan for growth only in line with available accommodation, while the Council plans strategically for the residential amenity of all its residents in balanced communities.

### Q5 Change Requested

FoBRA suggests that, contrary to the wording proposed in MM31, and in the absence of the analysis previously included in the draft version, the PMP should state that:





# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

universities are fully considered.

It should be noted that BSU has submitted representations to the recent Joint Spatial Plan emerging strategy consultation and the Core Strategy Review commencement document in this regard.

The key proposed modification in relation to the universities is MM31, which proposes changes to Policy B5 (Strategic Policy for Bath's Universities). The proposed changes to the policy wording are as follows:

- Removing the first paragraph titled 'Overall Approach'
- Reinstatement of second paragraph titled 'University of Bath - Claverton Down Campus' referring to the existing saved Local Plan Policy (GDS.1/B11) for the development of about 2,000 study bedrooms and 45,000 sqm of academic space at the Claverton campus site allocations.
- The Main Modifications continue to remove the third paragraph titled 'Bath Spa University - Newton Park Campus.'

The changes to Policy B5 also include the reinstatement of the Core Strategy supporting text, removing paragraphs 221 - 253 of the submitted Placemaking Plan and adding the additional text:

2.41A - At the time of preparation of the Placemaking Plan, the Council received updated growth plans from both universities. They are summarised in a separate Information Paper: Student Numbers and Accommodation Requirements in Bath Update (May 2016). New private educational institutions e.g. language schools have also signalled a desire to increase their presence in the city.

2.41B - The issues relating to the revised growth aspirations of both universities and private colleges and the resultant pressures on the housing market are considered to be strategic matters that will be assessed and responded to as part of the wider housing requirement through the future Local Plan review.

BSU is generally supportive of the changes made to the Policy and its supporting text and believe that these are necessary to consider the requirements of the universities in the forthcoming Local Plan Review. However, we request that reference is made to Bath Spa University specifically

As set out in our previous representations, we do not consider that the addition of "or teaching space" to Policy B5 is justified or sound as it creates further restriction to university growth and does not recognise the economic contribution that the university makes to the town centre. We consider that this amendment should be removed from the Policy as a further main modification and be considered in the Local Plan Review alongside a fully justified and robust evidence base.

Overall, BSU is supportive of the Proposed Main Modifications to the Placemaking Plan and believes that they are necessary to make the Plan sound in relation to the requirements of the universities both in regard to academic floorspace and student accommodation. However, we wish to ensure that BSU is specifically referenced in Policy B5 and that the economic contribution of the university is given sufficient weight.

### Q5 Change Requested

As such, we suggest the following amendments (detailed in red) to the policy:

#### Policy B5 - Strategic Policy for Bath's Universities

With regards to the development and expansion of the University of Bath the strategy seeks, in accordance with saved Local Plan Policy GDS.1/B11, the development of about 2,000 study bedrooms and 45,000 sqm of academic space at the Claverton campus site allocations. (new text:With regards to the development of Bath Spa University, regard should be had to the development considerations set out in Policy SB20 (Bath Spa University at Newton Park).

#### Off-campus student accommodation and teaching space

Proposals for off-campus student accommodation (whether in the form of C2, C4 or sui generis residential units) (delete:or teaching space) will be refused within the Central Area, the Enterprise Area and on MoD Land where this would adversely affect the realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing and economic development (in respect of office, industrial, retail and hotel space).

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Housing market impacts

Between 2011 and full plan review, the number of C3 dwellings permitted to convert to (Class 'N' Council Tax exempt) C4 House in Multiple Occupation will be monitored and compensatory provision will be made if the achievement for 7,000 net additional dwellings for the city is at risk.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 372      Comment Number: 1  
Name: Chris Gittins      Organisation: Timsbury Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM31      /      / No comment:

Q4 Soundness Comment

Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 4487      Comment Number: 2  
Name: Andrew Hoyes      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM31      /      / No comment:

Q4 Soundness Comment

Why has para 251 been deleted?



# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM32

/ / No comment:

### Q4 Soundness Comment

To be sound a Local Plan should be consistent with national policy, enabling development in accordance with policies in the National Planning Policy Framework (NPPF).

The proposed change to PMP para.267, p.122 explains how applications for development within the Cotswolds Area of Outstanding Natural Beauty (AONB) will need to be preceded and informed by a detailed assessment which addresses how development will be integrated and how impacts on the wider AONB will be moderated. It fails to include the requirement of NPPF para.116 that consideration of applications for development within an AONB should include an assessment of the scope for developing elsewhere or meeting the need in some other way.

To make MM32 more fully consistent with national policy, the detailed assessment called for therein should therefore additionally explain why a proposed need for development within an AONB cannot be satisfied elsewhere or be met in some other way.

### Q5 Change Requested

Para.267, p.122. Change 3rd sentence from:

"The undeveloped land within the AONB is a special case and here applications for development will need to be preceded and informed by a detailed assessment to consider and articulate how development of this area will be integrated into the main body of the University campus, and to ensure impacts on the wider AONB are understood and to establish how the impacts will be moderated."

to:

"The undeveloped land within the Cotswolds AONB is a special case and here applications for development will need to be preceded and informed by a detailed assessment to consider the scope for developing elsewhere or meeting the need in some other way, articulate how development of this area will be integrated into the main body of the University campus, ensure impacts on the wider AONB are understood and establish how the impacts will be moderated."

To ensure consistency of approach, the linked MM32 changes proposed to Policy SB19 (pp.119-127) should include an additional bullet point for the required content of the "full and detailed assessment preceding planning applications" for the Purple Zones (hatched) as follows:

- assesses the scope for developing elsewhere or meeting the need in some other way".

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 93 Comment Number: 6

Name: Sean Walsh

Organisation: Highways England

Agent Name:

Agent Organisation:

Further Information available in the original comment? No

Attachments sent with the comment? No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM32 / / No comment:

### Q4 Soundness Comment

We note the additional wording that has been included to state that the quantum of development on campus set out in the 2007 B&NES Local Plan is not necessarily a cap on development. However, we note the clear requirement for development beyond these levels to be informed by a comprehensive study to see if it can be taken forward within the planning policy framework, and informed by a robust evidence base. We would assume that this would include assessment of the traffic and transport implications and include an assessment of any potential impact on the SRN.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 102 Comment Number: 6

Name: Robin Kerr

Organisation: Federation of Bath Residents' Associations

Agent Name:

Agent Organisation:

Further Information available in the original comment? No

Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM32 / / No comment:

### Q4 Soundness Comment

Paras.267/267A, p.122:

FoBRA welcomes the proposed changes which would then recognise that all undeveloped areas of the Claverton Down campus within the Cotswolds Area of Outstanding Natural Beauty (AONB) (not just north of The Avenue, as previously proposed) be treated as a 'special case' requiring a detailed assessment. Thus, as specified for the EiP, FoBRA considers that paras.267/267A should be expanded to explain how National Policy requires alternative solutions before considering major development within AONBs - which enjoy the 'highest protection' in relation to conserving their characteristics. FoBRA proposes the addition of the following wording:

- "Great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest protection in relation to landscape and scenic beauty". (NPPF, para.115)

- "Consideration of planning applications for major development within AONBs should include an assessment of the scope for developing elsewhere, or meeting the need in some other way". (NPPF, para.116)

FoBRA contends that, if the amount of development set out in Policy B5 of the 2007 B&NES Local Plan (about 2,000 study bedrooms and 45,000 sq.m. of academic space expressed within an obsolete campus Masterplan - as proposed to be included in MM31) 'is not necessarily a cap on the quantum of development that could be achieved on campus', then what is the point of including such outdated data? If it is decided to retain the 2007 wording, FoBRA calls for a

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

statement of how many of these study bedrooms and how much of this academic space has been built over the last 10 years so that a recognisable 2017 baseline can be established.

FoBRA has argued elsewhere (in its response to MM31) that, without such a clearly defined baseline, such numbers are meaningless, and suggests that the proposed additional para.267A (which FoBRA supports in principle) is amended to use as its baseline, beyond which the proposed additional safeguards would be required, the completion of the projects included in the extant campus Masterplan . This document includes, for example, how at least 1,700 more campus bedspaces beyond those built to date could be accommodated without violating the outer sensitive Cotswolds AONB area.

Policy SB19, p.119 (more correctly, p.127)

- For the reasons given above, FoBRA strongly suggests the following important addition to the three bullet points proposed within the section headed '2. Purple Zones (hatched)':

- "includes an assessment of the scope for developing outside the AONB or meeting the need in some other way, as required by para.116 of the National Planning Policy Framework".

oFoBRA also suggests an accompanying amendment to the paragraph immediately following these bullet points as follows:

- Replace "Cotswold AONB Management Plan" with "Cotswolds AONB Management Plan and paras.115 & 116 of the National Planning Policy Framework (NPPF)".

### Q5 Change Requested

FoBRA proposes the addition of the following wording:

- "Great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest protection in relation to landscape and scenic beauty". (NPPF, para.115)

- "Consideration of planning applications for major development within AONBs should include an assessment of the scope for developing elsewhere, or meeting the need in some other way". (NPPF, para.116)

proposed additional para.267A (which FoBRA supports in principle) is amended to use as its baseline, beyond which the proposed additional safeguards would be required, the completion of the projects included in the extant campus Masterplan . This document includes, for example, how at least 1,700 more campus bedspaces beyond those built to date could be accommodated without violating the outer sensitive Cotswolds AONB area.

For the reasons given above, FoBRA strongly suggests the following important addition to the three bullet points proposed within the section headed '2. Purple Zones (hatched)':

- "includes an assessment of the scope for developing outside the AONB or meeting the need in some other way, as required by para.116 of the National Planning Policy Framework".

oFoBRA also suggests an accompanying amendment to the paragraph immediately following these bullet points as follows:

- Replace "Cotswold AONB Management Plan" with "Cotswolds AONB Management Plan and paras.115 & 116 of the National Planning Policy Framework (NPPF)".

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number:	304	Comment Number:	2
Name:	Martyn Walley	Organisation:	University of Bath
Agent Name:	Mark Rose	Agent Organisation:	Define Planning & Design Ltd
Further Information available in the original comment?	No	Attachments sent with the comment?	No

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM32

/ / No comment:

### Q4 Soundness Comment

The majority of the proposed changes to the supporting text to Policy SB19 and the policy itself as set out in MM32 are accepted by the University, and the explicit recognition in paragraph 267A that the development figures set out in Policy B5 are seen by the Council to be a cap on future development on the campus is welcomed.

There is reference to the need for a comprehensive study to support potential development beyond the figures set out in Policy B5. That is accepted by the University, who have already committed to undertake the work, and the recognition that the study could then inform the future review of the Local Plan is welcomed. However, there must also be an explicit recognition that the emerging study can also support planning applications for further development in advance of the Local Plan Review, particularly if there is a delay in that taking place or being completed.

It is essential that the University is allowed to continue to grow and development in the interim to address Government HE policy objectives and realise the great socio-economic benefits for the City and District that flows from that as set out in the University's objections to the Submission PMP.

Moreover, paragraph 267A continues to refer to the "enhancement" of the University's environmental assets. It is not clear what that actually means in practical terms, particularly given that it does not reflect that there will inevitably be some environmental impact arising from nearly any significant development being delivered on the campus. That impact, however, will need to be considered in the balance with the socio-economic benefits that would also arise from the development. The impacts also need to be considered in the context of the University's continued efforts to be a diligent custodian of the Green Infrastructure within the campus through the implementation of its Landscape and Ecological Management Plan.

### Q5 Change Requested

The revised explanatory text in the PMP must be revised again to recognise these as key points of principle.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 7237 Comment Number: 1

Name: Chris Beezley

Organisation: Beech Avenue Residents' Association

Agent Name:

Agent Organisation:

Further Information available in the original comment? No

Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM32

/ / No comment:

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

### Q4 Soundness Comment

As proposed to be modified by MM32, the Plan:

- is not fully based on a strategy which seeks to meet objectively assessed development requirements;
- does not reflect the most appropriate strategy, when considered against reasonable alternatives;
- does not enable the delivery of development in accordance with the policies in the National Planning Policy Framework.

MM32 proposes to change PMP para.267, p.122 from:

"Policy SB19 is designed to be largely self-sufficient in enabling planning applications to be determined. It does not require a comprehensive supporting master plan to show where all individual future development projects can take place. The Development Framework plan of Policy SB19 will provide a sufficient steer for that purpose. However, the undeveloped land within the AONB (to the north of the Avenue) is a special case and here, at least an outline application setting out a plan for the integration of this area in to the main body of the University campus and how effects on the AONB will be moderated, will be need to be permitted before individual projects can be determined."

to:

"Policy SB19 provides a clear steer for the development of the campus by identifying zones within which development can take place. It also provides clear criteria for consideration of specific development schemes within different parts of the campus. The undeveloped land within the AONB is a special case and here applications for development will need to be preceded and informed by a detailed assessment to consider and articulate how development of this area will be integrated into the main body of the University campus, and to ensure impacts on the wider AONB are understood and to establish how the impacts will be moderated."

While Beech Avenue Residents Association (BARA) welcomes this proposed change, particularly in recognising that areas of the campus within the Cotswolds AONB extend south of The Avenue, we feel that, for the PMP to be fully justified and positively prepared, the detailed assessment called for should address the following requirements of the National Planning Policy Framework:

- "Great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest protection in relation to landscape and scenic beauty". (NPPF, para.115)
- "Consideration of planning applications for major development within AONBs should include an assessment of the scope for developing elsewhere, or meeting the need in some other way" (NPPF, para.116)

### Q5 Change Requested

BARA therefore proposes that PMP para.267, p.122 is further amended as follows:

"Policy SB19 provides a clear steer for the development of the campus by identifying zones within which development can take place. It also provides clear criteria for consideration of specific development schemes within different parts of the campus. Recognising that national planning policy dictates that great weight is given to conserving landscape and scenic beauty in AONBs, the undeveloped land within the Cotswolds AONB is a special case and here applications for development will need to be preceded and informed by a detailed assessment to consider the scope for developing elsewhere or meeting the need in some other way, articulate how development of this area will be integrated into the main body of the University campus, ensure impacts on the wider AONB are understood and to establish how the impacts will be moderated."

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 7237 Comment Number: 2  
Name: Chris Beezley Organisation: Beech Avenue Residents' Association  
Agent Name: Agent Organisation:  
Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM32 / / No comment:

### Q4 Soundness Comment

Beech Avenue Residents' Association considers that part of MM32 entitled 'General Development Principles (g)' to be legally compliant and sound.

### Q5 Change Requested

None. Beech Avenue Residents' Association strongly supports not increasing an operational level of campus car parking beyond 2,200 spaces so as not to harm the patronage of sustainable transport modes.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 7237 Comment Number: 3  
Name: Chris Beezley Organisation: Beech Avenue Residents' Association  
Agent Name: Agent Organisation:  
Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM32 / / No comment:

### Q4 Soundness Comment

As proposed to be modified by MM32, the Plan:

- is not fully based on a strategy which seeks to meet objectively assessed development requirements;
- does not reflect the most appropriate strategy, when considered against reasonable alternatives;
- does not enable the delivery of development in accordance with the policies in the National Planning Policy Framework.

MM32 proposes to change PMP Policy SB19, p119 (should be p.127) from:

"2. Purple Zones (hatched) - largely sport related development, pitches, tennis courts and a car park within the Cotswolds AONB where university related development is also acceptable in principle, but where, to the north of the Avenue, at least an outline planning application will first need to be approved to establish a comprehensive platform for

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

change (establishing the acceptable form and quantity of development and setting out how any negative AONB and SAC impacts will be moderated and how development will be integrated into the core of the campus, and its green infrastructure network) before detailed applications for specific projects are determined. This should be guided in part by the Cotswold AONB Management Plan, where relevant. ”

to:

“2. Purple Zones (hatched) - largely sport related development, pitches, tennis courts and a car park within the Cotswolds AONB where university related development is also acceptable in principle. In order to effectively manage development within the AONB and to ensure impact on the wider AONB is comprehensively considered, it will be necessary for the University to undertake a full and detailed assessment preceding planning applications that:

- establishes the acceptable form and quantity of development; and
- sets out the effect on the AONB and SAC and how any negative impacts will be moderated; and
- describes how development will be integrated into the core of the campus, and its green infrastructure network.

The study is required to cover the whole of the Purple Zone (hatched), and its production should be guided by the latest version of the Cotswold AONB Management Plan. The study will need to demonstrably inform subsequent planning applications for development within this area. ”

While Beech Avenue Residents’ Association (BARA) supports this proposed change, particularly in calling for a full and detailed assessment preceding any planning application for development anywhere within the Purple Zone (hatched), BARA feels that the assessment called for should also address the following requirements of the National Planning Policy Framework (NPPF), since all of this area lies within the Cotswolds AONB:

- “Great weight should be given to conserving landscape and scenic beauty in AONBs, which have the highest protection in relation to landscape and scenic beauty”. (NPPF, para. 115)
- “Consideration of planning applications for major development within AONBs should include an assessment of the scope for developing elsewhere, or meeting the need in some other way”. (NPPF, para.116)

### Q5 Change Requested

BARA therefore proposes that PMP Policy SB19, p.127 (not p.119) is further amended as follows:

“2. Purple Zones (hatched) - largely sport related development, pitches, tennis courts and a car park all within the Cotswolds AONB where university related development is also acceptable in principle. Recognising that AONBs enjoy the highest protection in relation to landscape and scenic beauty and the associated requirements of the National Planning Policy Framework (e.g. paras.115 & 116), in order to effectively manage development within the AONB and to ensure impact on the wider AONB is comprehensively considered, it will be necessary for the University to undertake a full and detailed assessment preceding planning applications that:

- assesses the scope for developing elsewhere, or meeting the need some other way; and
- establishes the acceptable form and quantity of development; and
- sets out the effect on the AONB and SAC and how any negative impacts will be moderated; and
- describes how development will be integrated into the core of the campus, and its green infrastructure network.

The study is required to cover the whole of the Purple Zone (hatched), and its production should be guided by the latest version of the Cotswolds AONB Management Plan. The study will need to demonstrably inform subsequent planning applications for development within this area.”

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM34



# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 1338      Comment Number: 8  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM34      /      / No comment:

### Q4 Soundness Comment

Support the principle of allowing relaxation of the HDB where previously developed sites qualify.

### Q5 Change Requested

However, we would like to see, in the text, a much stronger emphasis on the priority to meet other policy requirements first rather than having to argue against the endlessly quoted and initial presumption in favour of housing development.

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 1415      Comment Number: 1  
Name: Tanya West      Organisation: Peasedown St. John Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM34      /      / No comment:

### Q4 Soundness Comment

It was resolved to accept the report and take the opportunity to comment that over the past 25 years Peasedown St John has had sufficient large-scale residential development, but would not be opposed to any small infill development.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 1503      Comment Number: 2  
Name: Ian Connock      Organisation: Shoscombe Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM34      /      / No comment:

### Q4 Soundness Comment

We are concerned that the proposed modifications to policies RA2 and SV1 as they interact with ED2B which proposes allowing residential development on industrial development & employment sites as it will reduce potential employment opportunities on the identified sites at the expense of further housing. In particular we are concerned how it might affect Bath Business Park, part of which is within our Parish and which adjoins the Housing Development Boundary of Peasedown St John."

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 6497      Comment Number: 1  
Name: Margaret Edwards      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM34      /      / No comment:

### Q4 Soundness Comment

I do not consider that building any more houses in Paulton which have had far too many and grown too quickly, more than any other area for a village which has had disasterous impacts on schools old peoples homes recreation facilities and parking is a nightmare here! or The Welton site or indeed Midsomer Norton is a good idea!becuase traffic congestion too many people packed in a small place no parking! There is no way to improve traffic congestion the roads are too narrow and you cant improve that because houses are built on the side of the road. There are a lack of buses into Bristol and Bath for work in the morning and in the evening now! Some areas are ear marked for Place Making Land Namely THE LAND BEHIND BROOKSIDE and between Valley View rd and Brookside which was classed as unfit to build on by previous builders due to flood landslide etc etc planning turned down many times in past at least 5 times. We need some green area especially land with a designated view point WHICH THIS LAND HAS etc... AND 300yr old trees etc! The village needs this and THE PLACE MAKING PLAN NEEDS TO COME INTO FORCE EARLIER or needs to stop the building on

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

these designated places or they will be built on and the communities wishes will be ignored yet again! We have to live here we know what areas we would like to keep as green spaces please listen to us and The Parish Council! before it is too late! NO MORE BUILDING IN PAULTON PLEASE!The traffic in my road is awful! The road is twisty hilly and parked to one side with only one car width to get through lack of vision coming off the drive when cars esp vans parked. There is a coach station at the end of road also! If someone parked on wrong side of road cos they dont know, the coach can not get through! Happens all the time!

Don't build in Paulton! We need green spaces bring in PLACE MAKING PLAN ASAP TO PROTECT GREEN AREAS SO THAT IT IS STILL PLEASANT TO LIVE HERE NOT A NIGHTMARE! There are a number of shops disused, use flats above for housing, bottom for businesses or housing if you can change use! Make large car park on the Bovis site in Paulton and The Welton site needs to be a car park!

for all the shops in Midsomer Norton and amount of new people living here and Radstock etc The south st car park in Midsomer Norton is always quite full now!

Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

### Main Modification Reference MM35

Respondent Number: 1338      Comment Number: 9  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?      Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consisten       Not Effective

The representation relates to: MM35      /      / No comment:

Q4 Soundness Comment

As with MM15, the Council strongly supports the retention of safeguarded land for primary school provision.

Q5 Change Requested

However, we would like However, we suggest that the last sentence of the new paragraph be amended to read "the safeguarded land MAY no longer be needed, in which case its status will be reviewed through the successor Local Plan process."

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 2564      Comment Number: 2  
Name:      Organisation: Strategic Land Partnerships  
Agent Name: John Baker      Agent Organisation: Peter Brett Associates  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM35

/ / No comment:

### Q4 Soundness Comment

These representations are submitted on behalf of Strategic Land Partnerships (SLP), Representor Number 2564. As you are aware SLP have previously made comprehensive representations to the plan in relation to policy LCR3 (5) Land at Silver Street (Midsomer Norton). We are now commenting on your main modification MM15 and MM35 which seeks to include new wording in relation to the safeguarded site for Norton Hill School.

SLP have consistently been promoting this site for comprehensive mixed use residential development catering primarily for the

SLP object to the existing wording proposed in modification MM15 and MM35 because it is not positively prepared, justified or effective and consequently renders the policy unsound.

However, our view remains that this part of Silver Street should be comprehensively planned through a masterplan approach to deliver appropriate development in this part of Midsomer Norton to include additional adjacent parcels of land along Silver Street. This is essential if the necessary footway is going to be delivered as part of the scheme. This would require some significant rewording of the policy LCR3(5) and the new supporting text introduced at paragraph 409A and 80A. Alternatively we suggest some minor wording changes should be included to provide sufficient flexibility which could make the policy and text sound and ensure that delivery of the school and necessary infrastructure can be achieved.

These changes would recognise the fact that the Norton Hill School Trustees are not going to make their playing fields available for any other use and therefore the relocation of the playing fields is not deliverable (see attached extract of Norton Hill Schools Partnership Trust Board Meeting Minutes, 15th Dec 2016, section 9.5). In addition, the amendments are required to reflect the fact that delivery of the school and footway connection is only likely to be achieved by including adjacent parcels and associated development which, critically, would facilitate the provision of the footpath.

### Q5 Change Requested

The suggested changes to the wording current proposed by modification MM15 and MM35 are set out below: "LCR3 (5) Land at Silver Street (Midsomer Norton) is safeguarded for Norton Hill School, following the approval by the Education Funding Agency for primary school provision managed by Norton Hill School. This new primary school (630 places) will serve Midsomer Norton and surrounding areas. The development of the (add words 'development of the') safeguarded land could facilitate a primary school for (added words 'a primary school for') Norton Hill School. make more efficient use of their existing site for example by relocating playing pitches to the land at Silver Street to facilitate provision of the primary school. (delete words from 'make more ..... primary school') However, should a primary school be implemented and opened elsewhere to meet the needs of primary education of Midsomer Norton and surrounding areas the safeguarded land will no longer be needed."

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM36

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 1338      Comment Number: 10  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM36      /      / No comment:

### Q4 Soundness Comment

We object to any change of wording that threatens the preservation of one of the town's historic buildings in its entirety. The brewery is a key feature in the story of our industrial and economic evolution and is prominent within the street scene at a gateway to the town. Archaeological and heritage assessment demonstrate that there is scope for reuse and that there are other important elements to preserve not just the facade. However, we recognise that the site is an important one in terms of land allocation for development and that the Plan must not be seen to obstruct unduly it being brought forward. As a consequence we accept in principle the reason behind the added sentence but would like to see removal of the wording “.. measured against the value of the whole development allocation, and..” believing this to be covered within MM7. This would also substantiate the need for the heritage and economic value of the brewery not to be eclipsed by developer finance alone.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 6437      Comment Number: 1  
Name:      Organisation: MNRE  
Agent Name: Nigel Whitehead      Agent Organisation: WPB  
Further Information available in the original comment?      No      Attachments sent with the comment?      Yes

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM36      /      / No comment:

### Q4 Soundness Comment

In response to the suggested rewording of Criterion 3, Policy SSV4 (MM36) No. 4 proposed amendments are required to reflect matters raised at the recent examination hearings :-

No 1. Council should have regard to the fact that the proposed choice of wording appears to fundamentally contradict itself. The back-ending of the redrafted text is confusing (See alternative wording below).

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

The added text conflicts with the first part of the original policy which specifies the retention and re-use of the brewery building.

It was the inflexible nature of the 'retention and reuse' specification phrase which initiated the related hearing discussions.

No.2 Inclusion of the words 'strong' and 'robust' is unnecessary and emotive being without clear meaning.

No 3. The Conservation Area could not be directly enhanced based upon it's current boundaries. The wording should be amended to reflect this position.

No 4. Existing explanatory text to Policy SSV4 confirms that the site represents a 'substantial redevelopment opportunity' (5.3ha).

The proposed qualification to the economic viability testing (i.e the caveat 'measured against the whole site allocation') does not reflect implications of phased development on such a large site. The above caveat should therefore be deleted.

A council should also aim to ensure that policies both realistic and deliverable taking into account the resources available and any potential constraints to help ensure the delivery and implementation of its policies and proposals.

This site is currently the subject of an undetermined planning application. Detailed analysis of the site delivery in the context of substantial abnormal costs has been assembled. Full supporting material has therefore been supplied as part of this ongoing assessment process including viability assessment material supplied prior to the examination hearings. Whilst preliminary discussions have focussed upon key infrastructure delivery to ensure that the whole site is allowed to come forward, these discussions have not extended to enabling development works.

### Other Matters

At the recent examination hearing the practical difficulties associated with the implementation of policies within Part 4 of the PMP were highlighted (Somerset Valley) in the context of Policy SSV4 and current planning application on this site.

These problems continue to be experienced at first hand in the processing of planning application No. 16/02607/OUT on this allocation site.

There still appear to be fundamental policy conflicts in the interpretation and interplay between the Vision and Strategy for the Somerset Valley as set out in the Core Strategy, the Spatial Strategy Policy SV1 and the site-specific local policy No. SSV4 in terms of practical implementation. This is highlighted in the context of proposed changes to Policy SV1 and SSV4.

Despite the identification of No.3 higher order employment sites in Policy SV1 as a focus for new employment floorspace additional demands are being placed on Mixed Use site allocations beyond their defined development requirements as set out in the PMP as drafted. These inherent conflicts between wider aspirations and the delivery of site-specific development requirements fundamentally undermine site delivery given the margins of site viability. These issues should be fully considered in the context of drafting of site specific as proposed in the PMP.

### Additional Land SSV4

We refer you to previous written representations at the examination stage on this topic.

Discussions over this proposed site allocation (SSV4) with B&NES Council representatives in September 2016 led to the conclusion that additional land on allocation site SSV4 could only be included if third parties were willing to allow the

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

redevelopment of their land. Following confirmation of this acceptance position with B&NES Council no subsequent response has been received on this matter. The appointed Inspector for the recent examination hearing specifically requested clarification on this matter given the position which emerged over the supply of housing land. Furthermore the third parties in question have confirmed that they have never been approached by B&NES Council representatives.

It is important to highlight that the PMP document must contain a reasoned justification of the policies contained in it. Such reasoned justification of the policies must also be clearly distinguishable.

The council's justification and evidence for its policies and proposals must be robust in order to withstand the tests of soundness, particularly given that the majority of historic duly made representations seek the inclusion of additional areas for development to secure additional housing and employment opportunities in the early rather than the latter stages of the plan period.

In the above circumstances the current PMP does not reflect other extended opportunities for bringing in additional land to meet local plan objectives. We highlight this in the context of the ongoing review work referred to the recent Inspectors letter setting out her interim findings on the PMP. In the absence of an adopted community plan, we consider that the PMP should spatially reflect these opportunities and the two should work in tandem towards the same vision for a council area and its communities and set the long term social, economic and environmental objectives for the Midsomer Norton area

### Q5 Change Requested

In the above circumstances we offer the following alternative wording ;

'Enhance the setting of the Conservation Area with a presumption in favour of the physical preservation of the former brewery building, subject to economic viability testing, and taking full account of the heritage value and wider possible uses of the former brewery building'.

In this way revised wording will help ensure an integrated and joined up policy approach towards heritage objectives which is balanced against known viability considerations.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM38

Respondent Number: 7133      Comment Number: 1  
Name: E Russell      Organisation:  
Agent Name: Andrew Winstone      Agent Organisation: Ian Jewson Planning Ltd  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM38      /      / No comment:

### Q4 Soundness Comment

We write on behalf of our client Mrs. E Russell in connection with the above. We previously submitted representations on the Placemaking Plan (PMP) by way of a statement and enclosures, and attended (and contributed at) the Matter 23:

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Housing in the Rural Areas session of the plan examination. Our statement reference numbers are 7133-001 and -001-Appx1.

Our representation in this letter concerns Main Modifications 38 and 39 (MM38 and MM39).

The PMP Inspector has issued interim findings to date (November 2016). At paragraph 33 of her interim report she states that the PMP: 'would provide sufficient allocations to give effect to the CS provided that I am satisfied the proposed sites selected are sound.'

We are not aware that the Inspector has published any detailed assessment of the selected sites, with reference to Timsbury in the Rural Areas in particular. Further, there appears to be no mention at all of any of the examination hearing discussions on the Rural Areas settlements in any document published by the Inspector.

The Council is continuing with its two preferred site allocations at Timsbury (Policies SR14 (Wheelers MB Works) and SR15 (East of St. Mary's School)), but the process is seemingly ignoring the third party objections put forward to these allocations, on the grounds of deliverability and suitability. We have not seen anywhere where the Inspector has indicated that the two Timsbury site allocations are sound, unless there is published information that is not readily accessible publicly. Accordingly, we must maintain our objections to these allocations (and by extension to MM38 and MM39) for the reasons set out in our examination statement.

The Council has since published a document entitled: 'Analysis of weight to be applied to Placemaking Plan policies (as at January 2017)'. This states that the Council is placing substantial weight on Policy SR14; 'substantial' meaning that there are no objections to emerging policy. But there was considerable criticism of this site as to its deliverability at the examination, the Inspector's views on which evidently are not reported yet.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM39

Respondent Number: 6379      Comment Number: 1

Name: Gill Jones

Organisation:

Agent Name:

Agent Organisation:

Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?      No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM39      /      /      No comment:

### Q4 Soundness Comment

In order for the proposal to reflect the Place Making Plan stating that view from the Mead should be preserved and the BANES policy regarding the preservation of the green space and the proposed hedge needs to be sited on the West side of SR15 with serious consideration being given to the proposed building of 20 houses to be sited adjacent to Lansdown Crescent. This will also facilitate preservation of view from the School across to Tunley. There is no mention of the traffic flow and problems which will result from building more houses on SR15 and we consider this to be a very

# Placemaking Plan Main Modifications Consultation

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dangerous and unsafe development. The Parish Council in Timsbury themselves have data showing an increase in the volume of traffic and serious congestion resulting from a substantial increase in traffic flow at this point of North Road. The Plan as proposed takes no account of the policy and long standing agreement regarding the present visually important open space.

### Q5 Change Requested

To site the proposed hedge on the West side of the SR15 field and to site the building development adjacent to Lansdown Crescent as originally proposed by the Parish Council and BANES.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Yes, we would wish to be involved in any discussions regarding the proposed development as there is no Parish Council representation at this end of the village (near to the proposed development). There has been no positive consideration on the part of the Parish Council of the views held in this part of the village. Whilst the Parish Council strongly opposed building development in the area of Love's Lane and publicised their opposition widely and strongly regarding the preservation of view etc., the view of the Mead area and Lansdown Crescent have been given very low priority.

Respondent Number: 6391      Comment Number: 1  
Name: Robert Jones      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound?      No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM39      /      /      No comment:

### Q4 Soundness Comment

In order for the proposal to reflect the Place Making Plan stating that view from the Mead should be preserved and the BANES policy regarding the preservation of the green space and the proposed hedge needs to be sited on the West side of SR15 with serious consideration being given to the proposed building of 20 houses to be sited adjacent to Lansdown Crescent. This will also facilitate preservation of view from the School across to Tunley. There is no mention of the traffic flow and problems which will result from building more houses on SR15 and we consider this to be a very dangerous and unsafe development. The Parish Council in Timsbury themselves have data showing an increase in the volume of traffic and serious congestion resulting from a substantial increase in traffic flow at this point of North Road. The Plan as proposed takes no account of the policy and long standing agreement regarding the present visually important open space.

### Q5 Change Requested

To site the proposed hedge on the West side of the SR15 field and to site the building development adjacent to Lansdown Crescent as originally proposed by the Parish Council and BANES.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Yes, we would wish to be involved in any discussions regarding the proposed development as there is no Parish Council representation at this end of the village (near to the proposed development). There has been no positive

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consideration on the part of the Parish Council of the views held in this part of the village. Whilst the Parish Council strongly opposed building development in the area of Love's Lane and publicised their opposition widely and strongly regarding the preservation of view etc., the view of the Mead area and Lansdown Crescent have been given very low priority.

Respondent Number: 6464 Comment Number: 1  
Name: Isabel Scott Evans and Peter Killey Organisation:  
Agent Name: Agent Organisation:  
Further Information available in the original comment? No Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared  Not Justified  Not Consistent  Not Effective

The representation relates to: MM39 / / No comment:

### Q4 Soundness Comment

In order for the proposal to reflect the Place Making Plan stating that views from the Mead should be preserved and the BANES policy regarding the preservation of the green space and the proposed hedge needs to be sited on the West side of SR15 with serious consideration being given to the proposed building of 20 houses to be sited adjacent to Lansdown Crescent. This will also facilitate preservation of the view from the School across to Lansdown and Tunley. There is no mention of the traffic flow and serious problems which will result from building more houses on SR15 and we consider this to be a very dangerous and unsafe development. There is considerable evidence of increase in the volume of traffic and serious congestion resulting from a substantial increase in traffic flow at this point of North Road.

North Road has two shops, one of which is now the village Post Office, delivery lorries, postal vans, a busy Coop shop, a thriving village primary school, a WMCA hall that houses the village gym, a pub with very thin pavements for parents and children to walk to school. Many people have been hit/clipped by traffic. Evidence of this can be obtained by viewing the village facebook page called "Timsbury Rocks" as well as a member of the Timsbury Parish Council called Sheila Clarke, who gathers data and evidence of pedestrians being hit and traffic accidents on North Road. Two accidents within the last 3 weeks.

The Plan as proposed takes no account of the policy and long standing agreement regarding the present visually important open space with a bench and memorial erected with money raised by the villagers and Parish Council celebrating the viewing point of outstanding beauty. This is being completely ignored!

### Q5 Change Requested

To site the proposed hedge on the West side of the SR15 field and to site the building development adjacent to Lansdown Crescent as originally proposed by the Parish Council and BANES.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

Yes, we would wish to be involved in any discussions regarding the proposed development as there is no Parish Council representation at this end of the village (near to the proposed development). There has been no positive consideration on the part of the Parish Council of the views held by this part of the village and the Primary School. Whilst the Parish Council strongly opposed building development in the area of Love's Lane and publicised their opposition widely and strongly regarding the preservation of view etc., the view of the Mead area and Lansdown Crescent have been given very low priority.

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 7133      Comment Number: 2  
Name: E Russell      Organisation:  
Agent Name: Andrew Winstone      Agent Organisation: Ian Jewson Planning Ltd  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consistent            Not Effective     

The representation relates to: MM39      /      / No comment:

### Q4 Soundness Comment

We write on behalf of our client Mrs. E Russell in connection with the above. We previously submitted representations on the Placemaking Plan (PMP) by way of a statement and enclosures, and attended (and contributed at) the Matter 23: Housing in the Rural Areas session of the plan examination. Our statement reference numbers are 7133-001 and -001-Appx1.

Our representation in this letter concerns Main Modifications 38 and 39 (MM38 and MM39).

The PMP Inspector has issued interim findings to date (November 2016). At paragraph 33 of her interim report she states that the PMP: 'would provide sufficient allocations to give effect to the CS provided that I am satisfied the proposed sites selected are sound.'

We are not aware that the Inspector has published any detailed assessment of the selected sites, with reference to Timsbury in the Rural Areas in particular. Further, there appears to be no mention at all of any of the examination hearing discussions on the Rural Areas settlements in any document published by the Inspector.

The Council is continuing with its two preferred site allocations at Timsbury (Policies SR14 (Wheelers MB Works) and SR15 (East of St. Mary's School)), but the process is seemingly ignoring the third party objections put forward to these allocations, on the grounds of deliverability and suitability. We have not seen anywhere where the Inspector has indicated that the two Timsbury site allocations are sound, unless there is published information that is not readily accessible publicly. Accordingly, we must maintain our objections to these allocations (and by extension to MM38 and MM39) for the reasons set out in our examination statement.

The Council has since published a document entitled: 'Analysis of weight to be applied to Placemaking Plan policies (as at January 2017)'. This states that the Council is placing substantial weight on Policy SR14; 'substantial' meaning that there are no objections to emerging policy. But there was considerable criticism of this site as to its deliverability at the examination, the Inspector's views on which evidently are not reported yet.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM40

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 1649      Comment Number: 1  
Name: Janet Burdge      Organisation: West Harptree Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM40      /      / No comment:

### Q4 Soundness Comment

The paddock to the south western part of the site (Leacroft) should be kept as an open space. It must not be included in the Housing Development Boundary.

### Q5 Change Requested

We would like to see the HDB redrawn in order to safeguard this space as at present we consider it could be open to abuse.

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

Respondent Number: 7268      Comment Number: 1  
Name:      Organisation: Whitecroft Developments Ltd  
Agent Name: Leigh Dennis      Agent Organisation: Nash Partnership  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      No  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared            Not Justified            Not Consisten            Not Effective     

The representation relates to: MM40      /      / No comment:

### Q4 Soundness Comment

#### 1.Introduction

1.1Nash Partnership represents Whitecroft Developments, who are owners of the land at Leacroft House, Bristol Road, West Harptree. Representations and hearing attendances for this site were made by Nash Partnership on behalf of Whitecroft during the Examination in Public held in September 2016.

1.2This representation relates to proposed main Modification MM40 on Policy SR2 - Leafield.

#### 2.Response to Proposed Main Modification

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

2.1. Main Modification 40 (MM40) proposes to alter the development requirement 7 for the 'Leaffield' (sp.) site allocation in Policy SR2 as follows:

7. Development of any kind including gardens and garden boundaries should be kept at least 15m away from the centre line of the eastern and southern boundaries.

to be replaced by

7. The paddock should be kept as open space.

2.2. This modification is described as being necessary for the purposes of clarity in response to Matter 23, Q2 (BNES/PMP/02/29) in Inspector's Note ID/3 (Matters and Issues for Examination). This asked whether or not the development requirements and design principles for the rural housing allocations were positively prepared, effective and justified.

2.3. Document BNES/PMP/02/29 states:

'The changes arise as a result of review the representations received and in the case of site SR2 testing and implementation of the policy in respect of a planning application (14/05899/OUT- approved November 2015). The changes are proposed in the interest of providing clarity for applicants and decision makers. In relation to the proposed change to SR2 it is supported by evidence relating to the approved planning application (see CD/PMP/RA13) '.

2.4. Our work on the site has demonstrated that development in the paddock can be accommodated whilst remaining consistent with the adopted planning policy framework, particularly avoiding any adverse impact on the AONB.

2.5. CD/PMP/RA13 is the Design and Access Statement (DAS) which accompanied the approved Outline application 14/05899/OUT. It is assumed from the Council's justification for MM40 that there should be evidence within this DAS to show that keeping the paddock as open space is necessary to the soundness of the Placemaking Plan. More specifically it can be inferred that keeping the paddock as open space is necessary to preventing any adverse impact on the AONB.

2.6. However application 14/05899/OUT did not include any proposals for development in the paddock. It follows from this that the DAS for that application (Examination document CD/PMP/RA13) does not fully test AONB impact here in detail. In fact, figure 8 on page 21 of the DAS (which shows the layout presented at pre-application) makes it clear that the impact of any development in the paddock area was also not tested at the pre-application stage.

2.7. Paragraph 4.1 of the Design and Access Statement indicates that officers at the time of the pre-application stated that development within the paddock was not acceptable. However it is apparent that this conclusion was not based on any proper evidence or testing through a Landscape and Visual Impact Assessment (LVIA). It appears to have been offered as a speculative comment at pre-application stage and not in response to tested proposals for development in the paddock.

2.8. Furthermore the LVIA carried out as part of 14/05899/OUT did not assess any visual impact of development here. This is provided as Appendix A.

2.9. Subsequently to the granting of 14/05899/OUT, B&NES concluded that development in the paddock could be permitted so long as it was kept at least 15m away from the centre line of the eastern and southern boundaries. This is reflected in their initial wording of criteria 7. No new evidence has come to light as part of the examination process which suggests that this should not still be the case.

2.10. Since 14/05899/OUT PBA have undertaken an LVIA on behalf of Whitcroft which examines the impact of development in the paddock. This concludes that there are no material adverse visual impacts arising out of development in the paddock above the development already approved in 14/05899/OUT. This includes detailed 3D visualisations of development proposals. This is provided in Appendix B.

2.11. There is no evidence in the CD/PMP/RA13 document to support a prohibition of development in the paddock area. The Placemaking Plan needs to incorporate an appropriate degree of flexibility in order to enable planning decisions to respond to circumstances. Therefore, any applications for detailed proposals on the 'Leaffield' (sp.) site

# Placemaking Plan Main Modifications Consultation

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should be determined on their own merits in accordance with the adopted planning policy framework.

### 3. Conclusions and Recommendations

3.1. In light of the points discussed in section 2, MM40 is considered unsound on account of being unjustified by evidence and the purpose of the Placemaking Plan in enabling sustainable development.

3.2. No new evidence has come to light between the initial drafting of criteria 7 for SR2 and the council's proposing of MM40. In fact, evidence has been presented which demonstrates that development can be accommodated in the paddock without adverse impact on the AONB. The criteria should revert back to the wording as presented at examination stage.

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM44

Respondent Number: 50      Comment Number: 1  
Name: Tricia Golinski      Organisation: Saltford Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? Yes, with minor changes

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM44      /      / No comment:

#### Q4 Soundness Comment

The field south of Manor Road, Saltford, is incorrectly shaded black & green.

#### Q5 Change Requested

Saltford Parish Council acknowledges that the Saltford Golf Club boundary should be corrected and requests that the field south of Manor Road shaded black and green should be shown in white in the Placemaking Plan. The field is an open space within the Green Belt and the map should thus accurately reflect its same status in planning terms as the other privately owned farming land in that area of Saltford Green Belt.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM45



# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')

Does the respondent consider the document is sound? No

If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):

Not Positively Prepared

Not Justified

Not Consistent

Not Effective

The representation relates to: MM45

/ / No comment:

### Q4 Soundness Comment

1. An area of land at Combe Down which has been used as village allotments since the early 20th century and which is still in high demand for village allotments, is designated as a preferred area for mineral extraction in the Placemaking Plan. However, the Council's own official maps show that the delineated preferred area for mineral extraction covers only a part of the existing allotment site. The remaining area which is currently in use as village allotments has already met all the criteria to be designated a Local Green Space. This designation was supported by the B&NES Planning Policy and Environment & Design Team who made the recommendation to: "Designate [Combe Down Allotments] as a Local Green Space Designation for its recreational value, historic significance, community and richness of wildlife value to the local community". Withdrawing Local Green Space designation from the entire allotment site, rather than just from the preferred area for mineral extraction, is unjustified and disproportionate and should be amended.

2. In addition, an area of land to the south east of the existing village allotments is proposed to become village allotments during 2017/18, replacing land in use as allotments which will be turned over to mineral extraction. This area should also be incorporated into the Local Green Space Designation for that remaining area of Combe Down Allotments which falls outside the existing preferred area for mineral extraction.

### Q5 Change Requested

1. All those areas of the existing allotment site that lie outside the perimeter of the preferred area for mineral extraction, including the gateway and access track, should be re-designated as a Local Green Space.

2. The area proposed to become replacement village allotments during 2017/18 which lies immediately adjacent to the south-east of the existing allotments should also be included in the Local Green Space Designation.

3. The justification provided in the original LGS application for the entire allotment site should apply to the remainder of the site i.e. all that which lies outside the preferred area for mineral extraction including the proposed additional area.

4. For ease of reference, please find attached a map associated with Planning Application 17/00329/FUL which identifies the area of land it is proposed be turned into village allotments in replacement for those allotments being lost to mineral extraction during 2017/18. Please refer to the submission made by the B&NES Allotments Association for (a) the original LGS application; and (b) a map/diagram showing the relative boundaries between the preferred area for mineral extraction, the existing quarry, the allotment site and (marked in red) the area which should be re-designated as a Local Green Space under policy LCR6A and marked on the Policies Map accordingly.

This submission is being made on behalf of Combe Down Heritage Society whose members include many of the 64 existing allotment holders as well as many others in the village and beyond who cherish our local history and heritage and wider community. I am delegated to make this submission by the committee of the Combe Down Heritage Society.

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM47

# Placemaking Plan Main Modifications Consultation

## Schedule of Duly Made Comments Received (in MM Order)

Respondent Number: 1338      Comment Number: 4  
Name: Clive Stilwell      Organisation: Midsomer Norton Town Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM47      /      / No comment:

### Q4 Soundness Comment

Support the BAP inclusion (and MM47 map changes) as an additional tool against development where the lack of national designation has put important local habitat at risk. This needs to be emphasised in the Midsomer Norton area where land left derelict by the decline in the railway, mining and manufacturing industries has been reclaimed by nature or is located adjacent to recent green field development and wildlife corridor infill such that greater mitigation is required around what is left. This is because such sites have been targeted in the past as brownfield sites of no environmental importance.

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

## Main Modification Reference MM50

Respondent Number: 372      Comment Number: 2  
Name: Chris Gittins      Organisation: Timsbury Parish Council  
Agent Name:      Agent Organisation:  
Further Information available in the original comment?      No      Attachments sent with the comment?      No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')        
Does the respondent consider the document is sound?      Yes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: MM50      /      / No comment:

### Q4 Soundness Comment

### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?     

Why does the Respondent feel it is necessary to participate at the Examination?

# Placemaking Plan Main Modifications Consultation

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### Main Modification Reference Minor Proposed Change

Respondent Number: 2      Comment Number: 1  
Name: Chris Beezley      Organisation:  
Agent Name:      Agent Organisation:  
Further Information available in the original comment? No      Attachments sent with the comment? No

Does the respondent consider the document is legally compliant? (Tick if indicated 'yes')   
Does the respondent consider the document is sound? Yes, with minor changes  
If the respondent considers the Draft Placemaking Plan is unsound, is it because it is (ticked where indicated):  
Not Positively Prepared       Not Justified       Not Consistent       Not Effective

The representation relates to: Minor Proposed Change / MPC5 / No comment:

#### Q4 Soundness Comment

MPC5 is inconsistent with MM31.

MPC5 proposes to delete the words 'and their impacts on the Housing Market' from 'Policy B5 Strategic Policy for Bath's Universities and their impacts on the Housing Market' within the Contents List.

However, the Contents List is currently worded differently: 'Policy B5 Strategic Policy for universities, private colleges and their impacts'.

Further, it is not understood why it is proposed to delete 'and their impacts on the housing market' when MM31 proposes to retain a section headed 'Housing Market Impacts' under Policy B5 (page 118).

#### Q5 Change Requested

Does the Respondent wish to participate at the Examination (ticked if yes)?

Why does the Respondent feel it is necessary to participate at the Examination?