

# District-wide Strategy and Policies

**For Reg 19 Consultation**

**incorporating proposed changes**

**August 2021**

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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

## FORMAT NOTE

For the purposes of clarity and convenience for plan users the Plans have been combined with the changes proposed by the Local Plan Partial Update (LPPU). The LPPU is an update of some Core Strategy & Placemaking Plan policies and the pre-submission draft plan is being consulted on under Regulation 19.

The pre-submission draft LPPU comprises the schedule of changes on which comments are invited. In order to help the reader to view the proposed changes in context each volume of the Placemaking Plan has been reproduced showing the changes proposed by the partial update. Whilst every effort has been made to ensure consistency between the schedule of changes and each Placemaking Plan volume please note that if there is a difference the schedule of changes takes precedence.

- Added text proposed as part of the LPPU is shown with **bold and underlined**.
- Deleted text is shown with ~~strike through~~.
- Paragraph numbers are kept same as the Placemaking Plan but where new text is added alphabets are added. For example, page 100a, 100b, 100c.

The composite Plan is presented in six volumes as the Placemaking Plan (as listed below):

1. District-wide
2. Bath
3. Keynsham
4. Somer Valley
5. Rural Areas
6. Appendices, including Policies map changes

A composite plan has not been prepared for volume 5 (rural areas) as no changes are proposed.

A composite plan has not been prepared for volume 6 (appendices), therefore please refer to the schedule of changes for amendments made to this volume.

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# VISION AND DISTRICT-WIDE STRATEGY

## Introduction

1. The Core Strategy is a key policy document for Bath & North East Somerset (B&NES) that puts in place a strategic planning framework to guide change and development in the District over the next 20 years and beyond.
2. The Core Strategy is shaped by the challenges that are specific to the District and the aspirations of its communities. These have been captured within two key documents:
  - The Sustainable Community strategy is the 'overarching' strategy for B&NES which has been prepared by the Local Strategic Partnership and sets out a vision for the area to become a "distinctive place, with vibrant sustainable communities, where everyone fulfils their potential". The Core Strategy is the spatial expression of the B&NES Sustainable Community Strategy;
  - The Council's long-term economic and regeneration aspirations for the main urban centres within the District are set out in the Futures for Bath, Keynsham and Somer Valley.
3. This volume sets out:
  - Where we are now: The Spatial Portrait uses a wide evidence base of information, statistics, studies and community involvement to identify the District's main social, physical and economic characteristics and the key, strategic issues it faces.
  - Where we would like to be: The Spatial Vision and Strategic Objectives look forward to 2029, setting out how we expect the District and its places to have changed and developed.
  - How we get there: The Spatial Strategy is the means of delivering the vision and objectives.
4. Subsequent volumes set out the policy framework for the District's different places, as well as general policies.
5. The Core Strategy, Part 1 of the Local Plan, does not set out site-specific proposals, other than the Strategic Site Allocations; instead it looks at the broad locations for delivering new development. Policies in the Core Strategy do not overlap with each other and therefore the Core Strategy should be read as a whole. The Placemaking Plan, Part 2 of the Local Plan, covers site allocations, detailed development management policies as well as local designations for the different places within the District, and the Joint Waste Core Strategy prepared by the four West of England authorities sets out a spatial strategy for dealing with waste including the allocation of sites. Details of other documents, under preparation are set out in the Local Development Scheme.

**5a. The Council is required to review the Local Plan every five years in order to determine whether it remains fit for purpose or whether all or part of it needs to be updated. A review of the Plan has identified that a number of policies need to be updated. However, a full review of the Local Plan can only be undertaken alongside the West of England Combined Authority Spatial Development Strategy (SDS). As the SDS is scheduled for publication in 2023, B&NES is undertaking a Partial Update of the Local Plan in the interim, to address a number of issues.**

**5b. In March 2019 the Council declared a climate emergency and pledged to enable carbon neutrality in the district by 2030. An ecological emergency has also been declared in response to the escalating threat to wildlife and ecosystems. The Council has also reviewed its corporate strategy. The Council's overriding purpose is to improve people's lives and its core policies are addressing the climate and ecological emergency and giving people a bigger say. As this is a partial update to the existing Plan, and not a new Plan, the scope of the changes is confined to those areas that can be addressed without significantly changing the strategic policy framework of the adopted Plan i.e. the spatial priorities; the spatial strategy; or the strategic housing and job growth requirements in the Core Strategy & Placemaking Plan.**

**5c. The scope of the partial update is therefore, confined to:**

- **Updating policies in order that they better address the climate and ecological emergencies**
- **Replenish housing supply in order that the Core Strategy housing requirement can be met and the necessary supply of housing land maintained**
- **Addressing a limited range of other urgent local issues e.g. related to the 'green recovery'**
- **Amending policies for clarity and to ensure they are aligned with up to date national policy**

## Placemaking

6. Placemaking is a process and way of thinking aimed at achieving better quality places as the physical setting for life in cities, towns and villages. Placemaking is a multi-faceted approach to the planning, design and management of new development and spaces, as well as the protection and enhancement of existing assets. It is fundamentally about responding to the context of a place, through an understanding of its evolution, its functionality, and its impacts.
7. Crucially, it involves working in a collaborative way with those who live and work or have an interest in Bath and North East Somerset to discover what their needs and aspirations are and how these can be addressed through the Placemaking Plan. Ultimately it is about creating good places that promote people's health, happiness, and well-being.
8. Key to achieving better places for everyone therefore will be to make sure the planning policy framework for managing development, and conserving and safeguarding valued assets is tailored to deliver these objectives.

## What is the Placemaking Plan?

9. The Placemaking Plan will help to deliver better places by facilitating the delivery of high quality, sustainable and well located development supported by the timely provision of necessary infrastructure. It complements the strategic framework in the **Core Strategy** by setting out detailed development and design principles for identified and allocated development sites, as well as a range of policies for managing development and protecting valued assets across Bath and North East Somerset.

## Links with the Council Vision and Key Strategies

10. The Core Strategy contains the spatial vision for the District. Whilst the vision for the District, led by the Council with the other public services on the Public Services Board, has changed since the Core Strategy was written, the new vision incorporates key elements which will be achieved by the Core Strategy. This vision is also reflected in the main strategies that will help deliver it such as the Economic, Transport and Health & Wellbeing Strategy, all of which will be in part delivered by the Placemaking Plan.
11. The vision for the area led by the Council is:  
*Bath and North East Somerset will be internationally renowned as a beautifully inventive and entrepreneurial 21st century place with a strong social purpose and a spirit of wellbeing, where everyone is invited to think big – a 'connected' area ready to create an extraordinary legacy for future generations*
12. This Vision is reflected in and will be delivered by the Council's key strategies (see below). The Placemaking Plan will help to deliver the

Council's Vision and its three key strategies, as well as other supporting strategies and initiatives. The Council's 3 key strategies are:

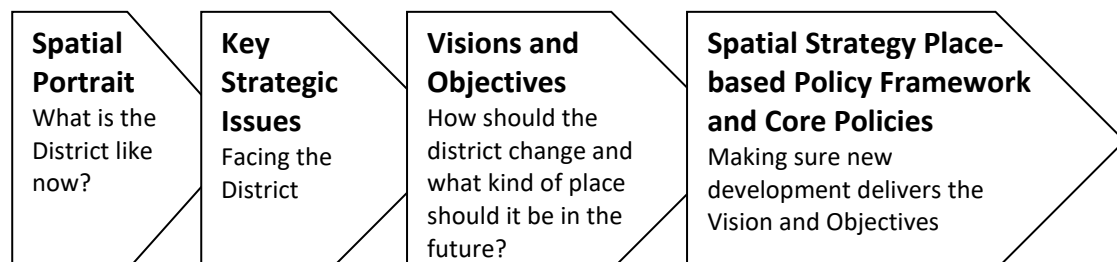


13. There are a range of other Council strategies and initiatives supporting these three key strategies, including the Fit for Life strategy and those related to climate change, development and regeneration, housing, education and cultural development.
14. These strategies have influenced the evolution of the Placemaking Plan and contributed significantly to the aspirations for development sites and the planning requirements that will be set out in the Placemaking Plan.

## Spatial Portrait & Key Strategic Issues

### Spatial Portrait

15. B&NES is a richly varied District in the south west of England. It stretches from the edge of Bristol, south into the Mendip Hills and east to the southern Cotswold Hills and Wiltshire border. It covers a total area of 570 km<sup>2</sup> and is home to about 178,000 people. The District encompasses a diverse range of places, with their own history, identity and communities. Its main urban centre is the city of Bath complemented by a range of towns and villages. It contains a series of outstanding historical, cultural and environmental assets, with a tradition of innovation and enterprise. A more detailed description of places within the District is painted in chapters 2-5.
16. The District forms part of the West of England sub-region which has a population of just over 1.1 million. With a working population of 510,000, the West of England has the second highest economic productivity outside of London. It enjoys a strategic location, reasonably well-served by the M4 and M5 motorways and rail links to London and the rest of the country. Bristol International Airport is one of the fastest growing regional airports in the UK.



17. In addition to being part of the West of England sub-region the District has close functional and physical links with places within Wiltshire and Mendip. For example Bath acts as an employment and services and facilities



centre for surrounding populations evidenced by journey to work patterns and public transport provision, the Somer Valley area transcends the administrative boundary between B&NES and Mendip and important Green Infrastructure corridors link B&NES and the neighbouring areas.

### ***Bath***

18. Bath is one of the UK's most liveable cities and offers an excellent quality of life. Its population is around 90,000, of which around 20% are students. Bath is well known as an international visitor destination, thanks to its cultural and built heritage, thermal springs and landscape - encapsulated in its inscription as a World Heritage site. Bath is a key economic centre in the West of England and is also one of the most important places of learning in the South West. The city also serves as a regional shopping centre, characterized by independent and boutique shops.

### ***Keynsham***

19. Despite its proximity to Bristol and Bath, Keynsham has retained its own identity and is surrounded by countryside which is protected by the Bristol / Bath Green Belt. The population is about 15,500 people with a high proportion of adults aged 65 and over. The town's dominant employer is the public sector. The town centre is characterized by local independent retailers, some large nationals, and charity shops. The full effects of the closure of the Chocolate Factory at Somerdale, are yet to be felt in the town.

### ***The Somer Valley***

20. The Somer Valley covers the urban areas of Midsomer Norton, Westfield and Radstock, together with a rural hinterland containing the principal villages of Peasedown St John and Paulton. The area houses around 25% of the population of Bath and North East Somerset and is located 12 miles south west of Bath and 16 miles south east of Bristol. Midsomer Norton, Westfield and Radstock together make up the second largest urban area in the District, with a combined population of about 21,000. The Somer Valley was formerly part of the North Somerset coalfield and retains a rich industrial heritage. It has an engineering skills base and has been an important centre for the printing and packaging industry. However a number of recent factory closures have increased the already high level of out-commuting.

### ***Rural Areas***

21. Over 90% of the District is rural and it has 47 rural parishes. The Government's vision for the countryside is a living, working, protected and vibrant countryside. The character of villages and landscape varies distinctly across the District, with almost a third of the District lying within the Cotswolds and Mendip Hills Areas of Outstanding Natural Beauty (AONBs). The parish Councils of Combe Hay, Englishcombe and Newton St Loe are discussing proposals with Natural England to extend the Cotswolds AONB so that it surrounds the city of Bath. The District's varied geology, topography and soils have given rise to a rich biodiversity, with some wildlife sites such as Chew Valley Lake being of international importance.

## Key Strategic Issues

22. While B&NES has many strengths, its outward image conceals a range of economic and social challenges that, left unchecked, will lead to long-term decline and increased inequalities. The particular challenges facing the distinct parts of the District, in Bath, Keynsham, the Somer Valley and the rural areas are described in the Futures Work and summarised in the relevant Place based sections of the Core Strategy. The B&NES Sustainable Community Strategy distils social, economic and environmental challenges into 6 key drivers of change:

### ***Climate Change***

23. There is a need to tackle the causes and effects of climate change through lower carbon lifestyles; limiting our use of increasingly scarce resources; reducing our dependency on fossil fuels especially in light of 'peak oil' concerns; making sure that our area is resilient to climate change, particularly the potential for flooding. We will need to adopt environmentally friendly practices such as making buildings more energy efficient, increase the use of renewable energy, reduce car use and grow more local food. We will also need to ensure that the natural environment is maintained and enhanced to maximise opportunities for mitigation. This will enable us to contribute to meeting the national, statutory carbon reduction target of 45% by 2020 **78% by 2035** from 1990 levels **and to achieve net zero by 2050.**

**23a. The Council has declared a climate emergency and has committed to providing the leadership for the District to be carbon neutral by 2030. This will contribute to the UK's legally binding target of net zero carbon by 2050. There are three key priorities to achieve this which are;**

- Energy efficiency improvement of the majority of existing buildings (domestic and non-domestic) and zero carbon new build;**
- A major shift to mass transport, walking and cycling to reduce transport emissions;**
- A rapid and large-scale increase in local renewable energy generation.**

**23b. The Council's Climate Emergency Progress Report set out the scale of action needed to meet these priorities, including that "new homes and development need to be zero carbon or net positive carbon from now". The Report was adopted in October 2019. As part of this work the council is seeking to update their adopted policies on climate change including a net zero carbon construction policy.**

**24c. The Council also declared an Ecological Emergency in response to the escalating threat to wildlife and ecosystems. The declaration recognises the essential role nature plays in society and the economy and provides a statement of intent to protect our wildlife and habitats, enabling residents to benefit from a green, nature rich environment.**

### ***Demographic Change***

24. The total population of B&NES is expected to increase by 2029 due to increased life expectancy, natural increase and in-migration. We will have an ageing population (the number of over 80 year olds is projected to increase by 16%), the working age population is predicted to increase and the number of primary school age children will increase (projected 17% increase in number of 4-11 year olds); social trends and lifestyle changes will also affect the way we live. For example, the number of single person households is likely to increase; there may be changes in employment and work practices and shifts in work/life balance.

### ***Inequalities***

25. The population of B&NES is relatively prosperous and healthy but there are pockets of deprived communities in the District. This manifests itself in a health and life expectancy gap, different levels of educational attainment and employment opportunities. There is a need to address these notable socio-economic gaps.

### ***Locality***

26. The move toward localism, including enabling local communities to have a greater say in their neighbourhoods, providing local accessible services, more local food production and sustainable local energy production.

### ***Growth***

27. The need for growth in housing and employment, due to population and lifestyle changes and an evolving economy, means that the District will change considerably over the coming years. The challenge is to grow in a way that is socially, economically and environmentally sustainable, with the necessary supporting infrastructure in place. Growth must not occur at any cost. B&NES' wealth of natural and cultural assets, including its watercourses, trees and woodland, countryside, parks, exceptional landscapes and historic built environment, make a huge contribution towards the attractiveness and liveability of the District. Development should be inspired by the unique character and design values of existing places. In all areas, it is vital that any development is of a high standard of design that enhances the characteristics that make B&NES such a distinctive District and protects the existing natural and built environment that supports the quality of life enjoyed by its community.

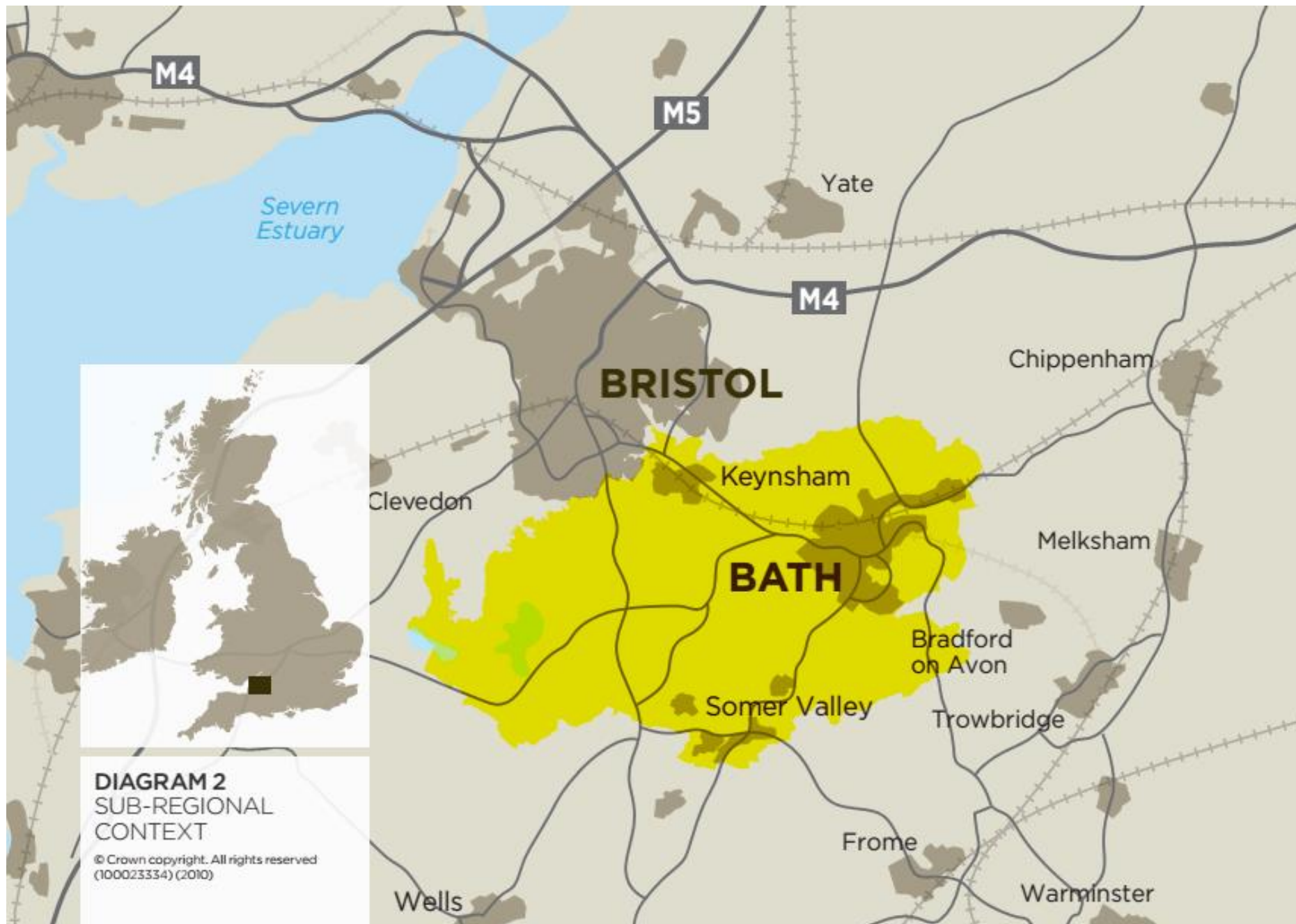
### ***The Economy***

28. There is a need to create the conditions for a more environmentally sustainable economy with increased local employment, less overall commuting and a strong low-carbon business sector. The economy needs to be well placed to meet the needs of the 21st century and to be more diverse, productive and resilient facilitated by an increase in innovative technology related jobs, indigenous business growth and inward investment through provision of appropriate business space in the right locations. Leading education providers seek to grow commercially and activities which reflect legislative and social change (for example, low-carbon related activities, such as retrofitting for energy efficiency) should

be encouraged. All areas of the District have a part to play, for example, in the contribution the rural areas could make towards renewable energy and local food growing.

29. In response to these strategic issues, the Core Strategy sets out a spatial vision for the District along with 7 strategic objectives. Sustainable Development is the core principle underpinning the Core Strategy, expressed through the Spatial Vision and Strategic Objectives.

**29a. Paragraph 21 of NPPF (2021) states that “Plans should make explicit which policies are strategic polices.” Where a single Local Plan is prepared, the non-strategic policies should be clearly distinguished from the strategic polices. Local Plan Part 1: Core Strategy sets out a strategic planning framework to guide change and development in the District and Part 2: Placemaking Plan covers site allocations and detailed development management policies, and together they address B&NES council’s priorities for the development and use of land in its area. Therefore, it is considered that all policies in the Core Strategy and Placemaking Plan are ‘strategic’ policies.**





**DIAGRAM 3**  
**BATH & NORTH EAST**  
**SOMERSET**  
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## The Spatial Vision and Strategic Objectives

### THE SPATIAL VISION

#### *What the Spatial Strategy Seeks to Achieve*

Bath & North East Somerset will continue to be distinctive and become a more competitive area within the West of England sitting between the city of Bristol and market towns in western Wiltshire and northern Somerset. Its economic, cultural and social potential will be realised, providing opportunities for all, whilst maintaining and enhancing the area's environmental attractiveness and unique heritage. New jobs and housing will be supported by necessary infrastructure and provided in ways that mitigate the causes and effects of climate change, adapt to unavoidable climatic changes, are resilient to future fossil fuel scarcity and help the District have a low carbon economy.

Over the next 20 years and more the area will mature as a more beautiful and successful place where urban and rural communities flourish, health and well-being is improved, everyone can reach their potential and needs for materials and produce are met locally. The District will be made up of competitive, healthy and attractive urban, town and village centres within a rich and varied rural setting. The stunning built and natural environment will continue to provide a backdrop for a range of distinctive places to live, that can be stimulating and exciting, as well as calm and peaceful.

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

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

Where possible the built environment will evolve in a more energy and resource efficient manner and renewable and sustainable energy, appropriate to the Bath context, will be introduced. Alongside measures to mitigate and adapt to climate change and to pursue a reduced carbon economy, the diversification and growth of a low carbon economy are the key changes that are sought for Bath.

The delivery of new housing is a vital component of the vision and will help to create a sustainable relationship between the city's labour and job markets and support Bath's economic potential. Parallel investment in public transport infrastructure and walking and cycling will keep the city moving and enable

more sustainable travel choices to be made.

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

Keynsham is a historic town that occupies a strategically important location between Bristol and Bath and is therefore well placed to improve and attract investment. It will continue to act as a market town and service centre for the surrounding area. In responding to the loss of a major employer, it will evolve as a more significant business location. Keynsham will expand to accommodate a growing population, ensuring it retains its independence and its separate identity within an attractive rural setting. It will become a more sustainable, desirable and well-connected place in which to live and work, with an enhanced town centre inspired by its heritage and cherished rivers, park and green spaces.

The southern part of the District will become more self-reliant, facilitated by economic-led revitalisation alongside local energy generation. The roles of Midsomer Norton and Radstock Town Centres will be complementary to each other and continue to provide key employment, services and leisure provision for both their communities and those within the Somer Valley. Midsomer Norton town centre will be the principal centre with an improved public realm well related to the new integrated Town Park. Radstock town centre will continue to provide a focal point for the community and realise the potential of tourism based on its mining heritage, green routes including cycle ways and attractive rural hinterland.

Villages of the Somer Valley will continue to provide for the needs of their local communities.

In the rural areas locally identified needs will be met whilst maintaining the individual character of villages. The rural economy will evolve and new types of jobs and ways of working will provide more locally based employment opportunities. The potential for the rural area to play an important role in local food production will be promoted. Community involvement will help facilitate improvement in the provision of community facilities and public transport.

## **STRATEGIC OBJECTIVES**

30. The vision is the spatial expression of the Council's Sustainable Community Strategy. It establishes the overall direction subsequently articulated in more specific spatial objectives. These strategic objectives form the link between the high level vision and the spatial strategy.
31. The strategic objectives below expand the vision into specific issues for the area which need to be addressed. The objectives are underpinned by a monitoring framework of targets and indicators to measure the



performance of the Local Plan.

<b>Objective 1</b>		SCS Driver: Climate Change
<p><b><i>Cross cutting objective: Pursue a low carbon and sustainable future in a changing climate</i></b></p> <ul style="list-style-type: none"> <li>• reducing the need to travel by achieving closer alignment of homes, jobs, infrastructure and services</li> <li>• ensuring the location and layout of new development enables and encourages people to make the fullest possible use of public transport, walking and cycling</li> <li>• encouraging and supporting the increased generation and use of renewable and low carbon energy, including through the delivery of community led schemes</li> <li>• promoting sustainable and energy efficient design and construction</li> <li>• shaping places so as to minimise vulnerability and provide resilience to impacts arising from climate change including increased flood risk</li> <li>• facilitating the prudent use and reduced consumption of key natural resources such as undeveloped land, energy, water and minerals</li> <li>• maintaining and enhancing a network of connected and multifunctional green spaces for people and wildlife serving climate change adaptation and mitigation purposes</li> </ul>		

<b>Objective 2</b>		SCS Driver: Growth
<p><b><i>Protect and enhance the District's natural, built and cultural assets and provide green infrastructure</i></b></p> <ul style="list-style-type: none"> <li>• ensuring that growth and development takes place within the environmental capacity of the District</li> <li>• making optimum use of brownfield opportunities in meeting housing and economic development needs and avoiding greenfield land as far as possible</li> <li>• helping to conserve and enhance the quality and character of our built and natural heritage</li> <li>• maintaining and enhancing an accessible and multifunctional network of well linked green spaces</li> <li>• helping to conserve, enhance and restore the diversity and resilience of the District's wildlife</li> <li>• helping to avoid water, air, light and noise pollution and the contamination of land</li> <li>• capitalising on the role our heritage has in promoting local distinctiveness, place-making and supporting regeneration</li> <li>• maintaining an outstanding built and natural environment by ensuring that new development responds appropriately to the locally distinctive context and meets high standards of design</li> <li>• facilitating continuing and wide participation in cultural activities</li> </ul>		

<b>Objective 3</b>		SCS Driver: Economy Inequalities Locality
<p><b><i>Encourage economic development, diversification and prosperity</i></b></p> <p>The Council's Economic Development Strategy seeks to stimulate a more productive, competitive and diversified economy across the District and promotes a higher value added economy (smart growth) where indigenous companies are retained and able to grow, other knowledge based sectors are attracted to the area and the industrial sector continues to contribute to the local economy.</p> <ul style="list-style-type: none"> <li>• increasing the availability of modern office and unit space in Bath thereby enabling indigenous companies to expand and the city to better respond to external demand</li> <li>• maintaining an appropriate supply of land in Bath for industrial processes and services to ensure the city retains a mixed economy</li> <li>• enabling tourism to continue to make an important contribution to the economy of Bath and promoting the tourism potential of other parts of the District e.g. by facilitating the provision of visitor accommodation</li> <li>• capitalising on innovation opportunities arising from higher education institutions, improving educational facilities to help provide the skills that support knowledge based sectors and retaining those skills and talents in the city and wider area</li> <li>• repositioning Keynsham as a more significant business location enabling it to attract new employers to compensate for the closure of Cadbury Somerdale</li> <li>• ensuring that a sufficient and responsive supply of appropriate land and premises is available and improvement of skills is facilitated at Midsomer Norton and Radstock to help strengthen their roles as employment centres for the southern part of the District</li> <li>• enabling small scale local employment development, including those related to innovation opportunities, in the rural areas</li> </ul>		

<b>Objective 4</b>		SCS Driver: Growth Inequalities Demographic Change
<p><b><i>Invest in our city, town and local centres</i></b></p> <ul style="list-style-type: none"> <li>• Bath city centre and Keynsham, Midsomer Norton and Radstock town centres need to be improved as centres for social and economic activity and as places for entertainment, culture and shopping. The local and neighbourhood centres across the urban and rural parts of the District need to be sustained, so they continue to play an important role in meeting the day to day needs of their local residents.</li> <li>• enhancing Bath's central shopping area, to maintain its competitiveness, diverse offer and reputation for independent and niche retailing</li> <li>• introducing more commercial space, suitable for a range of enterprises, as part of new mixed use developments on underperforming sites in and close to Bath city centre</li> <li>• improving the quality and capacity of shops within the core of Keynsham and Midsomer Norton town centres</li> <li>• introducing more office and residential floor space into Keynsham,</li> </ul>		

Midsomer Norton and Radstock town centres

- improving the quality of the public realm in the city, town and local centres
- providing better pedestrian and cycle routes into and within the city, town and local centres
- ensuring existing and proposed parks are well integrated into and play a central role in the centres of Bath, Keynsham and Midsomer Norton
- enabling appropriate tourism opportunities in the city and town centres
- protecting and enhancing the range of services and facilities provided in local, neighbourhood and village centres, encouraging the provision of efficient, low carbon energy for example from District heating or combined heat and power systems.

<b>Objective 5</b>		SCS Driver: Economy Inequalities Locality
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<p><b><i>Meet housing needs</i></b></p> <ul style="list-style-type: none"> <li>• enabling the delivery of new homes needed to respond to expected demographic and social changes and as far as possible to support the labour supply to meet our economic development objectives</li> <li>• ensuring that the new homes provided are of high quality design and reflect and cater for a range of incomes and types of household, including those in need of affordable housing</li> <li>• addressing the accommodation needs of gypsies and travellers</li> <li>• ensuring the accommodation needs of any increase in the number of students can be met sustainably</li> <li>• ensure that the development of new homes is aligned with the provision of all the necessary infrastructure</li> </ul>		
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<b>Objective 6</b>		SCS Driver: Inequalities
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<p><b><i>Plan for development that promotes health and well being</i></b></p> <ul style="list-style-type: none"> <li>• enabling more opportunities for people to lead healthier lifestyles and have a greater sense of well-being through facilitating active modes of travel, encouraging social interaction and designing high quality, safe streets and spaces</li> <li>• Promoting and delivering local employment, training and regeneration opportunities that can contribute to a reduction in the health and social inequalities across the District encouraging and facilitating increased local food production</li> <li>• ensuring the timely provision of social and physical infrastructure, including health, welfare, spiritual, recreational, leisure and cultural facilities</li> </ul>		
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<b>Objective 7</b>		SCS Driver: Economy & Growth
<p><b><i>Deliver well connected places accessible by sustainable means of transport</i></b></p> <p>In conjunction with the Joint Local Transport Plan, the Local Plan will deliver this by:</p> <ul style="list-style-type: none"> <li>• locating and designing new development in a way that reduces the need and desire to travel by car and encourages the use of public transport, walking and cycling</li> <li>• ensuring that development is supported by high quality transport infrastructure which helps to increase the attractiveness of public transport, walking and cycling</li> <li>• promoting improved access to services especially for rural and more remote areas</li> </ul>		

## **Spatial Strategy for Bath & North East Somerset**

32. The principal purpose of the Core Strategy is to set out clearly the spatial distribution of development within the District in order to deliver the vision and strategic objectives outlined above. It provides an overarching spatial strategy for the District as well as specific policy frameworks for Bath, Keynsham, the Somer Valley and the Rural Areas. Where land is to be released from the Green Belt, strategic sites are allocated. The Core Strategy also includes generic core policies applicable across the District as set out in section 6. The policy approach takes account of national policy guidance, the results of key studies as well as the issues identified through the consultations and public engagement on the Core Strategy with stakeholders and local communities.
33. Table 3 at the end of this chapter sets out how the objectives are delivered through national policies, Core Strategy policies or other LDF documents.

## **Development of the Spatial Strategy**

34. Formulation of the policy framework for the District has been guided by the NPPF and entailed analysis of evidence, formulation of options to meet the objectives, engaging with local communities, testing options through the sustainability appraisal and assessing deliverability. Account has been taken of the District's functional relationship with neighbouring authorities. Please note the evidence base supporting the Core Strategy is listed and is available on the Council's website at [www.bathnes.gov.uk/corestrategy](http://www.bathnes.gov.uk/corestrategy) or on request.
35. **Development Needs:** The Council has undertaken an assessment of the needs of development within the District during the plan-period. This includes assessing the space needed for economic growth, housing, retail provision and social needs. This takes account of the Council's objective of promotion of a higher value economy rather than only volume growth.

The Council has prepared a Strategic Housing Market Assessment (SHMA) to help assess its full objectively assessed housing needs in the housing market area over the plan period up to 2029.

36. In terms of affordable housing need, Bath has one of the widest house price to earnings ratios outside of London but affordability varies across the District. The Council has therefore undertaken a viability study to inform a new policy framework on securing affordable housing through the planning system.
37. **Development land supply:** A detailed, assessment has been undertaken of the capacity of the District's settlements for delivery of new housing in the SHLAA, jobs and community facilities. This has included identifying suitable and deliverable development sites, understanding the environmental constraints including potential flood risk, assessing the appropriate mix of uses and densities and ensuring the necessary infrastructure is in place or can be secured to deliver mixed and balanced communities. It also looked at the opportunities to re-use empty homes and under-used properties.
38. **Infrastructure:** An underlying principle in the preparation of the Core Strategy has been the need for new development to be well aligned with the necessary infrastructure, including transport, community facilities and green infrastructure. The Infrastructure Delivery Programme (Information Paper 1) provides an assessment of the infrastructure needed to underpin the spatial strategy.
39. **Environmental capacity:** The District is renowned for its outstanding environment. Bath is the only complete city in the UK which is inscribed as a World Heritage Site; the high quality of the landscape is recognised by the designation of two Areas of Outstanding Natural Beauty; there are over 50 Conservation Areas in the District and Bath has the highest concentration of Listed Buildings outside of Westminster. The District also enjoys a rich and diverse biodiversity resource, including many protected species and habitats and includes or is adjacent to a number of sites of European importance for bats and wetland birds. These European Sites are protected through the Habitat Regulations. In this context bats are a significant issue as the District supports important bat foraging areas, commuting routes and roosts of importance to the integrity of up to three European Sites. For clarity, development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the Development Plan. The Council has assessed the impact of various policy proposals and alternative options on the Environment through the sustainability appraisal, the Habitats Regulation Assessment (HRA) and locational investigations.
40. **Local Communities:** National policy requires that the results of public engagement exercises should be treated as evidence in the development of the Core Strategy. The preparation of the Core Strategy has therefore entailed close working with local groups and communities in order to

understand local priorities. This has included various economic, environment and community groups in Bath, the Somer Valley partnership, the Keynsham Development Advisory Group as well as parish and town Councils.

41. **Sub-regional context:** The Spatial strategy for B&NES must take account of the strategies and programmes of neighbouring authorities, especially in the West of England.

## Summary of the Spatial Strategy for B&NES

### *Scale and location of growth:*

42. Based on the demographic projections in the SHMA, there is a need for about 9,000 new dwellings over the plan period, of which about one third is for affordable housing (See Column B in Table 1A below).

**Table 1A – Objectively assessed need for housing**

	A Local Plan Backlog 1996-2011	B Demographic Need 2011-2029	Sub – Total A + B	Total assessed needs
Market housing	757	6,075	6,832	9,646
Affordable housing	410	2,880	3,290	3,290
Total housing	1,167	8,955	10,122	12,956

43. Table 1A shows that the supply of market housing has been increased to enable the delivery of the full assessed need for affordable housing. This is necessary because much of the supply of market housing (built, committed, and small windfall sites) will not yield affordable housing.
44. In addition, the NPPF requires that when assessing need, full account is taken of market and economic signals. The increase in market housing above the figure derived from the demographic projections is a necessary market adjustment given the character of the housing market in the District and particularly at Bath.
45. The assessment of housing needs is based on two important assumptions. Firstly, the SHMA assumes that the expected modest growth in the student population at Bath’s two universities will be accommodated in the planned growth of mainly on-campus new student accommodation. If the provision of purpose-built student accommodation does not keep up with the growth in the resident student population, more market housing will be needed because of the pressure on the private letting market. Secondly, the SHMA assumes that the contribution to the provision of affordable housing needs from private rented accommodation where occupiers are receiving housing benefit will continue at a similar scale in the future. If

this contribution were to significantly fall, the need for new affordable housing would increase.

46. The Council intends to meet in full the total assessed need of about 13,000 dwellings. Thus the housing requirement identified in the Plan which it seeks to deliver is also about 13,000 dwellings. It is against the requirement of 13,000 that the five-year supply of housing will be maintained. The 13,000 is not intended as a cap on housing delivery. For example, additional large windfall sites may come forward for development or the contribution to supply assumed to come from small windfall sites may be exceeded. In order to meet the economic growth aspirations, the Plan also enables the delivery of around 10,300 new jobs.
47. The spatial distribution of housing across the District is set out in the Key Diagram and summarised in Table 1B below. The strategy is to locate new development in the most sustainable locations and the priority is to steer growth primarily to brownfield land in urban areas of Bath, Keynsham and the larger settlements in the Somer Valley. However, in order to meet the housing requirement and facilitate economic growth in accordance with the objectives of the Core Strategy, some greenfield land is also required, including some sites to be released from the Green Belt because these are the most sustainable locations.
48. The identification of land for development has sought to minimise the impact on the environment and the harm to the Green Belt, as well as taking account of infrastructure requirements. The Council has therefore sought to make provision for the level of development likely to be needed. The broad spatial principles are summarised below and elaborated in the place-based volumes 2-5.

**Table 1B – spatial distribution of the housing requirement**

	<b>Total housing</b>
Bath	7,020
Keynsham	2,150
Somer Valley	2,470
Rural Areas	1,120
Whitchurch Green Belt	200
<b>Total</b>	<b>12,960</b>

*Actual supply figures in November 2013 SHLAA trajectory have been rounded to the nearest 10*

49. **Bath** is the District's economic driver and is the primary focus for new development. It is also an important sub-regional economic centre. Significant provision is made within Bath for economic growth, particularly modern employment space to meet the changing needs of the economy and take advantage of Bath's competitive position. The Council's policy of 'smart' growth promotes higher value sectors rather than only volume growth. Key areas of change within the city are along the riverside, especially, in the Enterprise Area. In order to meet development needs, land is released from the Green Belt at Odd Down and allocated for

development.

50. **Keynsham** currently has a balance between numbers of resident workers and jobs but experiences significant in and out-commuting in light of the mismatch of resident workforce and types of available jobs. A focus will be to generate a range of jobs more suitable to the resident workforce. The key areas of change in Keynsham will be in the town centre and at Somerdale which has significant implications for the future of the town. In addition land is removed from the Green Belt to the south west and east of the town and allocated for development in order to provide additional employment floor space and housing. However, infrastructure constraints and national Green Belt objectives limit the level of development that the Town can accommodate. Land is also removed from the Green Belt at East Keynsham and safeguarded for possible development in the future. Development of this land will be permitted only when allocated for development following a review of the plan. **The land removed from the Green Belt and safeguarded for development at East Keynsham is allocated for housing through the Local Plan Partial Update.** These changes do not undermine the Core Strategy objective to maintain the town's separate identity.
51. In the *Somer Valley* there is significant net out-commuting due the size of the employment base but there are also significant residential commitments on both greenfield and brownfield sites. The area does not have an operating rail link, there are no direct links to the motorways and there is limited scope to provide substantial infrastructure improvements in the Plan period. The strategy therefore recognises this position, and seeks to facilitate economic-led regeneration enabling job growth in the area. The focus for change will be in the town centres and on vacant and under-used sites within the Housing Development Boundary. The Housing Development Boundary has been reviewed in the Placemaking Plan.
52. In line with national policy and sustainability principles, new development in *rural areas* will be restrained in comparison with the urban areas, although provision is made to meet local needs, such as affordable housing, and to benefit the rural economy. New development is focussed at those settlements which have a range of local facilities, good public transport access and community support. The strict controls in the Green Belt will continue to apply to large parts of the rural areas and there is restraint on development that would be out of scale or harm the character of the open countryside.
53. However, in order to meet development needs during the Plan period, land is released from the Green Belt and allocated for development at Whitchurch. Whilst not well placed for Bath, the Council's sustainability appraisal identifies land on the edge of Bristol as being a relatively sustainable location.
54. The **Green Belt** is shown on the Key Diagram. The development of the spatial strategy has sought to minimise the impact on the Green Belt as far as possible. However, as described above, four strategic changes are



made to the inner Green Belt boundary to release land to meet the need for new development. The new detailed boundary is set out on the Policies Map.

55. **Nature of growth:** The spatial strategy seeks to limit the impact of new development as a cause of climate change in terms of design and construction and also takes account of the impacts of climate change. Particular emphasis is also placed on the quality of new development and seeking to ensure the different needs of the District's communities, such as housing type and size or workspace needs are addressed.
56. **Delivery:** The scale of new homes entails a significant uplift in past rates of delivery from around 380 (2001-11) to an annualised average of 700+ (2011-29). Diagram 3a below sets out the proposed housing trajectory as at adoption of the Plan. Completions during 2011-2013 have been below the required annual average so there is already a shortfall in delivery. To recover from this shortfall, the annual rate of delivery required for the first five year period from adoption (2014-19) has been increased to 850 pa (4,250 dwellings over the 5 year period). A 20% buffer will be needed in the calculation of the 5 year housing supply at least for this first Plan period. Subject to delivery performance, this may decrease to 5% later in the plan period.

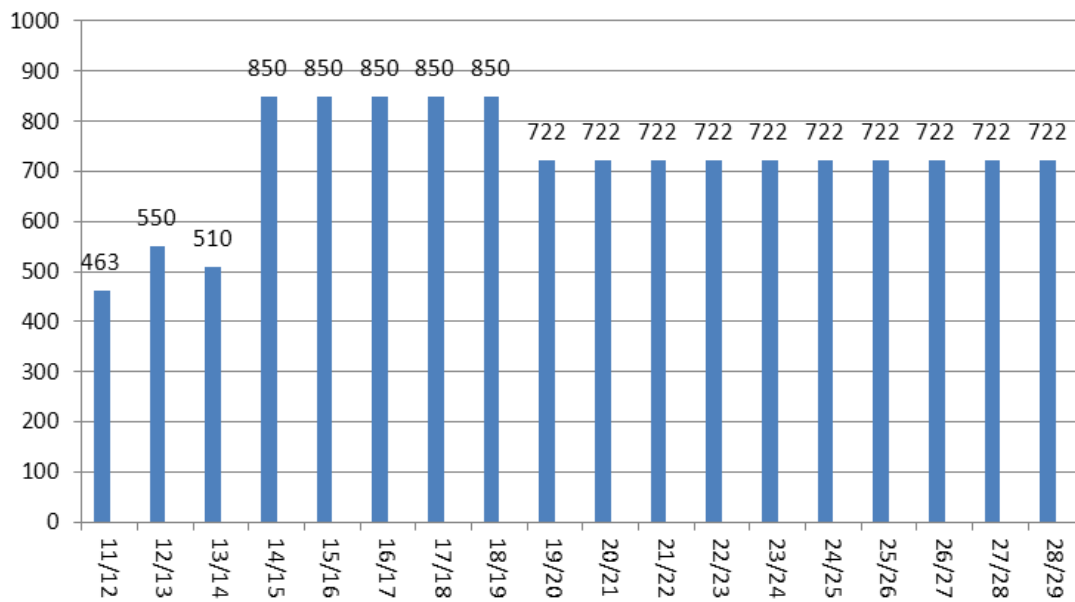
**56a. Paragraph 66 of the NPPF 2021 states that strategic policies should set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. Set out below is a list of designated neighbourhood areas and their proposed housing requirement, comprising the total number of dwellings on site allocations without the benefit of planning permission (both those within the adopted Core Strategy and Placemaking Plan and additional allocations proposed in the partial update) for the remainder of the plan period (2021 - 2029).**

**Table 1C – Designated Neighbourhood Areas Housing Requirement**

<u>Designated Neighbourhood Area</u>	<u>Allocations in adopted Core Strategy/ Placemaking Plan</u>	<u>Proposed LPPU allocations</u>	<u>Housing requirement</u>
<u>Bathampton</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Batheaston</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Chew Valley</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Claverton</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Clutton</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Englishcombe</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Freshford and Limpley Stoke</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>High Littleton and Hallatrow</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Keynsham</u>	<u>0</u>	<u>336</u>	<u>336</u>
<u>Midsomer Norton</u>	<u>100</u>	<u>0</u>	<u>100</u>
<u>Paulton</u>	<u>0</u>	<u>80</u>	<u>80</u>
<u>Publow and Pensford</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Radstock</u>	<u>10</u>	<u>0</u>	<u>10</u>
<u>Stanton Drew</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Stowey Sutton</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Timsbury</u>	<u>20</u>	<u>0</u>	<u>20</u>
<u>Westfield</u>	<u>0</u>	<u>0</u>	<u>0</u>
<u>Whitchurch</u>	<u>0</u>	<u>0</u>	<u>0</u>

57. The take up of floorspace for economic development and the generation of additional employment is dependent on national economic performance as well as planning policy and local and sub-regional economic strategies. The jobs figure in the Plan is not a cap and additional growth will be enabled, if possible, where development would be sustainable.

**Diagram 3a Housing Trajectory as at adoption**



*Note: completions for 2013/14 are provisional pending the completion of full year monitoring.*

58. The Infrastructure Delivery Programme (IDP) outlines how necessary social, transport and green infrastructure are aligned with new development. It focuses particularly on delivery mechanisms in the first 5 years of the Plan period. Essential infrastructure required to support the District-wide strategy is outlined in the relevant section of the Core Strategy.

## **POLICY DW1 DISTRICT-WIDE SPATIAL STRATEGY**

The overarching strategy for B&NES is to promote sustainable development by:

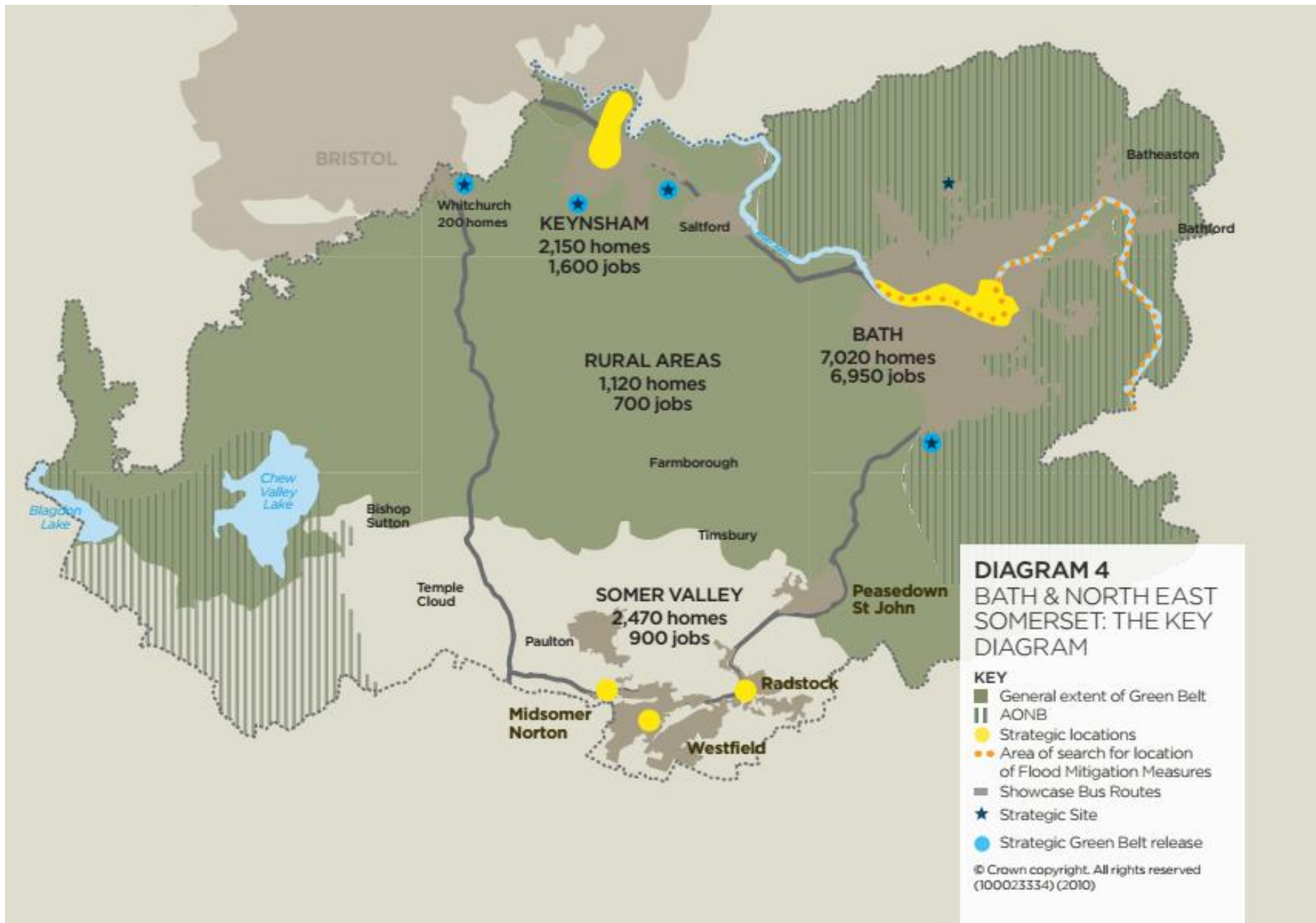
- 1: focussing new housing, jobs and community facilities in Bath, Keynsham, and the Somer Valley particularly ensuring:
  - a: there is the necessary modern office space in Bath within or adjoining the city centre to enable diversification of the economy whilst maintaining the unique heritage of the City
  - b: sufficient space is available in Keynsham to reposition the town as a more significant business location whilst retaining its separate identity
  - c: there is deliverable space to enable job growth in the towns and principal villages in the Somer Valley to create a thriving and vibrant area which is more self-reliant socially and economically
  - d: development in rural areas is located at settlements with a good range of local facilities and with good access to public transport
- 2: making provision to accommodate:
  - a net increase of 10,300 jobs;
  - an increase in the supply of housing by around 13,000 homes.
- 3: prioritising the use of brownfield opportunities for new development in order to limit the need for development on greenfield sites
- 4: retaining the general extent of Bristol - Bath Green Belt within B&NES, other than removing land to meet the District's development needs at the following locations identified on the Key Diagram and allocated on the Policies Map:
  - Land adjoining Odd Down
  - Land adjoining East Keynsham (**now incorporating allocation of land previously safeguarded for development**)
  - Land adjoining South West Keynsham
  - Land at Whitchurch
- 5: requiring development to be designed in a way that is resilient to the impacts of climate change
- 6: Protecting, conserving and enhancing the District's nationally and locally important cultural and heritage assets
- 7: protecting and enhancing the District's biodiversity resource including sites, habitats and species of European importance
- 8: ensuring infrastructure is aligned with new development
- 9: Reviewing the Core Strategy at around five yearly intervals and when necessary, make changes to ensure that both:
  - a) the objectives are being achieved particularly the delivery of the housing and work space targets set out in Table 9 to ensure that there remains a flexible supply of deliverable and developable land; and
  - b) the Core Strategy is planning for the most appropriate growth targets, particularly housing and work space/jobs.

~~The first review will be timed to co-ordinate with the review of the West of England Core Strategies in around 2016.~~

**Table 2- Locational Policy Framework**

<b>Locational Policies</b> The Policy Framework for the location of new development is as follows:	
Bath	Policies B1, B2, B3, B3A, B3C, B4
Keynsham	Policies KE1, KE2, KE3A & B, KE4
Midsomer Norton, Westfield & Radstock	Policies SV1, SV2, SV3
Paulton, Peasedown St. John	Policy SV1
Timsbury, Camerton, Hallatrow, High Littleton, Farrington Gurney	Policy SV1, and Policy RA1 or RA2
Bathampton, Batheaston, Bathford, Bishop Sutton, Clutton/Temple Cloud, Compton Martin, East Harptree, Farrington Gurney, Farmborough, Hinton Blewett, Salford, Camerton, Ubley, West Harptree and Whitchurch	Policy RA1 or RA2
Whitchurch	Policy RA5
<b><u>Burnett, Chelwood</u></b> , Chew Magna, Chew Stoke, Claverton, Combe Hay, <b><u>Compton Dando</u></b> , Corston, <b><u>Dunkerton</u></b> , Englishcombe, Freshford, Hinton Charterhouse, Kelston, Marksbury, Monkton Combe, Newton St. Loe, <b><u>North Stoke, Norton Malreward</u></b> , Pensford, Priston, <b><u>Queen Charlton</u></b> , Shoscombe, South Stoke, Stanton Drew (including Upper Stanton Drew and Highfields), <b><u>Stanton Prior</u></b> , Tunley, Upper Swainswick <b><u>and Wellow and Woolley</u></b>	Policy GB2

59. The villages identified in Table 2 are those with a Housing Development Boundary **or an infill boundary in the case of villages washed over by the Green Belt and subject to Policy GB2.** In addition to the villages identified above there is a range of smaller villages and hamlets in the District where a Housing Development Boundary **or an Infill Boundary** is not defined. These settlements are treated as open countryside with regard to the policy framework for residential development.



## **Housing development on non-allocated sites at Bath, Keynsham and Somer Valley**

### **Housing proposals in Bath**

60. Policy B1(3) in the Bath place-based section sets out the housing distribution to be planned for within Bath and clarifies that residential development will be acceptable in principle provided the proposal lies within the existing urban area of Bath as defined by the Green Belt boundary subject to compliance with all other policy considerations (e.g. policies relating to design, density, heritage, nature conservation, landscape and transport).

### **Housing proposals in Keynsham and the Somer Valley**

61. For **Keynsham**, the policy approach for considering housing development proposals on non-allocated sites is made clear in the Core Strategy. Policy KE1(2b) in the Keynsham place-based section allows residential development if it is within the Housing Development Boundary (HDB) or forms an element of Policies KE2 (Town Centre/Somerdale Strategic Policy), KE3 (East Keynsham Strategic Site Allocation **and the previously safeguarded land**), or KE4 (South West Keynsham Strategic Site Allocation).

62. In respect of the **Somer Valley**, Core Strategy Policy SV1(4) relates to the housing proposals in Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St. John and clarifies that Policies RA1 and RA2 are applicable to the other settlements in the Somer Valley. Policy SV1 confirms that housing development will be acceptable in principle within the HDB and that residential development on sites outside the HDB will be acceptable if identified in an adopted Neighbourhood Plan (see the Somer Valley place-based section).

### **Housing proposals in the villages outside the Green Belt**

63. In the Rural Areas Core Strategy Policies RA1 and RA2 allow residential development in principle within the HDB in villages not washed over by the Green Belt. The strategy for the rural areas is to enable housing development of around 50 dwellings in villages that meet the Policy RA1 criteria. For those villages which do not meet the Policy RA1 requirements, Policy RA2 applies and limited residential development of around 10-15 dwellings is considered acceptable in principle in those villages. This level of development at RA1 and RA2 villages is in addition to small windfall sites within the housing development boundary and will enable delivery of the 1,120 dwellings for the Rural Areas during the Plan period. The application of these policies is explained in more detail in the Rural Areas section below.

### **Housing proposals at villages in the Green Belt**

64. Although the construction of new buildings is regarded as inappropriate development in Green Belt, limited infilling in villages is an exception to this policy. For settlements washed over by the Green Belt, Policy GB2 will apply as set out in the Green Belt Development Management Policies

section. Any proposals outside the HDBs **Infill Boundaries** would be considered inappropriate development in the Green Belt and Core Strategy Policy CP8 would apply.



## Rural Areas

### Meeting local need for housing and employment

There are a number of villages where:

- access to facilities and public transport is best
- there is capacity for development

These villages are to be the focus for new small scale development under Policy RA1.

### Housing

65. In accordance with the Spatial Strategy for the Somer Valley (Policy SV1) Paulton and Peasedown St John are not considered under the rural areas strategy but within the Somer Valley.

66. Policy RA1 should be considered alongside Core Policy CP8 Green Belt. Given the overall level of housing required during the plan period and the spatial strategy for meeting this requirement it is not considered that exceptional circumstances exist to warrant changing the inset boundaries at the villages excluded from the Green Belt that meet the criteria of Policy RA1. However, there may be opportunities to deliver some housing within the housing development boundary in these villages excluded from the Green Belt (insets). Therefore, in accordance with the NPPF proposals for development in the Green Belt will not be acceptable unless very special circumstances for development can be demonstrated.

67. The strategy for the rural areas therefore is to enable housing developments of around 50 dwellings at each of the villages (in addition to small windfall sites within the HDB) which meet the criteria of Policy RA1. To secure and maintain balanced and more self-contained communities and reduce the need to travel, a village meeting the RA1 criteria should have a primary school with sufficient capacity (or ability to expand) to accommodate the primary education needs of the existing population and those arising from the development as expected by Policy LCR3A. This will ensure consistency with Policy CP13 which requires that new development is supported by the timely delivery of required infrastructure. The allocation of sites has been considered in more detail through the Placemaking Plan in conjunction with Parish Councils as the locally elected representatives of their communities. The Housing Development Boundaries shown on the Policies Map have been reviewed as part of the Placemaking Plan to incorporate the sites identified and /or enable new sites to come forward. Sites identified in adopted Neighbourhood Plans that adjoin the housing development boundary of villages meeting the criteria of Policy RA1 will also be appropriate and these may come forward for inclusion as a part of the Placemaking Plan or subsequent to it.

68. To complement this approach, some limited residential development of around 10-15 dwellings (in addition to small windfall sites within the HDB) will be allowed in those villages not meeting the criteria and located

outside the Green Belt. Such development will only be permitted within the housing development boundary defined on the Policies Map (see Policy RA2). In those villages washed over by the Green Belt development proposals will be considered in the context of national policy set out in the NPPF. In addition the rural exceptions site Policy RA4 will provide the opportunity for affordable housing based on local needs.

69. A range of different types and sizes of housing is needed across the rural area. In many villages smaller dwellings are required in order to meet the needs of young people and older people wishing to down size. Core Policy CP9 seeks to ensure that housing development proposals meet needs arising from local demographic circumstances.

### **Employment**

70. Where local need is identified, small scale employment developments will be appropriate at the identified villages (see Policy RA1). The section on rural economic development expands on appropriate development of employment uses beyond identified villages. Other policies relating to the rural economy can be found in the A Prosperous Economy chapter.

71. In villages washed over by the Green Belt with a ~~housing development boundary~~ **an Infill Boundary** as defined on the Policies Map proposals for residential and employment development will be determined in accordance with national policy set out in the NPPF.

72. Delivery of the District wide spatial strategy will need to be supported by the provision of necessary infrastructure. The key district-wide infrastructure requirements identified in the B&NES Infrastructure Delivery Programme is summarised below, these are supplemented by infrastructure requirements included in each of the place based sections. The Infrastructure Delivery Programme also contains a number of desirable infrastructure items which are not included below, infrastructure planning involves an ongoing process of dialogue and communication with infrastructure providers and as further evidence is developed and future funding is secured additional items may be added to the Infrastructure Delivery Programme or their status may be upgraded or altered.

### **POLICY RA1 DEVELOPMENT IN THE VILLAGES MEETING THE LISTED CRITERIA**

At the villages located outside the Green Belt or excluded from the Green Belt, proposals for residential development of a scale, character and appearance appropriate to the village and its setting will be acceptable within the housing development boundary provided the proposal is in accordance with the spatial strategy for the District set out under Policy DW1 and the village has:

a: a primary school and at least 2 of the following key facilities within the village: post office, community meeting place and convenience shop, and

b: at least a daily Monday-Saturday public transport service to main centres, Residential development on previously developed sites falling within the scope of Policy ED2B adjoining and closely related to the housing development boundary will be acceptable if the requirements of Policy ED2B and other relevant policies are met. Residential development on sites outside the Green Belt adjoining the housing development boundary at these villages will be acceptable if identified in an adopted Neighbourhood Plan.

Proposals at villages located outside the Green Belt or excluded from the Green Belt for employment development of a scale, character and appearance appropriate to the village and its setting will be acceptable within and adjoining the housing development boundary on land outside the Green Belt.

## POLICY RA2 DEVELOPMENT IN VILLAGES OUTSIDE THE GREEN BELT NOT MEETING POLICY RA1 CRITERIA

In villages outside the Green Belt with a housing development boundary defined on the Policies Map and not meeting the criteria of Policy RA1 proposals for some limited residential development and employment development will be acceptable where:

- a they are of a scale, character and appearance appropriate to the village
- b: in the case of residential development they lie within the housing development boundary
- c: in the case of employment development they lie within or adjoining the housing development boundary

Limited residential development on sites adjoining the housing development boundary at these villages will be acceptable if identified in an adopted Neighbourhood Plan.

## 1e Infrastructure

**Table 3 - Key District-wide Infrastructure**

IDP Ref	Key infrastructure item	Phasing	Cost	Funding & Delivery
DWI.1	Direct Public Investment in Affordable Housing	2010-2015	£10m	<ul style="list-style-type: none"> <li>• Homes &amp; Communities Agency</li> <li>• Funding through the West of England</li> <li>• Single Conversation:</li> </ul>

IDP Ref	Key infrastructure item	Phasing	Cost	Funding & Delivery
				West of England <ul style="list-style-type: none"> <li>• Delivery and Infrastructure Plan</li> </ul>
DWI.2	Waste Treatment facilities	2010-2029	Not quantified	Joint Waste Core Strategy identifies deliverable sites. Development likely to be delivered through public/private sector led delivery.
DWI.3	Early Years, Primary & Secondary Education	At key stages throughout the plan period		Schools reorganisation plan to contain the Strategy of the Local Education Authority. Developer contributions to be secured. Land is safeguarded in the Placemaking Plan for primary education purposes
DWI.4	Acute Care - Capital Projects associated with maintenance of the estate, to enable the RUH to provide for increasing numbers, anticipated demographic change will increase numbers of young and old who are the main groups accessing acute care.	2010-2029	£50m	RUH NHS Trust seeking funding working with the Department of Health
DWI.5	Power Generation & Distribution	2010-2029	Not quantified	Western Power Distribution (South

IDP Ref	Key infrastructure item	Phasing	Cost	Funding & Delivery
				West) Plc. 5 year cycles of investment agreed with Ofgem.
DWI.6	Gas Supply	2010-2029	Not quantified	Wales and West Utilities Infrastructure Plan - private sector funded. Specific issues in Bath addressed via BWR site works.
DWI.7	Water Supply	2010-2029	Not quantified	Bristol Water Resource Management Plan. Wessex Water Business Plan.
DWI.8	Waste Water	2010-2029	Not quantified	Wessex Water Business Plan (2010-15) 5 year cycles of investment agreed with Ofwat.
DWI.9	Playing Pitches	2010-2029	Not quantified	<ul style="list-style-type: none"> <li>• Playing Pitch Strategy Evidence Base</li> <li>• Green Space Strategy (2008)</li> <li>• Delivery via public sector asset management and private sector investment.</li> </ul>
DWI.10	Green Space (Formal, Informal & Allotments)	2010-2029	Standards set and cost of provision quantified in the Green Space Strategy	Green Space Strategy Delivery via public sector asset management and private sector investment.
DWI.11	Children's Play	To be complete by 2029	£2.5m capital funding Further costs not	<ul style="list-style-type: none"> <li>• Department for Children, Schools and Families.</li> <li>• Town and</li> </ul>

IDP Ref	Key infrastructure item	Phasing	Cost	Funding & Delivery
			quantified.	Parish Councils.
DWI.12	Green Infrastructure	2011-2029	Not quantified	Green Infrastructure Strategy. Delivery via public sector asset management, private sector investment, voluntary and community sector.
DWI.13	Greater Bristol Bus Network Improvements	2006-2016	£70m for overall project	West of England Authorities, First Group, DfT.

**Table 4 - Policy Framework and mechanisms for delivering the strategic objectives**

Strategic Objectives & SCS drivers	Policy framework and mechanisms to support delivery	
<p>1. Pursue a low carbon and sustainable future in a changing climate</p> <p>Climate change Growth</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy:  <ul style="list-style-type: none"> <li>• Policy DW1 District Wide Spatial Strategy</li> <li>• Policy CP4 District Heating</li> <li>• Policy CP1 Retrofitting Existing Buildings</li> <li>• Policy CP2 Sustainable Construction</li> <li>• Policy CP3 Renewable Energy</li> <li>• Place based Sections</li> </ul> Placemaking Plan policies for:  Renewable Energy,  Sustainable Construction  <ul style="list-style-type: none"> <li>• Joint Waste Core Strategy</li> <li>• Site Allocations -</li> </ul> </p>	<p><b>Key Strategies &amp; Plans</b></p> <ul style="list-style-type: none"> <li>• Strategy Flood Risk Assessments</li> <li>• Flood Risk Management Strategy</li> </ul>

<b>Strategic Objectives &amp; SCS drivers</b>	<b>Policy framework and mechanisms to support delivery</b>	
	Development & Design Principles	
<p>2. Protect and enhance the District's natural, built and cultural heritage and provide green infrastructure</p> <p>Growth, Locality</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy:  <ul style="list-style-type: none"> <li>• Policy B4 The World Heritage Site and its Setting</li> <li>• Policy CP6 Environment Quality</li> <li>• Policy CP8 Green Belt</li> <li>• Place-Based Sections</li> </ul> Placemaking Plan policies for:  <ul style="list-style-type: none"> <li>• Design, Community &amp; Recreation, Green Belt, Natural Environment, Historic Environment</li> <li>• Site Allocations - Development &amp; Design Principles</li> </ul> </p>	<p><b>Key Strategies &amp; Plans</b></p> <ul style="list-style-type: none"> <li>• Public Realm &amp; Movement Strategy for Bath City Centre</li> <li>• Cultural Strategy</li> <li>• World Heritage Site Management Plan</li> <li>• South West Nature Map</li> <li>• Green Infrastructure Strategy</li> <li>• Green Space Strategy</li> <li>• Planning Obligations SPD</li> <li>• Infrastructure Delivery Programme</li> <li>• WILDthings Biodiversity Action Plan</li> <li>• Cotswolds and Mendip Hills AONB Management Plans</li> </ul>
<p>3. Encourage economic development, diversification and prosperity</p> <p>Growth, Economy</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy:  <ul style="list-style-type: none"> <li>• Policy DW1 District Wide Spatial Strategy</li> <li>• Policy CP12 Centres and Retailing</li> <li>• Place-Based Sections</li> </ul> Placemaking Plan policies for:  <ul style="list-style-type: none"> <li>• Economy, Retail &amp; Agriculture</li> <li>• Site Allocations - Development &amp; Design Principles</li> </ul> </p>	<p>Key Strategies &amp; Plans</p> <ul style="list-style-type: none"> <li>• Economic Development Strategy</li> <li>• Public Realm and Movement Strategy for Bath City Centre</li> </ul>

<b>Strategic Objectives &amp; SCS drivers</b>	<b>Policy framework and mechanisms to support delivery</b>	
<p>4. Invest in our city, town and local centres</p> <p>Growth, Locality, Economy</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy:  <ul style="list-style-type: none"> <li>• Policy CP12 Centres and Retailing</li> <li>• Place-Based Sections</li> </ul>   Placemaking Plan policies for:  <ul style="list-style-type: none"> <li>• Design, Economy, Agriculture, Recreation, Retail</li> <li>• Site Allocations - Development &amp; Design Principles</li> </ul> </p>	<p>Key Strategies &amp; Plans</p> <ul style="list-style-type: none"> <li>• Destination Management Plan</li> <li>• Retail Strategy</li> <li>• Economic Development Strategy</li> <li>• Public Realm and Movement Strategy for Bath City Centre</li> </ul>
<p>5. Meet housing needs</p> <p>Demographic Change, Growth, Inequalities, Locality</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy:  <ul style="list-style-type: none"> <li>• Policy DW1 District Wide Spatial Strategy</li> <li>• Policy CP9 Affordable Housing</li> <li>• Policy CP10 Housing Mix</li> <li>• Policy CP13 Infrastructure Provision</li> <li>• Policy CP11 Gypsies, Travellers and Travelling Showpeople</li> <li>• Policy B5 Strategic Policy for Bath's Universities</li> <li>• Place-Based Sections</li> </ul>   Placemaking Plan policies for:  <ul style="list-style-type: none"> <li>• Housing</li> <li>• CIL/Planning Obligations SPD</li> <li>• Site Allocations - Development &amp; Design Principles</li> </ul> </p>	<p><b>Key Strategies &amp; Plans</b></p> <ul style="list-style-type: none"> <li>• The Key to Independence - Housing Strategy for Older People</li> <li>• Student Accommodation Strategy</li> <li>• Infrastructure Delivery Programme</li> <li>• Housing and Wellbeing Strategy 2010-2015</li> </ul>
<p>6. Plan for development</p>	<p><b>National Policy</b></p>	<p><b>Key Strategies &amp; Plans</b></p>



<b>Strategic Objectives &amp; SCS drivers</b>	<b>Policy framework and mechanisms to support delivery</b>	
<p>that promotes health and well being</p> <p>Growth, Inequalities, Locality</p>	<p>NPPF</p> <p><b>Local Policy</b> Core Strategy: • Policy CP7 Green Infrastructure • Policy CP13 Infrastructure Provision • Place based sections</p> <p>Placemaking Plan policies for: • Green Infrastructure, Recreation, Sustainable Transport • Site Allocations - Development &amp; Design Principles</p>	<ul style="list-style-type: none"> <li>• Green Infrastructure Strategy</li> <li>• Green Spaces Strategy</li> <li>• Planning Obligations SPD</li> <li>• Housing and Wellbeing Strategy 2010-2015</li> <li>• Public Realm &amp; Movement Strategy for Bath City Centre</li> <li>• Air Quality Management Areas for Bath, Keynsham and Saltford</li> </ul>
<p>7. Deliver well connected places accessible by sustainable means of transport</p> <p>Climate change, Growth, Inequalities</p>	<p><b>National Policy</b> NPPF</p> <p><b>Local Policy</b> Core Strategy: • Policy CP13 Infrastructure Provision • Place based sections</p> <p>Placemaking Plan policies for:  • Recreation, Sustainable Transport • Site Allocations - Development &amp; Design Principles</p>	<p><b>Key Strategies &amp; Plans</b></p> <ul style="list-style-type: none"> <li>• Infrastructure Delivery Programme</li> <li>• Joint Local Transport Plan 3</li> <li>• Public Realm &amp; Movement Strategy for Bath City Centre</li> <li>• Air Quality Management Areas for Bath, Keynsham and Saltford</li> </ul>

## MONITORING & REVIEW

73. The strategic objectives for the Local Development Framework are set out in chapter 1.

These objectives will be delivered through:

- The spatial strategy set out in the Core Strategy
- Core policies and place specific policies
- Other Local Development Documents

74. In order to ensure the strategic objectives are being delivered progress

needs to be monitored. Set out below is a monitoring framework which comprises a range of indicators against which performance in delivering the strategic objectives and the associated policies can be monitored. These indicators are grouped by objective and relate to the policies in the Core Strategy which are charged with enabling the delivery of that objective. Setting out the framework in this way enables a clear path to be established from the objective, to the policies and the indicators. Only the main policies that deliver an objective are identified in the framework and this is therefore a simplification of complex relationships between policies and delivery of an objective.

75. The monitoring framework will be added to in the future as the range and number of indicators will increase as additional policies are prepared and adopted in other Local Development Documents.
76. Progress against many objectives/policies can be measured quantitatively and this is reflected in the targets set out in the framework below. Where appropriate quantification of the objective is set out in a way that will help to inform review of the Core Strategy in accordance with the programme set out in paragraph 77 below. However, other objectives/policies do not lend themselves to quantification and where appropriate a qualitative target is included in order to enable performance to be measured. Monitoring performance against the indicators set out is principally undertaken through the Authority's Monitoring Report (AMR). Requisite parts of the AMR are published on an annual basis and in addition to setting out monitoring information include analysis of whether and how the policies are being delivered. In so doing it will inform the process of Core Strategy policy review and provides evidence to inform formulation of policies in other Local Development Documents.
77. The Core Strategy is programmed to be reviewed about every 5 years to enable flexibility in response to changing circumstances. The review will be informed by regular monitoring as set out in Table 9 as well as ensuring that the Core Strategy evidence base remains up-to-date. The review process will commence in advance of the review date in order to enable the timely and considered preparation and adoption of revised policies. In light of the Duty to Co-operate, the first review will be timed to enable co-ordination with the review of the Core Strategies of adjoining Authorities in the West of England.

## **Delivery**

78. If monitoring demonstrates that the planned housing provision, including affordable housing, is not being delivered at the levels being planned for and there would be no reasonable prospect of the planned delivery of around 13,000 homes to 2029, then changes will be made to Core Strategy to rectify the housing shortfall taking account of the impact of the performance of the economy on the need for and delivery of housing. This may include changes to the spatial strategy.

## Review of growth targets

79. The Council will also monitor economic growth rates, to assess whether planned targets for workspace continue to be appropriate. If required the Council will agree revised targets, taking account of the West of England Strategic Economic Plan and make any necessary changes to the spatial strategy to meet the new targets if necessary.

## Duty to Co-operate

80. Plan reviews will be undertaken in co-operation with neighbouring authorities, particularly in the West of England in accordance with the Duty to Co-operate to ensure that cross-boundary issues are addressed. This will include a review of the plan period. The timetable for the review of Local Development Documents is set out in the Council's Local Development Scheme.

81. Arrangements are already underway to review the West of England SHMA in preparation for a review of West of England Core Strategies in around 2016. This will entail a co-ordinated response to the outputs of the updated SHMA. The SHMA review includes a review of the Housing Market Area.

82. If the SHMA review demonstrates the continued existence of separate housing market areas for Bath and Bristol, then under the duty to co-operate, B&NES will continue to work closely with the adjoining West of England authorities to consider the most appropriate proposals for accommodating housing needs that could not otherwise be met within the Bristol Housing Market Area.

83. If the SHMA review indicates that B&NES is part of the West of England HMA, and additional strategic housing provision is required, its delivery will be determined on a West of England-wide basis through the duty to cooperate.

84. In line with the principles of spatial planning the vision and objectives of the Local Development Framework will not be implemented solely via planning policies alone. Delivery will be dependent upon the actions of other parts of the Council and other agencies. Table 5 identifies the key strategies and plans that will help to deliver the Core Strategy objectives and for the core policies the primary means of delivery is highlighted in this volume.

**Table 5 Monitoring of Strategic Objectives**

Strategic Objective	Policy	Indicator	Target
<b>1. Pursue a low carbon and sustainable future in a</b>	<b>CP3</b> Renewable Energy	<ul style="list-style-type: none"><li>Proportion and number of renewable energy schemes granted planning permission annually</li></ul>	<b>By 2029</b> 110MWe (Electricity) 165 MWth (Heat)

Strategic Objective	Policy	Indicator	Target
changing climate		<ul style="list-style-type: none"> <li>• Amount of renewable energy generated by installed capacity, for electricity (MWe) and heat (MWth)</li> <li>• Amount of renewable energy generated from renewable energy sources annually (measured via 'Feed in Tariff data).</li> </ul>	
	<b>CP4</b> District Heating	<ul style="list-style-type: none"> <li>• Number of heat priority areas where policy district heating schemes have started to be implemented</li> <li>• Proportion and number of Combined Heat and Power schemes granted planning permission annually</li> </ul>	
	<b>CP5</b> Flood Risk Management	Number of planning permissions granted contrary to Environment Agency advice.	
<b>2. Protect and enhance the District's natural, built and cultural assets and provide green infrastructure</b>	<b>CP6</b> Environmental Quality	<ul style="list-style-type: none"> <li>• Change in priority habitats (in hectares)</li> <li>• Number of nature conservation sites that are enhanced annually</li> <li>• Number and proportion of housing schemes achieving Building for Life 12 (BfL12) score of no 'reds' annually (post-construction monitoring)</li> <li>• Number of principal listed buildings recorded as 'at risk' on the Council's Buildings at Risk Register</li> <li>• Number of up to date Conservation Area Appraisals and Management Plans in place</li> </ul>	<p>Maintain or increase the area of priority habitats by 2029</p> <p>Annual increase in the proportion of assessed housing schemes that meet the Building for Life 12 (BfL12) scoring no 'reds'</p> <p>Reduce the number of principal listed buildings recorded as 'at risk' on the Council's Buildings at Risk Register</p> <p>Increase the number of up to date Conservation Area Appraisals</p>

Strategic Objective	Policy	Indicator	Target
		<ul style="list-style-type: none"> <li>Adoption of Historic Environment related SPDs</li> </ul> <p>A range of indicators to monitor implementation of the actions identified in the World Heritage Site Management Plan are also identified in the Management Plan.</p> <p><i>Protection of Greenfield land through prioritising development of previously developed sites relates also to regeneration and housing delivery objective – see indicator and quantification below</i></p>	and Management Plans in place
	<b>CP7</b> Green Infrastructure	A range of indicators to monitor the provision and enhancement of green infrastructure are being developed through of the Green Infrastructure Strategy	
<b>3. Encourage economic development, diversification and prosperity</b>	<b>DW1</b> District-wide spatial strategy and Place based spatial strategies: B1 KE1 SV1 RA1&2	<ul style="list-style-type: none"> <li>Amount of floor space developed type (office/industrial) in sqm, by place annually and total since 2011. Gains, losses and net.</li> <li>Amount of floor space on previously developed land by type (office/industrial) in sqm, by place annually and total since 2011. Gains, losses and net.</li> <li>Employment land available by type</li> <li>Change in work place jobs by sub-area</li> <li>Number of planning consents for business premises in rural areas</li> <li>Economic growth</li> </ul>	<p>Deliver space to provide 10,300 net additional jobs between 2011 &amp; 2029 as set out in the places below</p> <p>Bath: 2011-2029</p> <ul style="list-style-type: none"> <li>Office floor space – net gain of about 40,000m<sup>2</sup></li> <li>Industrial floor space – net loss of about 40,000m<sup>2</sup></li> <li>Net increase of 7,000 jobs</li> </ul> <p>Keynsham: 2011 – 2029</p> <ul style="list-style-type: none"> <li>Office floor space – net</li> </ul>

Strategic Objective	Policy	Indicator	Target
		forecasts from the Office of Budget Responsibility (OBR) as well as from bodies such as Oxford Economics, Cambridge Econometrics, NIESR	gain of about 7,200 m <sup>2</sup> <ul style="list-style-type: none"> <li>• Industrial floor space –net gain of about 8,300m<sup>2</sup></li> <li>• Net increase of about 1,600 jobs</li> </ul> Somer Valley: 2011- 2029 <ul style="list-style-type: none"> <li>• Office floor space – net gain of about 2,700m<sup>2</sup></li> <li>• Industrial floor space – net loss of about 14,400m<sup>2</sup></li> <li>• Net increase of about 900 jobs</li> </ul>
<b>4. Invest in our city, town and local centres</b>	<b>CP12</b> Centres and retailing	<ul style="list-style-type: none"> <li>• Proportion of new retail floor space provided within the centres listed in the hierarchy annually in total since 2006</li> <li>• Health of the centres as indicated by retail floor space losses, vacancy rates and land use mix changes in each of the centres listed in the hierarchy (city/town centres – annually and district/local centres – periodically)</li> <li>• Market share of comparison goods spending in Bath city centre and the town centres</li> </ul>	Health of each centre as measured by the indicators specified is maintained or enhanced  The market share of comparison goods spending as measured by household surveys undertaken about every 5 years is maintained or enhanced
<b>5. Meet housing needs</b>	<b>DW1</b> District-wide spatial strategy	<ul style="list-style-type: none"> <li>• total housing stock by tenure and type</li> <li>• housing permissions</li> </ul>	Around 13,000 homes, comprising 9710 market

Strategic Objective	Policy	Indicator	Target
		<ul style="list-style-type: none"> <li>granted by tenure and type</li> <li>• housing permissions developed by tenure and type</li> <li>• housing delivery trajectory showing completions and forecast completions</li> <li>• % affordable housing secured on qualifying sites</li> <li>• Change in resident student numbers</li> <li>• Change in purpose-built student accommodation</li> </ul>	<p>homes and 3290 affordable homes 2011-2029.</p> <p>40% or 30% affordable housing secured on large sites depending on geographic location</p> <p>20% or 10% affordable housing secured on small sites depending on geographic location</p> <p>Growth in student numbers matches growth in purpose-built accommodation at each plan review.</p>
	Place based spatial strategies B1 KE1 SV1 RA1& RA2	<ul style="list-style-type: none"> <li>• As above but broken down for (Bath, Keynsham, Somer Valley &amp; rural areas)</li> </ul>	
		<ul style="list-style-type: none"> <li>• Percentage of new homes provided on previously developed land annually and since 2006 in B&amp;NES</li> </ul>	Around 80% of new housing provided between 2011 and 2029 should be on previously developed land
	<b>CP10</b> Housing mix	<ul style="list-style-type: none"> <li>• Annual residential dwelling completions broken down by size of property (number of bedrooms) and tenure</li> </ul>	
	<b>CP11</b> Gypsies, travellers travelling showpeople	<ul style="list-style-type: none"> <li>• Net additional gypsy and traveller pitches provided annually and since 2011</li> </ul>	Delivery indicators to be identified in the Gypsy and Traveller DPD.
<b>6. Plan for</b>	<b>CP13</b>	Annual progress on the	By 2016 within the

Strategic Objective	Policy	Indicator	Target
<b>development that promotes health and well being</b>	Infrastructure Provision. Place based strategies (AQMA's) B1 KE1	delivery of infrastructure will be reported via the Infrastructure Delivery Programme. Including: <ul style="list-style-type: none"> <li>• Progress on scheme delivery and funding</li> <li>• Status and risk of infrastructure planned</li> <li>• Annual Progress Report on Air Quality management Areas as submitted to DEFRA (by Environmental Health)</li> </ul>	Bath AQMA, Keynsham AQMA and Saltford AQMA annual average concentrations of Nitrogen Dioxide (NO2) not to exceed 40 ug/m <sup>3</sup>
<b>7. Deliver well connected places accessible by sustainable means of transport</b>		<ul style="list-style-type: none"> <li>• 11 transport related indicators are monitored as part of JLTP3.</li> </ul> <a href="http://www.travelplus.org.uk/">http://www.travelplus.org.uk/</a>	



# CORE AND DEVELOPMENT MANAGEMENT POLICIES

## Introduction

85. The spatial strategies set out in the place based sections cover the different areas of the District. There are also a number of generic issues which need to be addressed through District-wide policies in order to implement the vision and spatial objectives. As well as providing the long term policy framework for the District, they will support the delivery of development and corporate actions, and they will guide the content of other policies in the Development Plan. After each of the core policies the main planning mechanisms by which the Council will seek to deliver the policy are set out. The delivery section is not part of the relevant core policy.
86. The core policies are complemented by a range of positive and proactive development management policies to help deliver the objectives of the Core Strategy, taking account of national planning policy (NPPF). Building on the policy themes set out in the Core Strategy, their purpose is to help maintain a high quality environment and to ensure development schemes help to make better places.
87. Once developed these policies will be used to assess and determine planning applications and appeals. The NPPF makes it clear that *'only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.'*
88. The core and development management policies and the place **and site** specific policies are complementary so it is important that the policy framework is read as a whole. **For each of the sites allocated for development in order to meet the plan requirements a policy is set out which details specific requirements of development for that site. For the allocated sites the plan must also be read as a whole as the district-wide development management policies also apply, including (but not limited to) policies relating to sustainable construction, biodiversity net gain, affordable housing and sustainable transport.** The policies set out below do not replicate existing national policy.

## Sustainability Principles

89. Central to national planning policy is the presumption in favour of sustainable development. The Council is committed to help achieve sustainable development and will give favourable consideration to proposals which will contribute towards delivering a strong, flexible and sustainable economy; the protection and enhancement of our natural, built and historic environment, the prudent use of natural resources and which mitigate and adapt to climate change; and which support strong, vibrant and healthy communities. This approach is embodied in Policy SD1 and is reflected in all policies in the Core Strategy and planning decisions made by the Council.

### **POLICY SD1: PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Core Strategy (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- Specific policies in that Framework indicate that development should be restricted.

# RESPONDING TO CLIMATE CHANGE

## Reducing the area's CO2 emissions

90. ~~Bath and North East Somerset's Sustainable Community Strategy (SCS) identifies climate change as the first of its six key themes. Climate change is also a cross-cutting objective of the Core Strategy. In the context of national targets the SCS commits the Council to providing leadership for a reduction of the area's CO2 emissions by 45% by 2029 from 1990 levels.~~ **Bath and North East Somerset has declared a climate emergency. The council intends for B&NES to be carbon neutral by 2030. There are three key priorities to achieve this which are;**

- **Energy efficiency improvement of the majority of existing buildings (domestic and non-domestic) and zero carbon new build;**
- **A major shift to mass transport, walking and cycling to reduce transport emissions;**
- **A rapid and large-scale increase in local renewable energy generation**

**90a In July 2020 the Council also declared an Ecological Emergency in response to the escalating threat to wildlife and ecosystems. The declaration recognises the essential role nature plays in society and the economy and provides a statement of intent to protect our wildlife and habitats, enabling residents to benefit from a green, nature rich environment.**

91. ~~The CO2 reductions should be achieved by application of the following energy hierarchy:~~

- ~~Reduce use of energy and use energy more efficiently~~
- ~~Promote energy from renewable and low carbon sources~~

## Retrofitting Existing Buildings

92. Retrofitting involves incorporating measures in existing buildings to reduce the demand for energy and resources. For example by reducing the amount of heat lost through the roof, walls and windows and introducing technologies to generate renewable energy on site. Some measures are permitted development but others require planning permission, listed building or other consents. Policy CP1 sets out the approach to retrofitting for all existing buildings, including historic buildings. Historic buildings include those of solid wall or traditional construction.

93. The UK has agreed to make a **78% 80%** carbon emission reduction by ~~2050~~ **2025** (based on 1990 levels) **and to achieve net zero by 2050.** As

41% of Bath & North East Somerset's carbon emissions come from domestic properties and 34% from commercial premises (DEFRA, 2007) improving the energy efficiency of existing buildings is a priority particularly for those vulnerable households in, or at risk of, fuel poverty.

94. The retrofitting of existing buildings could create local jobs in the low carbon economy, ensure our existing building stock remains affordable in terms of energy use and will also make a significant contribution to carbon emission reduction targets included within the Sustainable Community Strategy.

95. Given the quality of the historic environment in the District and the high number of listed buildings, Conservation Areas and the World Heritage Site designation for Bath a SPD on sustainable construction and retrofitting has been prepared to provide guidance on sensitively retrofitting our historic building stock. Proposals for retrofitting historic buildings should also ensure that the integrity of European wildlife sites and species is not compromised.

## POLICY CP1 RETROFITTING EXISTING BUILDINGS

Retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and the appropriate incorporation of micro-renewables will be encouraged.

Priority will be given to facilitating carbon reduction through retrofitting at whole street or neighbourhood scales to reduce costs, improve viability and support coordinated programmes of improvement.

Masterplanning and 'major development' (as defined in the Town & Country Planning (Development Management Procedure (England) Order 2010) in the District should demonstrate that opportunities for the retention and retrofitting of existing buildings within the site have been included within the scheme. All schemes should consider retrofitting opportunities as part of their design brief and measures to support this will be introduced.

### Retrofitting Historic Buildings

The Council will seek to encourage and enable the sensitive retrofitting of energy efficiency measures and the appropriate use of micro-renewables in historic buildings (including listed buildings and buildings of solid wall or traditional construction) and in conservation areas, whilst safeguarding the special characteristics of these heritage assets for the future. Proposals will be considered against national planning policy.

The policy will be supported by the Council's **Energy Efficiency, Retrofitting and Sustainable Construction Supplementary Planning Document**.

### **Houses in Multiple Occupation**

**In the case of a house in multiple occupation the property must achieve an Energy Performance Certificate "C" rating as required by policy H2.**

### Delivery

1 Retrofitting will be encouraged through a range of mechanisms under the influence of the Council and its partners, including via Planning Services, information and advice services, community enabling and support projects and Housing Services

2 This policy will provide a basis for Development Management and will be supported by the ~~Sustainable Construction and Retrofitting~~ Supplementary Planning Document **and sustainable construction checklist**. ~~The Sustainable Construction Checklist will be updated to include a section on sustainable refurbishment to raise awareness of the measures recommended in retrofitting existing buildings~~

3 Specific opportunities and principles that should be considered at the masterplanning stage will be identified in the Placemaking Plan and potentially in any future site specific SPD where existing buildings are present.

4 Signposting of retrofitting information including Government financial initiatives and schemes, ~~public awareness and demonstration events~~ will also be provided by the Council.

## Sustainable Construction & Renewable Energy

96. The EU has set a target for Nearly Zero Energy Buildings by 2020 which member states must respond to.

### ~~POLICY CP2 SUSTAINABLE CONSTRUCTION~~

~~Sustainable design and construction will be integral to new development in Bath & North East Somerset. All planning applications should include evidence that the standards below will be addressed:~~

- ~~• Maximising energy efficiency and integrating the use of renewable and low-carbon energy (i.e. in the form of an energy strategy with reference to Policy CP4 as necessary);~~
- ~~• Minimisation of waste and maximising of recycling of any waste generated during construction and in operation;~~
- ~~• Conserving water resources and minimising vulnerability to flooding;~~
- ~~• Efficiency in materials use, including the type, life cycle and source of materials to be used;~~
- ~~• Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting;~~
- ~~• Consideration of climate change adaptation.~~

~~Applications for all development will need to be accompanied by a B&NES Sustainable Construction Checklist.~~

#### ~~Delivery~~

- ~~1. This policy will provide a basis for Development Management.~~
- ~~2. The Sustainable Construction Checklist and Sustainability Statements will be used to assess the approach taken to sustainable construction in planning applications.~~

## Renewable Energy Targets

97. The UK Renewable Energy Strategy sets out to achieve 15% of energy to be generated from renewable sources by 2020, comprising 30% of electricity and 12% of heat. In 2007, the District's electricity supply from renewable sources was only approximately 0.06 MWe (Regen SW, 2010), which is less than 0.1%. By 2015, the District's electricity supply from renewable sources had risen to 12.82 MWe.

98. In order to assist identifying the potential for supply and demand for renewable and low carbon energy and the impacts this might have on environmental and heritage assets in Bath and North East Somerset, the Council commissioned 'Renewable Energy Research and Planning' (June 2009) and a Research Update (Nov 2010). This Renewable Energy Research **is available as a snapshot to assist in considering possible proposals and may be updated by the Council as technologies develop.** was used to inform the renewable energy target in the Core Strategy

99. Policy CP3 of the Core Strategy seeks to achieve an increase in the level of renewable energy generation in the District. **These will be monitored and adjusted as technologies and initiatives improve. Whilst these**

targets are challenging, recent national commitments such as expansion of permitted development rights and financial incentives such as 'Feed in Tariff' and 'the Green Deal', should accelerate energy provision from renewable low carbon sources. These standards may be revised and updated through the Core Strategy review as sustainability methodologies, technologies and initiatives develop. The Local Plan Partial Update provides the opportunity to review progress towards achieving the target and recognise changes in Government Policy and trends in technologies.

99a. National Policy Statement for Renewable Energy Infrastructure EN-3 notes the positive role that large-scale renewable projects play in the mitigation of climate change, the delivery of energy security and the urgency of meeting the national targets for renewable energy supply and emissions reductions. The latest monitoring in the district shows that only 21.7 MW electricity and 7.4 MW heat are available as of 2019. A significant increase in the development of renewable energy is needed to achieve the policy targets. Policy CP3 has therefore been reviewed and aims to set out a positive approach for determining applications and guiding development to the right locations.

99b. In addition, since the adoption of the Placemaking Plan in 2017, the Council has declared a climate emergency and has committed to providing the leadership for the District to be carbon neutral by 2030. This will contribute to the UK's legally binding target of net zero carbon by 2050. Whilst it should be noted that Core Strategy targets cannot be reviewed through the Local Plan Partial Update, it should be noted that the targets for renewable energy and heat generation are not a cap and are the minimum level to achieve by 2029.

#### Standalone renewable generation

99c. The revised Policy CP3 sets out the criteria for all stand alone renewable energy projects as well as specific criteria for wind energy and ground mounted solar (previous shown in Policy SCR3). Where generation types are proposed in the Green Belt, reference will also need to be made to relevant Green Belt policies. The Council has previously prepared a Guidance Note on renewable energy in the Green Belt.

#### Wind energy

99d. For some time it has been Government policy for local planning authorities to have a positive strategy to promote energy from renewable and low carbon sources including the identification of suitable areas for renewable and low carbon energy sources.

99e. Particularly for wind energy development Local Plans should identify suitable areas for wind energy development and make clear what criteria have determined their selection, including what size of development is considered suitable in these areas. The NPPF 2021 states that:

'A proposed wind energy development involving one or more wind



**turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing.'**

**99f. In 2020 onshore wind energy was recognised in a report by the Department for Business, Energy & Industrial Strategy as being one of the cheapest forms of energy generation (including conventional generational sources). The Local Plan Partial Update presents an opportunity to reconsider the Council's approach to wind energy development in light of the need from NPPF to identify suitable areas for development and the contribution that it can make to help meeting our targets.**

**99g. An evidence base study has been undertaken to assess the Landscape Potential for wind energy of different scales of wind turbine within the district. The output of this study has been used to identify suitable areas of search for development, recognising that other considerations need to be addressed and are set out in the policy criteria below. The Landscape evidence also provides guidance for wind energy development in each of the landscape character types identified within the study, which can help applicants in designing or mitigating the landscape impact of their proposals.**

**99h. In the NPPF, and outlined above, developments for wind energy need to be able to demonstrate that, through consultation, the planning impacts identified by the affected local community have been fully addressed and the proposal has their backing. It is recognised that any development may not be able to achieve 100% of the support from the community, particularly in relation to renewable energy development in rural areas, however examples of community support could be:**

- **Community Renewable Energy Schemes (as set out in SCR4)**
- **Support from representative organisations, such as Parish Councils**

**99i. Neighbourhood Planning Groups can also identify suitable areas for wind energy development through their Neighbourhood Plan.**

#### **Ground Mounted Solar Arrays**

**99j. Ground mounted solar arrays (also known as solar farms/solar fields) can make a significant contribution to our renewable energy target in Core Policy CP3.**

**99k. Given the rural nature of the district, and the opportunities for ground mounted solar arrays as part of the renewable energy mix, it is anticipated that Ground Mounted Solar Arrays to be sited on land of lower agricultural quality and which is not functionally linked to nationally protected sites (SACs, SPAs and SSSIs), will continue to contribute significantly towards the district wide renewable energy target in CP3, and to facilitate Green Infrastructure and biodiversity gains this policy is considered necessary (e.g. provisions for wildlife**

and inclusion of permissive paths).

99l. In addition, ground-mounted solar arrays can provide benefits to biodiversity and soils by providing an undisturbed area that can host a rich variety of species and rest core soil nutrients. Solar arrays can also retain agricultural uses such as sheep grazing, and can support rural businesses and the rural economy.

99m. An evidence base study has been undertaken to assess the Landscape Potential for solar energy of different scales of solar farm within the district. The Council particularly encourages ground mounted Solar energy development proposals in the high, moderate-high and moderate potential areas set out in the Solar Assessment Report and on land which is not functionally linked to nationally protected sites (SACs;SPAs,SSSIs). However, proposals can be submitted in other landscape areas, provided that applicants clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated and recognising that other considerations need to be addressed and as set out in the policy criteria below. The Landscape evidence also provides guidance for solar development in each of the landscape character types identified within the study, which can help applicants in designing or mitigating the landscape impact of their proposals.

99n. As the most common renewable energy sources are intermittent there is a greater need for power reserves that can “balance” the grid by releasing power onto the grid at times when demand exceeds supply. Balancing plant can be gas turbines or gas engines that can be turned on at short notice to meet temporary demand. Alternatively, energy storage plants can be used to balance the grid, most commonly battery packs although other technologies are emerging. These either store energy from the grid to release when supply is scarce or can be co-located with renewable energy infrastructure to release renewable power when renewable energy production is otherwise unable to meet demand.

99o. It is acknowledged that there is a need for flexibility and stability in the energy supply, and that grid balancing plant will be required to help enable transition to 100% renewable electricity. However, the burning of fossil fuels for energy generation, including by gas balancing plants, would increase the district’s carbon dioxide emissions and is therefore not supported since it is inconsistent with the Council’s Climate Emergency Declaration.

### ***POLICY CP3 RENEWABLE ENERGY***

***Development should contribute to achieving the following minimum level of Renewable Electricity and Heat generation by 2029.***

	<b><i>Capacity (Megawatt)</i></b>
<b><i>Electricity</i></b>	<b><i>110MWe (Megawatt Electricity)</i></b>
<b><i>Heat</i></b>	<b><i>165MWth (Megawatt Thermal)</i></b>

**Proposals for low carbon and renewable energy infrastructure, including large-scale freestanding installations, will be assessed under the national policies and against the following:**

**a: potential social and economic benefits including local job creation opportunities**

**b: contribution to significant community benefits**

**c: the need for secure and reliable energy generation capacity**

**d: environmental impact (see Policy CP6**

**1) Proposals for all renewable and low carbon energy-generating and distribution networks, will be supported in the context of sustainable development and climate change, where:**

**a) They balance the wider environmental, social and economic benefits of renewable electricity, heat and/or fuel production and distribution; and**

**b) They will not result in significant adverse impacts on the local environment that cannot be satisfactorily mitigated or do not accord with national policy, including:**

- impacts to biodiversity;**
- landscape and visual impacts including cumulative effects;**
- impacts on the special qualities of all nationally important or protected landscapes; and**

**c) They are informed by an assessment of the impact the development might have on the significance of heritage assets and their settings, including the outstanding universal value of Bath World Heritage Site. Any harmful impact on the significance of a designated heritage asset requires a clear and convincing justification, detailing the benefits of the proposal and enabling them to be weighed against any harm that would be caused; and**

**d) They are supportive of land diversification and continued agricultural use;**

**e) They provide at least 10% biodiversity net gain and multi-functional Green Infrastructure e.g. permissive paths and wildlife corridors; and**

**f) They provide for a community benefit in terms of either profit sharing or proportion of community ownership or deliver local social and community benefits. Commercial led energy schemes with a capacity over 5MW shall provide an option to communities to own at least 5% of the scheme; and**

**g) There are appropriate plans and a mechanism in place for the removal of the technology on cessation of generation, and restoration of the site to its original use or an acceptable alternative use;**

**Opportunities for co-location of energy producers with energy users will be supported.**

**Significant weight will be given to community led energy schemes where evidence of community support can be demonstrated, with administrative and financial structures in place to deliver/manage the project and any income from it.**

**In addition, the following criteria will be used to assess each of the following energy generation types:**

### Wind energy

**2) Wind energy development proposals will be supported where they:**

- a) Lie within a landscape area identified as being potentially suitable for this type of development (high, moderate-high, moderate and low-moderate potential areas set out in the Wind Energy Assessment Report and shown on the Policies Map). There will be a presumption against wind energy development proposals in low potential landscape areas. Applicants would need to clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated in these areas; and**
- b) Demonstrate that, following consultation, the planning impacts identified by the affected local community have been fully addressed by the proposal ; and**
- c) Avoid or adequately mitigate shadow flicker, noise and adverse impact on air traffic operations, radar and air navigational installations; and**
- d) Ensure flight paths and habitat corridors of protected mobile species such as birds and bats, and functionally linked habitat associated with protected sites (SACs; SPAs; SSSIs), are not adversely affected**

### Ground Mounted Solar Energy

**3) The Council particularly encourages ground mounted solar energy development proposals on land which is not functionally linked to nationally protected sites (SACs; SPAs, SSSIs) in the high, moderate-high, moderate potential areas set out in the Solar Assessment Report and shown on the Policies Map (subject to the other criteria in this policy). Proposals will be acceptable in other areas (of lower potential) provided that applicants clearly demonstrate that adverse impacts on the landscape can be satisfactorily mitigated (as set out in 1b). (See SCR2 for roof mounted solar)**

**In addition, ground mounted solar energy development proposals will be supported where they:**

- a. Are not sited on the best and most versatile agricultural land (Grades 1, 2, and 3a) unless significant sustainability benefits are demonstrated to outweigh any loss**
- b. Maintain grazing regimes within SAC bat sustenance zones**
- c. Avoid the loss of hedgerow & woodland connectivity, and**
- d. Avoid the loss and deterioration of UK priority habitats (as shown on the Policies Map)**
- e. Meet current best practice guidelines and standards on protection and enhancement of biodiversity**

### Energy balancing plants

**Energy installations to balance electricity demand and supply in order to assist the transition to 100% renewable electricity must be met by:**

- 1. Energy storage plant co-located with renewable energy generation plant; or**
- 2. Freestanding energy storage plant**

**Balancing plant, or other freestanding energy generation plant, that increases the district's carbon emissions, for example those that burn**

**fossil fuels directly, such as gas or fuels derived from oil, will be refused unless it can be demonstrated by the applicant that the proposal is required for the purposes of temporarily supporting energy needs for a specified and limited temporary period of time.**

**Applications for energy plant utilising virgin plant feedstocks will need to robustly demonstrate that the feedstock will be sourced sustainably**

#### ***Delivery***

- 1. Renewable Energy schemes will be encouraged through a range of mechanisms under the influence of the Council and its partners, including via Planning Services, information and advice services, community enabling and support projects.*
- 2. Delivery will be through the Development Management process. The Sustainable Construction Checklist and Design & Access Statements will be used to assess the approach taken to renewable energy in planning applications.*
- 3. Also crucial to effective delivery will be working in partnership with key stakeholders such as local communities, businesses, Parish Councils and amenity groups.*
- 4. Signposting of renewable energy information including public awareness events can also be provided on the website with links to relevant service areas.*

#### **Context**

100. Climate change and environmental sustainability objectives are enshrined in the highest level of local policy, as follows:

- Core Strategy: Tackling climate change is the cross-cutting objective of the Core Strategy, and the Climate Change Core Policies CP1-4 set out a range of ways in which this will be delivered through spatial planning
- Health & Wellbeing Strategy: The Healthy & Sustainable Places theme outlines an approach to improving health and wellbeing through measures that also improve environmental sustainability
- Economic Strategy: Contains Sustainability as a cross-cutting objective and actions within the Sustainable, Connected Communities theme will facilitate the transition to a low carbon economy
- Council's Vision and Values: Sets the aim that the District will have "Unique places and beautiful surroundings...which are building for a greener/ low carbon future"
- ~~The Environmental Sustainability & Climate Change Strategy: Sets the target of a 45% reduction in the area's CO<sub>2</sub> emissions by 2026, in line with national climate change targets.~~
- **The Climate emergency sets the target of being carbon neutral by 2030**

101. Within the Local Plan Partial Update Placemaking Plan there is an opportunity to build on the planning policies contained within the Core Strategy (including policies CP1 on Retrofitting, CP2 Sustainable Construction, CP3 Renewable Energy and CP4 District Heating) and Placemaking Plan (Policies SCR1 On-site Renewable Energy Requirement, SCR3 Ground-mounted Solar Arrays) to further support and promote sustainable construction and design and facilitate the delivery of renewable energy schemes in the district. The policy approach set out in the Local Plan Partial Update Placemaking Plan reflects evolving national policy.
102. B&NES Council has reviewed and combined the ~~has an adopted~~ *Sustainable Construction & Retrofitting Supplementary Planning Document* and an *Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings*, which provides detailed guidance – this guidance is aimed at householders and small scale developers. The combined SPD will be entitled the ‘Energy Efficiency Retrofitting & Sustainable Construction SPD’.
103. B&NES Council has also worked with Regen SW to prepare *Informal Guidance on renewables in the Green Belt* – the Placemaking Plan aims to reflect this position in policy.

### **Policy context**

104. The National Planning Guidance states that Local Planning Authorities may wish to establish policies which give positive weight to renewable and low carbon energy initiatives which have clear evidence of local community involvement and leadership.
105. The Government’s Community Energy Strategy also states that:
- Government wants to see all authorities showing leadership to help deliver community energy projects (para 76)
  - Government urges all local authorities to fully explore partnership and investment opportunities for community energy in their local area (para 80)
106. Following the publication of the Placemaking Plan options consultation, further changes were made to Government policy in relation to this area including the most significant of which are the Productivity Plan (which removed the 2016 zero carbon homes policy requirement, and the increasing standards within building regulations and the associated “allowable solutions” mechanism together with various renewable energy sector subsidies), and a Ministerial Statement (June 2015) in relation to on-shore wind, which requires all sites to be identified in either Local Plans or Neighbourhood Plans and to have the full backing of the community to be deemed acceptable in planning terms.

### **Policy aims**

107. The following ~~Placemaking Plan~~ Local Plan policies aim to add to existing policies, and to specifically:
- Facilitate more sustainable construction to be employed in all new development

- Provide more detailed development management policies in relation to free standing solar developments
- Support community led renewable energy and low zero carbon development
- Introduce site specific renewable energy requirements for allocated sites – that are viable and feasible
- Reintroduce specific low cost sustainability requirements (previously contained within the Code for Sustainable Homes policy) specifically:
  - Cycle parking (now included within the Transport Policy section)
  - Water standards
  - Rainwater harvesting
- Introduce a new policy in relation to Sustainable Urban Drainage

### **On-site renewable energy requirement**

108. ~~In order to support the delivery of Core Strategy Policy CP3, it is expected that major development, excluding industrial B2 and B8 uses, will provide sufficient renewable energy on-site to reduce anticipated (regulated) carbon dioxide emissions in buildings by at least 10%. Technical and viability evidence has been produced by the Council and Regen SW to support this policy and this can be found in the evidence base. Industrial land uses (Use Classes B2 and B8) are exempted on the basis of financial viability. In specific cases where viability issues are demonstrated, which compromise the ability to deliver this policy, the site specific viability case will need to be considered in line with national policy.~~
109. ~~This policy approach has already been successfully implemented (at 10% on-site renewables) for the Bath Western Riverside Development – achieved by a combination of biomass District Heating and solar PV. Furthermore, adjoining authorities already operate this policy approach successfully. The Energy Act (2008) continues to facilitate on-site renewable energy targets, provided that the technical potential and financial viability have been demonstrated to have been adequately considered and tested.~~
110. ~~Although the policy is technologically neutral, in that it does not specify which renewable energy generation technology should be used, it is anticipated that the policy would be met by the inclusion of solar PV or via connection to biomass district heating systems in almost all cases.~~

### **POLICY SCR1: ON-SITE RENEWABLE ENERGY REQUIREMENT**

#### **On-site renewable energy requirement**

~~Developers of major proposals above a threshold of 1,000 square metres or 10 dwellings, excluding Industrial B2 and B8 uses, will be required to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%.~~

~~Supplements Core Strategy policy CP3 Renewable Energy.~~

## Sustainable Construction for Residential Buildings

107a Through the Local Plan Partial Update there is an opportunity to revise the sustainable construction policies with an aim to achieve net zero construction. Therefore, policy CP2 of the Core Strategy and SCR1 of the Placemaking Plan will be replaced with a new sustainable construction policy.

107b The government is proposing to update part L of the Building Regulations to achieve more energy efficient homes. The new Part L is called the Future Homes Standard. In January 2021 the government released their response to the Future Homes Standards Consultation. The results of the consultation have confirmed that local authorities will still be able to set their own standards. The government has stated their intention to bring in the Future Homes Standards in 2025 but the exact method of how carbon reduction will be enacted is still subject to future consultation. As an interim measure the government are now proposing an uplift of 31% above current Building Regulations requirements. This is due to be published in December 2021 and come into effect June 2022.

107c Due to the uncertainty of the Future Homes Standard, the local plan will continue to pursue a zero carbon construction standard but to change the metric from carbon reduction to energy use. The energy metric has two key advantages.

-firstly, it does not rely on Part L as a baseline, so won't have to be changed each time Part L changes.

-secondly, energy metrics are more technically robust and designed to lead to better building outcomes – improved focus on fabric and ability to monitor performance.

107d The revised energy metric will look at three things.

- Space Heating - The energy used specifically for heating the building
- Energy Use Intensity – the predicted total energy use
- Provide enough renewable energy output to match the total energy use.

107e. In order to minimise energy use development proposals should seek to optimise energy efficiency through building fabric and carefully considered design, orientation and innovation.

107f The compliance tools for Building Regulations are not intended to accurately evaluate overheating, so large scale proposals are to use the more sophisticated CIBSE (Chartered Institute of Building Service



Engineers) standards TM52 for non-residential development and TM59 for residential development . The CIBSE methodologies use the criteria below:

- TM59 & TM52: “Hours of Exceedance”, a measure of how often the temperature exceeds a threshold comfort temperature during a typical warm season and sets a limit of 3% of occupied hours
- TM52: “Daily Weighted Exceedance”; the severity of overheating within any one day. The limit is no more than 6 hours a day above the thermal comfort threshold.
- TM52: “Upper Limit Temperature” which sets an absolute maximum temperature for a room beyond which the level of overheating is unacceptable.

#### SCR6 Sustainable Construction Policy for New Build Residential Development

New build residential development will be required to meet the standards set out below.

New build residential development will aim to achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables. Through the submission of a sustainable construction checklist, proposed new dwellings will demonstrate the following;

- Space heating demand less than 30kWh/m2/annum;
- Total energy use less than 40kWh/m2/annum; and
- On site renewable energy generation to match the total energy use, with a preference for roof mounted solar PV
- Connection to a district heating network where available

#### Major residential development

In the case of major developments where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution

Applications for 50 dwellings or more are required to demonstrate that the CIBSE TM59 overheating target has been met in the current climate, and a strategy submitted to show how overheating can be mitigated in the future climate.

## **Sustainable Construction Policy for New Build Non-Residential Buildings**

**107g. The government is consulting on Buildings Regulations Part L for non-domestic buildings. This is called the Future Buildings Standard. The outcome of this consultation is not yet known. As it is currently uncertain what the new non-domestic Part L will be it is proposed to require non-residential buildings to demonstrate BREEAM excellent plus net zero carbon.**

**107h. Applicants must adhere to the energy hierarchy of improving fabric first, then adding renewables and finally offsetting emissions that can't be mitigated onsite, but with no fixed targets at each stage due to the difficulty of setting targets when Part L (the baseline) is changing.**

**107i. BREEAM (Building Research Establishment Environmental Assessment Method) is a tool for assessing the environmental sustainability of a development. The BREEAM standards will be applied to major non-residential developments**

### **SCR7 Sustainable Construction Policy for New Build Non-Residential Buildings**

**New build non-residential major development will maximise carbon reduction through sustainable construction measures. Through the submission of a sustainable construction checklist all planning applications will provide evidence that the standards below are met.**

**Major development is to achieve a 100% regulated operational carbon emissions reduction from Building Regulations Part L 2013 (or future equivalent legislation), following the hierarchy set out below.**

- **Minimise energy use through the use of energy efficient fabric and services**
- **Residual energy use should be met through connection to a heat network if available.**
- **Maximise Opportunities for renewable energy to mitigate all regulated operational emissions.**
- **Residual carbon emission that cannot be mitigated on site should be offset through a financial contribution to the council's carbon offset fund**

## **Embodied Carbon**

**107i. Embodied carbon emissions are the carbon emissions resulting from the materials, production, demolition and disposal. An embodied carbon assessment provides details of a building's materials used in the**

**substructure, superstructure and finishes. This provides a true picture of a buildings carbon impact on the environment.**

### **SCR8 Embodied Carbon**

**Large scale new-build developments (a minimum of 50 dwellings or a minimum of 5000m<sup>2</sup> of commercial floor space) are required to submit an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved within the development for the substructure, superstructure and finishes.**

### **Roof Mounted/Building Integrated Scale Solar PV**

111. In many cases roof mounted solar photovoltaic (PV) panels are now permitted development (the Council's permitted development checklist for retrofit provides further detail). However, where planning permission is required, solar arrays should be designed to complement the aesthetic of the host building. Consideration of character should inform design choices in line with Policy SCR2.
112. Designing solar arrays as a complementary part of a building can enable the PV arrays to complement the aesthetic of a building or development and need not compromise the character of protected areas such as the World Heritage Site and Conservation **Areas provided proposals are consistent with Policy HE1**. When designing building-mounted solar arrays, consideration should be aesthetics and character in design choices in line with the Policy SCR2.

### **POLICY SCR2: ROOF MOUNTED/BUILDING INTEGRATED SCALE SOLAR PV**

1. Where planning permission is required for roof mounted/building integrated solar PV, the following matters should be addressed:
  - a) The use of monochrome, non-reflective photovoltaic materials to complement the existing roof material
  - b) The facilitation of a regular, rhythmic pattern for multiple arrays wherever possible

In all development, particularly new build dwellings which incorporate solar energy, the photovoltaic materials should be considered as part of the overall scheme design.

### **Ground Mounted Solar Arrays**

113. ~~Ground mounted solar arrays (also known as solar farms/solar fields) can make a significant contribution to our renewable energy target in Core Policy CP3.~~
114. ~~Given the rural nature of the district, and the opportunities for ground mounted solar arrays as part of the renewable energy mix, it is anticipated that Ground Mounted Solar Arrays to be sited on land of lower agricultural quality will continue to contribute significantly towards the district wide renewable energy target in CP3, and to facilitate Green Infrastructure and biodiversity gains this policy is considered necessary (e.g. provisions for wildlife and inclusion of permissive paths).~~
115. ~~In simple terms, a 1MW ground mounted solar array can produce the same amount of power as 500 2KW domestic arrays.~~
116. ~~In addition, ground-mounted solar arrays can provide benefits to biodiversity and soils by providing an undisturbed area that can host a rich variety of species and rest core soil nutrients. Solar arrays can also retain agricultural uses such as sheep grazing, and can support rural businesses and the rural economy.~~
117. ~~Where ground mounted arrays are proposed in the Green Belt, reference will also need to be made to relevant Green Belt policies. Policies for the historic environment and landscape will also apply to proposals for ground mounted arrays.~~
118. ~~Ground mounted solar arrays will be assessed for compliance with the criteria summarised in the policy below and set out in detail in the BRE National Solar Centre “Biodiversity Guidance for Solar Developments”<sup>1</sup> and the Solar Trade Associations 10 best practice commitments (2014), and successor guidance.~~

### **~~POLICY SCR3: GROUND MOUNTED SOLAR ARRAYS~~**

~~*In addition to the policy considerations of CP3, Planning applications for ground mounted solar arrays which follow best practice (e.g. BRE National Solar Centre guidance and the Solar Trade Association best practice commitments, or successor guidance), should achieve as many of the following factors as possible:*~~

- ~~*a) Proposals are focused on non-agricultural land or land of lower agricultural quality*~~
- ~~*b) Proposals are sensitive to nationally and locally protected landscapes and nature conservation areas, and take opportunities to enhance the ecological value of the land. To this end, the application should be supported by a Biodiversity Management Plan, which reflects the BRE National Solar Centre “Biodiversity Guidance for Solar Developments” (or successor guidance)*~~
- ~~*c) Proposals seek to minimise visual impact where possible and maintain appropriate screening throughout the lifetime of the project*~~

<sup>1</sup> <http://www.bre.co.uk/nsc/page.jsp?id=3202>

*(managed through a land management and/or ecology plan)*

~~d) Engagement at a pre-application stage with the community takes place~~

~~e) Proposals are supportive of land diversification and continued agricultural use, biodiversity measures and supporting the provision of multi-functional Green Infrastructure e.g. permissive paths and wildlife corridors~~

~~f) Proposals are used as an educational opportunity where appropriate~~

~~g) Land is returned to its former use at the end of a project~~

~~In all cases proposals will be expected to be consistent with the relevant design, heritage and landscape policies.~~

*Supplements Core Strategy policy CP3 Renewable Energy.*

## **Community Led Renewable Energy & Community Involvement**

119. Policy SCR4 aims to support the delivery of community renewable energy schemes and the broader community involvement that they bring. This is in line with the approach set out in the Department of Energy & Climate Change's Community Energy Strategy, which states that

*"Putting communities in control of the energy they use can have wider benefits such as building stronger communities, creating local jobs, improving health and supporting local economic growth"<sup>2</sup>.*

### **POLICY SCR4: COMMUNITY RENEWABLE ENERGY SCHEMES**

1. The positive benefits of community energy schemes will be a material consideration in assessing renewable energy development proposals.
2. The preference is for schemes that are led by and directly meet the needs of local communities, in line with the hierarchy and project attributes below:  
  
Community Led Energy:
  - a) Project part or fully owned by a local community group or social enterprise
  - b) Local community members have a governance stake in the project or organisation e.g. with voting rights
3. In the case of renewable energy proposals within the Green Belt, where community benefits are proposed to meet the "very special circumstances" test, the following criteria will be considered:
  - a) The contribution to achieving the targets set out in Policy CP3 of the Core Strategy to increase the level of renewable electricity and heat

<sup>2</sup> P7:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275163/20140126Community\\_Energy\\_Strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275163/20140126Community_Energy_Strategy.pdf)

*Placemaking Plan as proposed to be adopted - July 2017*

- generation in the district;
- b) The contribution that will be made to local and national renewable energy and carbon reduction targets;
  - c) Social and economic benefits. For example, local job creation opportunities; raising the quality of life in rural areas through diversification of agricultural land and generating an alternative income for farmers;
  - d) The temporary nature of the renewable energy development and the ability to restore land to its original condition at the end of the project's life;
  - e) Contributions to improving the biodiversity, public amenity and soils in the vicinity of the scheme.
4. In all cases schemes will only be permitted if there is no unacceptable impact on the significance of a designated and non-designated heritage asset.

*Supplements Core Strategy policy CP3 Renewable energy.*

## **Water Efficiency**

120. Core Strategy policy CP2, when it included a requirement for Code for Sustainable homes levels, incorporated mandatory water efficiency standards. While the Council can no longer require that a specific Code level is met, the government has maintained the ability to set a water efficiency requirement for new residential properties. This element was specifically supported by the Environment Agency in their responses to previous consultations.
121. The guidelines for this “optional technical standard” on water efficiency are included in the National Planning Guidance (paras 013-017<sup>3</sup>). Where local authorities can demonstrate a clear local need a tighter Building Regulations optional requirement of 110 litres/person/day can be required in a Local Plan policy (this compares to the Building Regulations requirement of 125 litres/person/day). This requirement is based on support from the Environment Agency (much of B&NES falls into areas with moderate water stress as defined by the Environment Agency<sup>4</sup>). Local water and sewerage companies (Wessex and Bristol Water) have also provided support to this policy approach. Consideration has also been given to the viability of this proposal<sup>5</sup>.
122. The climate in Bath and North East Somerset is changing. By 2020, UK Climate Projections (2009) indicates that:
- Summers in our area could be up to 2.8°C warmer and summer rainfall could decline by 25%.

<sup>3</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-optional-technical-standards/water-efficiency-standards/>

<sup>4</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/244333/water-stressed-classification-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/244333/water-stressed-classification-2013.pdf)

<sup>5</sup> Cost figures from Element Energy & Davis Langdon (2011) Measures to reduce water consumption are low cost, estimated at around £250 per dwelling to meet the Optional Standard on Water Efficiency <sup>5</sup>.

- Winter precipitation could increase by up to 16% and be more intense.
123. Both of these trends will put more pressure on water supplies. Reducing water demand in new dwellings will help mitigate this.

#### **POLICY SCR5: WATER EFFICIENCY**

- a) All dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day;
- b) Rainwater harvesting or other methods of capturing rainwater for use by the residents (e.g. water butts) will be required for all residential development, where technically feasible.

#### **District Heating**

124. District heating schemes deliver heating and hot water to multiple buildings from a local plant. A heat network of insulated pipes buried underground is required to distribute the heat generated; these can often be installed at the same time as the other services when a site is being developed and can also be retrofitted to existing buildings.
125. District heating can be combined with electricity production in combined heat and power (CHP) or in combined cooling, heat and power (CCHP). This is an efficient form of decentralised energy supply providing heat and electricity at the same time. Currently the overall fuel efficiency of CHP was around 70-90% of the fuel input, depending on heat load; much better than most power stations which are only around 40-50% efficient.
126. It is possible to vary the energy source to fuel district heating depending on cost and availability so the energy source can be changed over time; potential fuel sources include conventional fuels, biomass, and waste and other renewables. The West of England Joint Waste Core Strategy provides a policy framework for energy recovery from waste.
127. The B&NES Renewable Energy Research and Planning (June 2009) and a Research Update (Nov 2010) assessed the potential for CHP in the District (utilising biomass and energy from waste). Biomass CHP is identified as a key contributor towards meeting the electricity and heat demand from development. The Council's District Heat Feasibility Study (2010) has provided more detailed local evidence to support this policy approach. In the District heat priority areas shown in Diagram 19 and identified through the Heat Feasibility Study development will be expected to incorporate and connect to district heating infrastructure.

128. District Heating (including CHP/ CCHP) is currently one of the most low cost ways to meet zero carbon, particularly on brownfield sites where the efficiency/appropriateness of other technologies may be constrained.
129. Consideration of issues such as below ground archaeology and vaults particularly within central Bath have been a key consideration in considering this approach and in the research undertaken and the implementation of District Heating would need to mitigate any negative impacts. Any impact of this policy on the viability of schemes will be given careful consideration.

## POLICY CP4 DISTRICT HEATING

The use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged. Within the ~~two~~<sup>three</sup> "district heating priority areas", indicated on Diagram 19 (Bath Central, Bath Riverside and ~~Keynsham High Street~~), and shown in detail in the associated evidence base, development will be expected to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, unless demonstrated that this would render development unviable.

Within the remaining 12 "district heating opportunity areas" shown on Diagram 19, (Radstock, Midsomer Norton, Paulton, Bath Spa University, Twerton, Kingsway, Bathwick, Moorfields, Odd Down, Lansdown, RUH, **Keynsham High Street** & Keynsham Somerdale), development will be encouraged to incorporate infrastructure for district heating, and will be expected to connect to any existing suitable systems (including systems that will be in place at the time of construction), unless it is demonstrated that this would render development unviable.

Masterplanning and major development in the District should demonstrate a thermal masterplanning approach considering efficiency/opportunity issues such as mix of uses, anchor loads, density and heat load profiles to maximise opportunities for the use of district heating.

Where a district heating scheme is proposed as part of a major development the Council will expect the scheme to demonstrate that the proposed heating and cooling systems (CHP/CCHP) have been selected considering the heat hierarchy in line with the following order of preference:

1. Connection with existing CHP/CCHP distribution networks
2. Site wide CHP/CCHP fed by renewables
3. Communal CHP/CCHP fuelled by renewable energy sources
4. Gas fired CHP/CCHP

### Delivery

1 This policy will provide a basis for Development Management to support the principle of CHP, CCHP and District Heating included in planning applications

2 Planning Applications within the DHPAs will need to demonstrate how they are incorporating district heating and to justify any alternative approach.

3 Planning Obligations or a Community Infrastructure Levy (CIL) may be able to be used to contribute towards the delivery of the delivery of strategic district



heating infrastructure.

4 Further opportunities for interventions that will increase commercial viability of district heating are identified in the B&NES District Heating Feasibility Study and will include actions that the Council and the Private Sector can initiate.

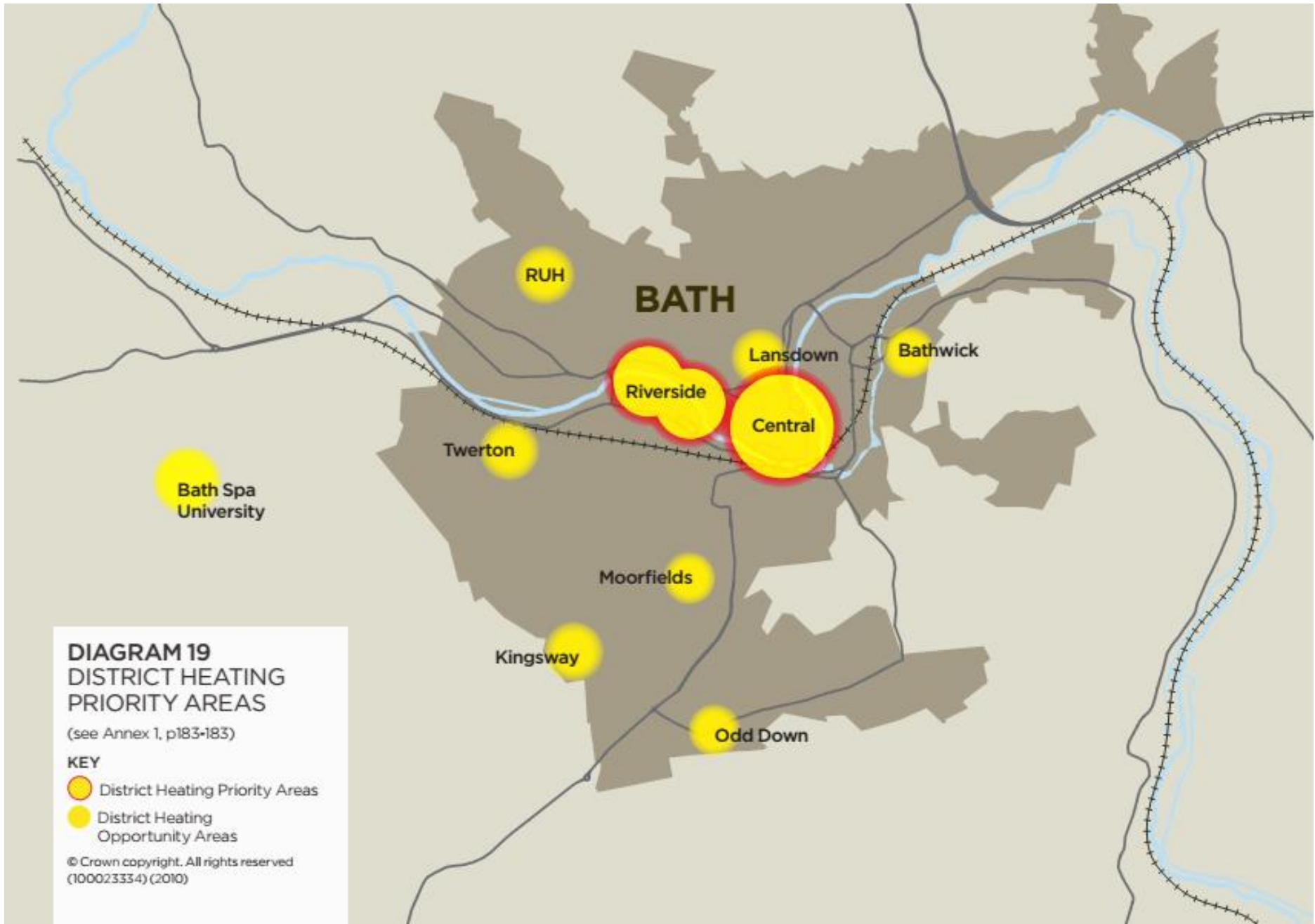
130. Policy CP4 applies to allocated sites within the “Bath Central” **and** “Bath Riverside” and ~~“Keynsham High Street”~~; the “district heating priority areas” as shown in Diagram 5 and in more detail in the OS base maps within District Heating Opportunity Assessment Study- Part 5 (AECOM, 2010). The site allocations within Bath and ~~Keynsham~~ to which this policy applies include:

*Bath:*

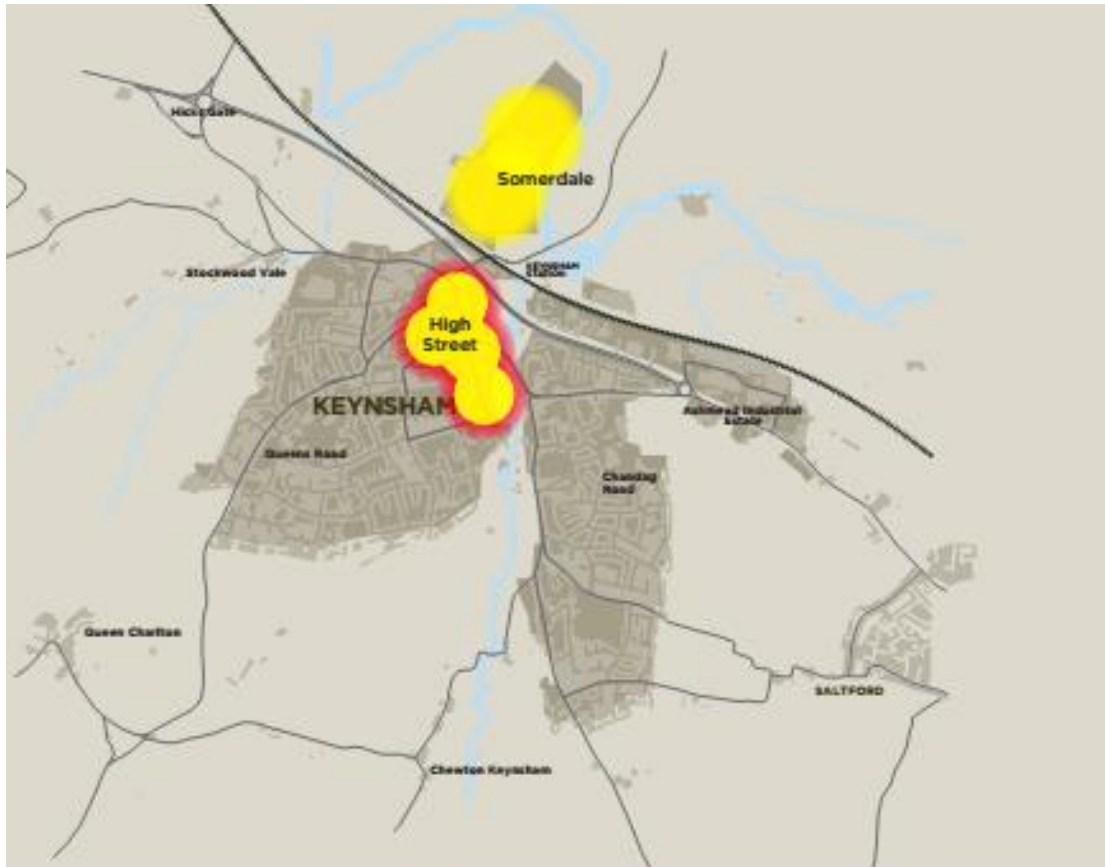
- Walcot Street/Cattlemarket site
- Manvers Street
- North Quays
- South Quays & Riverside Court
- South Bank
- Green Park Station West & Sydenham Park
- Bath Riverside Core Area
- Bath Riverside North Bank
- Bath Press
- Roseberry Place

*Keynsham:*

- ~~Town Centre~~
- ~~Riverside & Fire Station Site~~



...determining them as proposed to be adopted on 17/02/2021



131. A District Heating energy centre (utilising both gas and biomass) is now operational at Bath Western Riverside (operated by the energy services company EON and owned by Crest Nicholson) and has scope for additional capacity to serve nearby sites, subject to negotiation. In many cases District Heating can be used to deliver the on-site renewables requirements proposed in the Placemaking Plan.

132. In 2014 and 2015, B&NES Council was awarded significant funding from the Department of Energy and Climate Change (DECC) Heat Network Delivery Unit to undertake further detailed technical work to support the delivery of the District Heating network to serve the Bath Enterprise Area and Keynsham Town Centre. For more information see the B&NES Council's District Heating webpage, and the Placemaking Plan evidence base.

## **Electric vehicles**

**132a. In 2018 the government launched its Road to Zero strategy. The ambition being to see at least half of new cars to be ultra low emissions by 2030. As part of this the government aims to roll out infrastructure to support electric vehicles. Electric vehicle chargers can be installed under permitted development. Part 2, class C allows for the installation of a charging unit within a parking area, subject to certain conditions. On street chargers can be provided under Part 12, class A which allows for on street charging when installed by Local Authorities.**

**132b. Electric Vehicle Infrastructure is best provided at the construction stage. This policy seeks to provide electric vehicle infrastructure within new residential and non-residential development where parking is provided. The policy will complement the aims set out in the councils On Street Electric Vehicle Charging Strategy.**

**132c. From the Issues and Options consultation it is understood that electric vehicles and charging infrastructure are a rapidly evolving industry, where uptake in electric vehicles is currently low. The policy should be implemented alongside the existing transport policies. It should be read in conjunction with the Transport and Development SPD that will detail parking and charging standards for development.**

**132d. Western Power Distribution maintain the grid and electricity supply for Bath and North East Somerset. As part of this they monitor housing development within the district to respond to any need for increased capacity. Western Power Distribution have an online network capacity map on their website which can be used to estimate potential grid capacity. Anyone wishing to install a new charger has to make an application to Western Power Distribution.**

## **New Policy SCR9 Electric vehicles charging infrastructure**

### **New Build Residential Development:**

**All dwellings with one or more dedicated parking space or garage must provide access to electric vehicle charging infrastructure. Further guidance will be set out in the Transport and Development Supplementary Planning Document. Where off street parking is not provided and parking is provided on street within a development proposal, the design and layout of the development should incorporate infrastructure to enable the on-street charging of electric vehicles which does not compromise any special characteristics of the area, the public realm or the mobility of other users.**

### **New Build Non-residential development**

**In all non-residential developments providing 1 or more car parking bays, access to electric vehicle charging infrastructure must be provided. Further guidance will be set out in the Transport and Development Supplementary Planning Document**

### **Grid Capacity**

**Where the costs of providing the necessary capacity in the local electric grid infrastructure connections to support electric vehicle infrastructure are abnormally high the applicant must provide evidence to robustly demonstrate why they are not able to comply with the above policy**

## **Flood Risk Management**

133. The dominant flood risk affecting the District is flooding from Principal Rivers. The principal rivers being the Lower Avon, River Chew, Cam Brook and Wellow Brook. The District also contains areas that are prone to flooding from a range of other local sources including, ordinary watercourses, surface water, and groundwater, as well as risks from artificial sources such as sewers, canals and reservoirs. Climate change impacts may increase the severity and frequency of storms and therefore contribute to more frequent flooding throughout the District in the future.
134. NPPF requires that new development is located in sustainable locations, at the least risk of flooding, taking into account vulnerability to flooding. Appropriate mitigation should be provided where necessary to ensure that development remains safe, resilient to the impacts of flooding, and does not increase flooding elsewhere.
135. The NPPF and its associated Technical Guidance provides the national requirements in terms of the Sequential and Exception Test, the need

for planning applications to be supported by a Flood Risk Assessment, and the priority given to utilising sustainable drainage techniques in new development. The Council has published Strategic Flood Risk Assessments (SFRAs), providing detailed information on all sources of flooding across the District. Furthermore a subsequent Flood Risk Management Strategy (FRMS June 2010) tested various flood risk management options for the District and provided recommendations in terms of both on-site and strategic flood risk management solutions. The FRMS will be reviewed as new evidence becomes available. The requirements and guidance offered in these documents should be followed applying flood risk policy principles, deciding on appropriate mitigation, and managing surface water by applicants when considering new development across the District.

136. The Core Strategy sets out the broad locations for new housing, employment and other strategic development in Bath, Keynsham, Midsomer Norton and Radstock (Policies B1, B2, B3, B3A, B3C, B4, KE1, KE2, KE3A, KE4, SV1, SV2, SV3, and RA5). In some instances, development in flood risk areas has been unavoidable.
137. The Flood Risk Management Strategy (June 2010) has identified and assessed a range of flood risk management options to enable development in vulnerable areas without increasing the flood risk elsewhere. The Strategy has concluded that there is no strategic solution to reducing peak flow through Bath which is either technically or economically viable. Following the Flood Risk Management Strategy, the Hydraulic Modelling (Bath Flood Risk Management Project Feb 2013 by Black & Veatch) was prepared. The impact of raising the key development sites in the Central Area and the Enterprise Area in Bath is a loss of conveyance, rather than a loss of flood storage. It recommends, where necessary, to raise all the development sites and the access/egress routes (or raise defence walls) and implement conveyance mitigation measures. New development should be safe and not increase risk elsewhere.
138. A sequential risk based approach was taken to formulate these policies and the high level Sequential / Exception Test report was prepared and agreed in partnership with the Environment Agency. However, flood risk should be taken into account at all stages in the planning process and the sequential approach should still be taken within these policy areas to minimise risk by directing the most vulnerable development to areas of lowest flood risk, matching vulnerability of land use to flood risk at a site level. (Table 1 Flood zones and 2 Flood Risk Vulnerability Classification of the Technical Guidance to the NPPF). Therefore site specific Sequential/Exception Test reports should be undertaken when determining future site allocations in the Placemaking Plan or a planning application where necessary.
139. New developments can also increase pressure on sewer systems and urban drainage. It is therefore important to manage the impact of

developments in a sustainable manner. The NPPF and its associated Technical Guidance provides an opportunity for all those with responsibility for the drainage of new development to contribute to managing flood risk, improving amenity and biodiversity, and improving water quality. As a minimum the negative impacts of development on surface water runoff should be mitigated.

140. In addition to the concerns over flood risk, there is increasing pressure for efficient and sustainable use of water resources. This can be helped by incorporating Sustainable Urban Drainage Systems (SuDS) and grey water reuse systems into new developments (as per the NPPF and the Building Regulations, Part H).
141. SuDS aim to control surface water runoff as close to its origin as possible, before it is discharged to a watercourse or sewer. This involves moving away from traditional piped drainage systems towards softer engineering solutions seek aiming to mimic natural drainage regimes. SDS have many benefits such as reducing flood risk, improving water quality, encouraging groundwater recharge and providing amenity and wildlife benefits.
142. Under the Flood and Water Management Act 2010 the Council is established as a Lead Local Flood Authority and is currently developing Local Flood Risk Management Strategy. The Council will also be established as the SuDS Approving Body (SAB) with responsibility for the approval, adoption and maintenance of SDS systems. In order to be approved, the proposed drainage system will have to be designed and constructed in accordance with the new national standards for sustainable drainage and WoE Regional and local guidance. Where both planning permission and SDS approval are required, the application processes will run in parallel. No construction works can start on site until drainage approval is granted by SAB.

## **POLICY CP5 FLOOD RISK MANAGEMENT**

Development in the District will follow a sequential approach to flood risk management, avoiding inappropriate development in areas at risk of flooding and directing development away from areas at highest risk in line with Government policy NPPF). Any development in areas at risk of flooding will be expected to be made safe throughout its lifetime, by incorporating mitigation measures, which may take the form of on-site flood defence works and/or a contribution towards or a commitment to undertake such off-site measures as may be necessary.

All development will be expected to incorporate sustainable drainage systems to reduce surface water run-off and minimise its contribution to flood risks elsewhere.

All development should be informed by the information and recommendations of the B&NES Strategic Flood Risk Assessments and Flood Risk

Management Strategy
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Delivery
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Delivery will be through the Development Management process. Also crucial to effective delivery will be working in partnership with key stakeholders such as the Environment Agency.
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## Sustainable Drainage Systems (SuDS)

### Context

143. SuDS, or Sustainable Drainage Systems, are a sequence of water management practices designed to drain surface water in a more sustainable way than the traditional practice of draining sites via underground pipes directly to watercourses or sewers.
144. SuDS are a more natural approach to managing drainage, they work by keeping water on the surface where it is slowed down and held back to allow natural losses through infiltration and evaporation. At the same time natural processes break down pollutants leading to an improvement in the quality of the discharge. Good quality SuDS can also create new habitats leading to an increase in the biodiversity of the area. SuDS features can also enhance the public realm space and provide recreational facilities.
145. The sequence of SuDS management practices is known as the “management train” which includes four key steps:
1. **Prevention.** Reduce runoff and pollution through good site design and housekeeping measures for example by minimizing impermeable surfaces and sweeping to remove surface dust from car parks.
  2. **Source Control.** Manage runoff as close to source as possible through techniques such as rainwater harvesting, soakaways, permeable paving etc.
  3. **Site Control.** Management of runoff in a local area or site using swales, large soakaways, detention basins etc.
  4. **Regional Control.** Management of runoff from a site or several sites using features such as balancing ponds and wetlands.
146. SuDS can be designed to incorporate natural features such as ditches or ponds and can form an integral part of both hard and soft landscaped areas contributing to Green Infrastructure (GI) networks. SuDS can help meet the growing demands to deliver GI by creating green open spaces which encourage biodiversity and habitats. Using SuDS in the context of blue/green infrastructure offers opportunities to create attractive vegetated open space and blue corridors for water above ground.



147. For more information on SuDS including the management train and the various components please refer to the *SuDS Manual* (CIRIA Publication C753), *Planning for SuDs –making it happen* (CIRIA Publication C687) and the *West of England Sustainable Drainage Developer Guide*, or successor guidance. Information on the philosophy of controlling storm water runoff (in terms of rate and volume) can be found in *Rainfall runoff management for developments* (Environment agency Report – SC030219).

### Policy context

148. The NPPF states that Local Authorities should:
- Support Local Plans with a Strategic Flood Risk Assessment and develop policies that manage flood risk from all sources i.e. including surface water (para 100)
  - Use opportunities offered from new development to reduce the causes and impacts of flooding (para 100)
  - On specific sites, local authorities should require developers to produce “site specific flood risk assessments” and ensure that development is appropriately flood resistant and resilient, and that residual risk can be safely managed including giving priority to sustainable drainage systems (para 103)
  - When planning for sustainable drainage systems, biodiversity gains should be planned for, pollution should be minimised and green infrastructure should be planned for positively (section 11)
149. The *Flood and Water Management Act (2010)* requires a new approach to drainage to include an integrated approach to SuDS. The National Planning Guidance confirms that SuDS will be implemented via the planning system and confirms in para 079 that “for major development sustainable drainage systems should be provided unless demonstrated to be inappropriate”.
150. The B&NES Core Strategy sets the context for a more detailed SuDS policy in the Placemaking Plan, in particular flood risk management (CP5) and the green infrastructure policy (CP7). It requires that all sites are expected to incorporate sustainable drainage systems to reduce surface water runoff and minimise its contribution to flooding.
151. In addition, there are site specific requirements for the Core Strategy strategic site allocations and for the site allocations proposed within this Placemaking Plan.
152. The emerging SuDs policy approach draws on information from the Council’s **Local Flood Risk Management Strategy** and the **Surface Water Management Plan**. The policy approach and the evidence behind the site allocations in the Placemaking Plan, supersedes the principles outlined in the **B&NES Strategic Flood Risk Assessment** (2008-9) related to Sustainable Drainage Systems. It should be used

together with the latest Environment Agency flood risk mapping and local flood risk standing advice.

153. The **West of England Sustainable Drainage Developer Guide** is primarily intended for use by developers, planners, designers and consultants who are seeking guidance on the requirements for the design, approval and adoption of SuDS in the West of England and Somerset. It provides information on the planning, design and delivery of attractive, high quality and well-integrated SuDS schemes and should offer multiple benefits to the environment and community alike. It provides supplementary information and should be read alongside this Placemaking Plan policy.
154. The aim is to show that these requirements can be successfully achieved with added value and positive environmental and community benefits. The guidance promotes the need for early consideration of SuDS and introduces the use of a “proof of concept” process to gain agreement in principle at an early stage from the approving authority/authorities.

### **Site Specific SuDs**

155. Site specific drainage assessments, considering SuDs opportunities, have been undertaken for all allocated sites, and this information can be found in the Placemaking Plan evidence base.

### **Policy Aims**

156. The aims of this policy are to:
- Set out the high level principles for drainage designs incorporating SuDS features and the SuDS hierarchy that will be used in B&NES
  - To provide a basis for the incorporation of SuDS in development schemes through the planning system, ensuring that SuDS features are considered at an early stage and incorporated into a scheme design
  - To identify key considerations and requirements for developers which should be addressed via development management

## **SU1 - SUSTAINABLE DRAINAGE POLICY**

Sustainable Urban Drainage Systems (SuDs) are to be employed for the management of runoff from both major development (as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015) and for minor development in an area at risk of flooding (from any source up to and including the 1 in 100year+ climate change event).

SuDS are to comply with the “Non-statutory technical standards for sustainable drainage systems” published by the Department for Environment, Food and Rural Affairs (DEFRA) and the standards/requirements contained in the West of England Sustainable Drainage Developer Guide (2015), or

successor guidance.

When making a planning application where SuDS are to be employed, applicants are required to follow the guidance within the “West of England Sustainable Drainage Developers Guide” (2015), or successor guidance, particularly in giving early consideration to SuDS, and it is recommended that a SuDS Proof of Concept is submitted for agreement by the Local Planning Authority at the pre-application stage. Outline applications must be supported by a “SuDS Proof of concept” and full applications must contain a “Sustainable Drainage Strategy” in line with an agreed SuDS Proof of Concept for approval by the Local Planning Authority.

If SuDS are demonstrated to be inappropriate, an alternative means of effectively managing the surface water without increasing flood risk (either onsite or offsite) is to be agreed with the Local Planning Authority. As a minimum the SuDS standards (set out in DEFRA’s Non Statutory Technical Standards for sustainable drainage systems and the West of England Sustainable Drainage Developers Guide, or successor documents) relating to the drainage hierarchy, flood risk outside the development, peak flow control and flood risk within the development are to be complied with (using the appropriate climate change allowances).

# ENVIRONMENTAL QUALITY

157. B&NES' high quality environment is fundamental to its local distinctiveness. It is a key contributor to the quality of life of residents, attracting visitors, businesses and inward investment, contributing to the prosperity of the area in terms of tourism and delivering a wide range of tangible and intangible benefits to people including health and general well-being.

## High Quality Design

158. High quality design is fundamental to the creation of high quality places by both enhancing appearance and functionality. It is the means by which corporate priorities such as an improved public realm and better quality housing can be delivered. Government guidance in the NPPF, as well as best practice including the Manual for Streets, By Design, the Lifetime Homes Standard and CABE's Building for Life 12 (BfL12) programme provide guidance on the approaches to be taken as well as providing advice on the assessment of schemes.
159. High quality design (including architecture, urban design and landscape architecture), has a significant impact on quality of life. It influences safety and security, encourages economic investment as well as fostering community cohesion and inclusion. It can encourage greater levels of walking and cycling to address health and wellbeing, as well as addressing the causes and effects of our changing climate.
160. High quality design is crucial if the settlements throughout the District are to maintain and enhance their valued local distinctiveness, and emerge as more sustainable and higher quality environments that thrive economically, socially and culturally. The Council will support contemporary and innovative responses to local distinctiveness, ensuring that new development reinforces a sense a place. This priority will be achieved by ensuring that existing assets such as buildings, streets and spaces, green infrastructure, and community facilities are managed imaginatively and that new developments are designed intelligently.
161. All development schemes with a residential component will be assessed using the Building for Life 12 methodology (or equivalent, as identified by the Council, should these be superseded within the strategy period).
162. The Place based sections of the Core Strategy have each highlighted Placemaking Principles that are relevant to their specific locations. These provide the fundamentals of design policy in these areas that will then be developed into more detail in the Placemaking Plan.

## **Historic Environment**

163. Bath & North East Somerset's outstanding historic built, cultural, landscape and archaeological heritage assets and their settings are well documented and will continue to be preserved or enhanced.
164. Our heritage assets are central to local distinctiveness and sense of place. As well as ensuring our historic environment is understood, sensitively managed and promoted in its own right, our heritage assets should be used as an integral part of regeneration wherever possible, and used to expect the highest standards of new design and architecture.
165. Proposals for the reuse of redundant and underused historic buildings and areas will be encouraged where the proposed use does not compromise or threaten the historic asset or the integrity of a European wildlife site and species. Bath stone and other local traditional building materials should be used either on site or re-used elsewhere in favour of newly won mineral products.
166. The Core Strategy seeks to enable the appropriate modification of heritage assets, including the World Heritage Site in order to reduce carbon emissions. The Energy efficiency and Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (September 2013) identifies the opportunities for heritage assets to mitigate, and adapt to, the effects of climate change. These include enhancing energy efficiency and allowing greater use of renewable energy. This will give applicants clear guidance on the acceptability of a range of potential modifications, the guidance having weighed the benefit of a number of modifications to mitigating the effects of climate change against any harm to the significance of heritage assets.
167. National policies in the NPPF complemented by Core Strategy Policy CP6 together with more detailed saved policies in the Local Plan will provide the context for considering development proposals until reviewed through the Placemaking Plan.
168. The Council will continue to keep under review conservation areas in the District and where appropriate, designate new areas. Appraisals of conservation areas will define the boundaries and analyse the special architectural and historic interest of the area. In highlighting the key features that both contribute to or detract from the character of the conservation areas, they provide a framework for considering development proposals.

## **Landscape**

169. Landscape policy in Bath & North East Somerset will seek to follow principles contained in the European Landscape Convention (ELC) which came into effect in the UK in March 2007. This includes the protection, management and planning of landscapes. The ELC defines

landscape as 'An area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors'.

170. Bath & North East Somerset has a rich and diverse range of landscapes which are described in 'Rural Landscapes of Bath & North East Somerset: A Landscape Character Assessment' and the 'Bath Citywide Character Appraisal'.
171. Some landscapes in the District, like the Cotswolds and Mendip Hills, are recognised as being of national importance and are granted the status of Areas of Outstanding Natural Beauty (AONB). Bath is a World Heritage Site and there are a number of Historic Parks and Gardens within the District. Others, though they lack this status and protection, are no less important to their local communities. Each landscape is closely related to the evolution of agriculture, communications, industry and settlement. Although some landscapes are defined by physical appearance and activities occurring within them, others are valued for their levels of tranquillity. All are living working landscapes and as such they change and develop according to the demands placed upon them. Some of the more pressing demands are meeting the need for locally produced food and renewable energy in order to help respond to our changing climate.
172. Landscape is important for cultural, ecological, environmental and social reasons. It allows for local food production, climate change mitigation and adaptation and supports the economy and opportunities for tourism and recreation. The policy seeks to conserve or enhance landscape character including opportunities to reinforce distinctiveness.

## **Nature Conservation**

173. Bath & North East Somerset benefits from a rich diversity of natural habitats and features including many internationally, nationally and locally protected sites. These range from ancient woodlands, veteran and notable trees, hedgerows, to flower-rich grasslands and important bat foraging corridors.
174. The requirements and practice of site and species protection is now well established and is clearly defined by existing legislation and by both national and local policy (B&NES Local Plan). Development proposals will be required to assess potential impacts on protected sites and species and the adequacy of proposed mitigation measures, and where they potentially impact on European protected species especially rigorous examination is required. However, there is increasing recognition of the need to move beyond individual site and species protection in order to adequately protect and sustain the natural environment and to achieve national and international biodiversity targets.

175. Many sites and valued habitats are limited in size and are often isolated from each other. This can compromise their wildlife value, and their benefit to people, particularly in the face of climate change.
176. There is a need to create a coherent network of more robust and resilient natural habitats, including bigger protected sites and both a greater extent and greater connectivity of natural habitats (Lawton 2010). The Lawton report specifies a "need to embrace a new, restorative approach which rebuilds nature and creates a more resilient natural environment for the benefit of wildlife and ourselves".
177. The Council also recognises the importance of maintaining, restoring and re-creating priority habitats within the Strategic Nature Areas identified on the South West Nature Map.
178. The Core Strategy therefore provides additional nature conservation policy to address these issues and to complement national policy and existing development management policies set out in the Local Plan which will be reviewed through the Placemaking Plan.
179. Policy CP6 seeks to ensure Bath & North East Somerset's environmental quality is fostered both for existing and future generations.

## POLICY CP6 ENVIRONMENTAL QUALITY

### 1. High Quality Design

The distinctive quality, character and diversity of Bath and North East Somerset's environmental assets will be promoted, protected, conserved or enhanced through:

- a: high quality and inclusive design of schemes, including transport infrastructure, which reinforces and contributes to its specific local context, creating attractive, inspiring and safe place.
- b: assessing all major development schemes with a residential component using the Building for Life 12 design assessment tool (or equivalent methodology). As a guide development should seek to achieve a score of no 'reds', design out all 'ambers' and achieve a majority of 'greens'. A Building for Life 12 Assessment should be included within the Design and Access Statement.

### 2. Historic Environment

The sensitive management of Bath & North East Somerset's outstanding cultural and historic environment is a key component in the delivery of sustainable development. The Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

The sensitive reuse and adaptation of historic buildings and spaces will be supported, and in areas where regeneration is required the imaginative integration of new development with the historic

environment will be promoted.

Where development has a demonstrable public benefit, including mitigating and adapting to climate change, this benefit will be weighed against any harm to the significance of the heritage asset.

The Council will continue to develop strategies and guidance which ensure the historic environment and its significance is understood, recorded, promoted and enjoyed, and is sensitively and proactively managed, including those heritage assets most under threat. A positive and proactive conservation strategy will be promoted through the Placemaking Plan.

### 3. Landscape

The distinctive character and quality of Bath and North East Somerset's landscapes will be conserved or enhanced.

#### 4. Nature Conservation

The quality, extent and robustness of protected sites and valued habitats will be enhanced, and networks of valued habitat will be restored or created, by measures which:

- a: Improve the quality and/or increase the size of current sites and valued habitat.
- b: Enhance connections between, or join up, sites and valued habitats.
- c: Create new sites and valued habitats.
- d: Reduce the pressures on wildlife by improving the wider environment.

New Development will protect and enhance international, national and local sites and existing networks of valued habitats; facilitate migration and dispersal through the natural and built environment; and seek to reduce fragmentation of existing habitats.

The Council will promote the management, conservation, enhancement or restoration of environmental assets. Sustainable opportunities for improved access to and enjoyment of these assets will be promoted where it does not compromise the integrity of the asset.

#### Delivery:

##### High Quality Design

Delivery will be principally through the Development Management process. This will include working in partnership with property owners, landlords and agents, tenants and occupiers, Parish Councils, Residents, amenity groups and through awareness raising events, community forum for ideas to improve their neighbourhoods and the facilitation of neighbourhood scale projects such as whole street public realm refurbishment. The Council is committed to the comprehensive integration of its strategies and programmes, partnership working and effective community involvement. Pre-application planning discussions and review of Building for Life assessments can be facilitated through the development management process, as they are currently. Also important will be the implementation of the Placemaking Plan that will provide



detail for specific site allocations, development management policies and local designations.

#### Historic Environment

Delivery will be through the Development Management process and conservation area appraisals and other supplementary planning documents and guidance will be prepared and used to guide decisions on development proposals that affect the historic environment. Working in partnership with bodies such as English Heritage, Mendip Hills and Cotswolds AONB Services and local groups; and with conservation, archaeology and landscape experts will also be necessary to ensure effective delivery of the policy. The preparation of management plans and other positive and proactive strategies will be developed to support policy delivery. The strategy for the historic environment will include:

- maintaining and applying an up-to-date and available Historic Environment Record and evidence base
- producing and promoting guidance that will encourage good practice such as the World Heritage Site Setting SPD, Retrofitting & Sustainable Construction SPD and Bath Building Heights Strategy
- working with partners to resolve long standing high profile heritage assets at risk (including The Wansdyke and Cleveland Pool in Bath)
- reducing the volume of traffic using historic streets and spaces (see para 6.103) by implementing the Bath Public Realm and Movement Strategy
- seeking to ensure that conservation area appraisals and management plans are kept up-to-date
- implementing the World Heritage Site Management Plan
- ensure the Bath Urban Archaeological Assessment is used to inform management strategies and SPDs
- conserving significance of heritage features via the Green Infrastructure Strategy
- consideration of the preparation of a 'local list' to ensure non-designated assets are sustained and conserved
- consideration of use of Article 4 Directions as one measure for resolving conservation issues when appropriate
- Seek contributions from development, where appropriate, to support the delivery of the above.

#### Landscape

Delivery will be principally through the Development Management process. Working in partnership with bodies such as Natural England, English Heritage, Mendip Hills and Cotswold AONB Services, and with conservation, archaeology and landscape experts and the community will also be necessary to ensure effective delivery of the policy. The preparation of landscape management plans, action plans and other strategies will be encouraged to support policy delivery.

#### Nature Conservation

Delivery will be principally through the Development Management process. This will include working through partnership initiatives and in close liaison with bodies such as Natural England and ecology experts through which opportunities for enhancement and restoration of ecological and geological

assets can be maximised. The Green Infrastructure Strategy will have an important role in the delivery of biodiversity restoration targets for the Strategic Nature Areas within the District.

## HIGH QUALITY DESIGN

### Introduction

180. Urban Design is the process of shaping the physical setting for life in cities, towns and villages and involves the design of buildings, groups of buildings, spaces and landscapes. Good quality design is integral to sustainable development, ensuring that it meets long term aims and is in the wider public interest – going beyond the needs of a single user or a single building. Urban Design is indivisible from good planning and should make places safer, healthier and more enjoyable for people.
181. The process of good urban design includes:
- analysing and understanding the current and future form and function of places
  - early engagement with stakeholders and the wider community
  - collaboration e.g. highways, drainage or landscape schemes should enhance the overall design and layout of development and relate well to the built form
  - applying sound design principles to buildings and the spaces between them, ensuring that spaces are safe and inclusive and that public/private realm is clearly delineated
182. The design policies are to be used as part of the development management process, and to guide the future development of Design Briefs, Masterplans and Design Guides and Codes. Further guidance is also provided in the area based chapters and within site specific development principles.

### Context

183. The NPPF supports the principles of good design; it specifies that Local Planning Authorities should:
- Create a high quality built environment (para 7)
  - Secure high quality design and a good standard of amenity (para 17)
  - Promote mixed use development (para 17)
  - Take account of the roles and characters of different areas (para 17)
  - Plan positively for high quality and inclusive design, including individual buildings, public and private spaces and the wider area (para 57)

184. Specifically, Local Planning Authorities are required to:
- Set out design policies to ensure that developments function well, establish a strong sense of place, sustain a mix of uses, respond to local character, create safe accessible environments and that are visually attractive (para 58) – including site/area specific policies
  - Set out their own approach to housing density to reflect local circumstances (para 47)
  - Consider using Design Codes, avoiding unnecessary prescription (para 59)
  - Have Local Design Review arrangements in place to provide assessment and support to ensure high standards of design (para 61)
185. The Core Strategy includes policies on Sustainable Construction (CP2) - which is accompanied by a *Sustainable Construction & Retrofitting Supplementary Planning Document* and an Environmental Quality policy (CP6), which includes a high level design quality policies and links to the Building for Life design assessment tool for residential development. In addition, a Design SPD and the Bath Building Heights SPD are under-preparation.
186. In addition, site specific design requirements are included within the Placemaking Plan and Core Strategy site allocations – Masterplans are typically required to be prepared for more complex sites or where sites are in multiple ownerships, and are always encouraged for complex or multi-phased developments.
187. The Council will consider the preparation of site briefs, design guides, design codes, Masterplans etc. to support the Core Strategy and the Placemaking Plan. In addition, B&NES Council is currently considering options for establishing a Local Design Review process.

## **Key Urban Design Tools**

188. There are number of key urban design tools which will be used by the Council, and should be utilised by Developers. Relevant tools include (but are not limited to):
- The Urban Design Compendium Key principles of Urban Design
  - Manual for Streets (parts 1 and 2) Guide to Planning & Design of Residential Streets
  - Link & Place Guide to Street Planning & Design for High Streets and busy urban streets
  - Building for Life 12 12 principles for good residential design
  - Secure by Design (3D interactive guide) urban design principles to ensure safe places
  - By Design – Urban Design in the Planning System: Towards Better Practice (ABE guidance on policy tools and preparation of Masterplans, design guides and briefs)

- Active Design Criteria & Matrix (Sport England) Design principles to encourage activity and sport
- Trees in Townscape (Trees and Design Action Group) Design principles supported by the Woodland Trust to encourage tree friendly spaces within developments

## General Urban Design Principles

189. The following urban design policies seek to address urban design at each of the morphological scales from strategic city, town and village scale to neighbourhood; street, block, plot, building to design detail and materials.
190. Policy D.1 sets out the general urban design principles that will be applied at a high level. These are particularly relevant for large development sites or Masterplans, but apply equally to all development scales. The key principles reflect those found in the *Urban Design Compendium*.

### POLICY D1: GENERAL URBAN DESIGN PRINCIPLES

The following general design principles will be applied, particularly for large scale development proposals or Masterplans:

- Places should be designed for people – to be safe, comfortable, varied and attractive. They should offer opportunities for interaction and delight.
- Development should enrich the character and qualities of places and should contribute positively to local distinctiveness, identity and history.
- Development should make connections – by foot, cycle, public transport and by car – in that order. Streets and Spaces must be legible and easy to move around.
- Development should work with the landscape structure and should contribute positively to the characteristics of the settlement
- Places should be mixed use and should respond to context
- Buildings and spaces must be flexible and adaptable
- Buildings and spaces should be designed to be energy efficient (e.g. consider natural light and passive heating and cooling)

Developments that reflect these general urban design principles will be supported.

## Local Character & Distinctiveness

191. Policy D.2 sets out the policy on local character and distinctiveness, and designs should respond to an analysis of the place in a positive way. Evidence of locally specific analysis which underpins the design

rationale will be sought to demonstrate that this policy has been met. Existing local character appraisals, site briefs, and other evidence should be taken into account when establishing the local character and distinctiveness.

192. To deliver this policy, a scheme must have a strong appreciation of local context and how the development responds and contributes towards this.

## **POLICY D2: LOCAL CHARACTER & DISTINCTIVENESS**

Development proposals will be supported where they contribute positively to and do not harm local character and distinctiveness. In considering whether development proposals meet this requirement they will be assessed against the following criteria:

- a) The development has positively responded to the site context, in particular the local character, including uses, landmarks, layout, streets and spaces, siting, spacing, set-back, building lines, roofscapes, materials, building forms and features
- b) The development scheme improves areas of poor design
- c) The design responds appropriately to urban morphology, including consideration of historic grain– routes, block and plot patterns; mix of uses, building heights, massing and scale and local vernacular
- d) The design enhances and responds to natural features, including landscape, green infrastructure, skylines, topography and landform and views
- e) The development contributes towards the local social context in a positive way, providing safe, functional and attractive streets and spaces
- f) The development should, where appropriate, respect locally characteristic architectural styles, patterns, rhythms and themes which reflect local proportions
- g) The development reflects materials, colours, textures, landscape and boundary treatments that are appropriate to the area

Residential density must be compatible with character and higher net densities will be encouraged in accessible locations with good local facilities, to make efficient use of land.

## **Urban Fabric**

193. Policy D.3 relates to the way in which development needs to weave together and connect urban fabric, to ensure that places are well-connected, safe, inclusive and walkable.

## **POLICY D3: URBAN FABRIC**

Development proposals must contribute positively to the urban fabric, in particular development should:

- a. Be designed for ease of walking and cycling and provide safe and high quality routes, ideally providing new green infrastructure;
- b. Be permeable, by offering a choice of routes through a site, and connecting with the existing route networks in and through adjoining areas;
- c. Be delivering perimeter block layouts wherever possible;
- d. Be of an appropriate grain, reflecting local character;
- e. Be mixed use particularly at public transport nodes, and at local, district, city and town centres;
- f. Be designed to maximise natural surveillance of the public realm;
- g. Be designed with careful consideration of “edges” avoiding blank and inactive frontages. Active internal uses and habitable rooms are required at ground floor level;
- h. Ensure where ground floor uses are residential, frontages also allow for privacy for example incorporating level changes, boundary treatment while maintaining natural surveillance;
- i. Ensure development forms with inactive or blank frontages are carefully located, so that they can be wrapped by smaller buildings/active frontages or be placed in locations where at least one edge requires no active frontage. Horizontal mixing with other uses will also be encouraged;
- j. Give careful consideration to the design of corner plots, which should incorporate two active frontages;
- k. Create positive micro-climate effects (e.g. avoid pockets of cold, areas of overheating, heat, dazzle, wind or shade);
- l. Be designed to provide continuity of street frontage and for development to relate positively to the street. There should be a clear distinction between backs and fronts of buildings;
- m. Be designed in a way that does not adversely prejudice existing/future development or compromise adjoining sites.

## **Streets and Spaces**

194. Policy D.4 seeks to reinforce the importance of development making appropriate connections and relates specifically to streets, highways design and public realm.

## POLICY D4: STREETS AND SPACES

Development proposals must be well connected, in particular:

- a. New development must respect and contribute towards a clear hierarchy of streets and spaces. The transport user hierarchy should be applied within all aspects of street design, considering the needs of pedestrians first, then cyclists, then public transport users, and finally vehicles.
- b. The impact of parking provision on connectivity needs to be resolved to avoid poor quality routes and poorly defined streets. Parking arrangements should be integrated into the street scene and large areas of surface parking should be avoided.
- c. Car parking and highways design should not dominate the design of the development or the public realm
- d. Shared surfaces must be legible and safe for all users.
- e. Designed to enhance and contribute towards the public realm in line with Policy D10
- f. Signage, lighting and street furniture must avoid street clutter and be respond to the local context, in line with Policy D10
- g. Open spaces should be defined positively with clear definition of public and private, appropriate enclosure
- h. Street trees and green spaces should contribute to a network of Green Infrastructure and should be adequately sited to promote connectivity for people and wildlife

## Building Design

195. Policy D.5 relates specifically to building-scale design and materials. **Reference is also made to the need to design-out nesting and roosting area for seagulls which can pose public health and safety problems. Further information is provided in the Council's publication 'Urban Gulls: How to stop them nesting in your roof'.**

## POLICY D5: BUILDING DESIGN

Development proposals must be well detailed, in particular:

- a) Building facades, reveals and entrances must be well designed, all elevations must be well articulated and an appropriate building line and/or boundary treatment should be maintained
- b) Building frontages should face and relate to the public realm, and should define the street
- c) Extensions must complement and enhance the host building
- d) Good modern, innovative design is supported. Historical styles are likely to be considered appropriate where the development is re-unifying lost compositions
- e) Buildings and spaces should be designed to provide new or improved wildlife habitats and features (e.g. spaces for swifts and swallows; bat bricks; new hedgerows and other green infrastructure). **In**

**recognition of the public health and safety problems associated with seagulls, careful consideration needs to be given to designing-out potential seagull nesting and roosting areas in new buildings.**



## Amenity

196. Policy D.6 covers the issue of amenity, ensuring that developments provide the appropriate level of amenities for new and future occupiers, relative to their use and avoiding harm to private amenity in terms of privacy, light and outlook/overlooking.

### POLICY D6: AMENITY

Development must provide for appropriate levels of amenity and must:

- a. Allow existing and proposed development to achieve appropriate levels of privacy, outlook and natural light
- b. Not cause significant harm to the amenities of existing or proposed occupiers of, or visitors to, residential or other sensitive premises by reason of loss of light, increased noise, smell, overlooking, traffic or other disturbance
- c. Allow for provision of adequate and usable private or communal amenity space and defensible space
- d. Include adequate storage and functional arrangements for refuse and recycling
- e. Ensure communal refuse and recycling provision is appropriately designed, located and sized

## Infill & Backland Development

197. Policy D.7 relates specifically to infill and backland development, it applies to all parts of the district both urban and rural, and emphasises the importance of an approach based on a sound understanding of character and context.
198. Design and Access Statements (DAS) are required<sup>6</sup> for applications for major development (both full and outline) and for smaller scale developments in conservation areas or the Bath World Heritage Site. Listed building applications must also be accompanied by a DAS. A DAS must explain the design principles and concepts that have been applied to the development including how the context has influenced the design and the approach to access.
199. The DAS should contain evidence of a detailed analysis and response to local character and distinctiveness, proportionate to the nature and scale of the proposed development, with reference to the above criteria.

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<sup>6</sup> [Article 4 of Statutory Instrument 2013/1238 – sets out the legal requirements for DAS](#)

## POLICY D7: INFILL AND BACKLAND DEVELOPMENT

1. Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only. Infill development could be supported where:
  - a. Development has regard to the character and quality of the surrounding townscape
  - b. New development reflects the form, pattern and grain of this existing development or otherwise enhances the character.
  - c. Infill development on corner plots gives careful consideration to both the primary and the return frontage in relation to height scale, massing and design and relates well to the treatment of corner plots within the local context
2. Neighbourhood Plans in B&NES may identify a locally specific definition of infill, with reference to local characteristics.
3. Backland development could be supported where:
  - a. It is not contrary to the character of the area
  - b. It is well related and not inappropriate in height, scale, mass and form to the frontage buildings
  - c. There is no adverse impact to the character and appearance, safety or amenity of the frontage development
  - d. It is not harmful to residential amenity as outlined in Policy D.6

## Lighting

200. Artificial lighting can have both positive and negative effects on the environment. In addition to its more immediate impact on visual and residential amenity it can also affect the wider environment through “light spill” into the night sky which results in the phenomenon known as “sky glow”. There is currently particular concern about the impact artificial lighting is having across the District in terms of increasing levels of sky illumination and light spill from development (external and internal) which detrimentally affects local amenity and the environment including ecology, in particular European protected bat species.
201. The NPPF makes it clear that planning policies should limit the impact of light pollution from artificial light: *‘By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.’* The NPPG includes further guidance on the factors that are relevant in considering the implications of light pollution, including ecological impact.

202. Within Bath and other urban areas a high level of lighting exists and is generally accepted whilst recognising even within the urban area, important dark corridors and dark spaces do exist and these are used by, if not essential for, wildlife. The floodlighting of many historic buildings enhances the night time scene. However, badly designed lighting schemes can be just as damaging to private and public amenity as in darker rural areas. New light sources can have a disproportionate impact because of the area's topography.
203. Within the open countryside external lighting is generally not acceptable. Lighting can be extremely prominent and in many cases visible over a large area and can often introduce an urban appearance to the countryside which for the most part is not lit at night.
204. The Council's aim is to reduce the adverse impact of lighting installations both day and night throughout its area. In exercising control it will be mindful of the policies that apply in designated areas of ecological importance, high visual amenity and the surrounding areas where ill designed schemes could adversely affect their character and appearance. Applicants may be required to seek professional advice to ensure that their proposals are compatible with existing lighting schemes or any further lighting guidance drawn up by the Council.
205. When drawing up their proposals those seeking planning permission, listed building consent, or consent under the Town and Country Planning (Control of Advertisements) Regulations should always be advised by the Guidance Notes issued by the Institute of Lighting Professionals and other relevant advice and guidance such as the Bath Lighting Strategy and in the case of historic buildings, 'External Lighting for Historic Buildings' Guidance produced by Historic England. If necessary, applicants should seek specialist technical advice from a recognised lighting firm or consultant. Plans which accompany a planning application should demonstrate how this guidance has been taken into account.
206. The Institute of Lighting Professionals (ILP) is currently working on updating their guidance on all the other areas of external public lighting that are not included in BS 5489. This guide will include lighting of car parks, petrol filling stations, advertising hoardings, sports centres and others and will include guidance on obtrusive light and light pollution. It will also provide details of electrical requirements, specifications and regulations for outdoor lighting.
207. Policy D.8 sets out a number of general principles that apply to all proposals for artificial lighting. The Council may ask for a full technical report to accompany an application and this may be requested at the outline planning stage. It may also be necessary to prepare technical guidance to support the implementation of the policy.

## POLICY D8: LIGHTING

- 1) Proposals for artificial lighting will only be permitted where:
  - a) they would not give rise to an unacceptable level of illumination into the sky, open countryside, urban areas or villages;
  - b) it can be demonstrated that additional lighting on site will have no detrimental impact on visual and residential amenity, the historic environment or local ecology;
  - c) any adverse impact of lighting proposals in all new development, including light spill and energy use, is minimised through design or technological solutions (including the use of SMART lighting techniques) or by controlling the hours of use;
  - d) safety is not compromised in low lit or dark public areas.
- 2) Development will be expected to ~~reduce or at best maintain existing light levels to protect~~ **retain** or improve the darkness of rivers, watercourse or other ecological corridors in particular to protect or provide a functional dark route for European protected species. ~~New lighting facilities with light spill to these features must be dimmable.~~ **Lighting must be designed to protect wildlife habitats following best practice as set out in current guidance including B&NES 2018 Waterspace Design Guidance and Bats and Lighting in the UK (ILP, 2018).**
- 3) Lighting in public areas should be designed to a suitable level of illumination in accordance with BS 5489-1 2013 and where appropriate, ensure consistency with Bath Lighting Strategy and other relevant guidance and where necessary the hours of operation will be controlled by the use of conditions.

208. Publications and websites providing further information, advice and guidance lighting specifications (not exhaustive):
- Bats and Lighting in the UK, Bat Conservation Trust, 2008  
[http://www.bats.org.uk/data/files/bats and lighting in the uk final version version 3 may 09.pdf](http://www.bats.org.uk/data/files/bats_and_lighting_in_the_uk_final_version_version_3_may_09.pdf)
  - Guidance Notes for the Reduction of Obtrusive Light GN01:2011 (Institute of Lighting Professionals) [ILP guidance-notes-light-pollution-2011.pdf](http://www.theilp.org.uk/resources/free-resources/guidance-notes-light-pollution-2011.pdf)
  - UK Road Lighting Standards:  
<http://www.ukroads.org/ukroadlighting/scripts/standards.asp>
  - Institute of Lighting Professionals (ILP)  
<https://www.theilp.org.uk/resources/free-resources/>
  - Society of Light and Lighting <http://www.cibse.org/society-of-light-and-lighting-sll/lighting-publications>
  - Bath Lighting Strategy (part of the Pattern Book)
  - **Bath waterside development – guidance on the protection of bats** <https://beta.bathnes.gov.uk/policy-and-documents-library/bath-waterside-development-guidance-protection-bats>
  - **Bats and artificial lighting in the UK**  
<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

- **Dark skies in the AONB Position Statement**  
**[https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB\\_statement-Final-Dec-2020.pdf](https://www.mendiphillsaonb.org.uk/wp-content/uploads/2020/12/Dark-Skies-in-the-Mendip-Hills-AONB_statement-Final-Dec-2020.pdf)**
- **Cotswolds Conservation Board Position Statement Dark Skies and Artificial Light** **<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2019/03/Cotswolds-Dark-Skies-Artificial-Light-Position-Statement.pdf>**

## **Advertisements & Outdoor Street Furniture for Commercial Premises**

209. The aim of this policy is to provide guidance that will be used in the determination of planning, advertisement and listed building consent in relation to advertisement and outdoor street furniture for commercial premises – including signage (both fascia and ancillary signage/advertising), outdoor tables and chairs, low level barriers etc. This policy will ensure the delivery of good design, in line with NPPF para 57 and 61.
210. Well placed and designed advertisements such as external signage and on shop fronts, and outdoor street furniture for commercial premises such as tables and chairs etc. can contribute to the vibrancy and vitality of the street scene and the public realm, can benefit the local economy and provide visual interest and character. However, the effect of poorly designed and inappropriately placed advertising and outdoor street furniture can create visual discord, and street clutter can provide barriers to proper pedestrian movement. In particular, cumulative impacts can be severely detrimental to the quality of the public realm. This is particularly important in the City and Town Centres, and within the conservation areas and the City of Bath World Heritage site, but the principles apply to all commercial premises.
211. The Local Planning Authorities (alongside Licencing and Highways) have specific powers in relation to the control and management of advertisements and outdoor street furniture relating to commercial premises. Where planning, advertisement consent and/or listed building consent are required the legislation provides control over the design and positioning of signage and the use of the highway for tables and chairs. In many cases, additional controls are in place which are implemented through Licencing and Highways functions and through additional controls imposed by private ownership (for example, Southgate Retail area in Bath has such an arrangement).

### **Policy Approach**

212. The policy is in two parts:
- Advertisement policy
  - Outdoor Street furniture policy

213. Additional detail is also provided for Bath Conservation Area in line with the stewardship principles WHS Management Plan (2014, or successor document).
214. Policy D9 is supplemented by additional guidance found within (i) Bath Shop Fronts Guidance (1993), Commercial Signage and Tables and Chairs – Bath Design and Conservation Area Guidance (Draft, 2015)\* and (iii) Conservation Area Appraisals

## POLICY D9: ADVERTISEMENTS & OUTDOOR STREET FURNITURE

### Advertisements

The following criteria will be used to assess applications for advertisement on commercial premises that require consent (including shops, cafés, offices etc.):

### General Design Approach

- a) The number of signs should be kept to a minimum, with only one advertisement on each principle frontage.
- b) Redundant signs should be removed and opportunities to reduce signage should be sought where new signage is proposed. Development involving the alteration or replacement of traditional shop fronts will not be permitted, unless the proposals enhance the character of the building and the street scene.
- c) The following criteria will be used to determine the suitability of advertising signage (including fascia signs and projecting or hanging signs), which will include a consideration of cumulative impact and consideration of the proposal within the existing context:
  - Local Street Character
  - Location/Position
  - Proportionate Size
  - Position
  - Colour
  - Materials
  - Lettering
  - Illumination
  - Fixings
- d) Free standing 'A' Boards can cause obstruction to pedestrians and require planning permission. 'A' boards will only be permitted where they do not impinge on pedestrian movement and meet the Council's detailed guidance.
- e) Permanent flags and banners are not considered acceptable, however, due consideration will be given to temporary flags and banners promoting

local events.

- f) hoardings, panels and posters will be granted where they are located within a commercial, industrial or mixed use area or within the open countryside (the later will be restricted to a short-term, specified time period, for example in relation to a local event).

In addition, within conservation areas:

- g) The suitability of commercial signage and lettering on windows, blinds (external and internal), walls and external fixtures will need to be considered in terms of both their aesthetic/visual impact and potential harm to historic fabric. Cumulative impact will be considered in addition to building specific impacts.

### Outdoor Street Furniture

The following criteria will be used to assess applications for outdoor street furniture for commercial premises (external tables and chairs, low level barriers etc.), where planning or listed building consent is required:

### General Design Approach

- h) The principle locations where applications for street furniture in the highway will be supported, are locations within (i) fully pedestrianised streets, (ii) in partially pedestrianised streets or where vehicle access is not permitted at certain times of day and (iii) in streets with footways of adequate clear width (a minimum of 2m).
- i) The acceptability, or otherwise, of using the public highway for outdoor street furniture associated with commercial premises (including shops, cafés, offices etc.), will be considered in relation to the following criteria:

### Location and Siting

- Tables and chairs should not obstruct drivers sight lines
- Emergency access should not be obstructed
- Access to utility equipment should be achieved
- Fixed seating should be avoided
- Street furniture should be stable
- A direct route of minimum width (1m) should be maintained to access the premises

### Hours of operation

- Consents may be time limited and hours of operation should be specified (in line with licencing requirements)

In addition, within Conservation Areas

- j) The inclusion of advertising on barriers, umbrellas or other street furniture is unlikely to be acceptable.
- k) Umbrellas over 2m in height are unlikely to be acceptable.

Local Guidance such as the Bath Shopfront Guidance and the Commercial Signage and Tables and Chairs – Bath Design & Conservation Area Guidance, or successor documents should be utilised in informing decision making on detailed design matters.

## Public Realm

215. Public realm is defined as any publicly owned streets, pathways, right of ways, parks, publicly accessible open spaces and any public and civic building and facilities. Development proposals often include areas of public realm as part of their proposals and/or contribute financially to the creation to new or enhanced streets and spaces.
216. The Council has prepared a number of strategies and guidance to support the delivery and coordination of quality of public realm improvements and maintenance. In addition, Neighbourhood Plans often include detailed public realm proposals and policies.
217. In Bath, the Council has adopted a *Public Realm and Movement Strategy* for Bath City Centre in March 2010. This is supplemented by the *Bath Pattern Book - Public Realm Framework (Part 1)* and *Technical and Operational Guidance (Part 2)* (December 2015) and associated *Street Furniture Pattern Book Design Guide, Operation and Maintenance Manual & the City Information Systems Design Guide*.
218. Both the Public Realm and Movement Strategy and the Pattern Book put forward an incremental plan to transform streets and spaces across the City Centre and create the canvas for a more animated and inclusive public life. In summary, this approach intends to:
- Rebalance the movement hierarchy giving priority to pedestrians, cyclists and public transport;
  - Refashion the public realm creating a lattice of connected streets and spaces and utilising high quality materials, bespoke furniture and exceptional landscape and lighting design;
  - Reveal the city through the introduction of a new multi-channel information and wayfinding system for all modes of movement;
  - Reanimate the city centre through an imaginative and pioneering programme of public art, events and activities.

### POLICY D10: PUBLIC REALM

Development proposals must be designed to enhance the public realm and should contribute towards achieving public realm infrastructure improvements, in line with the Planning Obligations SPD, and successor documents.

Development schemes must comply with the adopted public realm design codes. Within Bath City Centre, as defined on the Policies Map, development



schemes should respond to the Bath Public Realm and Movement Strategy and the Bath Pattern Book, or successor guidance.

## HISTORIC ENVIRONMENT

219. The Core Strategy recognises the value of the historic environment across the spectrum of future placemaking. Sensitive management of Bath and North East Somerset's outstanding cultural and historic environment is a key component in the delivery of sustainable development, and is an asset that adds value to regeneration, business and the growing tourism sector. It acts as a highly significant stimulus to local economic growth. Managing change in the historic environment involves well-established close working with Historic England and the local community, including local preservation and amenity groups and other such organisations.
220. The international significance and importance of Bath is supported by its World Heritage Site designation. Beyond Bath the District has a rich and diverse historic environment, including locally distinct vernacular architecture, uniquely important archaeology and industrial and its coal mining heritage.
221. Great weight will be given to conserving the significance of designated heritage assets and their setting. Heritage assets include any valued component of the historic environment, be it a building, monument or place which is positively identified as having a degree of significance meriting consideration in the planning process.
222. Within Bath and North East Somerset the designated heritage assets are:
- City of Bath World Heritage Site
  - Over 6,000 listed buildings (3% Grade I, 10% Grade II\*, 87% Grade II)
  - 36 conservation areas
  - 74 Scheduled Ancient Monuments
  - The Registered Lansdown Historic Battlefield site.
  - 16 Registered Historic Parks and Gardens
  - 71 Parks and Gardens designated locally by the Avon Gardens Trust
223. Many of the District's non-designated heritage assets are also highly regarded and often much-cherished local elements of the area ranging from historic street furniture to redundant but locally important historic buildings. They may be identified for conservation during the development management process or other planning processes to assess local character. These include conservation area and village character appraisals, emerging Neighbourhood Plans and where assessing potential urban and rural development sites. Following identification they can be added to a local list of non-designated heritage assets. Where appropriate the Council will consider serving Article IV Directions to assist in conserving the local character of a conservation area.

224. Government guidance makes it clear that the effect of a proposal on the significance of a non-designated heritage asset should also be taken into account when determining applications. Non-designated archaeological heritage assets of demonstrably equal significance to Scheduled Ancient Monuments will be subject to the same policy considerations as designated heritage assets.
225. The Council will review its programme for conservation area appraisals to ensure they remain up to date and relevant, prepare and periodically update a local Heritage at Risk Register working with Historic England, and define locally important heritage assets. It will continue to prepare specific local guidance on the management of the historic environment and update existing guidance on subjects as diverse as historic shop fronts, stone cleaning and retro-fitting. These add more detailed advice or guidance to supplement policies in the Core Strategy and Placemaking Plan and help support the submission of well-informed applications.
226. To sympathetically manage heritage assets in the development process there must be a clear understanding of the assets themselves, including their significance and setting. Early pre-application work by the developer is encouraged to avoid abortive and costly work at a later stage.
227. The setting of a heritage asset is an important consideration as identified in good practice advice published by Historic England. Its contribution to the significance of any asset should be understood to inform the appropriate development response.
228. The Council will continue to maintain and make available the Historic Environment Record (HER) to help inform change and the conservation of the District's heritage assets. It includes conservation area appraisals and management plans, Supplementary Planning Documents, guidance and other relevant sources of information. It is particularly valuable to prospective developers and the local authority development management function and will be used to inform the consideration of future development including potential conservation and enhancement measures.
229. It is the applicant's responsibility to provide sufficient information and assessment of the impacts of their scheme on heritage assets and/or their settings, and the wider historic environment. To ensure the opportunities provided by the historic environment are appreciated, the HER should be referred to at an early stage in the design process. Therefore applications affecting the significance of a heritage asset will be required to provide sufficient information, such as desk-based assessment reference to the HER, field evaluation or a historic building report, to demonstrate how the proposals would contribute to the asset's conservation. Where a development would result in the partial

or total loss of a heritage asset and/or its setting, the applicant will be required to secure a programme of recording and analysis of that asset, and to ensure the publication of that record to an appropriate standard. Relevant advice and guidance is also available on the Historic England web site.

230. Energy efficient improvements and the installation of micro-renewables affecting designated and undesignated historic buildings and areas, including listed buildings and conservation areas are supported provided that the proposals are consistent with relevant policies, in particular, Core Strategy CP1 'Retrofitting existing buildings' and Policy CP6 'Environmental quality' and Policy HE1 below. Applicants are also advised to take account of the Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (September 2013) and other related and relevant Council guidance and supplementary planning documents.

## **Policy approach**

231. Policy CP6(2) of the Core Strategy includes the context for historic environment policy, and for development management purposes explains how the Council proposes to secure the conservation of its heritage assets throughout the District. Policy B4 seeks to prevent harm to the Outstanding Universal Value of the City of Bath World Heritage Site and its setting and is a material consideration when making planning decisions. In accordance with national planning guidance the Council will expect that *in all cases, land or site value should: reflect policy requirements and planning obligations and, where applicable, any Community Infrastructure Levy charge*. This confirms the principle set out in the NPPF that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission will not be granted for unacceptable development. In this context it is particularly important that developers ensure that the policy requirement to sustain and enhance the District's historic environment is factored in land values and demonstrated in viability assessments.
232. The purpose of Policy HE1 is to add more detail to these policies by setting out the circumstances in which development proposals affecting the historic environment will be considered. It reflects national policy and guidance and supports the Core Strategy's strategic policies for the historic environment and its positive approach to the conservation of the District's heritage assets. The aims of this policy approach are:
- to manage the historic environment in the most efficient and effective way in order to sustain its overall value to society
  - to ensure the proper assessment and understanding of the significance of a heritage asset and the contribution of its setting in the development process

## POLICY HE1: HISTORIC ENVIRONMENT

### Safeguarding Heritage Assets

- 1) Within the scope of Core Strategy Policies B4 and CP6, development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance.
- 2) The District's historic environment shall be sustained and enhanced. This includes all heritage assets including the Bath World Heritage Site, historic buildings, conservation areas, historic parks and gardens, landscape, archaeology and townscapes of importance.
- 3) Applications affecting the significance of any heritage asset will be required to provide sufficient information to demonstrate how the proposals would contribute to the asset's conservation.
- 4) The Historic Environment Record, including Conservation Area Character Appraisals and Management Plans will be used to inform the consideration of future development including potential conservation and enhancement measures.
- 5) Great weight will be given to the conservation of the District's heritage assets. Any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset.
- 6) If such harm can be fully justified, where relevant the Council will require archaeological excavation and/or historic building recording as appropriate, followed by analysis and publication of the results.
- 7) In addition, the following will apply to specific asset types as listed below:
  - a) City of Bath World Heritage Site  
Development within the City of Bath City World Heritage Site will be expected to comply with Policy B4 of the Core Strategy and all other relevant supplementary information and guidance; and help support the delivery of the World Heritage Site Management Plan.
  - b) Listed buildings  
The significance of listed buildings is required to be sustained and enhanced. Appropriate repair and reuse of listed buildings will be encouraged.  
Alterations, extensions or changes of use, or development in their vicinity, will be expected to have no adverse impact on those elements

which contribute to their special architectural or historic interest, including their settings.

c) Conservation Areas

Development, including any proposed demolition, within or affecting the setting of a conservation area will only be permitted where it will preserve or enhance those elements which contribute to the special character or appearance of the conservation area.

The Council will look for opportunities from new development within conservation areas and within the setting of heritage assets to enhance or better reveal their significance.

d) Archaeology

Scheduled monuments and other non-designated archaeological sites of equivalent significance should be preserved in situ. In those cases where this is not justifiable or feasible provision should be made for their excavation and recording. The appropriate publication and curation of the finds/archive will be required.

e) Registered Historic Parks and Gardens

Development will be expected to respect the design, character, appearance and settings of registered historic parks and gardens and to safeguard those features which contribute to their significance and are integral to their character and appearance.

f) Lansdown Registered Historic Battlefield

Development will be expected to respect the character, appearance and setting of the Lansdown battlefield, safeguarding those features which contribute to its significance.

g) Non-designated heritage assets

Proposals affecting non-designated heritage assets, including unscheduled archaeology, unlisted buildings and local parks and gardens, should ensure they are conserved having regard to their significance.

Where development viability assessments are required developers should demonstrate that the policy requirements, including to sustain and enhance the District's historic environment, have been considered and reflected in the land or site value.

233. Supplementary Planning Documents and Guidance and other relevant guidance should be referred to where appropriate to inform and support the submission of successful applications. It will also be used to guide decision-making on proposals for development, including:
- Bath World Heritage Site Management Plan (2015)
  - City of Bath World Heritage Site Setting SPD (August 2013)
  - Bath Building Heights Strategy (September 2010)
  - Bath City-wide Character Appraisal (August 2005)
  - Bath Shopfronts - guidelines for Design and Conservation (1993)
  - Public Realm and Movement Strategy (2010)

- Bath Pattern Book (2015)
  - Bath Morphology Study (2015)
  - Archaeology in Bath & North East Somerset SPG (May 2004)
  - Archaeology in Bath SPG (May 2004).
  - Conservation Area Character Appraisals
  - Streetscape Manual SPD (April 2005)
  - Energy Efficiency & Renewable Energy Guidance for Listed Buildings and Undesignated Historic Buildings (September 2013)
  - Parish Character Assessments
234. Other important sources of information include:
- The National Heritage List for England
  - The Council's Historic Environment Record (HER)
  - The 'Heritage at Risk' register
  - In-house and local knowledge and expertise, including that provided by Historic England

## **Somersetshire Coal Canal and the Wansdyke**

235. The Somersetshire Coal Canal and the Wansdyke earthwork are two important linear historic assets in Bath and North East Somerset.
236. The Wansdyke is a nationally important and is one of the most significant historical features within the area and is a Scheduled Monument. There is no clear evidence about the origin or purpose of the Wansdyke however this earthwork starts at the Maes Knoll hill fort and runs to Horsecombe to the south of Bath. Some sections are clearly visible above the ground.
237. The remains of the Somersetshire Coal Canal are a significant reminder of the District's coal mining history. The canal was constructed between 1795 and 1801 to link the North Somerset coalfields with the Kennet and Avon Canal. The primary functional boundaries of the Canal, and the extent of the Canal Company's ownership, are recorded on the 1841 series of Tithe Maps held at Bath Record Office, The Guildhall, Bath. The main branch followed the Cam valley from north of Paulton to the Dundas Aqueduct and served the coal fields around Paulton, Timsbury, Camerton and Dunkerton. It was used until the end of the 19<sup>th</sup> century, by which time it had been superseded by the railway. The surviving locks and bridges on the Northern Branch are nationally listed heritage assets, and many are considered to be At Risk.
238. Whilst these historic assets would benefit from the provisions of Core Strategy Policy CP6 and Policy HE1 above, the importance of these linear routes are highlighted in a separate policy and are defined on the Policies Map with a buffer to catch the widest point of the assets.

239. These linear historic assets are key components of wider multifunctional green corridors highlighted in the Green Infrastructure Strategy 2013 and therefore also need consideration under Green Infrastructure Policy NE1. The Council will encourage the appropriate management of these heritage assets and those elements most at risk, and will support proposals that seek to conserve and enhance their significance.

## **POLICY HE2: SOMERSETSHIRE COAL CANAL AND THE WANSDYKE**

Development adversely affecting the physical remains and/or historic routes of the Wansdyke or Somersetshire Coal Canal, as defined on the Policies Map, and/or their setting, will not be permitted unless it can demonstrate appropriate mitigation and/or enhancement consistent with Policy HE 1.

For the section of the Wansdyke lying within the Land adjoining Odd Down, Bath Strategic Site Allocation, Policy B3a will also apply.

## **LANDSCAPE**

240. The landscape forms the context for people's lives. Its character and quality is key to maintaining a strong sense of place which is an important objective in the National Planning Policy Framework (NPPF). The ELC provides the context for developing a vision for the landscape and for managing it. It promotes the protection, planning and management of all landscapes whether urban, edge of settlement or rural, and whether ordinary / degraded or outstanding and whether designated or not.

### **Policy context**

241. The NPPF requires local authorities to take a criteria based approach to protecting the landscape. This approach requires an understanding of landscapes that are valued and an understanding of the significance of particular landscapes and their components rather than just carrying out a crude check whether the landscape is designated or not. The established process of landscape character assessment is the key tool for guiding decisions.
242. The NPPF stresses that great weight should be given to conserving the landscape and scenic beauty of the two Areas of Outstanding Natural Beauty (AONBs) and that major development in these nationally designated areas will be refused except in exceptional circumstances. Outside of these designated areas the impact of development on the landscape can be an important material consideration. The NPPF also states that allocations of land should favour land of lesser environmental value and that the planning system should protect and enhance valued landscapes. Decisions affecting the landscape and



views will therefore be judged not only on its designation but also on the value and the significance of the landscape and its features and the degree of harm caused by the proposed development.

243. Core Strategy Policy CP6 ‘Environmental Quality’ seeks to conserve and enhance the distinctive character and quality of the District’s distinctive urban and rural landscape. Policy NE2 provides a more detailed policy framework to ensure landscape character and quality is protected, conserved and enhanced across the District. Policy NE2A specifically focuses on conserving and enhancing the landscape setting of settlements of Bath and North East Somerset.

### **Conserving and enhancing the landscape and landscape character (Policy NE2)**

244. The District has a distinct character which is cherished by residents and visitors. Recognition of the special characteristics of cultural, social and environmental significance often referred to as ‘the sense of place’ or ‘spirit of the place’ is an important objective when considering development proposals. New development will be expected to reinforce the local landscape character and make a positive contribution to views.
245. Key areas, characteristics and features of particular value to the distinct landscape character of Bath and North East Somerset comprise:
- i. Designated areas including:
    - *The City of Bath World Heritage Site and its setting*
    - *Mendip Hills and Cotswolds Areas of Outstanding Natural Beauty*
    - *Registered Historic Parks & Gardens*
    - *Conservation Areas*
    - *Historic parks and gardens of local importance*
  - ii. Aspects of landscape character and associated characteristics listed in Table 6 (below)
  - iii. Networks of green spaces and environmental features
246. Some of the key elements which contribute to the District’s distinct character are listed in **Table 6**.

Table 6: Key factors which contribute to the District’s distinct character

This list is not intended to be fully comprehensive.

**1 NATURAL FACTORS** including:

- distinct landform / geomorphology / geology particularly that which helps to define a place such as river valleys / drainage patterns,
- plateaus, skylines (treed, farmland or open space) and ridge lines, distinctive hills such as at Kelston Roundhill or Farmborough Common, and areas of coal bearing rocks;

- river corridors and natural water bodies including associated trees, woodland, farmland and open space;
  - natural landmarks;
  - distinct land cover or natural habitat including landscapes important for wildlife such as traditional flower-rich meadows, wetlands, trees and woodlands.
- 2. CULTURAL AND HUMAN FACTORS** including:
- man-made landmarks and distinctive landscapes modified by human activity such as coal batches;
  - historic earthworks;
  - follies;
  - water bodies including ponds, lakes and canals including associated trees, woodland, farmland and open space;
  - copses, orchards, tree-lines and woodlands;
  - parkland and parkland trees;
  - historic landscapes and distinctive historic hedgerow patterns and field and ditch systems;
  - disused quarries, railway lines, coal canals and other industrial archaeological features;
  - settlements and distinctive settlement patterns strongly associated with underlying or surrounding landscape and natural resources; the designed or incidental landscape associated with or forming the setting of heritage assets;)
  - culturally / historically significant landscapes such as landscapes associated with literature, art or historical events;
  - landscapes associated with events such as fairgrounds, traditional village greens;
  - greenways and other ancient routes;
  - landscapes with specific landscape quality, condition or aesthetic qualities.
- 3. VISUAL AND PERCEPTUAL FACTORS** including:
- special views, viewpoints and visual characteristics (e.g. sequential views);
  - open spaces within settlements which are visually distinctive and attractive in themselves or which are visually important to the local character of the settlement or local area;
  - tranquillity;
  - landscapes with significant associations;
  - significant perceptual factors such as colour, texture, form and pattern.

For more detail refer to 'An Approach to Landscape Character Assessment' (Natural England) October 2014 and other guidance and best practice examples.

247. Proposals for new development should demonstrate an understanding of the wider landscape context including identifying important landscape, heritage and ecological assets on and surrounding the site

and should take account of what the community considers as valued landscape characteristics and features. Proposals should include an assessment of the landscape and visual effects to a level commensurate to the scale of likely effects using the Guidelines for Landscape and Visual Impact Assessment, 3rd edition (2013) or any subsequent updated guidelines and best practice. Applicants are expected to make full use of available guidance and documents including existing landscape character assessments and relevant planning guidance, management plans, conservation area appraisals and neighbourhood plans (see list at the end of the section).

248. Green space is a key contributor in enhancing the sense of place and the quality of the environment and will be expected to be incorporated into development proposals in order to enhance landscape character and biodiversity, to provide sustainable public access and to provide other landscape benefits such as shading and shelter.

249. The purpose of Policy NE2 is to protect, conserve and enhance the character and quality of the landscape of the District.

249a. **The Cotswold and Mendip Hills AONB Management Plans set out the managing body's policy for the management of the AONB and the carrying out of their functions in relation to it. The Countryside and Rights of Way (CRoW) Act 2000, Section 85 places a statutory duty on all relevant authorities to have regard to conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty.**

## POLICY NE2: CONSERVING AND ENHANCING THE LANDSCAPE AND LANDSCAPE CHARACTER

1. Development will be permitted where it:
  - a) conserves or enhances local landscape character, landscape features and local distinctiveness
  - b) incorporates green space within the scheme that positively contributes to creating a high quality environment by enhancing landscape character and biodiversity and providing sustainable public access and other landscape benefits
  - c) is demonstrated that the whole scheme, including hard landscape and planting proposals, will contribute positively to the local area including reference to relevant existing landscape assessments supplemented by any additional assessments
  - d) conserves or enhances important views particularly those to significant landmarks and features and take opportunities to create new local views and vistas.
2. Development should seek to avoid or adequately mitigate any adverse

impact on landscape.

3. Proposals with potential to impact on the landscape / townscape character of an area or on views should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner to inform the design and location of any new development.
4. **Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.**

### **Landscape setting of settlements (Policy NE2A)**

250. Settlements often have distinctive landscape settings which not only contribute to their distinctive character and quality but which are also highly valued reflecting their significance as places where people live and work. In many cases these areas may have memories and associations stretching back generations. They are often vulnerable and it is an important objective to protect their character when considering development proposals. Landscape setting in the context of this policy is taken to include the surroundings of the settlement as well as undeveloped or well 'treed' areas which may be within the settlement and are important to the context of the developed areas.
251. The largest settlements in B&NES all have very distinctive landscape settings. Many villages similarly have distinctive landscape settings which are closely linked to their settlement patterns.
252. There is on-going need for further development; in particular for housing which is primarily focussed on the larger settlements, but, also in the villages throughout B&NES. The purpose of Policy NE2A is to ensure the protection of key landscapes and landform, landmarks and views / viewpoints which particularly contribute to the landscape setting of settlements. The list of characteristics contributing to landscape character included in **Table 6** was used in identifying landscapes which are significant to settlements and their setting. Selected areas which have been assessed against and meet the criteria are shown on the Policies Map and will be afforded specific protection under the policy.
253. The methodology used in identifying these areas and descriptions of the landscape characteristics are given in separate background evidence to this policy. In general designated areas at Bath, Keynsham, Midsomer Norton, Westfield, Radstock and other settlements will be undeveloped landscapes (e.g. farmland, historic parkland, informal public open space) or areas with low density development which have the appearance of an overall wooded or heavily treed parkland landscape seen from within or approaching the settlement. They will both satisfy any or all of the criteria listed in Table 1 and contribute to the landscape setting of the settlement as outlined

below and in the supporting evidence. These areas may form the surrounding landscape and visual setting to a settlement or be contained within settlements. Areas included may be in public or private ownership and may or may not have public access.

### **Landscape Setting of Bath**

254. The City of Bath World Heritage Site (WHS) Setting SPD recognises the importance of the distinctive landscape setting of Bath in a bowl formed by the River Avon valley as it cuts through the Cotswolds. Policy NE2A protects the landscape which is of importance to the distinct form and character of the city including; the green hillsides which contribute to views from the city, the River Avon and Kennet & Avon Canal corridors and the outer part of the landscape bowl which contains the city.
255. These areas are an important component of the landscape and as such may include areas which are important to the significance of the WHS and areas which are of significance to the Cotswold Area of Outstanding Natural Beauty. Core Strategy Policy B4 is the overarching policy for protection of the WHS and its setting and should be read in conjunction with this Policy NE2A.
256. The green spaces within the settlement and the hillsides include those areas which make a significant contribution to views and / or to the character of the city and are largely undeveloped woodland, farmland or parkland / public open space but also include areas of low density development which give the appearance of woodland or heavily treed parkland. Undeveloped skylines (usually wooded) are an important component which the policy seeks to protect from development encroachment on or close to the skyline when seen from within the City and views from key viewpoints and assets. The hillsides include those areas originally mapped in the City of Bath World Heritage Site Setting SPD and subsequently reviewed to include areas forming the landform bowl surrounding the city which are of importance in preventing the creep of built development down the slopes and out of the containing bowl. The river and canal corridors include the course of the waterways themselves as well as the associated green corridor and open spaces along their route. Trees and views to trees along the corridor are an important characteristic which the policy seeks to protect and enhance.

### **Landscape Setting of Keynsham**

257. The town of Keynsham has grown up at the point where the River Chew meets the River Avon. Over time the town has spread away from the flood plain and marshy land beside the River Avon, developing southwards on the plateau land either side of the distinctive and beautiful Chew valley. The valley is largely undeveloped and runs through the heart of the town. The policy includes protection of the Chew Valley, areas of community woodland, west facing slopes on the

western edge of the town and lower lying parts of the Avon valley which contribute to the setting of Keynsham.

### **Landscape Setting of Radstock, Westfield, Midsomer Norton**

258. The towns of Radstock, Westfield and Midsomer Norton have grown up in and around the highly distinctive confluence of five valleys and are also defined by the coal industry and the local coal field which contributes to their unique character. Predominantly the developed areas follow the more sheltered and shallow valley sides and also the intervening, lower level, narrow ridge tops between the brooks. The higher level valley sides and ridge/plateau tops surrounding the towns have remained largely undeveloped apart from the nearby hamlet of Haydon associated with its mine. The policy includes protection of the distinct landform and landscape associated with watercourses and with the coal mining history and the green hillsides which contribute to the landscape setting of these settlements.

## Landscape Setting of Villages

259. The landscape setting of the RA1 villages has also been assessed. The diversity of factors which help to give the villages their distinctive sense of place is reflected in the varying extent and nature of their landscape setting. The villages of Paulton and Peasedown St. John, for example, are both ridge top settlements with a particular association with coal mining. Both villages have maintained their predominantly ridge top nature, both look out over the attractive valleys of the Cam and Wellow Brooks and these are of particular visual importance and both have associations with particular nearby wooded coal batches. The particular nuances of ridge top and valley landform, the particular locations and shapes of the batches and the particular nature of the field patterns and woodlands, networks of roads and paths all vary giving each settlement its specific character. In other villages landform may be less of a factor in determining the nature of the village as a place while other factors may be more important in contributing to the landscape setting of these settlements.
260. The purpose of Policy NE2A is to protect, conserve and enhance the landscape setting of settlements. Areas which make a significant contribution to the landscape setting of Bath, Radstock, Westfield, Midsomer Norton, Keynsham and RA1 villages are shown on the Policies Map.

### POLICY NE2A: LANDSCAPE 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 adverse impact to the landscape setting of settlements that cannot be adequately mitigated will not be permitted.

261. National and local guidance to inform development proposals and to guide decision-making includes:

#### **National**

- An Approach to Landscape Character Assessment, Natural England (October 2014)
- National Character Area Profiles areas 107, 118 and 141 Natural England
- CPRE Tranquillity Map
- The Natural Choice: securing the value of nature DEFRA (June 2011)
- European Landscape Convention Guidance Natural England (April 2009)

#### **Local**

- Mendip Hills and Cotswolds Area of Outstanding Natural Beauty Management Plans, Position Statements and landscape character assessments

- Rural Landscapes of Bath and North East Somerset - A Landscape Character Assessment (April 2003)
- Conservation Area Appraisals
- Bath City-wide Character Appraisal (August 2005)
- The City of Bath World Heritage Site Setting SPD (August 2013)
- The City of Bath World Heritage Site Statement of Outstanding Universal Value
- City of Bath World Heritage Site Attributes
- The City of Bath World Heritage Site Management Plan
- Landscape Setting Methodology and Evidence
- Bath and North East Somerset Green Infrastructure Strategy (March 2013)

### **Extension of residential curtilages in the countryside**

262. Many existing dwellings in the countryside outside Bath and settlements with a defined Housing Development Boundary provide attractive homes for people seeking a rural location. Proposals to alter or extend dwellings and carry out minor domestic development will be assessed within the terms of design policies and in the case of existing dwellings in the Green Belt, paragraph 89 would apply.
263. Policy NE2B provides specific control over the enlargement of residential curtilages. Such enlargement can, depending on the circumstances, have a detrimental effect on the special landscape qualities and character of the area and lead to 'suburbanisation' of the countryside. In the Green Belt such schemes can conflict with the purposes of this national designation.

#### **POLICY NE2B: EXTENSION OF RESIDENTIAL GARDENS IN THE COUNTRYSIDE**

Proposals to extend residential garden land will be permitted provided it can be demonstrated that there are no adverse impacts on the setting of the site or property, residential amenity, local rural landscape character, key habitat features and/or ecological functions and that the proposed boundary treatment is sympathetic to the location and that there is no conflict with Green Belt policy.

### **NATURE CONSERVATION**

264. The NPPF expects local planning authorities to include criteria based policies in their Local Plan against which the impact of development proposals on or affecting protected biodiversity and geodiversity can be considered. It also requires distinctions to be made between the hierarchy of international, national and locally designated sites. This is so that protection commensurate with their status and appropriate weight is given to their importance and the contribution that they make



to wider ecological networks. It also should plan for biodiversity at a landscape-scale across local authority boundaries.

265. Core Strategy Policy CP6 sets out the high level policy approach to the natural environment within which more detailed Development Management policies have been developed. It highlights the need to create a coherent network of more robust and resilient natural habitats, including larger protected sites and a greater extent and connectivity of natural habitats.
266. The Core Strategy also draws attention to the district's rich diversity of habitats, features and sites from international (Special Protection Areas/Special Areas of Conservation), national (Sites of Special Scientific Interest) and locally protected sites (Sites of Nature Conservation Interest).

### **Policy aims**

- *Conserve, enhance and restore the diversity and resilience of the wildlife and species and habitats in both urban and rural areas*
- *Provide for the appropriate management of the District's biodiversity and geodiversity assets through the planning process and partnership initiatives*
- *Ensure that a coherent network of wildlife corridors is retained and enhanced to facilitate migration through the landscape and built environment which can be incorporated into a broader Green Infrastructure network.*

### **Sites, species and habitats**

267. Policy seeks to conserve and increase the abundance and diversity of Bath and North East Somerset's wildlife habitats **and** species and to minimise adverse effects where conflicts of interest are unavoidable. It covers internationally, nationally, and locally important sites, species and habitats, as well as seeking to protect a range of natural features which are valuable for wildlife, amenity, historic, recreational or visual reasons and act as routes for wildlife migration. The policy articulates what is required of developers when submitting a planning application which either directly or indirectly affects wildlife sites or habitats.

POLICY NE3: Sites, **Habitats and Species** Species and Habitats

**Development resulting in significant harm to biodiversity will not be permitted. Harm to biodiversity must always first be avoided and minimised. Where avoidance of harm is not possible, mitigation, and as a last resort, compensation must be provided, to at least equivalent ecological value.**

**For designated sites and other important habitat, this means:**

1 Development that would adversely affect, directly or indirectly,

internationally **designated sites (such as RAMSAR) and sites within the National Sites Network (including new and existing SACs and SPAS)** or nationally protected species and/or their habitats will not be permitted **other than in exceptional circumstances where:**

- **There are no feasible alternative solutions that would be less damaging or avoid damage to the site.**
- **The proposal needs to be carried out for imperative reasons of overriding public interest.**
- **The necessary compensatory measures can be secured.**

2 Development that would adversely affect, directly or indirectly **nationally designated sites including SSSIs, Internationally Important Sites** will not be permitted except in exceptional circumstances where: **a) the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest** ~~a there is no alternative solution; and, b there are imperative reasons of overriding public interest for the development; and c~~ **b) mitigation measures can be secured to prevent any significant adverse effect on the site, including retention of existing habitat and vegetation in situ; and c) provision of replacement habitat creation and bespoke measures.**

3 Development **that** ~~which~~ would adversely affect, directly or indirectly other, species, habitats or features of biodiversity/geodiversity importance or value will only be permitted in the following cases:

~~a for Sites of Special Scientific Interest, where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;~~

**a b** for Sites of Nature Conservation Importance; Local Nature Reserves, Regionally Important Geological/ Geomorphological Sites and other sites of equivalent nature conservation value, where material considerations are sufficient to outweigh the local biological geological / geomorphological and community/amenity value of the site; **where impacts have been minimised; and where there are opportunities to replace and/or offset the loss to at least equivalent or greater ecological value**

**b c** for UK Priority Species and UK Priority Habitats **(not covered by Clause 4)**, where the importance of the development and its need for that particular location is sufficient to override the value of the species or habitat; **and where**

**impacts have been minimised; and where it can be demonstrated that it is possible to replace and/or offset the loss to at least equivalent or greater ecological value**

**c** ~~d~~ for locally important ~~species and~~ habitats, where the importance of the development and its need for that particular location is sufficient to override the value of the ~~species or~~ habitat;

**d** ~~e~~ for features of the landscape such as trees, copses, woodlands, grasslands, batches, ponds, roadside verges, veteran trees, hedgerows, walls, orchards, and watercourses and their corridors if they are of amenity, wildlife, or landscape value, or if they contribute to a wider network of habitats, where such features are retained and enhanced unless the loss of such features is unavoidable and material considerations outweigh the need to retain the features.

**4. Development is expected to protect and enhance irreplaceable habitats (within B&NES including (but not confined to) ancient woodlands; ancient and veteran trees; priority grasslands; or SAC bat habitat within juvenile sustenance's zones). Development negatively impacting irreplaceable habitat will not be permitted unless there are wholly exceptional circumstances\* and a suitable mitigation and compensation strategy is provided.**

**5.** 4-In all cases:

a Firstly, any harm to the nature conservation value of the site **should be avoided where possible before mitigation and as a last resort compensation are considered** ~~is minimised and~~

b secondly, compensatory provision of at least equal nature conservation value is made for any outstanding harm, and

c ~~Thirdly, ecological enhancements are made.~~ **Biodiversity Net Gain will be delivered and managed in perpetuity (minimum of 30 years) through the appropriate means e.g. a legal agreement**

~~Thirdly, ecological enhancements are made.~~

d Then, as appropriate:

i Measures for the protection and recovery of priority species are made.

ii Provision is made for the management of retained and created habitat features.

iii Site lighting details are designed to avoid harm to nature conservation interests; including habitat connectivity and function as part of an ecological

corridor.

**\*Note: wholly exceptional reasons mean, for example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.\***

**267a.The National Planning Policy Framework (NPPF) 2021 sets out that 'Planning policies and decisions should contribute to and enhance the natural and local environment by... minimising impact on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'**  
**'Enhancing biodiversity is integral to sustainable development, and BNG is an approach to embed and demonstrate biodiversity enhancement within development. It involves first avoiding and then minimising biodiversity loss as far as possible, and achieving measurable net gains that contribute towards local and strategic biodiversity priorities.'**  
**(CIRIA, C776a).**

**267b.Biodiversity Net Gain (BNG) is the achievement of measurable gains for biodiversity through new development and occurs when a development leaves biodiversity in a better state than before development. The Environment Bill proposes to introduce a 10% mandatory requirement for biodiversity net gain for certain development types, and will set out specific requirements, including use of different DEFRA metrics for major and minor schemes, and the requirement for long term habitat management plans for BNG habitats retained, created or enhanced.**

**267c.Prior to the mandatory BNG requirements coming into effect the Council's BNG policy will reflect the proposed mandatory measures, including use of the DEFRA metrics and emerging national guidance. The council will also seek use of the 10 BNG Good Practice Principles Biodiversity Net Gain: Good practice principles for development © CIEEM, CIRIA, IEMA, 2016**

**267d.Proposals for off-site BNG will be expected to demonstrate how they contribute to areas of significance for local nature recovery including enhancing, buffering or linking protected sites and/or contributions to the WENP Nature Recovery Network Policy NE5). Where there is evidence of deliberate neglect or damage to any of the habitats and species on a site before an application, their deteriorated condition will not be taken into consideration and the ecological potential and or previously recorded habitats of the site will be used to decide the acceptability of any development proposals.**

**267e.Work is progressing on the B&NES Biodiversity Supplementary Planning Document (SPD) setting out local requirements for delivering biodiversity net gain and opportunities to deliver biodiversity net gain**

on householder and exempted brownfield sites.

267f. It is proposed to take forward a requirement of 15% BNG within the full Local Plan Review.

### New Policy NE3a Biodiversity Net Gain

Development will only be permitted for major developments where a Biodiversity Net Gain of at least 10% is demonstrated and secured in perpetuity (at least 30 years) subject to the following requirements:

a The latest DEFRA metric or agreed equivalent is used to quantify the biodiversity value of the site pre-development, post-development after application of the mitigation hierarchy and for any off-site areas proposed for habitat creation or enhancement both pre- and post development.

b That the assessment be undertaken by a suitably qualified and/or experience ecologist and is submitted together with baseline and proposed habitat mapping in a digital format with the application.

c A management plan will be required, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored in perpetuity.

d Any off-site habitats created or enhanced are well located to maximise opportunities for local nature recovery.

For minor developments, development will only be permitted where no net loss and appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites metric or agreed equivalent.

Opportunities to secure Biodiversity Net Gain on householder developments and exempted brownfield sites will be supported.

### **Ecosystem Services**

268. The NPPF describes 'Ecosystem Services' as 'the benefits people obtain from ecosystems such as, food, water, flood and disease control and recreation'. It also highlights the role the planning system has in contributing to and enhancing the natural and local environment by recognising the wider benefits of ecosystem services.

269. The key ecosystems services that Policy NE4 is seeking to protect and enhance are supporting services, provisioning services, regulatory services and cultural services. The Millennium Ecosystem Assessment (2001 - 2005) summarises ecosystem services classification as follow:

**Supporting services:** The services that are necessary for the production of all other ecosystem services including soil formation,

photosynthesis, primary production, nutrient cycling and water cycling.

**Provisioning services:** The products obtained from ecosystems, including food, fibre, fuel, genetic resources, biochemicals, natural medicines, pharmaceuticals, ornamental resources and fresh water.

**Regulating services:** The benefits obtained from the regulation of ecosystem processes, including air quality regulation, climate regulation, water regulation, erosion regulation, water purification, disease regulation, pest regulation, pollination, natural hazard regulation.

**Cultural services:** The non-material benefits people obtain from ecosystems through spiritual enrichment, cognitive development, reflection, recreation and aesthetic experiences – thereby taking account of landscape values.

#### POLICY NE4: ECOSYSTEM SERVICES

- 1) Development will be permitted where ecosystem services are protected and enhanced in order that their benefits and function are optimised with a particular focus on supporting, provisioning, regulatory and cultural services.
- 2) Ecosystem measures proposed should be described in the Design and Access Statement and can be included within Green Infrastructure provision.

#### Ecological networks and Nature Recovery

270. One of the aims of the national strategy 'Biodiversity 2020' is to ensure coherent and resilient ecological networks are established. This will help enable biodiversity assets to recover from loss and become resilient to climate change impacts and deliver ecosystem services which are of social and economic value. It is important to maintain and improve habitat connectivity in ensuring the long-term survival of biodiversity in a changing climate and environment which has become fragmented by human activities. 'Ecological networks generally have five components<sup>7</sup>.

- Core areas of high nature conservation value which contain rare or important habitats or ecosystem services. They include protected wildlife sites and other semi-natural areas of high ecological quality.
- Corridors and 'stepping stones' enabling species to move between core areas. These can be made up of a number of small sites acting as 'stepping stones' or a mosaic of habitats that allows species to move and supports ecosystem functions.
- Restoration areas, where strategies are put in place to create high value areas (the 'core areas' of the future), restoring ecological functions and wildlife.
- Buffer zones that protect core areas, restoration areas, and 'stepping stones' from adverse impacts in the wider environment.

<sup>7</sup> Source: 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services', Defra (2011)

- Sustainable use areas, areas of surrounding land that are managed in a sustainable and wildlife friendly way.'

271. National planning policy requires that components of the local ecological networks are identified and mapped. This should include the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them. **Bath & North East Somerset is part of the West of England Nature Partnership (WENP) which has mapped a series of Nature Recovery Networks, focussed on grasslands, woodlands and waterways. These include the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones. These are the B&NES Ecological Networks.** Bath & North East Somerset's Ecological Networks comprises:

- ~~The Cotswolds Nature Improvement Area (NIA)~~
- ~~Strategic Nature Areas (SNAs)~~
- ~~Horseshoe Bat Foraging Corridor (Draft)~~
- ~~Protected Wildlife sites (Special Protection Areas, Special Areas of Conservation; Sites of Special Scientific Interest, Sites of Nature Conservation Interest, Local Nature Reserves)~~
- ~~UK Priority Habitats including conservation buffers/ restoration zones~~
- ~~Flood Zone 2~~
- ~~Local BAP Habitat (Post Industrial Sites)~~

**POLICY NE5: Ecological Networks and Nature Recovery**

Development proposals will be expected to demonstrate what **that a positive** contribution will be made to ~~ecological networks~~ **regional Nature Recovery Networks** as shown on the Policies Map **and for maintaining or creating local ecological networks** through habitat creation, protection, enhancement, restoration and/or management.

**Trees and Woodland Conservation**

272. Trees are an important part of our natural life support system: they have a vital role to play not just in the sustainability of our urban and rural areas, but as an important component of green infrastructure networks. They benefit:

- the local economy – creating potential for employment, providing a sustainable source of compost and biofuels and the raw materials for businesses, encouraging inward investment, bringing in tourism and adding value to property
- the local environment by reducing the effects of air pollution by removing sulphur dioxide, ozone, nitrogen oxides and particulates and reducing storm water run-off and soil erosion, acting as carbon sinks and producing oxygen; reducing energy

consumption through moderation of the local climate by providing shelter and shade and reducing glare, reflection and wind speeds. They can provide screening and privacy or emphasize views and architecture. They provide a wide range of wildlife habitats

- the health and wellbeing of our community – by providing shade from harmful ultra-violet radiation and improving the visual quality of our landscape and our sense of wellbeing. Studies have shown that the calming effect of trees can reduce stress levels and improve recovery time after surgery. Trees and woodlands provide opportunities for recreation and education

273. Much of the tree cover in the urban areas is in a critical condition and there is little or no replacement planting for over-mature trees in decline. Infill development has often reduced the space available for planting large tree species. In addition, new tree planting takes many years to mature. The management and retention of significant trees is therefore pressing.

274. Bath & North East Somerset has a duty under the Town and Country Planning Act 1990 to ensure tree and woodland preservation wherever it is appropriate. The Council will continue to protect trees and woodlands through Tree Preservation Orders (TPOs) as appropriate. There is also a level of protection afforded to trees in conservation areas (CAs). However there are many trees of value outside these designations and careful consideration should be given to the removal of any tree.

275. Applicants will be expected to refer to the latest British Standards BS 5837 best practice guidance which provides and recommendations on assessing the quality and contribution of trees on and adjacent to sites. The development of a trees and woodland strategy would further assist in providing more bespoke guidance to developers and other stakeholders in Bath & North East Somerset.

276. Policy NE6 seeks to protect the District's trees and woodland from the adverse impact of development by setting out criteria against which proposals will be assessed.

#### POLICY NE6: TREES AND WOODLAND CONSERVATION

- 1) Development will only be permitted where:
  - a) it seeks to avoid any adverse impact on trees and woodlands of wildlife, landscape, historic, amenity, productive or cultural value; and
  - b) it includes the appropriate retention and new planting of trees and woodlands; and
- 2) If it is demonstrated that an adverse impact on trees is unavoidable to allow for appropriate development, compensatory provision will be made in



accordance with guidance in the Planning Obligations SPD (or successor publication) on replacement tree planting.

- 3) Development proposals directly or indirectly affecting ancient woodland or **and** ancient trees **or veteran trees** will not be permitted.

277. Supplementary Planning Documents and Guidance and other relevant guidance will be used to guide decisions-making on proposals for development. **The Government is currently formulating its England Tree Strategy and has published The England Tree Action Plan (May 2021) which sets out the Government's vision for the treescape it wants to see by 2050 and policy actions to achieve it. The Forest of Avon Plan: A Tree and Woodland Strategy for the West of England was launched in June 2021 and B&NES as a West of England Nature Partnership partner is committed to its part in delivering the vision, goals and actions proposed in the strategy including through a B&NES Tree and Woodland Delivery Plan currently in preparation.**

**Other relevant guidance**This includes:

- Trees and Design Action Group (TDAG) best practice guides including **Trees, Planning and Development: A guide for Delivery (2021)** and Trees in the Townscape, a Guide for Decision Makers (2012)
- Green Infrastructure Strategy (March 2013)
- Planning Obligations SPD
- City of Bath World Heritage Site Setting SPD (August 2013)
- Conservation Area Statements and Appraisals

## Green Infrastructure

### Context

278. The concept of green infrastructure (GI) is now firmly embedded in national policy with the NPPF requiring local planning authorities to set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. It defines green infrastructure as *a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.*
279. The wider benefits of GI for B&NES are set out in the Council's Green Infrastructure Strategy **currently being updated** (see below). **The B&NES Green Space Strategy (2015-2029) includes green spaces within Bath and North East Somerset and set out standards for quantity, quality, and access to green spaces. The importance of GI is further highlighted in the B&NES Health and Wellbeing Strategy 2015-2019, with priority 1 being to 'Create healthy and**

sustainable places', with a key measure under this priority being access to high quality open and green spaces. The NHS and Public Health England are committed to driving a 'whole person' approach to health and considers the wider determinants of health and wellbeing, in which the natural environment plays an imperative role.

- 279a. B&NES Council has adopted the West of England Joint Green Infrastructure Strategy 2020-2030 (JGIS). The creation, maintenance, and enhancement of a GI network at a variety of spatial scales is central to nature recovery and the Council's commitments in relation to the ecological emergency. The nature-based solutions which flow from this include the following as set out in the WoE JGIS:
- supporting health and well-being and improving health equity. This includes improving mental and physical health, greater community cohesion and reduced social isolation,
  - mitigating and adapting to climate change, for example through natural flood management, through carefully designed SUDs within new developments and through tree and woodland planting
  - protecting, managing, and enhancing landscape character
  - reducing air and noise pollution
  - increasing the sustainability of food production
  - promoting economic growth, employment and skills improvement

280. ~~A well-designed, managed and integrated network of GI provides a wide range of direct and indirect benefits to people, places, and wildlife. Where this is linked with good public access and recreational opportunities it provides invaluable assets for development and supporting health, happy and vibrant local communities. In harnessing, sustaining managing the natural environment it will deliver services that are essential to quality of life. It will provide local solutions to mitigate and adapt to climate change. GI can also help local responses to sustainable travel, wildlife habitats, local food production, water management including use of sustainable drainage and conserving or enhancing sense of place, landscape character, historical and cultural features. It can deliver economic benefits and opportunities, assisting eco-tourism, business location and investment decisions.~~

281. B&NES already has a wealth of existing green assets including open green spaces, street trees and woodland, other natural habitats, recreational routes, historic landscape, allotments and waterways such as the Kennet and Avon canal. However, the concept of GI looks beyond existing designations, seeking opportunities to enhance the physical and functional connectivity of assets, and to extend the benefits for the community and make them much more accessible to people and wildlife.

282. B&NES Strategic GI network diagram (see Diagram 6) is illustrative and shows a strategic overview of existing GI assets and some of the key opportunities. In the rural areas the network is based around the key recreational routes, river corridors, existing networks of wildlife sites and Strategic Nature Areas (SNAs). SNAs represent the most important areas for the conservation, expansion and restoration of important habitats. The Strategic GI corridors indicate functioning networks for recreation and biodiversity. **GI networks and areas exist at a variety of spatial scales from the regional, West of England, to B&NES-wide, to local neighbourhoods and areas. GI does not distinguish between rural and urban but permeates everywhere.**
283. In urban areas the network is influenced by the existing urban form and function, but **and** GI links through and within urban areas are an integral part of creating **healthy and** sustainable communities. **The introduction of GI in urban areas has multiple economic, health and environmental benefits. Urban street planting provides shade and shelter and reduces the risk of heat island effects. Urban trees can play a significant part in removing particulate matter from the air and even having an indirect interaction with nature, such as viewing trees or the countryside through windows, has been associated with lower blood pressure.** Existing GI assets **and networks (including the nature recovery network, hydrological network and sustainable movement network)** need to be protected and enhanced to achieve their full value at local and ~~D~~**district and regional** levels. The River corridor through Bath and beyond is a key GI asset that requires a "whole river" approach to realise its full potential as a multifunctional green corridor. The Placemaking Plan will set out how new developments can contribute effectively to green infrastructure.

**Strategic GI projects within B&NES include:**

**283a. Bath River Line: The River corridor through Bath and beyond is a key GI asset that requires a "whole river" approach to realise its full potential as a multifunctional green corridor. The Bath River Line will provide a high-quality walking and cycling route between Newbridge and Batheaston connecting adjacent communities. It will protect and enhance the natural environment, resorting habitats and biodiversity. Bath River Line will provide spaces for all to enjoy whilst invigorating the local economy and providing new opportunities for tourism. It will celebrate the unique built heritage and landscape character of the city, providing a strong sense of place and enhancing the setting of the World Heritage Site.**

**283b. Bathscape: The Bathscape Scheme aims to restore and enhance the complex landscape of Bathscape (essentially its woodlands and calcareous grasslands), make it more accessible and help ensure it is appreciated and actively enjoyed by more**

people in Bath, both residents and visitors alike. The programme is helping to develop Bath and the Bathscape as a Landscape City – developing understanding of the landscape as both fundamental to the WHS designation and to every aspect of life and work in the City.

283c.Somer Valley Rediscovered: This partnership project aims to improve biodiversity and, by increasing people’s connections to nature, improve their health and wellbeing. Projects include providing better access to greenspace, habitat restoration, setting up volunteer networks to manage sites and a programme of events to intrigue and inspire people to enjoy and value their local natural spaces. The project area includes Radstock, Midsomer Norton and Westfield, the large villages of Paulton and Peasedown St John and surrounding countryside and smaller villages. It is an area that has been profoundly influenced by the former coal mining industry.

283d.WaterSpace Connected – from Dundas to Avonmouth: This is partnership project covering the Local Authority areas of B&NES and Bristol. It is in development, and expands on the successful B&NES WaterSpace study and project area. The Bath River Line is a flagship B&NES Waterspace project. Waterspace focusses on the themes of water quality & environmental enhancement; recreation and leisure; assets and asset management; mooring strategy and navigation; regeneration & development

283e.River Chew Reconnected: A partnership project covering the River Chew sub-catchment between the Mendip Hills and Keynsham. It is currently in development and will focus on nature recovery, natural flood management, and health & wellbeing through sustainable movement networks.

283f.AONB Link: This is a partnership project in development to connect the National Landscapes of the Cotswolds and Mendip Hills and linking with Bathscape,

284. The Council’s adopted Green Infrastructure Strategy was developed within the sub-regional context now covered by the WoE JGIS, to ensure that cross-boundary GI issues are addressed. As well as identifying the existing network, assets and opportunities for the improvement and creation of new GI, the Green Infrastructure Strategy will ensure that GI is delivered, maintained and managed sustainably and creatively well into the future. Core GI B&NES-wide principles are set out in Policy CP7.

## POLICY CP7 GREEN INFRASTRUCTURE

The integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure (GI) network will be protected, enhanced and managed.

Opportunities will be taken to connect with, improve and extend the network. Existing and new GI must be planned, delivered and managed as **a key delivery mechanism for nature recovery and** an integral part of creating **healthy and** sustainable communities.

#### Delivery

The Council has a central role in the provision, delivery and planning of GI through its role as local planning authority and direct provider of significant areas of open spaces. It will also work in partnership with key public and private bodies, local communities and the voluntary sector to protect and enhance the GI network and ensure a strategic approach is taken.

**The Bath River Line is a strategic green infrastructure project which will provide a high-quality walking and cycling route between Newbridge to Batheaston. It will protect and enhance the natural environment and will provide spaces for all as part of a wider network of green infrastructure. Development proposals must, where possible, take the opportunity to connect into and enhance the Bath River Line walking and cycling route safeguarded under Policy ST2A. The Bath River Line is subject to a number of policies within the Local Plan including NE1, NE3 and B1.**

The impact of new development on GI will be assessed through the Development Management process. The **WoE JGIS and B&NES** Council's adopted GI Strategy sets out further guidance as to how GI principles should be applied to development proposals including provision of major infrastructure improvements. Delivery will also be through the planning process by integrating green infrastructure principles into the Placemaking Plan and other Local Plan documents.

## Context

285. Core Strategy Policy CP7 'Green Infrastructure' already sets out a requirement to protect and enhance a strategic green infrastructure network across the district. Policy CP13 Infrastructure seeks to ensure that all new developments are supported by the necessary infrastructure, including green infrastructure.

286. This part of the plan provides the mechanism to develop a more detailed policy framework, setting out clear requirements for developers to ensure that GI is delivered as part of the growth in the district.

GI is a key component of **healthy and** sustainable development, fundamental to creating successful, **vibrant and healthy** places and should be central to the design of new developments. The GI approach requires an assessment of existing GI assets within and adjoining the development site and assessment of the function the site provides within and its linkages to, the wider GI network. This should bring together the more specific assessment based information already required to comply with a whole range of related policies (including

landscape, ecology, ecosystem services, built heritage, outdoor access and recreation (e.g. cycling and walking), green spaces, Sustainable urban Drainage Systems(SuD)s, trees and woodlands, climate change, local food **production** etc.). The purpose of this is to generate a multifunctional, **and** connected **Green Infrastructure, focussed on nature recovery** and **with** added value **nature-based solutions** to achieve multiple environmental, social and economic benefits.

287. The GI **Green Infrastructure** principles, **which include increasing the awareness of the wider benefits (nature-based solutions) that a healthy natural environment can provide, and** the delivery aims and objectives, **which include a range of nature-based solutions such as healthy lifestyles, respecting and enhancing the local landscape, and natural climate change solutions,** set out in the Green Infrastructure Strategy need to be embedded in development proposals of all scales. The Council is maintaining a working base of green infrastructure asset and opportunity maps at strategic, urban and parish/ward scales, and developers can use these and State of the Environment mapping (2015) being undertaken by the West of England Nature Partnership (WENP), as a starting point for GI assessments. For the purposes of the Placemaking Plan:
- ~~— **Strategic Green Infrastructure Corridors** are made up of the 'project sites' identified in the Green Infrastructure Strategy, strategic GI features (e.g. off-road national cycle routes, promoted footpaths) and ecological networks. Strategic GI corridors are shown on the Policies Map. The ambition for the Placemaking Plan is to protect the value, integrity and to facilitate the multi-functional benefits of these strategic corridors.~~
  - ~~— **Green Infrastructure assets** comprise open spaces; parks and gardens; allotments; woodlands, street trees, green roofs, fields, ponds, meadows as well as 'green'/ off road footpaths; cycleways and waterways. Basic GI asset maps will be provided on the Council's website. These will provide the broad context and starting point for the production of detailed GI asset plans required by Policy NE1. The ambition for the Placemaking Plan is to increase the benefit and connectivity of these assets.~~
288. More details will be made available on the Green Infrastructure webpages [www.bathnes.gov.uk/greeninfrastructure](http://www.bathnes.gov.uk/greeninfrastructure).
289. Policy NE1 seeks to ensure every opportunity is taken to safeguard and enhance the GI network through development proposals.



## POLICY NE1: DEVELOPMENT AND GREEN INFRASTRUCTURE

1. ~~Within the context of Policy GP7 d~~Development will be permitted provided:
  - a) it can be demonstrated that **the proposed development design will maximise opportunities for effective and functional** ~~have been maximised to design~~ Green Infrastructure (GI) **focussing on the use of nature based solutions to deliver community benefits** ~~into the proposed development;~~
  - b) it does not adversely affect the integrity and value of strategic GI corridors;
  - c) the scheme makes a positive contribution to the GI network through the creation, enhancement and management of new, and existing GI assets, **linking to active travel routes where feasible to improve accessibility and where possible creating or enhancing linkages with existing or in-development strategic GI projects;** and
2. Proposals for major developments should also be accompanied by:
  - a) a plan of the existing green infrastructure assets within and around the development site; and
  - b) a GI “proposal” demonstrating how GI has been incorporated into the scheme in order to increase function and improve connectivity of GI assets, **demonstrate the delivery of a range of nature-based solutions and** ~~including~~ links to existing the local and strategic networks **and providing new connections between existing and/or new linear wildlife habitats.**
3. Developers will be required to address GI in any submitted site Masterplan which as a minimum fulfils the requirements of clauses 1) and 2) above.

291. Developers will be expected to provide sufficient information with their application to ensure Green Infrastructure has been properly considered in drawing up a scheme. The Design and Access Statement will be amended to include Green Infrastructure.

## GREEN BELT

292. Green Belts are designated primarily in order to prevent urban sprawl by keeping land permanently open. As such they help to shape patterns of urban development, protect the countryside and provide opportunities for outdoor sport and recreation. Within B&NES the Green Belt also plays a vital role in maintaining the setting of the World Heritage Site of Bath and the surrounding villages. It is also important in preventing the coalescence of these villages with the city.



293. The purposes and objectives of Green Belt within B&NES are summarised below and generally reflect advice set out in national policy.
294. Core Policy CP8 conforms with national policy which also states that the general extent and detailed boundaries of the Green Belt should be altered only exceptionally. The Core Strategy retains the general extent of the Green Belt in B&NES other than the removal of land from the Green Belt for development on the edge of Bath and Keynsham and at Whitchurch as set out in Policy DW1 and Policies B3A, KE3A, KE3B, KE4 and RA5. The Placemaking Plan provides the opportunity for a review of the inner detailed boundary, such as to address anomalies. In accordance with the NPPF Green Belt boundaries will only be altered in exceptional circumstances.
295. In altering the Green Belt and allocating strategic sites for development and in response to the NPPF paragraph 85, the need to identify safeguarded land to meet longer term development requirements has been considered. At Odd Down on the edge of Bath environmental sensitivity means that there is no scope to identify safeguarded land. It is also considered there is no scope to identify safeguarded land at south west Keynsham. However, land is safeguarded for development East of Keynsham. At Whitchurch the need for and scope to identify safeguarded land will be considered as part of the Core Strategy review.
296. In light of the opportunities for development in the plan period, most of the urban area of Keynsham continues to be excluded from the Green Belt and a revised inner boundary is defined on the Policies Map. There are a number of villages which meet the requirements of national policy in the NPPF and continue to be excluded from the Green Belt as established in the Bath & North East Somerset Local Plan. Given the overall level of housing required during the plan period and the spatial strategy for meeting this requirement it is not considered that exceptional circumstances exist to warrant changing the Inset boundaries for these villages. Some sites may come forward in the Green Belt under the Government's proposals for Community Right to Build.

#### **POLICY CP8 GREEN BELT**

The general extent of the Green Belt is set out on the Core Strategy Key Diagram. The detailed boundaries and inset villages are defined on the Policies Map. The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy.

#### **Delivery:**

Delivery will be through the Development Management process. The Existing Buildings in the Green Belt SPD will continue to guide decisions on proposals within the Green Belt.

**Table 8 – Bristol/Bath Green Belt within Bath and North East Somerset**

Bristol/Bath Green Belt within Bath and North East Somerset	
<p>Purposes of including land in the Green Belt:</p> <ol style="list-style-type: none"> <li>1. To check the unrestricted sprawl of Bath and Bristol.</li> <li>2. to prevent the merging of Bristol, Keynsham, Saltford and Bath.</li> <li>3. To assist in safeguarding the countryside from encroachment.</li> <li>4. To preserve the setting and special character of Bath.</li> <li>5. To assist in urban regeneration of Bath and Bristol by encouraging the recycling of derelict and other urban land.</li> </ol> <p>To preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt.</p>	<p>Objectives for the use of land in the Green Belt:</p> <ol style="list-style-type: none"> <li>1. To provide opportunities for access to the open countryside for the urban populations of Bath, Bristol, Keynsham and Norton Radstock.</li> <li>2. To provide opportunities for outdoor sport and outdoor recreation near Bath, Bristol and Keynsham.</li> <li>3. To retain attractive landscapes and enhance landscapes.</li> <li>4. To improve damaged or derelict land.</li> <li>5. To secure nature conservation interests.</li> </ol> <p>to retain land in agricultural, forestry and related uses.</p>

### **Detailed Green Belt boundary**

297. The Core Strategy sets out the strategic approach to the Green Belt through Policy CP8 to reflect national policy. As a significant proportion of the District lies within designated Green Belt development needs to be carefully managed and only appropriate uses may be permitted, unless very special circumstances can be demonstrated where the harm by reasons of inappropriateness, to the openness and the purposes of the Green Belt is clearly outweighed by other considerations.

#### **Policy Aims**

- *Ensure that the Green Belt is protected from inappropriate development and kept permanently open*

298. Through the Core Strategy it has been established that there are no exceptional circumstances to warrant altering the Green Belt boundary to provide for development opportunities other than at the four allocated Strategic Sites.

299. It is still Government policy to apply strict control to development in Green Belts and the NPPF states that the construction of new buildings in the Green Belt should be regarded as inappropriate. Exceptions to this include 'previously developed sites' (NPPF, para 89). As there is no longer a requirement to define the boundary of a major existing developed

site (MEDS) in the Green Belt (within which development would be acceptable), the MEDS boundaries previously defined by the B&NES Local Plan (2007) have been removed.

## Visual amenities of the Green Belt

300. The NPPF asks local planning authorities to retain and enhance visual amenity. On the basis that there is little guidance in national policy on safeguarding visual amenity of the Green Belt it is important that the current level of policy protection is maintained through Policy GB1.

### POLICY GB1: VISUAL AMENITIES OF THE GREEN BELT

Development within or conspicuous from the Green Belt should not prejudice but seek to enhance the visual amenities of the Green Belt by reason of its siting, design or materials used for its construction.

## Development in villages within the Green Belt

301. There are a number of settlements in the District that are washed over by the Green Belt. ~~These area:~~ The following that have been identified to be a village and have a defined infill boundary are:

***Burnett, Chelwood, Chew Magna, Chew Stoke, Claverton, Combe Hay, Compton Dando, Corston, Dunkerton, Englishcombe, Freshford, Hinton Charterhouse, Kelston, Marksbury, Monkton Combe, Newton St. Loe, North Stoke, Norton Malreward, Pensford, Priston, Queen Charlton, Shoscombe, South Stoke, Stanton Drew (including Upper Stanton Drew and Highfields), Stanton Prior, Tunley, Upper Swainswick, Wellow and Woolley.***

302. The NPPF confirms that although the construction of new buildings is regarded as inappropriate development in Green Belt, limited infilling in villages is considered an exception to this policy. The Core Strategy defines 'infilling' ~~in relation to housing~~ as the filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage, the plot generally being surrounded on at least three sides by developed sites or roads.

**302a.As the NPPF confirms that infilling in villages within the Green Belt is not regarded as inappropriate development, infill boundaries were defined in consultation with parish councils for all villages washed over by the Green Belt. Infill boundaries have been defined so as to encompass all parts of the village where there are opportunities for infill development and to exclude those areas where development would not be infill. As such the infill boundaries define the areas where infill development that meets the definition in the Core Strategy would be acceptable in principle to help to avoid dispute over whether particular sites are covered by infill policies**

**and provide certainty as to where new buildings would be acceptable in Green Belt settlements, subject to other material considerations.**

303. ~~There is no longer any specific reference to the need to define ‘infill boundaries’ or distinction made between residential and other developments in this context. Nevertheless, Housing Development Boundaries continue to be defined for those washed over Green Belt villages in which infilling for housing development would be acceptable and to help avoid dispute over whether particular sites are covered by infill policies and provide certainty as to where residential development would be acceptable in Green Belt settlements.~~

**POLICY GB2 DEVELOPMENT IN GREEN BELT VILLAGES**

Development **New buildings** in villages in the Green Belt will not be permitted unless it is limited to infilling and **the proposal is located within the defined Infill Boundary.** ~~in the case of residential development the proposal is within the defined Housing Development Boundary.~~

**Extensions and alterations to buildings in the Green Belt**

304. The NPPF will allow as an exception to Green Belt the extension or alteration of a building in the Green Belt, not just dwellings, provided that it does not result in disproportionate additions over and above the size of the original building.
305. However, given the significant number of householder applications in the Green Belt the Council feels justified in continuing the approach that where planning permission is required to extend buildings a balance should be taken between the accommodation needs of householders and business against the desire to avoid the gradual erosion of the countryside and identity and character of settlements, contrary to the purposes of the Green Belt.
306. The Existing Dwellings in the Green Belt SPD (2008) provides further information and guidance on the approach the Council will take in relation to extensions to dwellings in the Green Belt and the circumstances under which replacement dwellings will be acceptable. This SPD will need revising in the light of changes to national policy.

**POLICY GB3: EXTENSIONS AND ALTERATIONS TO BUILDINGS IN THE GREEN BELT**

Proposals to extend **or alter** a building in the Green Belt will only be permitted provided they would not represent a disproportionate addition over and above the size of the original building

## **Replacement buildings in the Green Belt**

307. NPPF also takes a more flexible approach than previous Local Plans have taken in considering proposals for the replacement or rebuilding existing dwellings in the Green Belt and will allow the replacement of a building (not just a dwelling), provided the new building is in the same use and not materially larger than the one it replaces.

## **POLLUTION, CONTAMINATION AND SAFETY**

308. The NPPF clarifies the specific responsibilities of the planning system; that it has a role to play in preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

### **Overarching policy aims**

- Minimise use of non-renewable resources and promote the reuse of existing structures and materials
- Minimise land contamination and soil degradation
- Minimise/mitigate against effects of pollution (e.g. Air quality, noise, land contamination, light, groundwater)
- Protect and enhance the quality of the underlying groundwater or surface water

### **Pollution and nuisance**

309. The control of pollution is governed by the Environmental Protection Act 1990 and related legislation. A number of regulatory authorities have a role in pollution control, principally the Environment Agency and Local Planning Authorities. Decisions will be determined in accordance with the relevant expert advice.

310. Policy PCS1 embodies the 'precautionary principle'. This requires that where there is significant risk of damage to the environment, pollution controls will take into account the need to prevent or limit harm, even where scientific knowledge is not conclusive. The principle applies particularly where there are good grounds for judging that action taken promptly at comparatively low cost may avoid more costly damage later, or that irreversible effects may follow if action is delayed.

### **POLICY PCS1: POLLUTION AND NUISANCE**

Development will only be permitted providing there is:

- 1) no unacceptable risk from existing or potential sources of pollution or nuisance on the development, or
- 2) no unacceptable risks of pollution to other existing or proposed land uses arising from the proposal

## Noise and vibration

311. The Planning system has a role in seeking to ensure that new noise sensitive development such as housing and schools is not located close to existing sources of noise, including industrial uses and noise generated by vehicles and other forms of transport that would lead to nuisance. Also it should ensure that potentially noise creating uses such as some industrial processes or some recreational activities are not located where they would be likely to cause nuisance. This approach is reflected in Policy PCS2.
312. The NPPF states that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. It should take account of the acoustic environment and in doing so consider:
- whether or not a significant adverse effect is occurring or likely to occur;
  - whether or not an adverse effect is occurring or likely to occur; and
  - whether or not a good standard of amenity can be achieved.
313. The Planning Practice Guidance also provides a wealth of guidance on dealing with noise related development and further information is available in the 'Explanatory Note to the Noise Policy Statement for England' (DEFRA).

### POLICY PCS2: NOISE AND VIBRATION

- 1) Development will only be permitted where it does not cause unacceptable increases in levels of noise and/or vibration that would have a significant adverse effect on health and quality of life, the natural or built environment or general amenity unless this can be minimised or mitigated to an acceptable level.
- 2) Noise-sensitive development should avoid locations wherever possible where the occupants would be subject to unacceptable levels of noise or vibration from an existing noise source.

## Air quality

314. There has been an increasing recognition that air pollution can be a cause of serious health problems, such as respiratory illnesses. In this respect air quality continues to be an issue for parts of the District and Air Quality Management Area (AQMAs) have been designated in Bath, Keynsham and Salford. Further information on these AQMAs is available on the Council's website:  
<http://www.bathnes.gov.uk/services/environment/pollution/air-quality>
315. Local Authorities are required under Part IV of the Environment Act 1995 to periodically review and assess the air quality in their area. Although the control of pollution is governed by other legislation,

planning has a role to play in separating potentially polluting land uses from other existing or proposed land uses and in ensuring that new development is not allowed where it would exacerbate already poor air quality conditions.

316. National Planning Guidance spells out the following matters that local authorities may need to consider:
- *the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments;*
  - *the impact of point sources of air pollution (pollution that originates from one place); and,*
  - *ways in which new development would be appropriate in locations where air quality is or likely to be a concern and not give rise to unacceptable risks from pollution. This could be through, for example, identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable.*
317. In considering the effects of the development on the local air quality, the Council will use the latest Government regulations and guidelines to determine the suitability of the proposal. Policy PCS3 seeks to ensure that the effects of a development on the local air quality are properly considered.
318. Latest guidance in the NPPF states that planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan. An Action Plan for Bath was prepared in 2011. The Council is also developing Action Plans for Keynsham and Saltford as they also have Air Quality Management Areas

#### **POLICY PCS3: AIR QUALITY**

- 1) Development will only be permitted where the proposal:
  - a) does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, health, the natural (in particular designated wildlife sites) or built environment or local amenity of existing or proposed uses from air polluting activities, or
  - b) is not located where it would be at unacceptable risk from, or be adversely affected by existing sources of odour, dust and /or other forms of air pollution
- 2) New development located within an Air Quality Management Area should be consistent with the local air quality action plan.

Where an air quality assessment is necessary to support an application, it should be proportionate to the nature and scale of development proposed and the level of concern about air quality.

## **Major hazards and hazardous substances**

319. The Planning (Hazardous Substances) Act, 1990 and National Planning Policy Guidance describe the role of the planning system in controlling the location and use of substances and processes which are potential hazards to public safety such as some industrial processes, gas pipelines and the storage of explosives. National planning policy requires local planning authorities to have regard to the prevention of major accidents and limiting their consequences when preparing a Local Plan.
320. Applicants are expected to indicate as part of any application whether hazardous substances will be used, stored or manufactured on the site. HSE is a statutory consultee on planning applications for Hazardous Substances Consent (HSC) and developments near major hazard installations and pipelines. The applicant will be expected to demonstrate to the satisfaction of the Council and the HSE that adequate safety precautions have been taken. The HSE apply risk criteria to the operation concerned to determine if a development proposal would be likely to be put at unacceptable risk as a result of proximity to a hazard. In the District there are a number of gas pipelines which are defined as hazards.
321. Therefore within the context of national planning policy guidance, Policy PCS4 sets out criteria for assessing applications in controlling the location and use of substances and processes which are potential in the interests of public safety and amenity. It outlines the key issues to be taken into account in the consideration of applications for hazardous substances consent and developments involving the use of hazardous substances.



## POLICY PCS4: HAZARDOUS SUBSTANCES

Applications for hazardous substances consent, and developments involving the use, manufacture, storage or production of hazardous substances, will only be permitted where:

- 1) The proposal is sited at an appropriate distance from existing and proposed residential areas, areas of public use and areas of particular natural sensitivity, in order to maintain safety and amenity;
- 2) There would be no unacceptable risk to those who potentially use developments that would fall within any associated safety zones identified by the Health and Safety Executive and to protected wildlife sites;
- 3) The hazardous substances would be stored in a way that does not give rise to harm to the environment that cannot be minimised.

Development in close proximity to an existing hazard will only be permitted where there is no unacceptable risk to public safety and amenity.

322. Further guidance includes:

- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) (Amendment) (England) Regulations 2009
- HSE's land use planning methodology
- pre-application advice on proposed developments on sites which lie near to a major hazard site or a major accident hazard pipeline is provided on the HSE's website: <http://www.hsl.gov.uk/products/lupa>
- The Town and Country Planning (Local Planning) (England) Regulations 2012 - Regulation 10

## Contamination

323. Any land contaminated with hazardous or toxic materials potentially is a serious cause of pollution. Contamination can result from previous uses of the site, for example, industrial processes involving chemicals or closed waste disposal sites where landfill gas and leachate are still present.

324. The NPPF places the onus with the developer and/or landowner for securing a safe land/development. It also requires a risk assessment of land potentially affected by contamination and expects all investigations to be undertaken in accordance with established practices such as BS10175 (2001) 'Code of Practice for the Investigation of Potentially Contaminated Sites'.

325. Whilst Part 2A of the Environmental Protection Act 1990 provides a risk based approach to the identification and remediation of land where contamination poses an unacceptable risk to human health or the environment, it does not take into account future uses which might need planning permission. The Council needs to ensure the implications of contamination for a new development not addressed by

other regimes are properly considered through the planning system. Policy PCS5 provides the framework for considering planning applications where land contamination issues are involved. There is also a wealth of information of land affected by contamination in the Planning Practice Guidance and an overview contaminated land produced on the GOV.UK website (<https://www.gov.uk/contaminated-land/overview>) which should also be referred to before submitting a planning application:

#### **POLICY PCS5: CONTAMINATION**

Development will only be permitted on land either known to be or strongly suspected of being contaminated, or where development may result in **the contamination of land** or the release of contaminants from adjoining land, provided:

- 1) the proposal would not cause significant harm or risk of significant harm to health or the environment or cause pollution of any watercourse, water body or aquifer
- 2) remediation measures are put in place as appropriate, and
- 3) any identified potential harm can be suitably mitigated

The onus will be with the developer and/or landowner for securing a safe development.

#### **Unstable land**

326. The geology of Bath and North East Somerset and its history of surface and underground mineral extraction mean that land in certain areas may be unstable, for example, at Combe Down in Bath and locations within the former Somerset coalfield.
327. National policy requires a risk assessment of land potentially affected by land instability and that site investigation and surveys need to be carried out before land in these areas is developed. Again the onus is on developers to carry out investigative work to assess whether a proposed development would be affected by land instability and to set out any necessary stabilisation measures.
328. The Planning Practice Guidance on the issue of land stability, points to where sources of information are held such as with the British Geological Survey (BGS) and the role the Coal Authority plays in matters of land instability. With the District's history of coal mining, it is particularly important that mining legacy matters including entries and are properly evaluated to ensure proposals not lead to future public safety hazards. The 'Development High Risk Area' in respect of the coal mining legacy is defined on the Policies Map within which submission of a Coal Mining Risk Assessment would be necessary to support a development proposal.

329. Policy PCS6 seeks to ensure that sites are suitable for the new use taking account of ground conditions and land instability and the need for remediation as appropriate.

#### **POLICY PCS6: UNSTABLE LAND**

Where there is a risk that the land may be unstable, development will only be permitted where it is demonstrated that:

- 1) the site is capable of being developed without adversely affecting the stability of the development or that of neighbouring land; and
- 2) any remedial and/or precautionary measures proposed as a result of the development do not adversely affect local amenities and/or environmental interests.

The onus will be with the developer and/or landowner for securing a safe development and for submitting the necessary Risk Assessment(s) to support the proposal.

### **Safeguarding water resources**

330. The adequacy of existing water supply is likely to be a key factor in determining the location and timing of development. New developments should be located in ways that minimise or eliminate the environmental impact of additional demand for water. The NPPF places emphasis on ensuring an adequate water supply is in place. The Planning Practice Guidance also provides general advice on water supply, wastewater and water quality.

### **Water Source Protection Zones**

331. Groundwater Source Protection Areas have been defined by the Environment Agency in order to prevent contamination of groundwater. These areas feed springs and watercourses from where water is collected for public supply and agriculture. The polluting of these catchment areas could pose a serious risk to public health. In Bath and North East Somerset these are concentrated in the Chew Valley and the northern edge of the Mendip Hills and in areas to the north and south of Bath. These areas feed springs and watercourses used for public drinking water supply. The polluting of these catchment areas could pose a serious risk to public health.
332. This approach is consistent with advice in the Planning Practice Guidance which reinforces the controls of other bodies such as the Environment Agency, ensuring that early consideration is given to development proposals that may affect local groundwater quality. Water Source Protection Areas are now more commonly referred to as Source Protection Zones (SPZs) by the Environment Agency who holds all up to date information. The potential impacts of development on groundwater areas beyond the designated zones should also be

evaluated as part of a development proposal, in particular principal and secondary aquifers, to ensure there is no unacceptable impact in groundwater quality.

333. Consideration should be given to any possible impact on groundwater recharge, flows and levels. If it is anticipated that works may penetrate the natural winter water table then the impact of such works will need to be assessed and discussed with the Environment Agency. If detrimental consequences of the water environment are likely, agreed mitigation measures will be necessary.
334. The Environment Agency divides groundwater source catchments into three zones: Inner Zone, Outer Zone, and Total Catchment. Further more detailed information is available on the Environment Agency's website and developers will be able to search this by postcode so see if whether their site is in a Source Protection Zones at the following link (and clicking on the 'Groundwater' icon):  
<http://maps.environment-agency.gov.uk/wiyby/wiybyController?ep=maptopics&lang=e>
335. Policy PCS7 will help ensure the protection of Groundwater Source Protection Zones from the adverse impacts of development, and refers the applicant to the Environment Agency's website as SPZ's are altered and updated on a regular basis.

#### **POLICY PCS7: WATER SOURCE PROTECTION ZONES**

- 1) Development proposals that would adversely affect the quality or quantity of water resources by means of pollution and/or derogation of the resource will not be permitted.
- 2) Applicants will be expected to undertake robust assessments to support applications affecting Groundwater Source Protection Zones as defined by the Environment Agency.

#### **Foul sewage infrastructure**

336. The availability of foul and surface water sewerage infrastructure is a material consideration in deciding planning applications. Wessex Water Plc is the water company which provides these services to the District and their advice should be sought before development proposals are submitted. New development can create additional demands for sewage disposal. Some villages are not served by mains sewerage, others require improvements. In the case of non-mains villages new developments may have to be served by cess pits or septic tanks which are potential sources of pollution.
337. Policy SU1 in the Responding to Climate Change section sets out the policy context for dealing with surface water drainage through the use of Sustainable Drainage Systems (SuDS). Policy PCS7A seeks to

ensure development is only permitted where there is adequate foul sewage provision. This approach complements Policy CP13 in requiring the timely provision of required infrastructure. Where proposals could have an adverse impact on sensitive watercourses developers should incorporate adequate mitigation measures in discussion with Wessex Water and the Environment Agency/Natural England. This is to ensure compliance with the requirements of the EU Water Framework and Habitats Directives. Further advice is available from the Environment Agency, Wessex Water and Natural England.

#### **POLICY PCS7A: FOUL SEWAGE INFRASTRUCTURE**

1. Development will only be permitted where adequate sewage treatment facilities are available or where suitable arrangements are made for their provision.
2. Developments which may result in increased nutrient load to sensitive watercourses should incorporate adequate mitigation measures in compliance with the requirements of the EU Water Framework and Habitats Directives.
3. New developments will be expected to connect to the public sewer system and new sewers and associated infrastructure will be constructed to a standard adoptable by Wessex Water.

338. Further information includes:

- Sewage treatment and disposal where there is no foul sewer, PPG4, Environment Agency (2006)
- Guidance notes and procedures on the Wessex Water website: <https://www.wessexwater.co.uk/>

### **Bath Hot Springs**

339. The Hot Springs are one of the six key attributes of the City of Bath World Heritage Site. Since Roman times with the development of 'Aquae Sulis' as a retreat for health therapy, worship and relaxation, Bath's Hot Springs have been the centre of social, economic and cultural developments in Bath. Settlement grew up around this resource which has culminated in the modern City of Bath. The Springs now attract many visitors annually with the opening of the Thermae Bath Spa.
340. There are three Hot Springs in the centre of Bath: the Kings Springs within the Roman Bath complex, the Cross Bath Spring, and the Hetling Spring in Hot Bath Street. Together they produce around 1.3 million litres of mineral-rich thermal water per day with a temperature of between 41 and 46°C. These thermal waters arise from the Carboniferous Limestone via fissures in the overlying layers (a layer of alluvium, successive layers of Lias Clay and limestone and Triassic Mercia mudstone) and appear as springs on the surface.

341. The Council is responsible for the protection of the Hot Springs in Bath. The Springs are protected by Section 33 of the County of Avon Act 1982 which specifies three control zones within which the depths of excavations is controlled.
342. As the Bath Hot Springs are inextricably linked with the World Heritage Site, Core Strategy Policy B4 applies to their general protection. Policy PCS8 seeks to ensure that both the quality and quantity of the groundwater source is protected from development that is likely to have any adverse effect on this resource. It is also important to have this policy in place should the Council receive any planning applications energy mineral exploration and extraction which may impact on Hot Springs and their sources (see Policy M5). The Environment Agency must also be consulted on applications which are likely to have an impact on the Hot Springs.

#### **POLICY PCS8: BATH HOT SPRINGS**

Development that has any adverse impact on the quality or yield of the Bath Hot Springs will not be permitted.

# BUILDING STRONG AND VIBRANT COMMUNITIES

## MEETING HOUSING NEEDS

343. The NPPF states that local planning authorities should:
- Meet Local Housing needs (including affordable housing)
  - Provide housing to meet the community's needs (para. 7)
  - Set out an approach to housing density to reflect local circumstances (para. 47)
  - Plan for a mix of housing types (including those wishing to build their own homes i.e. self build, families, older people and people with disabilities) (para. 50)
  - Bring housing and buildings back into residential use (para. 51)
344. The Core Strategy Policy CP9 covers the provision of affordable housing. In addition, the Core Strategy includes policy CP10 on Housing Mix, and states that the accommodation needs of older people in particular will be considered in the Placemaking Plan (including considering specific allocations).
345. The broad aims of the policy approach to housing are as follows:
- Ensure that housing provision meets demonstrable housing needs including housing for elderly people, special needs accommodation and self-build
  - Ensure that density for residential development is appropriate given housing needs and location
  - Ensure that residential development is socially inclusive and contributes towards health and well-being
  - Protect the existing housing stock
  - Ensure that empty homes are brought back into use
  - Seek to address student accommodation needs arising from Universities expansion whilst not prejudicing other economic, environmental and social objectives from being achieved

### Affordable Housing

346. This policy sets out when affordable housing provision will be required and indicates the proportions which will be sought. It is the responsibility of each local authority to establish the right level of housing provision in their area and to identify a long term supply of housing. This includes defining the level of affordable housing that is appropriate taking account of evidence in relation to local housing need and viability.

347. In order to understand the local housing market and assess current and future housing requirements and need for Bath & North East Somerset the Council commissioned a SHMA which was published in 2013. The SHMA shows that the need for affordable housing in B&NES is high and that the affordability gap between local incomes and market house prices is very wide.
348. The SHMA shows that an increasing proportion of the total dwelling stock is accounted for by the private rented sector. The SHMA estimates that around 36% of the requirement for overall housing between 2011 and 2031 is for affordable homes. The SHMA assumes that the contribution to the provision of housing needs from private rented accommodation where occupiers are receiving housing benefit will continue at a similar scale in the future. If this contribution were to significantly fall, the need for affordable housing would increase.
349. In making provision for affordable housing further guidance on the tenure split between social and affordable rent and intermediate housing that will be sought by the Council and the circumstances in which different tenures will be acceptable will be set out in the Planning Obligations SPD.
- 349a. **On 24<sup>th</sup> May 2021, Government published a Written Ministerial Statement setting out First Homes requirements and published First Homes Planning Practice Guidance, with changes coming into effect from 28 June 2021. First Homes are a specific kind of discounted market sale housing and should be considered to meet the definition of 'affordable housing' for planning purposes. The Council will publish a First Homes Position Statement.**
350. To understand the capacity of private development to deliver affordable housing the Council commissioned a viability study. The B&NES Viability Study (Three Dragons, July 2010) and the B&NES Viability Update (Dec 2012) have taken account of market prospects and a range of cost implications including other Section 106 obligations in order to create a baseline level of affordable housing that will be viable in the majority of schemes without recourse for public subsidy.
351. The study has identified some geographical variance in viability across the District. This supports geographical variation in the proportion of affordable housing that should be sought (as outlined in the table below).

**TABLE 7 - Geographic split for Affordable Housing**

Targets	Sub-markets	Postcode
AH Area 1 40 %	Prime Bath	BA1 2, BA1 1, BA2 4
	Bath North and East	BA1 5, BA1 6, BA2 6, BA1 7, SN14 8 and SN13 8



	Bath Rural Hinterland	BA1 9, BA1 8, BA2 7, BA2 9, BA2 0, BA15 2 and BS30 6
AH Area 2 30 %	Bath North and West	BA1 4 and BA1 3
	Bath South	BA2 3, BA2 2, BA2 1, BA2 5
	Keynsham and Saltford	BS31 1, BS31 2, BS31 3, BS15 3, BS4 4 and BS14 8
	Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton	BS39 7, BA3 2, BA3 3, BA2 8, BA3 4 and BA3 5
	Chew Valley	BS40 6, BS40 8, BS39 4, BS39 5, BS39 6 and BS14 0

## POLICY CP9 AFFORDABLE HOUSING

### Large sites

Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (the lower threshold applies). The following percentage targets will be sought:

- 40% in Prime Bath, Bath North and East, Bath Rural Hinterland;
- 30% in Bath North and West, Bath South, Keynsham and Saltford, Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton and Chew Valley.

This is on a grant free basis with the presumption that on site provision is expected.

### Small sites

Residential developments on small sites from 5 to 9 dwellings or from 0.25 up to 0.49 hectare (the lower threshold applies) should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be 20% for AH area 1 and 15% for AH area 2 half that of large sites, in order to encourage delivery.

In terms of the affordable housing on small sites, the Council will first consider if on site provision is appropriate. In some instances the Council will accept a commuted sum in lieu of on site provision. This should be agreed with housing and planning officers at an early stage.

### Viability

For both large and small sites the viability of the proposed development should be taken into account, including:

- Whether grant or other public subsidy is available
- Whether there are exceptional build or other development costs

- The achievement of other planning objectives
- The tenure and size mix of the affordable housing to be provided.

#### Sub-division and phasing

Where it is proposed to phase development or sub-divide sites, or where only part of a site is subject to a planning application, the Council will take account of the whole of the site when determining whether it falls above or below the thresholds set out above.

#### Property Size and Mix

Residential developments delivering on-site affordable housing should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities. The size and type of affordable units will be determined by the Council to reflect the identified housing needs and site suitability.

The type and size profile of the affordable housing will be guided by the Strategic Housing Market Assessment and other local housing requirements but the Council will aim for at least 60% of the affordable housing to be family accommodation including some large 4/5 bed dwellings.

#### Other

All affordable housing delivered through this policy should remain at an affordable price for future eligible households, in the event of any sales or staircasing affecting affordable housing unit(s) delivered through Policy CP9 then an arrangement will be made to recycle the receipts/subsidy for the provision of new alternative affordable housing located elsewhere within Bath and North East Somerset. Affordable Housing should be integrated within a development and should not be distinguishable from market housing.

#### Delivery

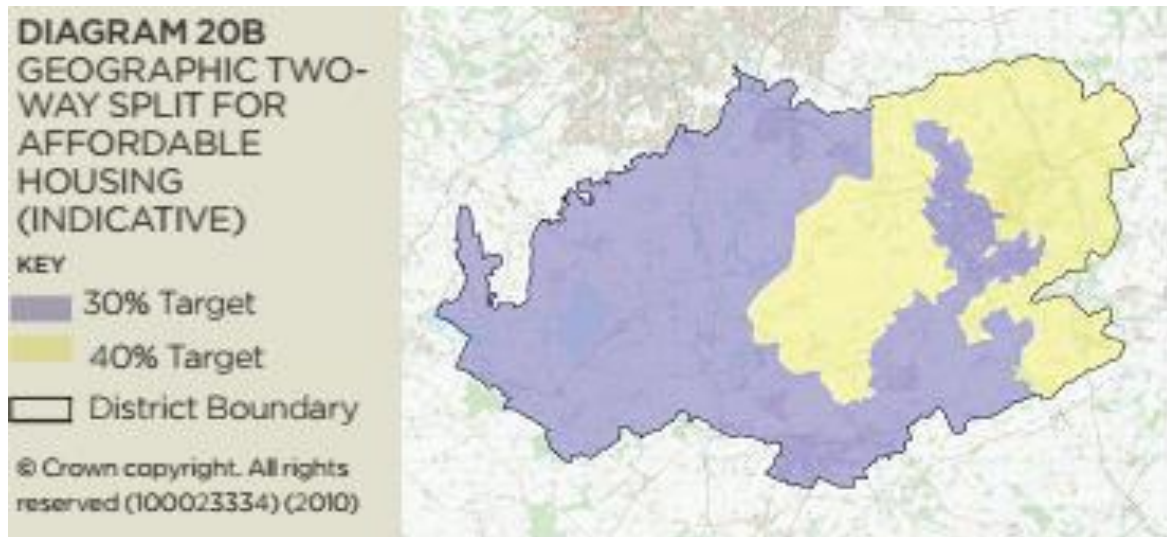
Affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent.

The quantity, tenure balance and type/size mix of the affordable housing will be agreed with the Council's Housing Enabling Team, or equivalent, through the development management process. Applicants are recommended to hold early conversations with Housing Enabling Team in order to agree the affordable housing provision and in particular the likely availability of public subsidy.

In exceptional circumstances, where the applicant has demonstrated a scheme is not viable and this has been independently validated, the Council may consider the use of alternative mechanisms to achieve the full affordable housing requirement.

Financial contributions towards affordable housing secured from development will be used to meet the housing objectives set out in the Housing Strategy. Any such contribution will contribute to a fund to assist in the delivery of additional affordable housing by supporting a scheme that would otherwise

not be viable, increasing the amount of affordable housing in a scheme beyond the grant free position (up to a maximum of 45%), increasing the proportion of larger family units, assisting in the funding of older persons or supported housing or to improve the quality of the affordable housing product on offer.



## Rural affordable housing

### Meeting local needs for affordable housing locally

352. The core policy on affordable housing outlines the percentage the Council is aiming for on affordable housing and the site thresholds to which they apply across the District.
353. This policy will apply to all market housing developments across the District. Villages which meet the criteria of Policy RA1 will benefit from this policy and sites will be allocated through the Placemaking Plan. Beyond this, local need for affordable housing across the rural areas will be primarily met through the rural exceptions policy. If there are rural buildings which are no longer required for local food production, there may also be opportunities to convert them to affordable housing under the Government's emerging proposals for the 'home on the farm' scheme. Any development proposals coming forward under the Community Right to Build are to be considered separately from the rural exceptions policy.

### Rural Exceptions Sites

354. The rural exceptions policy allows the release of land that would not normally be used for housing for development of 100% affordable housing, on small sites and where there is a demonstrated local need. Robust housing needs surveys will be required to demonstrate this local need.

355. Sites should be identified through a sequential approach which includes assessment of the economic, social and environmental impacts. Development should be appropriate in scale and character to its surroundings.
356. It is the expectation that Parish Councils will lead this process with support from the Council and its partners.
357. Occupancy of the development should remain for people with local connections to the parish in perpetuity. This includes residents of the parish or group of parishes, individuals with strong local links such as those having family in the parish or parishes, or who have lived there for a significant period or are employed in the area. Prioritisation of local connections will be agreed within individual S106 agreements and in accordance with housing letting guidance.
358. In cases where the site identified through the sequential approach is financially unviable, a small proportion of market housing will be appropriate only where it can be demonstrated that the market housing is required to subsidise the affordable element. It is imperative that the majority of the scheme is affordable and that the market units are only justifiable if they facilitate the delivery of the affordable units. Developers will be required to provide a simple viability study which the Council can assess in order to establish if and how much market housing is needed.

#### **POLICY RA4 Rural Exceptions Sites**

As an exception to other policies of the Development Plan, residential development of 100% affordable housing will be permitted provided that:

- a: it meets a demonstrated local need for affordable housing
- b: the housing remains affordable in perpetuity
- c: occupancy of the affordable housing would remain, as a first priority, for those with demonstrated local connections
- d: the development is in scale and keeping with the form and character of its location
- e: the development is well related to community services and facilities

A small proportion of market housing will be appropriate only where it can be demonstrated that the market housing is essential to cross-subsidise the affordable housing and that the site would be unviable without this cross-subsidy.

## **Housing and facilities for the elderly, people with other supported housing or care needs**

359. Bath & North East Somerset is facing a significant and increasing demand for housing and care to meet the needs of its ageing population. The number of people of retirement age is predicted to increase by nearly 6,000 (18.3%) by 2021. The most significant rate of growth in the local authority area's population will be in the number of people aged 85 and above: this is anticipated to have risen 23.9% by 2021.
360. In 2008, The Housing Learning and Improvement Network (LIN) in partnership with Communities and Local Government published More Choice, Greater Voice which accompanied the publication of the national Housing Strategy for Older People. More Choice, Greater Voice highlighted the anticipated expansion of the older population and made some best practice recommendations for local authority planning and commissioning teams to develop alongside housing providers. The Housing LIN suggested that future specialised accommodation for older people should be provided on a ratio of 170 units per 1,000 people aged 75. On this basis, with reference to current population projections, there will be a need for 479 units (flats/houses) of Extracare provision as well as 192 dementia specific Extracare units in B&NES by 2021.
361. The Council recognises the need to deliver a new supply of age appropriate housing to meet the changing needs of its population. Much of this demand can be met through the existing supply and the provision of good quality, well designed, adaptable new homes. However, the Council has identified that there is a significant shortfall in housing options for older and frailer people who have identified care needs, but who wish to remain independent in a home of their own.
362. Data from the 2011 Census highlights that the majority of older people in the Bath and North East Somerset area own their own homes and many of these people will want a choice of housing options when their care or mobility needs increase. The current supply of 150 Extra Care units is found in the affordable housing sector, and while this is making a valuable contribution to meeting current demand, the Council wishes to support the development of mixed tenure Extra Care in both Bath and the wider district. Delivering a range or tenure options for Extra Care will address this lack of choice.
363. Extra Care housing is the generic term for purpose designed, self-contained housing for older and disabled people with care and support available on site 24 hours a day, promotes independent living and provides a real alternative to Residential Care. People living in Extra Care hold the tenancy or lease to their own home and are encouraged to live independent lives with the benefit on site care, delivered

according to assessed and eligible need: the care is the only element of the service provided within the scheme that is regulated by the Care Quality Commission (CQC), which helps distinguish C3 use from C2 residential care homes where the entirety of the scheme is regulated by the CQC.

364. There are a number of different extra-care models currently available: however the key elements for the delivery of this service are as follows:
- Self-contained dwelling units that have been designed to meet the needs of older and/or disabled people
  - Communal facilities accessible to tenants/leaseholders
  - The provision of assistive technology to monitor and minimise risks to tenants/leaseholders
  - 24 hour, on site care available to a) meet on-going and assessed needs and b) respond in an emergency as appropriate
  - Easy accessibility to key local facilities e.g. public transport, health centres, shops, pharmacy
  - High levels of Housing Management Support for tenants/leaseholders
365. Many extra care facilities focus on the continuum of care. Some provide a mixture of sheltered and extra care provision on the same site: others (the “care village” model) provide the full continuum of care ranging from sheltered housing to nursing homes. Although these models are available in adjacent local authorities (Bristol, North Somerset), they have yet to be developed in B&NES. Within B&NES an approach which fosters a home for life model, is preferred, with support for people being able to stay within their own home.
366. Extracare in itself is not an affordable housing tenure but C3 Extracare proposals should meet the Core Strategy requirements of CP9 for the delivery of affordable housing.

#### **POLICY H1: HOUSING AND FACILITIES FOR THE ELDERLY, PEOPLE WITH OTHER SUPPORTED HOUSING OR CARE NEEDS**

Housing and facilities for the elderly, people with other supported housing or care needs, will be permitted, where:

- a) The use is compatible with the locality and existing/future uses in the locality, and does not create potential conflicts with existing uses (e.g. potential for visual and noise intrusion if in a city/town centre).
- b) There is adequate (i) communal space (including cooking and dining areas) and (ii) garden/ outdoor space within the curtilage of the property to meet the needs of the residents. National best practice standards should be met relevant to the type of development proposed, for example development should, follow best practice identified by HAPPI 12, in

particular the 10 elements critical to age-inclusive housing:

- Generous internal space standards.
- Plenty of natural light in the home and circulation spaces.
- Balconies and outdoor space, avoiding internal corridors and single-aspect flats.
- Adaptability and “care aware” design which is ready for emerging assistive technologies.
- Circulation spaces that encourage interaction and avoid an “institutional feel”.
- Shared facilities and community hubs where these are lacking in the neighbourhood.
- Plants, trees and the natural environment.
- High levels of energy efficiency, with good ventilation to avoid overheating.
- Flexible extra storage for belongings, including bicycles and mobility scooters.
- Shared external areas such as “home zones” that give priority to pedestrians.

When considering whether a proposal is C2 in use, the following criteria will be considered, alongside other material considerations:

- Built Form – scale, range of facilities and communal space
- Tenure
- Provision of meals
- Allocation and eligibility criteria, including the retention of C2 use in perpetuity – the level of care catered for and the type of care contracted for as part of the residence
- Housing and support provider model – including whether the facility is regulated by the Care and Quality Commission, or successor/equivalent

## Housing Mix

367. This policy is aimed at ensuring that new residential development provides for a range of housing types and needs, to help support mixed and inclusive communities and to respond to demographic change.

### POLICY CP10 HOUSING MIX

New housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments (e.g. B&NES Residential Review, 2007) and the Strategic Housing Market Assessments or future evidence.

The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and

the character and accessibility of the location.

Housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects), in a way that integrates all households into the community.

The accommodation needs of older people will be addressed through the application of Placemaking Plan Policy H1.

Delivery:

This policy will be implemented by the development management process, and delivered by private developers and affordable housing providers.

The affordable housing policy will also ensure that the Council can have an active role in negotiating the mix of housing provided, and seeks to have a flexible approach particularly to ensure the delivery of family housing.

## Houses in Multiple Occupation

368. A House in Multiple Occupation (HMO) is a house or flat which is occupied by three or more unrelated people who share facilities such as a kitchen or bathroom. HMOs are an important part of the local housing market, particularly within Bath, providing affordable accommodation for student, professionals and migrant workers among others.

369. The Council exerts greater planning controls over HMOs in Bath, and in July 2013 introduced a citywide Article 4 Direction to control the future growth and geographic spread of HMOs, which operates together with Houses in Multiple Occupation Supplementary Planning Document. In response to the Article 4 Direction, a change of use from residential to C4 HMO now requires planning permission across Bath.

370. Additional Licencing arrangements are also operated within specific parts of Bath which work alongside Mandatory Licencing to ensure that required management standards are met.

### **POLICY H2: HOUSES IN MULTIPLE OCCUPATION**

~~District-wide a change of use from residential (C3) to a large HMO (Sui Generis use class) will require planning permission. In Bath, a change of use from residential to a small HMO (C4) will also require planning permission as there is a City-wide Article 4 Direction in place. The following criteria will be considered when determining these applications:~~



**Proposals for:**

- Change of use from residential (C3) to small HMO (C4) in Bath;**
- Change of use from residential (C3) to large HMO (Sui Generis) district-wide;**
- Provision of new build HMO district-wide;**
- Change of use from other uses to HMO district-wide; and**
- Intensification of small HMO (C4) to large HMO (Sui Generis) district-wide**

**will be refused if:**

- i.** If the site is within Bath, and within an area with a high concentration of existing HMOs (as defined in the Houses in Multiple Occupation in Bath Supplementary Planning Document, or successor document), ~~further changes of use to HMO use will not be supported as they will be contrary to supporting a balanced community;~~
- ii.** The HMO use is incompatible with the character and amenity of established adjacent uses;
- iii.** The HMO use significantly harms the amenity of adjoining residents through a loss of privacy, visual and noise intrusion;
- iv.** The HMO use creates a severe transport impact;
- v.** **The HMO does not provide a good standard of accommodation for occupiers;**
- vi.** **The HMO property does not achieve an Energy Performance Certificate “C” rating (unless one or more of the exemptions set out in the HMO SPD applies);**
- vii.** The HMO use results in the unacceptable loss of accommodation in a locality, in terms of mix, size and type;
- viii.** The development prejudices the continued commercial use of ground/lower floors.

**Where a new build HMO is proposed, development should be consistent with other relevant Local Plan policies and guidance relating to new build residential accommodation.**

**A condition restricting the number of occupants may be attached to permissions where deemed necessary to ensure that no further harmful intensification will occur.**

## **Purpose Built Student Accommodation**

**370a. Purpose Built Student Accommodation (PBSA) is accommodation built, or converted, with the specific intention of being occupied by**

students. Such accommodation is usually provided in the form of cluster flats with shared facilities, individual en-suite units, or studios, and relates to buildings which are not classified by planning use class, or licensing, as HMOs.

370b. The Council's policy framework seeks to address student accommodation needs arising from educational establishments, whilst not prejudicing other economic, environmental and social objectives from being achieved across the district.

370c. Policies B5 and H2A set out that as a first priority PBSA should be developed on-campus, and that it will only be allowed on other sites where a need can be demonstrated. Policy H2A sets out the policy requirements for all new, extensions to and conversions to PBSA on sites not allocated for student accommodation, including the demonstration of need in the form of a formal agreement between a developer and an education provider, confirming the number of bed-spaces and accommodation type required.

#### **POLICY H2A: PURPOSE BUILT STUDENT ACCOMMODATION**

**Purpose built student accommodation of an appropriate scale and design will be permitted:**

- a) On allocated sites where student accommodation use is specifically identified within the Development Principles; or
- b) Elsewhere in the district (except for areas restricted by policy B5), only where it can be demonstrated that there is a need for additional student accommodation.

**All proposals for new, extensions to, or conversions to, Purpose-Built Student Accommodation on sites not allocated for student accommodation, will be required to demonstrate that:**

- i. There is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development;
- ii. The proposal will not result in a significant negative impact on retail, employment, leisure, tourism, housing or the council's wider strategic objectives;
- iii. The site is in a location accessible by sustainable transport methods, including to the educational establishment to which it is associated;

- iv. The use of the site for student accommodation is appropriate in relation to neighbouring uses;
- v. The development will not have an unacceptable impact on the amenity of surrounding residents. A management plan will be provided prior to occupation of the development, to ensure adequate management arrangements have been incorporated;
- vi. The internal design, layout and size of accommodation and facilities are of an appropriate standard;
- vii. The proposal provides an appropriate level of car parking having regard to relevant standards, and provides adequate provision for servicing, pick up and drop off;
- viii. The proposal provides adequate storage for recycling/refuse and bicycles, in line with relevant standards;
- ix. The development has been designed in such a way that it is capable of being re-configured through internal alterations to meet general housing needs in the future if necessary; and
- x. The proposal accords with other relevant Local Plan policies relating to, but not limited to, impact on the historic environment, high quality design, landscape, transport and access, flood risk and drainage, nature conservation, pollution and contamination, and responding to climate change.

## **Residential Use in Existing Buildings**

371. The sub-division of existing dwellings to form smaller units or flats is a common way to increase the occupancy/density in residential areas. In addition, the conversion of non-residential buildings and the re-use of buildings for residential use is also supported, in that (where appropriate) this can boost local housing supply.
372. B&NES has a proactive approach in terms of bringing empty homes back into use, Policy H4 sets out the circumstances in which the sub-division of existing residential properties will be acceptable.

### **POLICY H3: RESIDENTIAL USES IN EXISTING BUILDINGS**

The sub-division of existing buildings including outbuildings will be permitted, unless:

- i. The residential use creates a severe transport impact, (in a way that the

existing use would not);

- ii. The development prejudices the continued commercial use of ground/lower floors.
- iii. It would lead to a form of sub-division that would harm the significance of a listed building.

The re-use of existing empty homes in continuing residential use will be strongly supported.

## **Self-Build & Custom Build**

373. National policy supports the principle of self-build. Councils have a duty to maintain a self-build register and to 'have regard' to the register in carrying out planning and other functions. Councils also have a duty to grant planning permission in their administrative areas, for enough serviced plots of land to meet the demand for self-build and custom housebuilding. Further regulations are anticipated to fully implement the legislation on self-build. All references to self-build in the policy and supporting text mean self-build and custom housebuilding as defined by Section 9 of the Housing and Planning Act 2016.

374. The Council keeps a self-build register and supports the principle of self-build provision as part of development sites and also as part of rural exceptions-sites for affordable housing and/or community land trust mechanisms. The Placemaking Plan therefore includes a policy to encourage self-build.

375. The delivery of self-build units will be monitored against the demand for self-build plots as demonstrated by the self-build register. In the context of actual delivery and once further regulations are issued by government the Council will consider preparing a supplementary planning document to clarify implementation of the policy. There is also an opportunity to further address self-build provision through the review of the Plan.

### **POLICY H4: SELF BUILD**

The provision of self build housing will be supported, and CIL will not be charged where the scheme meets the exception criteria.

Self-build housing will be supported where the proposals are of sufficient design and sustainability merit, and in line with other policies in the Development Plan.

## **Retention of Existing Housing Stock**

376. The existing housing stock should be protected from change of use, where possible, given the high demand for housing. However, there will be circumstances where change of use to non-residential use or to Visitor Accommodation uses (such as a Hotel, Guesthouse or the provision of Bed and Breakfast) could be acceptable where there is conservation or other benefits that outweigh the loss of a single dwelling.

## POLICY H5: RETENTION OF EXISTING HOUSING STOCK

Development which would result in the net loss of existing residential accommodation **units** will not be permitted unless, there are benefits that outweigh any harm, such as:

- i. demonstrable and substantial conservation benefits
- ii. demonstrable and substantial economic, social or environmental benefits
- iii. benefits in terms of providing visitor accommodation

### **Moorings**

377. The district's rivers, canals and other watercourses make an important contribution to the character of the countryside and urban areas and are often of great wildlife importance and interest supporting increasingly rare water-dependent habitats. In recent years there has been a substantial increase in boat traffic and pressure for permanent residential moorings along the river and canal corridor within the District.

378. There appears to have been an increase in the numbers of people opting to become boat dwellers over recent years, this is potentially due to the lack of available affordable housing in certain areas, lifestyle choice and also an increase in boat related tourism.

379. There are approximately 633 boats on the water network in Bath and North East Somerset.

380. The NPPF encourages local planning authorities to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It is recognised that houseboats contribute to increasing diversity of homes within the District. The Core Strategy aims to deliver new development in sustainable locations and it is accepted that the same principle should be applied to proposals for residential and other moorings.

381. The Council is therefore aware there is a gap in its understanding with regards to the current needs and demands of the river/canal network and a need to improve the evidence base on boaters, particularly their needs, numbers and the factors that contribute to unauthorised mooring, so that responses can be tailored and based on informed decisions. Key factors to consider and establish include:

- Whether there is a demonstrable need and/or demand for the additional moorings
- The role the planning system can play in providing for boat dwellers
- The Canal & River Trust mooring strategies, policies and legal constraints.

- How issues around Green Belt, riverside environment (wildlife, leisure, recreation), riparian owners, footpaths, access, Environment Agency's operational requirements impact on mooring.
- Recognition that waterways are a form of strategic and local infrastructure performing multiple functions, such as sustainable transport, open space, land drainage and water supply, flood alleviation.
- The impact individual and cumulative development alongside canal/river may have on mooring, how this may be mitigated addressed.
- Issues surrounding an established use i.e. where mooring has been in existence for a number of years

382. In order to address these and other river related issues, the Strategic River Group<sup>8</sup> is coordinating the development and delivery of a Water Space Study (WSS) to identify opportunities to restore and rejuvenate the river/canal landscape for the people who live on and use the river and canal, the environment and the local economy. River safety, development, flooding, biodiversity, public health and recreation will also play a key role in what services the river corridor and canal network could provide. It is also important that work on the river and canal is integrated with B&NES other policies, such as tourism, education, social care, health, economic wellbeing and 'housing'. It is anticipated that this work to collect adequate data and evidence will be completed by March 2017.

383. Except for those stretches of the river and canal which run through the built up area of Bath the river and canal lie within the Green Belt and hence the controls of Green Belt policy will apply. The NPPF is clear that inappropriate development within the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. As moorings are not recognised as appropriate development in the Green Belt by national policy, applications for residential and other moorings outside the urban areas and within the Green Belt will have to demonstrate 'very special circumstances'.

384. In many cases moorings will not need planning permission. However, physical development required to create a mooring will require planning permission and Policy H6 sets out the circumstances in which planning applications for moorings will be acceptable. The NPPF and local planning policies also seek to conserve and enhance the natural and local environment. Any planning application for development affecting a waterway will be assessed to ensure that the proposed use of land or development is appropriate and whether opportunities for enhancing the amenities of the waterways have been fully recognised. There are a number of other policies in addition to Policy H6 which will be

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<sup>8</sup> Partnership led group providing an overview to all issues/projects along the river corridor in Bath & North East Somerset

applicable to the conservation and use of the waterways as indicated in the diagram below.

- 385.** Policy H6 guides proposals to the most sustainable locations where there is easy access to necessary services and facilities. The Canal & River Trust has also published guidance for the development of new residential mooring sites to assist both developers and local authorities in considering residential mooring site applications.

#### **POLICY H6 - MOORINGS**

Development involving new and additional moorings will be permitted provided they are located outside the Green Belt and satisfy the following requirements:

- 1) they have good access to services and facilities (including shops, schools and health facilities), employment opportunities and to public transport and other sustainable transport links
- 2) there is no conflict with the navigation authority or the Environment Agency's operational requirements
- 3) adequate servicing and facilities for sewage and rubbish are available or can be provided
- 4) there is no negative impact on navigational safety
- 5) there is no adverse impact on the amenity, recreation, heritage and biodiversity interests of the waterway and its banks, landscape character which cannot be successfully mitigated
- 6) they provide adequate pedestrian and service vehicle access including access for emergency services
- 7) provision of safe access and egress during a flood
- 8) opportunities to enhance the amenities of the waterways are maximised



386. The following documents can be used to inform proposals:
- B&NES Water Space Study (under preparation, anticipated completion March 2017).
  - Residential Use of Inland Waterways (2011): Association of Inland Navigation Authorities:  
<http://www.aina.org.uk/docs/AINA%20Residential%20Use%20of%20Waterways%20Advisory%20Doc%20Feb%202011.pdf>
  - Guidance for Development of New Residential Mooring Sites (England & Wales), 2011:  
<https://canalrivertrust.org.uk/media/library/1544.pdf>
  - Policies for Moorings along the Banks of our Canals and Rivers (2009): <https://canalrivertrust.org.uk/media/library/1127.pdf>

## Accessibility Standards

387. ~~Local Authorities have the opportunity to apply optional technical accessibility standards in relation to wheelchair accessibility and level access/adaptability of buildings, where they can demonstrate evidence of need and accommodate viability impacts. The standards are applied through Building Regulations but are introduced via local planning policies. Where there are existing local standards in place a “passport” approach is applied and the national optional technical standards can be applied as an equivalent. As B&NES already applied a local standard via its Planning Obligations SPD for Affordable Housing – which includes a requirement for 10% wheelchair accessible dwellings and a requirement for ground floor accessed residential properties to have access thresholds of a minimum gradient – the national standard will be applied in these circumstances.~~ **The B&NES Corporate Strategy 2020-2024 overriding purpose is to improve people’s lives with principles focusing on prevention and preparing for the future. As set out in Planning Practice Guidance, ‘Accessible and adaptable housing enables people to live more independently, while also saving on health and social costs in the future. It is better to build accessible housing from the outset rather than have to make adaptations at a later stage – both in terms of cost and with regard to people being able to remain safe and independent in their homes.’ (Paragraph: 008 Reference ID: 63-008-20190626).**

**387a.Paragraph 130 within the NPPF (2021) sets out that ‘Planning policies and decisions should ensure that developments... create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...’ Footnote 49 clarifies this paragraph setting out that ‘Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties.’**

**387b. The Bath Strategic Housing Market Assessment (SHMA) Volume II (March 2019) sets out the evidence base to housing accessibility requirements within Bath and North East Somerset. The Bath and North East Somerset: Local Plan Partial Update Viability Study undertaken by BNP Paribas Real Estate on behalf of B&NES Council, tested the housing accessibility standards as set out in the SHMA and concluded that the policy requirement could 'be absorbed with little impact on residual land values'.**

**387c. Whilst planning policy sets out the requirements for accessibility standards through the Local Plan, requirements are implemented under Building Regulations - The Building Regulations 2010 Access to and use of buildings Approved Document M Volume 1: Dwellings. Standards include:**

**M4(1) Category 1: Visitable dwellings**

**M4(2) Category 2: Accessible and adaptable dwellings**

**M4(3) Category 3: Wheelchair user dwellings**

**Within the M4(3) standard there are two sub-categories:**

**M4(3)(2a): wheelchair adaptable (meaning that they meet spatial and layout requirements but may not have been fully fitted and finished to accommodate immediate use by a wheelchair user)**

**M4(3)(2b): wheelchair accessible (meaning that the dwelling is fully ready for occupation by a wheelchair user household)**

**387d. If it is agreed at the planning stage that a specific development warrants flexibility in the application of the accessible housing standards M4(2) and M4(3), affected dwellings would be required to satisfy the mandatory building regulations requirements of M4(1) under Building Regulations.**

**387e. For the purposes of this policy, residential development includes student accommodation, co-living, build to rent, specialist housing and older person housing.**

**387f. M4(2) and M4(3) dwellings should be secured via planning condition to allow the Building Control body to check compliance of a development against the optional Building Regulation standards.**

388. The current evidence in the Housing Accessibility Standards Needs Assessment shows that during the Plan period the newly arising demand for housing meeting enhanced accessibility standards equates to around 19% of all new market housing to be provided. A guidance note to support the operation of Policy H7 has been prepared.

## POLICY H7 – HOUSING ACCESSIBILITY

~~Accessibility standards for Affordable Housing will be applied in accordance with the Council's Planning Obligations Supplementary Planning Document, or successor guidance.~~

~~For market housing, dwellings should have enhanced accessibility standards and should meet the optional technical standard 4(2) in the Building Regulations Approved Document M.~~

**To provide suitable housing that meets the needs of different groups in the community, including disabled people, older people and families with young children, new residential development must ensure that:**

**For affordable housing, 7.8% of dwellings be built to meet Building Regulation M4(3)(2b) standard (wheelchair accessible housing) and the remainder to M4(2) accessible and adaptable dwellings standard within houses, ground floor flats and upper floor flats where a lift is installed, and age restricted homes.**

**For market housing, 5.6% of dwellings to be built to Building Regulation M4(3)(2a) standard (wheelchair adaptable housing) and 48% of the remainder to M4(2) accessible and adaptable dwellings standard.**

**In exceptional circumstances, factors such as vulnerability to flooding, site topography and where the provision of a lift to dwelling entrances may not be achievable, may determine a reduced requirement in terms of Building Regulation M4(2) and M4(3) accessibility standards.**

## **Affordable Housing Redevelopment Schemes**

389. Where areas of social housing are to be redeveloped, including large estates or smaller areas managed or owned by Residential Social Landlords it is proposed that Policy H8 below will apply. This policy aims to protect against the net loss of much needed affordable housing stock, while also allowing for enhancements to the housing stock through necessary regeneration.

### **POLICY H8 – AFFORDABLE HOUSING REGENERATION SCHEMES**

There is a general presumption to support the redevelopment of social housing where the following criteria can be demonstrated to be met:

- i. The physical condition of the housing stock is poor (i.e. the dwellings are substandard, or demonstrably not fit for purpose in the short-medium term or similar); and/or
- ii. There is a site specific socio-economic justification for re-development led regeneration, considered alongside alternative options for re-modelling or refurbishment;
- iii. If there is a loss of amenity space, policy LCR5 should be met.

Where the principle of redevelopment is accepted, there is a presumption against the net loss of affordable housing, subject to viability considerations and other social balance considerations.

## **Gypsies, Travellers & Travelling Showpeople**

390. In March 2012 the Government published 'Planning Policy for Traveller Sites', alongside the NPPF, which seeks to align planning policy for Travellers with housing. This requires the Council to demonstrate a five year supply of deliverable sites and a further five and where possible, ten year supply of developable sites. The Council has undertaken a refreshed assessment of need which updates the West of England Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2007 for the Bath & North East Somerset area. This establishes the level of need for five, ten and fifteen year supply of sites in accordance with Planning Policy for Traveller Sites. Most of the need is from households on unauthorised sites and is therefore an immediate need. From the evidence in the GTAA, there is an immediate need for 24 pitches for Gypsies and Travellers and a further 4 pitches between 2017 and 2027 and 5 transit pitches, and an immediate need for 40 Travelling Showmen's plots. The Council will identify sites to meet these needs in the Gypsy and Traveller Development Plan Document. Planning Policy for Traveller Sites clarifies that for a site to be considered deliverable it must be available

now and offer a suitable location for development now, and be achievable and viable with a realistic prospect it can be delivered within five years.

391. Planning Policy for Traveller Sites states that Traveller sites should be guided towards making effective use of previously developed, untidy or derelict land. It also states that development in the open countryside away from existing settlements or outside areas allocated in the development plan should be strictly limited. It does recognise, however, that some rural areas may be suitable for traveller's sites providing the scale of these sites does not dominate the nearest settled community and avoid placing an undue pressure on local infrastructure. Any proposed sites inside settlement boundaries would be considered against policies applying generally to residential development. Provision is more likely to be made outside such boundaries and will be guided by Policy CP11.
392. The NPPF establishes a presumption against inappropriate development in the Green Belt unless very special circumstances can be demonstrated and the harm caused can be outweighed by other considerations. Planning Policy for Traveller Sites reiterates that sites in the Green Belt are inappropriate development. However, if exceptional circumstances exist, an allocation can be made in a DPD by removing land from the Green Belt. The criteria in Policy CP11 will be used to guide the identification of suitable sites for allocation in the relevant DPD and to identify sites to respond to future accommodation needs when assessed. These criteria will also be used when considering planning applications that may happen before the DPDs are prepared or in addition to sites being allocated.

## **POLICY CP11 GYPSIES, TRAVELLERS & TRAVELLING SHOWPEOPLE**

The following criteria will be used to guide the identification and allocation of suitable, available and deliverable or developable sites in a Development Plan Document to respond to the established accommodation needs of Gypsies, Travellers and Travelling Showpeople for the Plan period. Sites for Gypsies, Travellers and Travelling Showpeople accommodation will be allocated and planning applications permitted taking into account the following factors:

- a: the site is suitably located to allow access to local community services and facilities, including shops, schools and health facilities, and employment opportunities
- b: satisfactory means of access can be provided and the existing highway network is adequate to service the site
- c: the site is large enough to allow for adequate space for on-site facilities and amenities including play provision, parking and manoeuvring, as well

as any-live/work pitches if required to enable traditional lifestyles

- d: the site is well-designed and well-landscaped and has no unacceptable adverse impact on the character and appearance of the surrounding area
- e: adequate services including utilities, foul and surface water and waste disposal can be provided as well as any necessary pollution control measures
- f: there is no unacceptable impact on the amenities, health and well-being of occupiers of the site or on neighbouring occupiers as a result of the development
- g: the site should avoid areas at high risk of flooding and have no adverse impact on protected habitats and species, nationally recognised designations, landscape designations and heritage assets and their settings and natural resources
- h: the scale of the development does not dominate the nearest settled community nor place undue pressure on the local infrastructure
- i: the site does not lie within the Green Belt unless there are exceptional circumstances to justify making an allocation by removing land from the Green Belt or, for a planning application on unallocated land, that very special circumstances exist.

**Delivery:**

Delivery will be through the Development Management process. Sites will be identified through the Gypsies and Travellers DPD to meet identified accommodation needs for the Plan period.

393. The Council needs to continue planning positively to meet needs for social, recreational, cultural facilities and services. Successful community facilities and services are integral to the vibrancy of communities across the District. Good community facilities provide opportunities for interaction between people, to get involved in activities and to have increased accessibility to basic services. This benefits the social prosperity of communities across the District, whilst providing knock on benefits for health and well-being, sustainability and the economy.
394. National planning policy also stresses the importance of retaining existing community facilities and planning positively for the provision and use of shared space, community facilities and other local services. Community facilities are those that provide for the health and wellbeing, spiritual, educational, recreational, leisure and cultural needs of the community.

#### **Policy aims**

- *Promote healthy lifestyles through encouraging the appropriate location outdoor and indoor facilities*
- *Safeguard against the loss of community and sports facilities, unless it can be demonstrated that they are no longer needed by the community they serve and are not needed for any other community or recreational use*
- *Encourage participation in community, and cultural facilities by ensuring that these are well-located and accessible*
- *Encourage flexible use of community and recreational facilities and venues and co-location of services*

#### **Safeguarding local community facilities**

395. Land and buildings in community use are a valuable local resource. Displacing them by redevelopment or change of use makes it far more difficult to return them to community use. This could mean that future requirements for community use may lead to pressure to develop facilities on greenfield land in less accessible locations. This would be contrary to Government policy which places importance on guarding against the unnecessary loss of valued facilities and services.
396. Whilst a Local Plan can seek to prevent the loss of existing sites and premises from community use, it cannot ensure that any particular facility continues to be made available to the public or any particular service continues to be provided. Within this context Policy LCR1 seeks to safeguard against the loss of valued community facilities.

## **POLICY LCR1: SAFEGUARDING LOCAL COMMUNITY FACILITIES**

Development involving the loss of land and/or building(s) valued as a community facility will only be permitted provided:

- 1) there is adequate existing local provision of facilities of equivalent community value; or
- 2) alternative facilities of equivalent local community value will be provided in the locality; or
- 3) the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the locality.

### **Community facilities in Rural Areas**

397. Community services are critical to the sustainable functioning of the rural areas and should be supported. This is the case across all villages and not just those identified as currently meeting the criteria of Policy RA1. There are a number of villages that play an important role in providing services and facilities for their residents and sometimes surrounding communities. It is vital that these facilities are maintained and enhanced wherever possible. Existing village shops will be supported with a presumption for retaining them in community use. Proposals for new facilities that benefit the community will be supported through partnership working.

398. Main centres both within and adjoining the District will continue to fulfil needs for comparison retail, a wider range of facilities, community leisure and cultural activities.

## **POLICY RA3 COMMUNITY FACILITIES**

Proposals for the development of community facilities will be acceptable within and adjoining all villages, provided that they are of a scale and character appropriate to the village and meet the needs of the parish and adjoining parishes.

### **Public houses**

399. It is recognised that public houses play an important role as a community resource, particularly in rural areas and local centres. They are also often used as a venue for social activities, offering a range of diverse services including libraries, childcare, meeting spaces for community groups, and shops. Loss of this resource and associated buildings can have a detrimental impact on both the economy of the settlement and the social well-being of the community. The NPPF also acknowledges that pubs are valued facilities and that Local Authorities should guard against their unnecessary loss.



400. The Localism Act 2011 also makes provisions for communities to nominate important assets to be listed as assets of community value (ACVs). This places a six-month moratorium on sale or redevelopment and gives the community group in question the chance to raise the capital and put together a bid to buy the asset. Guidance is available from the government on the ways in which local authorities can support the Community right to bid in their area. A Ministerial Statement issued in January 2015 announced that where a public house is designated an ACV it will lose its permitted development rights for the change of use or demolition of those pubs that communities have identified as providing the most community benefit and mean that a planning application will be required for the change of use or demolition of a public house. This came into force on 6<sup>th</sup> April 2015 through the Town and Country Planning (General Permitted Development) (Amendment) England Order 2015.
401. Policy LCR1A sets out the circumstances in which the loss of a public house to another use might be considered acceptable. Applicants will be expected to provide evidence that they have actively marketed the premises as a public house for at least six months through appropriate websites and publications and submit a feasibility study and financial appraisal to demonstrate that redevelopment or change of use of a public house is not economically viable.

#### **POLICY LCR1A: PUBLIC HOUSES**

The change of use of a public house which would result in the loss of a valued community facility (through demolition, redevelopment or change of use) will not be permitted unless:

1. it can be proven that the operation of a public house serving the local community is not economically viable and the premises have been effectively marketed for a consistent minimum period of six months as a public house for a price commensurate with the current market price for this use in the locality without success; or
2. the development or change of use would result in the provision of alternative facilities of equivalent or greater benefit to the local community.

#### **New or replacement community facilities**

402. The Core Strategy seeks to ensure that adequate and accessible provision is made for the recreation, leisure and cultural needs of both existing and future communities in Bath and North East Somerset. It stresses that *‘successful community facilities and services will be integral to the vibrancy of communities across the district’*. It makes the link between providing good community facilities and opportunities for people to meet and integrate, to get involved in activities and increased access to services.

403. Core Strategy Policy RA3 already supports the development of community facilities within and adjoining the rural settlements provided that they are of a scale and character appropriate to the village and meet the needs of the parish and adjoining parishes. Policy LCR2 supports the provision of new community facilities in accessible and sustainable locations.
404. New community facilities or extensions to existing facilities outside the scope of Policy RA3 and Policy CR4 which meet the current and future needs of the local community will be supported provided they are in easily accessible locations and the land and/or building has the capacity to accommodate more than one use or activity.
405. Where there is a need to provide for community facilities in association with new development proposals - for instance, where the scale of the development gives rise to new community, educational or health care needs requiring additional provision or enhancement of existing provision or the replacement of the displaced existing facilities - the developer will be expected to make provision directly related in scale and kind to the need generated by the development. This can either be in the form of direct provision by the developer or where this is not possible or appropriate, financial contributions will be sought through the use of planning obligations.

#### **POLICY LCR2: NEW OR REPLACEMENT COMMUNITY FACILITIES**

- 1) Outside the scope Policy RA3 and Policy CR4, development of new or replacement community facilities will be permitted provided the proposal is within or well related to the settlement, or in the case of existing facilities outside such settlements, they are well related to existing buildings and accessible by sustainable transport modes.
- 2) Where the existing local provision of community facilities is inadequate to meet projected needs arising from new development additional provision will be sought to meet any identified shortfall. This provision may be in the form of on-site provision or the enhancement/ improved access to existing facilities.

#### **Building for schools**

406. The NPPF places emphasis on ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities. It goes on to state that local planning authorities should take *'a proactive positive and collaborative approach to meeting this requirement, and to development that would widen choice in education.'* It places much importance on *'the need to create, expand and alter schools.'*

## Safeguarding land for primary school expansion

407. The Council has always recognised the need to ensure sufficient land is allocated to allow primary schools to develop and expand where such a need has been identified. Primary school reservations listed in previous Local Plans have been reviewed by Children's Services and any changes are reflected in the list below. This now includes the land adjoining St Keyna Primary School in Keynsham which will be safeguarded for future school expansion to enable a degree of flexibility in accommodating the future primary education needs envisaged in the town arising from indigenous population growth and the significant new development proposals.
408. In Bath an additional primary school is being provided as a result of the need generated by and as part of the Crest element of the Bath Western Riverside development. Additional homes built in the remainder of Bath Western Riverside and as elements of mixed use development on other significant sites proposed to be allocated within the central area and river corridor would require an additional primary school. This school should ideally be provided within this part of the city.
409. Policy LCR3 safeguards land for primary school use to provide for future identified educational needs. This will provide certainty in terms of land-use; reassurance to the schools concerns and indicates Council's commitment to developing these sites. 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 safeguarded land could facilitate Norton Hill School to 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. 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.

### **POLICY LCR3: LAND SAFEGUARDED FOR PRIMARY SCHOOL USE**

Land defined on the Policies Map is safeguarded for primary educational purposes.

- |  |                                |
|--|--------------------------------|
| 1) Oldfield Park Junior, Claude Avenue, Bath | 0.21 ha. for future expansion. |
| 2) St Saviour's Primary, Bath                | 0.1 ha. for extension          |
| 3) St Keyna Primary, Keynsham                | 0.65 ha for expansion          |
| 4) Welton Primary, Midsomer Norton           | 1.1 ha. for extension.         |
| 5) Land at Silver Street, Norton Hill,       | 4.7 ha. to facilitate primary  |

Midsomer Norton	school provision
6) St. Mary's Primary, Writhlington	1.0 ha. for playing field.
7) Camerton Primary	0.6 ha. for extension
8) Clutton Primary	0.6 ha. for extension.
9) East Harptree Primary	0.25 ha. for playing field.
10) Freshford Primary	0.3 ha. for playing field.
11) Marksbury Primary	0.8 ha. for site extension.
12) Shoscombe Primary	0.4 ha. for extension.

### Primary school capacity

410. Some primary schools in rural areas are at or reaching capacity so there is a need to consider the cumulative impact on nearby primary schools of allowing successive even small-scale windfall residential schemes. This means that some villages, whilst meeting the RA1 criteria (one of which is presence of a primary school), may have primary schools which do not have the capacity to meet the pupil needs arising from even small-scale windfall developments. This also has implications for the RA2 settlements which also rely on rural primary schools in the larger villages to accommodate the pupil needs arising from new housing development.
411. In order for sites for residential development to be allocated and for housing to be delivered at these villages the school must have capacity to accommodate the education needs of the existing population and those arising from the development or the ability to expand. This would ensure the benefits of securing and maintaining balanced and more self-contained communities and reduce the need to travel are realised.
412. Policy LCR3A will ensure that residential development will only be allowed where the primary school has sufficient capacity (or ability to expand) to accommodate the primary education needs of the existing population and those arising from the proposed development. Decisions should also be guided by the statutory guidance for local authorities, 'Home to school travel and transport guidance' which provides information on statutory walking distances and safe routes.

#### POLICY LCR3A: PRIMARY SCHOOL CAPACITY

Residential development will only be acceptable where there is a school within a reasonable distance\* that has sufficient spare capacity or is able to be expanded to create additional capacity to accommodate the pupil needs arising from the development.

\*as determined by Department of Education's 'Home to school travel and transport guidance - statutory guidance for local authorities' and successor guidance.

## **Safeguarding land for cemeteries**

413. The Council owns and manages the Haycombe Cemetery, on the edge of Bath, and Harptree Cemetery and is responsible for the maintenance for 30 closed cemeteries. Others are owned and managed by the Town and Parish Councils or Parochial Church Councils.
414. Land has been safeguarded in the previous Local Plan for the extensions to cemeteries identified to ensure future needs are met at Haycombe Cemetery and the cemetery at Eckweek Lane. As these are not yet implemented and this land is still required, Policy LCR4 will continue to safeguard this land to ensure future needs are met and continue to define these areas on the Policies Map.
415. The cemetery at Durley Hill, Keynsham is estimated to meet demand up to around 2024. Keynsham Town Council has agreed to consider looking for additional land for a cemetery in Keynsham from 2017 onwards to plan for the long term.
416. Haycombe and the Durley Hill cemeteries are both in the Green Belt. The NPPF confirms that provision for cemeteries in the Green Belt is not inappropriate development providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

### **POLICY LCR4: SAFEGUARDING LAND FOR CEMETERIES**

Land as defined on the Policies Map will be safeguarded for extensions to cemeteries at Haycombe, Bath and Ashgrove Cemetery, Eckweek Lane, Peasedown St John.

## **Safeguarding existing sport and recreational facilities**

417. Sport plays a key role in the culture of Bath & North East Somerset, with Bath Rugby and Bath City Football clubs prominent forces in the city and the world class training facilities and athletes resident at the University of Bath. There is a strong culture of sports clubs in the area with well above average membership levels and a large volunteer workforce providing a myriad of sporting and physical activity opportunities.
418. The Fit for Life Strategy (2014) sets out the Council's ambitions for improving health and wellbeing and reducing health inequalities in Bath and North East Somerset through increasing physical activity levels. It seeks to find ways to make physical activity more central to people's lives and increase participation in Sport and Active Lifestyles.

419. Active Lifestyles is about increasing opportunities and participation for everyday activity, sport and recreation and preventing as well as treating ill health for all ages and abilities across the locality. The Council is seeking to develop and support activities that start where people are, are fun and sociable and help to build and strengthen communities.
420. The recreational and amenity value of school playing fields and other playing fields is considered particularly important and the community use of school playing fields should be encouraged. When not required for their original purpose, these recreational assets may be able to meet the need for recreational land in the wider community.
421. The NPPF sets out the national planning policy on safeguarding open spaces and sport and recreation facilities. It stresses the importance of having *access to high quality open spaces and opportunities for sport and recreation making an important contribution to health and well-being of communities.*
422. It expects *planning policies to be underpinned by up-to-date assessment of the needs for open space, sport and recreation facilities and opportunities for new provision.* Only then will it become clear whether there are open spaces, buildings or land that are genuinely surplus to requirements and even then their contribution to Green Infrastructure will need to be considered before it is declared truly surplus. The Green Space Strategy (2015) will help inform such decisions. It was carried out in-line with the NPPF and includes a robust assessment of needs and deficiencies in open spaces.
423. Policy LCR5 safeguards against the loss of recreational space, land and buildings used for sport and recreation as shown on the Policies Map.

#### **POLICY LCR5 SAFEGUARDING EXISTING SPORT AND RECREATIONAL FACILITIES**

Development involving the loss of open space (amenity green space, parks and recreation grounds, outdoor sports space, play space for children and youth, accessible natural green space), land and buildings of value for sports and recreation as shown on the Policies Map, will only be permitted provided it can be demonstrated:

- 1) is a surplus of similar facilities in the area and that the loss would not adversely affect the existing and potential recreational needs of the local population, making allowance for the likely demand generated by allocations in this area; or
- 2) the proposed development only affects land which is incapable of being used for sport and recreation; or
- 3) suitable replacement facilities of at least equivalent quality, quantity and community value are provided in locations accessible by sustainable

transport modes; or

- 4) the proposed development is for an indoor or outdoor sports facility with at least equal benefit to the development of sport and community access to sport to outweigh the loss of the existing or former recreational use, and
- 5) in the case of open space, it is not critical component of eco/green infrastructure network and any redevelopment improves habitat connectivity.

## **New and Replacement Sports and Recreational Facilities**

424. The NPPF highlights the importance of having access to high quality open spaces and opportunities for sport and recreation. Also necessary are planning policies and up-to-date assessments of the needs for open space, sports and recreation. These identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area.
425. The Green Space Strategy has been reviewed against the NPPF requirements as highlighted above. To reflect and meet the obligations of the national policy for open space provision, the adoption of this document and the strategic framework it provides will enable a consistent policy approach for open space planning and investment to be applied across the District, ensuring that opportunities are not missed. In addition, as a strategic open space framework, this document can, by setting out local open space intentions, provide a single point of reference to evidence conformity with existing and emerging national policies.
426. The information from the assessment of local needs and the audit of provision has been used to develop standards of provision for open space, sports and recreation facilities. The standards have three aspects: Quantity, Access and Quality the following typologies are those where standards have been developed:
  - Allotments
  - Amenity Green Space
  - Park and Recreation Grounds:
    - Outdoor sports space (Pitches)
    - Outdoor Sports Space (Fixed)
  - Outdoor Sports Space (Private)
  - Play Space (Children)
  - Play Space (Youth)
  - Accessible Natural Green Space
427. The standards associated with each of these typologies are set out in the Green Space Strategy. They have been used to identify existing deficiencies or surplus in the quantity, access and quality of facilities across the District. Community Growing Spaces, Historic Parks and

Gardens, Churchyards and Cemeteries and Education have been mapped but standards have not been developed for these typologies.

428. Detailed maps and analysis are provided within Part 2 of the Green Space Strategy (Area Profiles for Bath, Bathavon, Keynsham, Chew Valley and Somer Valley). The key findings are summarised below:
- There is insufficient supply of youth play space across all area profiles;
  - There is insufficient supply of parks and recreation grounds across all area profiles with the exception of Bathavon, which is the area with sufficient supply of most open space typologies (with the exception of youth and children's play space);
  - All area profiles have a deficiency in at least two open space typologies
429. Two other key documents which will help inform decisions are:
- The Playing Pitch Strategy (currently under preparation and will replace the current version) follows Sport England's new framework and covers both natural and artificial grass pitches and is being developed with Sport England, the Football Association, the England and Wales Cricket Board, The Rugby Football Union, the England Hockey Board and the Lawn Tennis Association. The document seeks to ensure that there is a good supply of quality playing pitches and playing fields to meet the needs of the local community.
  - The Built Facilities Strategy which reviews supply and demand data for swimming pools, sports halls and fitness suites within the Bath and North East Somerset area. It makes use of Sport England's Facilities Planning Model and was developed in partnership with Sport England.
430. Policy LCR6 sets out the parameters within which proposals for new or replacement sport or recreational facilities will be acceptable and to ensure that a satisfactory level of new facilities or contributions towards the upgrade of existing facilities, including open space, is secured. All new residential development will be required to contribute to the provision of additional sport and recreational facilities to a level at least commensurate with the additional population generated by that development, and in accordance with the standards in the Green Space Strategy which provides detail on how the prescribed standards should be applied. Policy LCR9 (at the end of this chapter) deals with the level of provision for allotments required for new development.

**430a Within the region there is an insufficient supply of youth play space, parks and recreational grounds across all area profiles. Difficulties maintaining natural turf and a shortage of available space has amplified the growth in artificial alternatives. Since the late 1970s when artificial alternatives gained popularity, technologies have advanced and third generation (3G) pitches are**



being employed with the backing of Sport England and the Football Association among other sporting bodies. Artificial pitches are useful mainly due to their ability to withstand inclement weather and provide significant benefits supporting active lifestyle and well-being by allowing people to play and exercise longer especially in winter.

430b. 3G pitches are constructed using longer pile artificial grass with a rubber crumb infill. These crumb granules are typically styrene butadiene rubber (SBR) originating from shredded waste tyres. Even though the Construction (Design and Management) Regulations 2007 place additional duties on those designing artificial pitches to eliminate or reduce hazards and risks during design, there are some concerns regarding impact on people's health resulting from exposure to contaminated granular material and through the contamination of soil and water. Investigations are ongoing by the European Chemicals Agency (ECHA) to determine whether crumb infill poses a risk to the health of those using third generation sports pitches. Users are advised to follow the safety recommendations made by the ECHA.

430c. The NPPF states that planning policies and decisions should aim to avoid new and existing developments contributing to land contamination, soil degradation and water pollution. Policy PCS1 embodies the 'precautionary principle' toward the healthy functioning of environmental systems. Development will only be permitted provided a management plan is submitted in accordance with policy LCR6. This principle also applies to public safety and the health risks associated with exposure from playing on these surfaces. Users should follow the safety recommendations made by the European Chemical Agency (ECHA).

#### POLICY LCR6: NEW AND REPLACEMENT SPORTS AND RECREATIONAL FACILITIES

- 1) New or replacement sport and recreational facilities, or improvements and extensions to existing facilities, will be permitted within or adjoining a town or settlement, provided:
  - a) it complements the existing pattern of recreational facilities
  - b) it is accessible by sustainable transport modes
- 2) New or replacement sport or recreational facilities elsewhere will only be permitted where:
  - a) the proposal, either by itself or together with other existing and/or proposed recreational facilities, does not have an unacceptable impact on landscape character or areas of ecological interest; and
  - b) the re-use or adaptation of existing buildings is not practical or viable, and they are of a scale appropriate to the location and recreational use;

and

- c) if an ancillary facility is proposed, it is well-related to the attraction it serves.

3) In all cases:

- a) the proposal would not give rise to significant adverse environmental conditions including the impact of air, noise, **soil**, water quality and light pollution and be detrimental to public safety and the amenities of local residents; and
- b) vehicle access and on-site vehicle parking would be provided to an appropriate standard; and
- c) adequate access to and between the facilities would be provided for people with disabilities.

Where new development generates a need for additional recreational open space and facilities which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of accessible sport and recreational open space and/or facilities to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents.

**A management plan should be submitted with an application for a new artificial grass pitch. The management plan should outline the materials used and should consider potential sources of pollution from the installation phase through to end of life, including disposal. This includes both chemical and solid wastes including microplastics. Adequate remediation measures must be implemented and reported to ensure any identified potential harm can be suitably mitigated.**

431. Further information:

- 'Fit for Life' Strategy 2014 - 2019
- Green Space Strategy 2015 – 2029
- Playing Pitch Strategy
- Sport England's Planning for Sport: web based resource
- Design and Cost Guidance pages of the Sport England website

## **Local Green Spaces**

432. In addition to allocating development sites the NPPF encourages local communities to identify green areas of particular importance to them for special protection. The identified areas can be designated as Local Green Spaces through either a Local Plan or a Neighbourhood Plan. Once designated these open spaces will not be developed except in very special circumstances. In putting land forward for designation as a Local Green Space local communities need to be able to demonstrate

that the land in question meets all of the following criteria (as stipulated by the NPPF):

- Where the green space is in reasonably close proximity to the community it serves.
- Where the green area is demonstrably special to a local community and holds a particular local significance, for example for reasons of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife.
- Where the green area concerned is local in character and is not an extensive tract of land.

433. The Planning Practice Guidance (PPG) also suggests that if the land is already protected by designations such as Area of Outstanding Natural Beauty, Site of Special Scientific Interest, Scheduled Monument or Conservation Area, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space. The green area does not need to be in public ownership.

434. Local Green Space, once designated, will be subject to similar development restrictions as the Green Belt. Because of this the Council would not normally expect Local Green Space to be designated within the Green Belt. All Local Green Spaces that meet the above criteria are shown on the Policies Map and protected by Policy LCR6A. The reasons for the designation of each Local Green Space shown on the Policies Map is set out in the Local Green Space Recommendations Report (October 2015 which can be used in conjunction with Policy LCR6A to help inform the application of the policy.

#### **POLICY LCR6A: LOCAL GREEN SPACES**

1. Development that would conflict with the reasons that the local green space has been demonstrated to be special to the local community and holds a particular local significance; and prejudice its role as Local Green Space will not be permitted unless very special circumstances are demonstrated.
2. Local Green Spaces are defined on the Policies Map and additional areas may also be designated as Local Green Space in Neighbourhood Plans.

#### **Recreational Development Proposals Affecting Waterways**

435. Overland water resources (such as rivers, canals, lakes and reservoirs) form a constituent part of open space as defined by the NPPF and can offer important opportunities for sport and recreation. In Bath and North East Somerset the River Avon and the Kennet and Avon Canal, together with the Chew Valley and Blagdon Lakes, provide important resources for recreational uses.

436. Recreational development proposals should be carefully controlled to avoid the gradual erosion of the inherent character of the River, Canal and Lakes and their immediate environment and are either within the Green Belt and/or the AONBs.
437. Proposals for additional facilities will always need to be considered carefully, particularly in the context of Green Belt, landscape, ecological and other recreational policies, as well as taking into account the impact of traffic and parking on these sensitive environmental locations.
438. Policy LCR7 sets out the circumstances in which recreational development affecting waterways would be acceptable.

#### **POLICY LCR7: RECREATIONAL DEVELOPMENT PROPOSALS AFFECTING WATERWAYS**

Development proposals for the recreational use of waterways and water areas will be permitted provided:

- 1) there is an overriding need for a waterside location
- 2) they are compatible with established recreational activities
- 3) they would not have an unacceptable impact on landscape character, nature conservation interests, amenity value of the area, safety or the highway interests
- 4) they would not have a detrimental impact on water quality and supply

In the case of development in the Green Belt, proposals should be consistent with national Green Belt policy and not harm the openness of the Green Belt.

### **Telecommunications Development**

439. Mobile communications and the internet are now an essential part of everyday life: for business operations and individual lifestyles. With the growth of services such as mobile internet access, demand for new telecommunications infrastructure is continuing to grow. The Council supports this expansion but will expect any harmful environmental impacts to be minimised.
440. The NPPF advises that in preparing a Local Plan, local planning authorities should:
- support the expansion of electronic communications networks, including telecommunications and high speed broadband
  - aim to keep the numbers of radio and telecommunications masts and the sites for such installations to a minimum consistent with the efficient operation of the network
  - ensure existing masts, buildings and other structures are used, unless the need for a new site has been justified. Where new sites

are required, equipment should be sympathetically designed and camouflaged where appropriate.

441. Some telecommunications development is permitted development under the GPDO. Telecommunications operators wishing to carry out some types of permitted development will require prior approval on matters relating to the siting and appearance of the development.
442. Policy LCR7A sets detailed parameters within which development requiring planning permission or prior approval will be permitted. When considering applications for telecommunications development, the Council will have regard to the operational requirements of telecommunications networks and the technical limitations of the technology.

#### **POLICY LCR7A: TELECOMMUNICATIONS DEVELOPMENT**

Proposals for telecommunications development will be permitted provided:

- 1) the siting and appearance of the proposed apparatus and associated structures minimises impact on the visual amenity, character or appearance of surrounding area
- 2) if on a building, apparatus and associated structures are sited and designed in such a way that minimises impact on the external appearance of the host building
- 3) in the case of a new mast, it can be demonstrated that the possibility of erecting apparatus on existing buildings, masts or other structures has been fully explored
- 4) development does not have an unacceptable effect on areas of ecological, landscape or the District's heritage assets such as the Bath World Heritage Site.

### **Broadband**

443. The NPPF recognises the importance of infrastructure in delivering sustainable economic growth, and states that 'the development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services' and that 'local planning authorities should support the expansion of electronic communications networks, including telecommunications and high speed broadband'. Better broadband connectivity is becoming increasingly vital as many existing businesses are looking to grow, businesses from outside the area are looking to relocate and there is increased interest from potential investors.
444. The Council is working within a consortium to bring high speed fibre broadband to Bath & North East Somerset. Connecting Devon and Somerset (BDUK) is a public-private partnership of six local authorities (Somerset, Devon, North Somerset, Torbay, Plymouth and Bath and

North East Somerset) and the delivery partner BT. The BDUK programme has been set up to deliver next generation broadband infrastructure to areas where the market has failed to invest. The aim of the programme is to ensure that most residents and businesses will have broadband speeds of over 24Mbps by the end of 2016, and that every premise within the programme area has a broadband speed of at least 2Mbps.

445. This will help support the aim of growing the value of the local economy by £1 billion by 2029 and increase creative industry/ ICT employment by 20%. It will also make people's leisure time more enjoyable, make it easier for residents to work from home, and also quicker connect to local public services.
446. From 2017 EU Legislation will specify that new build and major renovations of buildings will need to be high speed ready, however, exemptions will be allowed for historic buildings, holiday homes or where the cost to do this would be disproportionate, meaning that smaller and rural developments are likely to be excluded.
447. To help achieve these aims the Council is keen to make sure that that the concept of providing broadband is fully integrated with other service provision at the design stage for proposed employment and residential sites. This will help eliminate upgrading work at a later date and ensure that the development is able to accept and adopt technological improvements in the future. Alternative technologies and innovative solutions such as satellite, wireless and mobile connectivity should also be considered in terms of future proofing to ensure there is access to superfast broadband irrespective of location.
448. The purpose of Policy LCR7B therefore is to ensure that new residential and employment development provides for the necessary infrastructure to allow for the implementation of superfast broadband. It is recognised that the availability of such infrastructure may vary across the District. The expectation is that even where such infrastructure is not readily available provision is made for local infrastructure to enable connection when the strategic connections are put in place. This policy approach will complement Core Strategy Policy CP13 which requires that new developments are supported by the timely delivery of infrastructure. Clearly not all proposals will be expected to make provision for broadband infrastructure (e.g. garage proposals). A 'connectivity statement' will help to demonstrate how the proposal will provide access to superfast broadband (24Mbps+) and be compatible with local broadband fibre networks where relevant.

## POLICY LCR7B: BROADBAND

New residential and employment developments should be provided with superfast broadband infrastructure to enable superfast broadband provision and developers and infrastructure providers will be expected to facilitate this through early engagement.

Appropriate technology will be identified that will enable the delivery of superfast broadband infrastructure as part of infrastructure planning and should be considered early on as part of a comprehensive utility network plan.

Access to superfast broadband (24Mbps+) should be sought, compatible with local broadband fibre networks.

Wherever practicable, superfast broadband infrastructure capacity should be incorporated to agreed industry standards.

Where it can be demonstrated that such provision would render the development unviable, alternative solutions should be provided as appropriate (such as mobile broadband infrastructure and / or Wi-Fi infrastructure) to enable superfast broadband delivery.

449. Guidance to inform development proposals includes:
- 'How to build a fibre network - Developers Handbook', Openreach (2015) or subsequent updates
  - 'PAS 2016:2010: Next Generation Access for New Build Homes guide', Department of Business Innovation and Skills and the British Standards Institution (2011) or subsequent updates

## Commercial riding establishments

450. It is recognised that the development of commercial riding establishments can contribute towards agricultural diversification and make use of or adapt agricultural or other rural buildings. The development of large scale new buildings and car parks to meet demand would clearly be in conflict with the purposes of the Green Belt and schemes can be particularly inappropriate in Areas of Outstanding Natural Beauty and in other areas of landscape importance.
451. Policy LCR7C sets out details requirements for considering proposals for commercial riding establishment. It seeks to ensure that equestrian activities do not have an adverse impact on the appearance of the countryside, including the visual impact of jumps and other equipment, and that horses are well housed and cared for.

## **POLICY LCR7C: COMMERCIAL RIDING ESTABLISHMENTS**

Proposals for commercial riding establishments will be permitted provided the site is well related to an existing bridleway network and there is:

- 1) adequate land within the curtilage of the site to allow for the proper care of the horses
- 2) adequate site supervision without the need for erection of residential accommodation
- 3) adequate provision for the storage and disposal of animal waste
- 4) no detriment to visual amenity resulting from the impact of jumps, fences and other equipment
- 5) no unacceptable adverse impact on ground and soil erosion both on and off site
- 6) no adverse impact upon other recreational uses in the locality, and
- 7) no adverse impact on key ecological functions or key habitat integrity

New buildings will only be permitted where clauses 1) – 7) are met, and the scale, siting and design have no adverse impact on landscape character.

In the case of development in the Green Belt, proposals should be consistent with national Green Belt policy.

## **Local Food Growing**

### **Context**

452. Local food growing spaces are not only an important leisure resource, but they are recognised locally and nationally for their value as open spaces, especially in urban areas and for their contribution to sustainable development and health objectives including; local food production, physical activity promotion, community cohesion, green infrastructure networks, biodiversity and their potential for educational opportunities.

453. Local food growing space includes public, open and/ or residential space used for communal or individual food growing and includes both allotments and informal local food growing space:

### **Allotments**

454. Allotment gardens have a statutory definition, and are made up of allotment plots. The Allotment Act of 1922 defines the term “allotment garden” as: “an allotment not exceeding 40 poles [i.e. equivalent to 112m<sup>2</sup>] in extent which is wholly or mainly cultivated by the occupier for the production of vegetable or fruit crops for consumption by himself or his family.”



455. The Allotments Act of 1925 gives protection to land acquired specifically for use for allotments, so called Statutory Allotment Sites.
456. “Temporary” allotments sites refer to sites that have not been specifically acquired for allotment use, although many are often used for decades and are not protected by the 1925 legislation. The term “Allotments” for the use of this policy approach refers to both statutory, temporary and private allotment gardens (as defined in law).
457. There are 42 allotment garden sites across Bath and North East Somerset. The Council is only responsible for the 23 sites in Bath. Elsewhere allotments are managed by other local bodies, such as Parish Councils and social housing organisations.

### **Informal food growing space**

458. Informal food growing spaces include community gardens, community orchards and nuttries, fruit trees and bushes, private gardens, green roofs, raised beds, and other shared public and/ or open space that can be used for food growing. Unlike allotments informal food growing space may be available on either permanent or temporary terms, enabling community groups to cultivate land awaiting development on a meanwhile basis.
459. Research underpinning the Green Space Strategy (2015) demonstrates that there is a high demand for allotments with nearly every site across the District now full with a waiting list. Evidence to support the community value of allotments and informal food growing space is also included in the B&NES Local Food Strategy (2014 – 2017). Historic England have highlighted that in some cases, historic allotments will constitute non-designated heritage assets, and/or will contribute to the setting and character of a place, they can have additional protection for this reason under local and national policy.
460. Further provision of allotments and informal food growing space is needed and any loss should be resisted, as once lost, this land is unlikely to be replaced within accessible locations in the urban areas.
461. The aims of this policy approach are as follows:
- Protect existing allotments
  - Support the delivery of suitable new allotments
  - Support the increased provision of informal food growing space

### **Policy Rationale**

462. This policy approach has been informed by consultation with local stakeholders, including the Council’s Parks Department and the B&NES Allotment Association. The policy refers directly to a number of new documents:
- B&NES Local Food Strategy (2014- 2017)

- B&NES Allotment Management Plan (2015) which outlines how the Council will manage its allotments, and involve stakeholders and local people in the process.
  - B&NES Allotment Site Selection Criteria (2015) outlines the selection criteria used to find potential allotment sites, also to be used to assess on site provision as part of development schemes
  - B&NES Allotment Design Guide (Forthcoming) This guide will inform the process for allotment design and design principles
  - B&NES Green Space Strategy (updated 2015)
463. LCR9 will guide the provision of new allotments and community food growing space which is a priority identified in the Green Infrastructure Strategy and the B&NES Local Food Strategy. This policy will support the delivery of the Allotment Site Selection Criteria, Allotments Management Plan and Allotment Design Guide
464. Policy requirements for local food growing are included in the Council's Sustainable Construction Checklist.

#### **POLICY LCR8: PROTECTING ALLOTMENTS**

- 1) Development resulting in the loss of land used for allotments (or land evidenced as last used as allotments) will not be permitted, unless:
  - a) The importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made elsewhere within a reasonable catchment area (as defined by the Green Space Strategy) and in line with LCR9; or
  - b) the site is allocated for another use in the Placemaking Plan and suitable, equivalent and accessible alternative provision is made in line with LCR9.
- 2) Any loss of amenity land related to allotments should not compromise the proper function of allotment gardens including access, storage of tools, other communal areas or orchards, unless satisfactory mitigation can be delivered.
- 3) Existing formal allotments are identified on the Policies Map.

#### **POLICY LCR9: INCREASING THE PROVISION OF LOCAL FOOD GROWING**

- 1) The identification of all new allotments sites must comply with the B&NES Allotments Site Selection Criteria and must:
  - a) Be suitable for productive use.
  - b) Be accessible to the area they are intended to serve.
  - c) Be suitable for use as allotments through appropriate design (e.g.

considering ecology and landscape).

- 2) New allotments must be well designed and managed in line with the B&NES Allotments Management Plan & B&NES Allotment Design Guide and must have a site Management Plan.
- 3) All residential development (including purpose built student accommodation and care homes) will be expected to incorporate opportunities for informal food growing, wherever possible (e.g. border planting, fruit bushes and trees, orchards and nutturies window boxes, balcony gardens, rooftop planters, external courtyards, edible planting, vertical planting, herb gardens, raised beds, garden space etc.). Suitable ongoing maintenance arrangements will need to be made.
- 4) Informal food growing space will be supported in principle including the temporary use of vacant sites for amenity land and informal food growing.
- 5) Where new development generates a need for allotments which cannot be met on-site or by existing provision, the developer will be required to either provide for, or to contribute to the provision of allotments to meet the need arising from the new development in accordance with the standards set out in the Green Space Strategy, and Planning Obligations SPD or successor documents.

# A PROSPEROUS ECONOMY

## ECONOMIC DEVELOPMENT

465. The 2008-09 recession and subsequent depression to 2013 demonstrates that it is everyone's interest to support the development and growth of a prosperous economy across B&NES. The Sustainable Community Strategy recognises that we must act at a local level to create prosperity through economic growth, whilst working towards a low carbon economy. The Development Plan will support and deliver elements of the B&NES Economic Strategy (2014-30), which aims to create the conditions for jobs growth throughout the District, leading to a more diverse, productive and resilient economy which provides better opportunities for all.
466. A scarcity of resources – both natural and financial, an aging population, competition from overseas, and the loss of jobs in traditionally strong local sectors, are all factors driving the need for change. The District's economy has a predominance of public sector related, retail, leisure and tourism employment and has the lowest weekly workplace wages and productivity in the West of England. These activities are extremely important to the District, but in recent times, lower-value activities such as some types of manufacturing, have lost ground, suffering job losses. It is therefore critical that the economy looks to offer more opportunities to its resident population.
467. The District's economy is also dominated by micro and small businesses, which reflect an entrepreneurial spirit. Particularly productive activities include engineering, technology-related activities, and some creative industry activities, such as publishing and sound recording. The area is also home to critical business networks which can support and guide new businesses. The District, having more residents educated to degree level than the national average, is therefore well equipped to take up job opportunities locally, should they be created. The District is also well placed to build on its international reputation in order to promote investment.
468. B&NES will aim to build on its considerable strengths and pursue a smart growth agenda, i.e. promotion of a higher value added economy rather than relying only on volume growth. This will focus on several key areas as put forward by the Economic Strategy:
- Business support and development:
  - Employability and skills
  - Business premises and infrastructure
  - Promoting Investment
469. By the end of the plan period, the District will have a more

environmentally sustainable economy with many more jobs, less overall commuting, a reduction in the contribution made by commerce and industry to the carbon footprint of the area, and a strong low carbon business sector. It will have a more socially inclusive economy with continuing high levels of economic participation, a focus on lifelong learning, and increased and relevant workforce skills. It will have a more diverse, productive and resilient economy due to the increase in the availability of knowledge-based jobs, where knowledge-based workers can find jobs and where local innovation can grow commercially.

Delivery:

470. Sites are identified and allocated in the Placemaking Plan to meet the identified employment space requirements. Delivery of economic development will also be facilitated by the B&NES Economic Strategy, the Council as a key land and property owner, its Regeneration activities Delivery Plans activities and the Development Management process. Working alongside local communities and partners will be essential to deliver the ambitions of the Economic Strategy and developers may be asked to support the objectives of the Strategy through a Targeted Recruitment, Training and Supply- chain Protocol.

## **Proposals involving Office and Industrial Land and Floorspace (B1, B2, B8)**

### **Context**

471. The availability of office and industrial land and premises in the right place and at the right time is vital for the economic success of B&NES and its resident workforce. The stock of office and industrial floor space needs to be managed, enhanced and increased to enable the delivery of the B&NES Economic Strategy (2014-30) and the West of England Strategic Economic Plan (2015-2030).
472. Policies (B1, KE1 and SV1) of the Core Strategy contain long term targets to increase the stock of office floorspace in Bath, Keynsham and the Somer Valley. For industrial space the same policies set out whether the Plan is seeking to increase the stock or manage its forecast contraction.
473. In managing the existing stock of space, and where possible, (noting the existence of permitted development rights affecting employment land) decision-making will take into account monitoring information in relation to Policies B1, KE1 and SV1.
474. When allocated employment land (either an existing site or a new site) is subject to an application for an alternative use, regard will be had to whether there remains a reasonable prospect that an employment use will be realised. Due to the fact that these sites will have been allocated for such a use, based on evidence of need, the presumption will be that this is the case, unless current market signals are sufficient to

challenge the need for continued long term protection.

## **Office Development (~~B1a uses classes~~)**

Planning positively for office development

475. In order to plan positively for office space the Core Strategy identifies the current extent of the city centre boundary for Bath and a wider Bath Central Area (comprising the edge-of-centre locations that are most likely to be enable the city centre to grow). These areas fall within the Bath City Riverside Enterprise Zone and will be the focus for new office space. The Enterprise Zone also extends further westwards and new office space as part of allocated mixed use developments will be suitable in areas along this corridor that are well-connected to public transport options, and walking and cycling networks. The site allocations section of the Plan indicates the sites where this is case, and the quantum of space allocated.
476. At Keynsham, the redevelopment of Somerdale presents the most important opportunity to inject a new office market into the town. Although out-of-centre it is well connected by public transport options to both Bath and Bristol. At Midsomer Norton and Radstock the Placemaking Plan identifies town centre boundaries and it is within these centres that small levels of new office development will be concentrated.
477. The site allocations section identifies specific sites within and adjoining the city/ town centre boundaries and elsewhere; in the Bath City Enterprise Zone and at Somerdale, for new office uses to meet strategic needs.
478. Outside these areas, office development will need to be justified in respect of Policy CR1 and the sequential test, ~~and Policy CR2 and the impact test (if over 2,500 m<sup>2</sup> GIA).~~

### **POLICY ED1A: OFFICE DEVELOPMENT**

Proposals for office development within city and town centre boundaries, or on sites specifically allocated for this purpose are acceptable in principle.

### **Change of use & redevelopment of ~~B1 (a)~~ office to residential use C2 (residential institutions), C3 (dwelling houses), and C4 (HMOs) and Sui Generis**

479. ~~Paragraph 51 of the NPPF (March 2012) states that “local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified~~

need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate” **The Town and Country Planning (General Permitted Development etc.)(England)(Amendment)Order 2021 introduced a new Class MA – commercial, business and service uses to dwellinghouses subject to a prior approval process covering various impacts such as of the character or sustainability of the conservation area, noise, flooding, highways and transport issues and contamination. The Order sets out various limitations and exclusions including listed and buildings within a World Heritage Site.**

480. The term ‘change to’ encompasses both a change of use and redevelopment as ultimately both result in a ‘change to’ the use of land. Residential **in terms of Policy ED1B** is defined as development in the C2, C3 and C4 and use classes. Residential also encompasses sui generis residential uses such as large Houses in Multiple Occupation (HMO) (i.e. blocks of student accommodation with shared flats hosting more than 6 persons) **and Purpose Build Student Accommodation (PBSA).**
481. What constitutes a ‘strong economic reason’ is not defined in the NPPF or the PPG and so requires definition in policy locally to enable decision-taking, and the Core Strategy already includes a very specific policy (Policy B5) to regulate new student accommodation in certain parts of the city.
482. ~~In May 2013, Government amended the GPDO to introduce permitted development rights to enable premises in B1(a) office use (subject to some exclusions including but not limited to listed buildings and space built since May 2013) to change to C3 dwelling houses (though not C2, C4 or sui generis residential uses) without the need for a planning application, and subject to a prior approval process covering noise, flooding, highways and transport issues and contamination.~~
483. ~~The most commonly occurring exclusion in B&NES relates to a listed buildings. If the building is listed or within the curtilage of a listed building (which is often the case in the centre of Bath), permitted development is not applicable and a planning application is needed. However, the Council considers that the purpose of such an application is to deal with (in addition to the prior approval matters listed above) any risk to the significance of heritage assets and not ‘in-principle’ issues. The permitted development rights initially lasted until May 2016, in April 2016, legislation came in to force to make this change permanent.~~
484. The utilisation of permitted development rights has had a meaningful negative impact on the supply of office space in Bath city centre, including on good quality occupied space. This means that more new

office space will be needed than previously proposed when the Core Strategy was adopted. Whilst an expectation of losses was built into the Plan based on trends, permitted development rights have meant that those expectations have already been exceeded. The gross amount of new office space to be planned for has thus been increased as set out in Core Strategy Policy B1 in order to achieve the necessary net outcome. **The Article 4 Direction to remove permitted development rights was introduced on 24<sup>th</sup> May 2019 and it operates until the implementation of the new Class MA on 31<sup>st</sup> July 2021.** ~~the rights permanent further risks undermining the spatial strategy for the city as a whole and therefore the Council will consider making an Article 4 Direction to remove the rights in specific parts of the District. In 2013 it applied to Government for parts of the District to be exempted as Article 2(5) land but was not successful.~~

485. The current permitted development rights only apply to a literal ‘change of use’ (not redevelopment). Currently, proposals for the ‘redevelopment’ of office space to C3 residential use still require a planning application, which can test in-principle matters. ~~(albeit against the background of the NPPF:51). However, in October 2015 Government announced that it intended to extend permitted development rights to redevelopment. The extended rights will enable the demolition of offices and new build as residential use but will be subject to as yet unknown limitations and prior approval tests by the local planning authority. Further, the Council will consider making an Article 4 Direction to remove change of use and redevelopment rights in specific parts of the District. The policies below are written to be sound in the current national planning context and to be flexible enough to be able to respond to changes at a national or local level, without requiring a review of the policy.~~
486. Proposals for the redevelopment of offices to a C2, C4 or sui generis residential uses do not benefit from permitted development rights and will, ~~in the case of non-student C2 & C4 uses, be judged against policy ED1B. Where a proposal is for student accommodation, Policy B5 of the Core Strategy will be used in decision-taking~~

**POLICY ED1B: CHANGE OF USE & REDEVELOPMENT OF B1 (A) OFFICE TO RESIDENTIAL USE**

**1. Change of use (i.e. conversion)**

The conversion of office space (B1a) to residential C3 is normally permitted development, subject to the exceptions set out in the **GPDO** ~~GDPO~~. ~~(which includes listed buildings).~~ The principle of change of use through conversion of listed buildings in office use to C3 residential use is also accepted, **provided there is no adverse impact on the significance of the listed building.**

**2. Change of use and Rredevelopment (i.e. demolition and construction**



of a new building)

The **Change of use and** redevelopment of office space (~~B1a~~) to non-student C2, C3 or C4, **or Sui Generis (large HMO and PBSA)** residential will be permitted unless there are strong economic reasons for refusal, as set out below.

### 3. Strong economic reasons

Strong economic reasons will exist if:

a the site is within the Bath Central Area, the Bath City Riverside Enterprise Zone, Somerdale, or a town centre listed in Policy CP12, or on a site that has been granted permission since 2011; and

b the loss of the space would be a significant loss to strategically important office accommodation in B&NES and significantly harm the Council's ability to plan positively for economic development.

In assessing whether strong economic reasons exist, consideration will be given to:

- the quality of the office space (existing or permitted) to be lost or not implemented compared to alternative, available premises in the locality, and whether these are suitable for any displaced existing occupiers;
- the need to retain the space in the context of the achievement of strategic Core Strategy targets set out in B1, KE1 and SV1;
- current market signals and forecasts (to ensure the long-term targets of Core Strategy policies B1, KE1 and SV1 remain justified throughout the plan period);
- in the case of a mixed-use residential-led site granted permission since 2011, whether the premises are critical to the sustainability of the permission and

whether implementation remains viable, and realistic in light of market signals.

4. In the event that permitted development rules referred to in this policy no longer apply (whether due to the introduction of a direction under Article 4 of the Town and Country Planning Acts or through changes to national legislation or policy):

a If the permitted development rules relating to change of use (conversion) from office to residential are removed, all such applications, including for ~~listed buildings~~ **and buildings within the World Heritage Site**, will be assessed using the criteria set out in paragraphs 2-3, above. For the avoidance of doubt, in these circumstances the principle of change of use through the conversion of listed buildings in **Use Class E former B1a** use to C3 use will no longer be automatically considered acceptable.

b If the permitted development rules relating to change of use (conversion) from office to residential are widened to include redevelopment, consideration of strong economic reasons, as set out in paragraphs 2-3 above, will no longer be required. This would not apply to listed buildings

and buildings within the World Heritage Site.

## **Change of use and redevelopment of B1(a) office use to other town centre uses**

~~487. In May 2013, Government introduced permitted development rights that enabled B1 uses (up to 150 sq.m and excluding listed buildings) to change use to shops and other retail premises (A1, A2, A3 uses) for a single period of up to two years. After two years the use must revert back to B1. These rights ended in May 2015 (although a change of use implemented in April 2015 would be valid until 2017).~~

~~488. The LPA has monitored the take up and impact of these rights. There were no adverse impacts to suggest that the Development Plan needs to be restrictive once the rights are extinguished. Retail uses normally require a ground floor premises and a permissive stance is therefore unlikely to cause a significant reduction to the stock of office space in the District, which usually occupies the space above shops. Accordingly, in designated city, town, district and local centres, and elsewhere there will be a permissive approach to applications to change use from B1 (a) offices to shops. If this approach results in significant unintended negative effects on the office market, the Council will undertake a partial review of the Plan via the fast track route set out in the NPPG.~~

**488a In September 2020 the Government implemented changes to the Planning Use Class Order to combine a number of different town centre type uses including offices (former B1 use class), shops (former A1), restaurants (former A3), banks and estate agents (former A2), gyms (former D2), health facilities (former D1) into a single Class E “Commercial, Business and Service” use. Uses can change within this use class without the need to apply for planning permission thereby allowing an office for example to be converted to a shop, restaurant, health facility or gym, or vice versa.**

**489. The use classes for hotels (Class C1) residential uses and industry (B2) and warehousing (B8) are retained, and there are new use classes for Learning and Non Residential Institutions (Class F1) and Local Community uses (Class F2).** Permitted development rights do not exist for the change of use of office space to **hotel use (use class C1) and Sui Generis uses** D1 and D2 uses aside from in relation to a state-funded school (subject to exemptions and via a prior approval process). Where the control of **change of** use is possible the Council will prioritise the retention of office space over

C1, D1 and D2 **hotel and other** uses **not with Class E**. It is necessary to do this due to the erosion of planning control in relation to changes of use (and potentially redevelopment) from office to C3. In practice this is most likely to be of use in protecting office space from hotel conversion/redevelopment in circumstances where this would be detrimental to the operation of the office market. In some cases this may not be detrimental.

**POLICY ED1C: CHANGE OF USE AND REDEVELOPMENT OF B1 (A) OFFICE USE TO OTHER TOWN CENTRE USE (not within Use Class E)**

~~1. The change of use of office space to A1, A2 and A3 uses will be permitted unless clauses 3a and 3b of Policy ED1B apply~~

2. The change of use or redevelopment of office space to other town centre uses (**not within Use Class E**) will not normally be permitted, unless the space is of particularly poor quality in relation to the total stock of the city, or, if this is not common ground between the applicant and LPA, the space has been marketed for 12 months, on reasonable terms, at a time when the UK economy is growing and no serious occupier interest has been forthcoming.

Even where these criteria are not met the economic and social benefits of the alternative proposed town centre use (in terms of employment, GVA and contribution to the centre and any townscape improvements resulting from change) will be material considerations, that could, in exceptional cases, outweigh ED1C (2)

Light Industrial **E(g)(iii)** (B1c), Heavy Industrial (B2) and Warehousing (B8) Uses

Planning positively for industrial development

490. ~~Paragraph 20 of NPPF expects LPAs to plan proactively to meet development needs of business, including industrial type activity. Planning positively for industrial development in B&NES means protecting the best of what the District has to offer in terms of supply, whilst adding to the stock of available land where needed. Permitted development rights enable both extensions to and losses of industrial space in certain circumstances and in some cases are subject to a prior approval process.~~ **Paragraph 81 of NPPF expects that 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.'**

491. Historically, Policy ET.3 of the B&NES Local Plan (2007) identified 'Core Business Areas' for B1c (**now E(g)(iii)**), B2 and B8 uses. These areas were afforded a high level of protection from alternative (higher value) uses. The Core Employment Areas have been reviewed to assess whether they should be specifically identified for protection in the current Local Plan as Strategic Industrial Estates or Other Primary Industrial Estates. In reviewing land the Council has had regard to:
- 1) whether the site is strategic, is not strategic but of primary importance, or is of lesser significance
  - 2) whether it is needed to maintain a balanced and mixed economy based on forecasts of change and the strategic policy response as set out in the Core Strategy.
  - 3) whether there are reasonable prospects for churn or redevelopment within the site should current occupiers leave and whether different levels of protection are appropriate for different parts of an estate.
  - 4) The 2015 Industrial Land Review (Lambert Smith Hampton, 2015), which involved site visits for 24 of the most notable industrial areas, which collectively amounted to 300,000 sq.m of floor space ( 46% of the district's total stock and 39% of total units) to take into account current market signals in respect of demand and supply.
  - 5) Paragraph 22 of the NPPF (**2012**), which ~~advises~~ **advised** that there must be a reasonable prospect of a site being used for the allocated employment use. This applies equally to land currently or last used for employment purposes and new greenfield allocations.
- 492 A list of Strategic Industrial Estates and Other Primary Industrial Estates is set out in Policy ED2.A. The 18 Core Business Areas of the former B&NES Local Plan (2007), mostly exclusively industrial in nature, have been reclassified into 4 Strategic Industrial Estates and 4 Other Primary Industrial Estates.
493. Each urban policy area of the Core Strategy has at least one strategic industrial estate and the Somer Valley has two. In combination these provide around 200,000 sqm (NIA) of floorspace and account for around 31% of the stock of the District. Within the Somer Valley Policy Area 4 'Other Primary Industrial Estates' are identified, providing a further 35,000 sqm (NIA) of space and accounting for a further 6.5% of District supply. The Somer Valley is particularly dependent on its supply of industrial land in respect of its economic and employment structure, hence the significance of the 'Other Primary Industrial Estates'.
494. Accounting for just over one third of total supply the Strategic and Other Primary Industrial Estates are considered to be the most important concentrations of industrial land supply in the District. There are very strong economic reasons to retain them and they are afforded the highest level of protection in the Plan. Un-named estates, smaller industrial clusters and standalone premises are subject to Policy ED2.B (unless allocated for another use in the site allocations section). They are still subject to protection, to guard against the wholesale and unsustainable redevelopment of industrial land supply to other higher

value uses, but to a lesser degree.

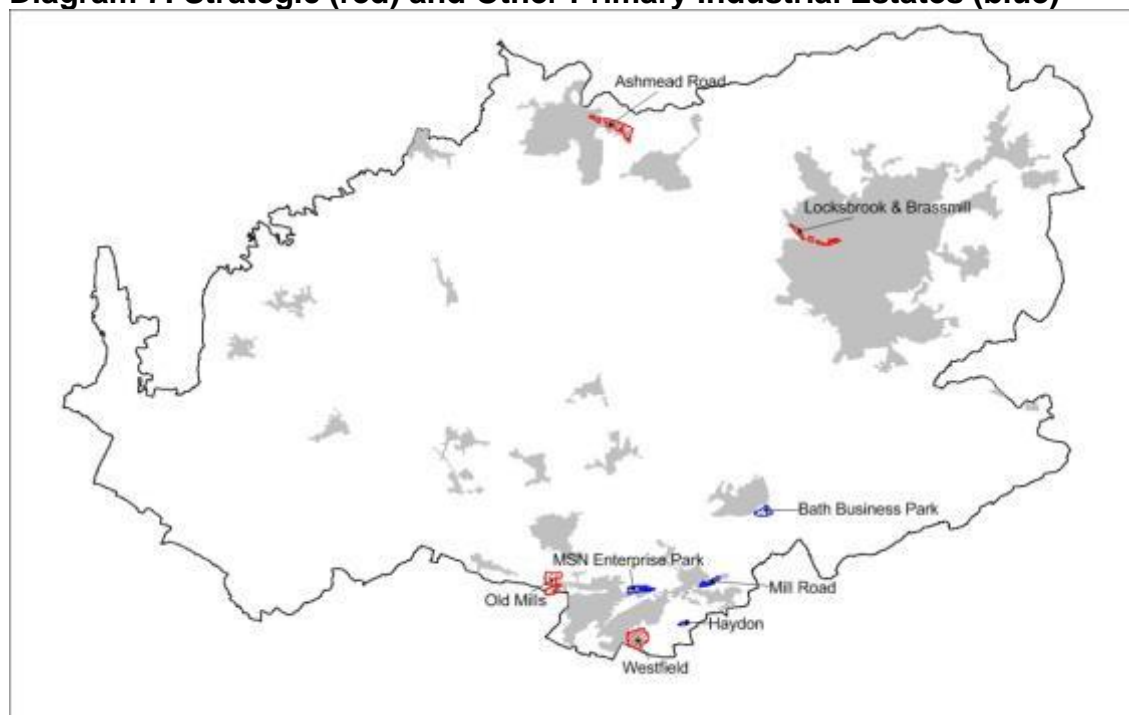
**494a The monitoring evidence shows that since the start of the Local Plan period in 2011 losses of industrial sites across the District have exceeded the levels set out in the Plan, and the necessary new employment development has not been realised. Additionally, evidence shows that demand for industrial space has increased and is greater than was envisaged at the time of preparing the current Local Plan. There are also limited opportunities to provide new industrial land, especially in Bath. Therefore, Policies ED2A and ED2B have been amended through the Partial Update.**

**494b Placemaking Plan Policy ED2B was adopted in the context of the National Planning Policy Framework 2012. The NPPF 2012 set out a presumption that employment land and premises should be redeveloped for housing, unless there are 'strong economic reasons' as to why this would be inappropriate. The revised NPPF published in 2021 continues to encourage the use of previously developed land for housing, and that using currently unallocated retail and employment land for homes should be supported but only where it does not undermine key economic sectors and would be compatible with other policies in the Framework (including those relating to supporting economic growth and productivity).**

**494c Due to the chronic shortage of industrial space within the Bath City area, all existing industrial sites including small sites play an important role to Bath remaining a fully functioning economy. It is also important in ensuring that climate emergency goals are fulfilled - both in terms of employment and last mile delivery. Furthermore, industrial space is required to help facilitate green recovery with evidence of demand for such space shown by enquiries registered with the Council. The ongoing presence of industrial space within the city is essential to a functional employment ecosystem.**

**494d Reflecting the latest national policy (NPPF 2021) and the significant losses of industrial land that have occurred since 2011; and the increased demand for industrial accommodation Policy ED2B has been strengthened to provide greater policy protection of non-strategic or other industrial sites.**

**Diagram 7: Strategic (red) and Other Primary Industrial Estates (blue)**



#### Permitted Development

495—Industrial and warehousing premises benefit from limited permitted development rights for their erection and exterior alteration. These are set out in the GPDO. Where there is any doubt as to whether development would be permitted development, advice from the LPA should be sought to determine if the proposed works are permitted development or whether a planning application is needed.

496.—In March 2015 a new permitted development right, for a three year period, allows storage or distribution buildings (B8) to change use to residential (C3). Up to 500 sq.m. of floor space will be able to change to residential use. The right is subject to a prior approval process covering transport and highways, air quality impacts on intended occupiers, noise impacts of the development, risks of contamination, flooding, and also where the authority considers the building to which the development relates is located in an area that is important for providing storage or distribution services or industrial services or a mix of those services, whether the introduction of, or an increase in, a residential use of premises in the area would have an adverse impact on the sustainability of the provision of those services.

497.—The new right does not apply in Areas of Outstanding Natural Beauty and World Heritage Sites, Listed Buildings or land within the curtilage of Listed Buildings, Scheduled Monuments, or in Sites of Special Scientific Interest. These designations mean that a planning application

~~is needed to ensure that any possible issues in relation to them can be fully considered. Due to the City of Bath World Heritage Site the whole city is not subject to the new rights and a planning application will be needed to determine whether, in addition to the prior approval tests, there is any risk related to the significance of heritage assets. This is unlikely to be the case in most circumstances. After changing to a residential use, existing permitted development rights for dwelling houses (C3) will not apply.~~

~~498. If the site is under an agricultural tenancy then the consent of both the landlord and the tenant will be needed for any development to be permitted. The right only applies to buildings that were last used or were in use as storage or distribution (B8) on or before 19th March 2014. However, there is an additional requirement that a building seeking to change use must have been in B8 use for a period of at least 4 years before the date development begins.~~

~~499. In October 2015 Government announced that permitted development rights for a change of use of light industrial buildings to residential were to be implemented. Further details on the prior approval tests are awaited, but may be similar to those for the change of B8 uses to residential. Once the change to GPDO is confirmed some changes may be needed to policies ED.2A and 2B. the Council has the option of making an Article 4 Direction to remove the rights in specific locations.~~

### **Managing Other Losses**

~~500. Despite the need to plan proactively for business uses, Paragraph 54 of the NPPF (March 2012) states that:~~

~~*“LPAs should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate”*~~

501. The term ‘change to’ can be interpreted widely enough to encompass both a change of use and redevelopment as ultimately both result in a ‘change to’ the use of land. Residential uses are defined as development in the C2, C3 and C4 use classes. Residential also encompasses sui generis residential uses such as large HMOs (i.e. blocks of student accommodation with shared flats hosting more than 6 persons

## POLICY ED2A: STRATEGIC (\*) AND OTHER PRIMARY INDUSTRIAL ESTATES

1. Proposals for light industrial, heavy industrial, warehousing (classes **E(g)(iii)** B4c, B2, B8), builders merchants will be acceptable in principle within the following Industrial Estates identified on the Policies Map. Proposals for car showrooms will also be acceptable on undeveloped land in these areas and where this would not replace **E(g)(iii)** B4c and B2 land and premises.

### Bath

- a) Newbridge Riverside( Brassmill Lane, Locksbrook Road Estate and The Maltings(\*))

### Keynsham

- b) Ashmead Road & Unity Road Estate, including World's End Lane Extension(\*)

### Somer Valley

- c) Westfield Industrial Estate, Westfield(\*)
- d) Old Mills industrial Estate and its extension, Paulton(\*)
- e) Mill Road, Radstock
- f) Midsomer Enterprise Park, Radstock
- g) Haydon Industrial Estate, Radstock
- h) Bath Business Park, Peasedown St John

2. The identification of these areas as Strategic and Other Primary Industrial Sites means that there is a presumption in favour of retaining them for the aforementioned **E(g)(iii)** B4c, B2 & B8 uses. There are strong economic reasons why other uses would be inappropriate because of the economic significance of these areas. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for the allocated purpose, by reference to:

a Whether existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use,

b the level of interest in existing premises following a marketing period of 24 months, on reasonable terms, during a sustained period of UK economic growth.

c general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s)

d The availability and quality of alternative premises

e Whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space



3. Applicants will also need to demonstrate that non-industrial uses would not have an adverse impact on the sustainability of the provision of services from industrial premises that remained around the site, or would not act against the development of undeveloped areas for industrial uses.
4. **A Locksbrook Creative Industry Hub has been designated within the Newbridge Riverside area focusing on business development in the creative industry. Clauses above do not apply to this area and Policy SB22 sets out the specific development requirements.**

## POLICY ED2B: NON-STRATEGIC INDUSTRIAL PREMISES

1. Proposals for the uses listed in ED2A will be acceptable in-principle at sites already occupied by smaller clusters and stand-alone industrial premises provided that this would not cause unacceptable environmental, residential amenity or highways problems.
2. Non-strategic sites are not afforded the same level of protection for industrial and warehousing (~~E(g)(iii)B1e, B2 & B8~~) uses as those listed in ED2A. Applications for residential development or others uses will normally be approved unless there is a strong economic reason why this would be inappropriate. Evidence of unsuccessful marketing on reasonable terms for 12 months prior to an application and during a sustained period of UK economic growth will be taken as evidence that there is not a strong economic reason for refusal. **However, there are strong economic reasons why other uses on these sites would be inappropriate because of the significant loss and lack of supply of industrial land. Applicants seeking to challenge this presumption should provide compelling evidence that circumstances have changed to the extent that there is no reasonable prospect of land or premises being used for industrial and warehousing uses, by reference to:**
  - a) **whether the existing premises are being used productively, or if not, the viability of reusing vacant premises or developing allocated land for industrial use,**
  - b) **the level of interest in the existing premises following a marketing period of 12 months, on reasonable terms, during a sustained period of UK economic growth,**
  - c) **general market signals of demand across the District and in relation to the locality i.e. the relevant settlement(s),**
  - d) **the availability and quality of alternative premises,**
  - e) **whether any other evidence casts critical doubt on the validity of Policy B1, KE1 and SV1 insofar as they relate to the required supply of industrial space.**
3. **Applicants will also need to demonstrate that non-industrial uses would not be in conflict with the industrial premises that remained around the site.**

# SUSTAINING A BUOYANT RURAL ECONOMY

## Context

- 502 The rural areas are economically productive and make an important contribution to the overall economy of the District. The rural economy must be enhanced and sustained. Agriculture remains important and a variety of small business including the self-employed are also vital to the rural areas economic future. Rural tourism also provides significant economic benefits and, where appropriate, both visitor accommodation and new visitor facilities should be encouraged.
503. With regard to agriculture it is predicted that agricultural production for local markets will become increasingly important as energy prices rise and globalised food supplies are disrupted by changing weather patterns. Farming in the rural areas will have an important role to play in supporting food security and as such, local farm shops, local food production and small scale farm developments will be supported. Therefore, conversion or replacement of currently underused agricultural buildings should only take place if it can be demonstrated that these buildings are not required for local food production purposes. There are also likely to be increasing employment opportunities arising through the growing renewable energy sector such as biomass, wind and hydro.
504. Whilst economic development that supports the sustainability of the rural areas will be encouraged it is also important that the right balance is struck between protecting the high quality environment and allowing flexibility for some growth to allow for small businesses to develop.
505. In the villages which meet the Policy RA1 criteria small scale employment development may be appropriate and potential site allocations will be considered through the Placemaking Plan. In order to ensure the on-going economic sustainability of the rural areas as a whole, creation of new and retention of existing small businesses will be encouraged. This can be assisted through the re-use and conversion of redundant or underused agricultural buildings (where they are not needed for agriculture) and such uses will therefore, be considered in the first instance. There may also be opportunities to convert such buildings to tourism uses that will boost the local economy. Improvements to broadband provision will be key in helping small businesses and the self-employed (including many that work from home) to flourish.
- 506 In some circumstances, where business use of a redundant agricultural building is unviable conversion to a residential use may be appropriate if the building is well connected to a village, services or public transport networks.
- 507 In considering the conversion or re-use of redundant agricultural buildings care must be taken to ensure that such development does not harm bats or their roosts, as required under the Conservation of Habitats and Species Regulations 2010. In the case of the re-use of historic agricultural buildings the proposal should not threaten the historic asset.

- 508 Proposals for the re-use of rural buildings will be considered against the provisions of national policy and Local Plan Policy ET.9.
510. The NPPF states that local authorities should adopt proactive strategies that:
- Support prosperous rural economies
  - Promote the development and diversification of agricultural businesses
  - Mitigate and adapt to climate change
  - Conserve and enhance the natural environment (including protecting soil and the best and most versatile agricultural land)
511. The Core Strategy recognises and seeks to maintain and enhance the important contribution the rural economy makes to the overall economy of the District. The particular role both agriculture and rural tourism has to play is acknowledged and employment opportunities should be capitalised on when they arise whilst making sure the quality of the environment is safeguarded.
512. The Placemaking Plan's emphasis is to enhance the rural economy by supporting agricultural development including infrastructure for local food production and supply, agricultural diversification and other new employment development. The policy framework provides guidance on the re-use of rural buildings, accommodation for agricultural workers and the protection of agricultural land. The B&NES Local Food Strategy provides a body of evidence to underpin and inform the recommended policy approach.

### **Employment uses in the countryside**

513. Core Strategy Policies RA1 and RA2 allow small-scale employment proposals at villages outside the Green Belt within and adjoining the Housing Development Boundary providing it is of an appropriate scale, character and appearance. The Core Strategy encourages the creation of new and retention of existing rural businesses to underpin economic sustainability especially through the reuse and conversion of redundant or underused buildings. The reuse or adaptation of buildings in the countryside is particularly important in the changing structure of the rural economy and can assist with farm diversification for commercial, leisure and tourism uses.
514. National planning policy requires that planning policies 'support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings'. Policy RE1 provides appropriate criteria for considering new employment development proposals in the countryside consistent with the NPPF in supporting economic growth and creating jobs in rural area.

## POLICY RE1: EMPLOYMENT USES IN THE COUNTRYSIDE

Proposals for employment uses in the countryside outside the scope of Core Strategy Policies RA1 and RA2 will be permitted providing they are consistent with all other relevant policies, and involves:

- i) replacement of existing buildings;
- ii) the limited expansion, intensification or redevelopment of existing premises **or previously developed land**; and
- iii) they would not lead to dispersal of activity that prejudices town and village vitality and viability.

In the case of development in the Green Belt proposals should be consistent with national Green Belt policy.

### **Agricultural development**

Policy Aims:

- Support development that enhances local food production and enables the processing, storage and distribution of local food.

515. Agriculture plays an important role in the local economy and provides the basis for other economic activities in rural areas. By contributing to local food production and supply, farm businesses also have a vital role in enhancing food security and contributing to the mitigation and adaptation of climate change.

516. Over the past decade farming in the area has come under increasing pressure due to factors such as global competition, a slump in commodity prices, livestock disease, falling financial support and growing demands to manage the countryside so that its beauty and richness are enhanced. The total agricultural workforce has decreased from approximately 1000 in 2001 to 883 in 2013 – a decrease of approximately 12%. Part-time, seasonal and casual labour accounts for over 50% of this total. Within B&NES there are approximately 374 farm holdings in 2013 which has declined by 6% from 399 farm holdings in 2010 (DEFRA, 2015).

517. The Placemaking Plan's emphasis is therefore to support farm business function and local food production and supply to ensure that a robust and prosperous food and farming sector is maintained and enhanced. Enabling value to be added to locally grown food through the development of storage, processing and distribution facilities is important to supporting the rural economy and allowing for the benefits of local food to be more widely realised. As such, development that supports farm business function and local food production and supply such as small-scale agricultural developments and small scale development for food storage, processing, distribution and associated retail function will be supported in principle.

518. Policy RE2 sets out the circumstances within which proposals for agricultural development would be acceptable. It also allows for the

development of local food supply chain infrastructure such as on-farm processing facilities to enable local food production and supply.

## **POLICY RE2: AGRICULTURAL DEVELOPMENT**

- 1) Agricultural development (including; the erection of new agricultural buildings; significant extensions/ alterations to existing agricultural buildings; installation of machinery; construction of access roads) will be permitted providing:
  - a There are no unacceptable environmental and/or health impacts which cannot be adequately mitigated;
  - b Adequate provision for the storage and disposal of animal waste is provided; and
  - c The proposed development is commensurate with the agricultural activities on the site.
  
- 2) Development that retains and strengthens food storage, processing, supply and distribution infrastructure will be supported in principle where:
  - a It enhances local food production and/ or supply; and
  - b There are no unacceptable impacts including those associated with transport, environment and public health.
  
- 3) Non-agricultural related development on agricultural land will only be permitted where:
  - a It does not have an adverse effect on the efficient operation of an agricultural business.
  - b It does not lead to the fragmentation or severance of a farm holding or compromises agricultural function or key ecological function or habitat integrity.

## Farm diversification

### **Policy aim:**

- *Permit sustainable farm diversification*

519. With the existing pressures on traditional agriculture, farmers increasingly look to diversify beyond the agricultural industry in order to supplement income and to give some resilience against market fluctuations. The Placemaking Plan's emphasis is to support farm diversification where it would not have an adverse impact on the environment and social and economic vitality of rural areas.
520. Farm diversification schemes can cover a range of new uses including businesses such as food processing and packing, farm shops, renewable energy, equestrian facilities, sporting facilities, nature trails, craft workshops, holiday accommodation and information technology. Diversification schemes should help to support rather than replace farming activities on the rest of the farm.
521. The new permitted development rights (May 2013) will enable existing redundant agricultural buildings of 500m<sup>2</sup> or less to change to a range of new business uses to boost the rural economy whilst protecting the open countryside from development. This includes to shops, financial and professional services, restaurants and cafes, business, storage or distribution, hotels, or assembly and leisure uses. However, for buildings between 150m<sup>2</sup> and 500m<sup>2</sup>, prior approval will be required, to ensure that the change of use does not create unacceptable impacts (such as transport and highways problems, flood risk and contamination issues). Listed buildings and ancient monuments will continue to be protected. The scale of the diversification should not undermine the rural character of the farm or the surrounding area.
522. Policy RE3 sets out the circumstances within which proposals for farm diversification would be acceptable. It seeks to prohibit activities that lead to the fragmentation or severance of a farm holding or compromise agricultural function and sufficiently flexible to allow some limited dispersal of activity from towns or villages taking into account the success and role of rural businesses such as farm shops.

### **POLICY RE3: FARM DIVERSIFICATION**

Proposals for farm diversification involving the use of agricultural land or buildings will be permitted providing:

- i) they are consistent with Policy RE5 (protection of high grade agricultural land)
- ii) they complement the agricultural function of the holding
- iii) they do not compromise the agricultural function of the holding or lead to the fragmentation or severance of a farm holding
- iv) the activity will not lead to an unacceptable impact on the viability of nearby town or village centres

- v) in the case of a farm shop, the operation would not prejudice the availability of accessible convenience shopping to the local community
- vi) they do not compromise key ecological function or key habitat integrity
- vii) existing buildings are re-used in accordance with Policy RE6

Where existing buildings cannot be re-used in accordance with Policy RE6, new buildings will be permitted only where they are required for uses directly related to the use of or products from the associated land holding, are small in scale, well designed and grouped with existing buildings.

## **Essential dwellings for rural workers**

### ***Policy aim***

*Support essential housing development for rural workers.*

523. A special need may arise for accommodation which is essential for the efficient operation of the rural economy; this particularly refers to agriculture. Where the need for accommodation arises in many cases this could be met by housing in nearby settlements. Where this is not feasible a site within a hamlet or existing group of buildings or dwellings is preferable to an open location.

524. Policy RE4 seeks to limit the size of any potential dwelling(s) so that is relative to the functional requirements. It also takes a more flexible approach to new agricultural uses to lend greater support to agricultural dwellings to support new agricultural businesses not just existing ones.

## **POLICY RE4: ESSENTIAL DWELLINGS FOR RURAL WORKERS**

- 1) New dwellings will not be permitted outside a Housing Development Boundary in the open countryside unless there is an essential need for a rural worker to live permanently at or near their place of work in the countryside and where it can be demonstrated:
  - i) there is a clear functional need for the worker to live on the holding;
  - ii) the business is financially viable
  - iii) the need for the accommodation is for a fulltime worker;
  - iv) the functional need could not be fulfilled by another existing dwelling in the holding or other existing accommodation in the area or through the re-use of an existing building in the holding;
  - v) such dwellings are sited within a hamlet or existing group of buildings and are restricted in size relative to the functional requirements of the business; and
  - vi) occupancy will be restricted to rural workers.
- 2) New dwellings essential to support a newly established rural business will only be granted for a temporary period provided there is clear evidence of a firm intention and ability to develop the enterprise concerned and the provisions of clause 1) are satisfied.



## **Protection of the best and most versatile agricultural land**

525. The NPPF states that local authorities should adopt proactive strategies that conserve and enhance the natural environment including protecting soil and the best and most versatile agricultural land.

### ***Policy Aims***

- *Avoid development on the best and most versatile agricultural land.*
- *Direct development to areas of poorer quality land in preference to higher quality.*

526. Agricultural land is one of the District's most important resources. The Governmental Department for Environment, Food and Rural Affairs (DEFRA) classifies agricultural land on a scale of 1 to 5. Grades 1, 2, and 3a are defined as the best and most versatile agricultural land. Grade 1 land forms less than 3% of UK agricultural land, and produces yields that are high and less variable than land of lower quality (Natural England, 2012). Protecting the best and most versatile agricultural land is not only key to food production and the rural economy but it enables further environmental benefits to be realised such as aquifer recharge and flood control whilst allowing for communities to respond positively to food security challenges in the future. The Placemaking Plan's emphasis is to avoid development on the best and most versatile agricultural land and to direct development to areas of poorer quality in preference to higher quality.

527. Policy RE5 not only protects agricultural land but will help support development that enhances local food production and processing in line with the B&NES Local Food Strategy. Land of agricultural Grade 3 makes up the majority of the District's rural land.

### **POLICY RE5: AGRICULTURAL LAND**

- 1) Development which would result in the loss of the best and most versatile agricultural land particularly Grade 1 and 2 will not be permitted unless significant sustainability benefits are demonstrated to outweigh any loss.
- 2) Where it can be demonstrated that there is an overriding need for a proposal which will result in the loss of agricultural land, development should be steered towards the use of lower quality agricultural land in preference to higher quality agricultural land.

## Re-use of rural buildings

528. The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development, as well as for tourist, sport and recreation and residential uses. It can reduce demands for new building in the countryside, avoid leaving an existing building vacant and prone to vandalism and dereliction, and provide jobs. The Rural Areas chapter in the Core Strategy also stresses the importance of re-using rural buildings.
529. Policy RE6 applies to proposals for the re-use of rural buildings that require planning permission. The policy applies both to traditional and modern buildings providing that their form, bulk and design are in keeping with their surroundings and they respect local building styles and materials including impact on character of the area, the historic environment, wildlife, Green Belt and accessibility.

### POLICY RE6: RE-USE OF RURAL BUILDINGS

Conversion of a building or buildings to a new use in the countryside outside the scope of Policies RA1, RA2 and GB2 will only be permitted, provided:

- 1) its form, bulk and general design is in keeping with its surroundings and respects the style and materials of the existing building
- 2) the building is not of temporary or insubstantial construction and not capable of conversion without substantial or complete reconstruction or requires major extension
- 3) the proposal would enhance visual amenity and not harm ecological function (e.g. bat roost)
- 4) the proposal does not result in the dispersal of activity which prejudices town or village vitality and viability
- 5) where the building is isolated from public services and community facilities and unrelated to an established group of buildings the benefits of re-using a redundant or disused building and any enhancement to its immediate setting outweighs the harm arising from the isolated location
- 6) the development would not result, or be likely to result, in replacement agricultural buildings or the outside storage of plant and machinery which would be harmful to visual amenity;
- 7) in the case of buildings in the Green Belt, does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.
- 8) The integrity and significance of buildings and farmsteads of architectural and historic interest and of communal, aesthetic and evidential value are safeguarded consistent with Policy HE1

## **Visitor accommodation**

530. The NPPF is supportive of sustainable rural tourism and leisure developments which benefit businesses in rural areas, communities and visitors provided it respects the character of the countryside. The aim of the Plan is to provide a positive context for encouraging the provision of smaller scale visitor accommodation in such locations.
531. Conversions of existing rural buildings to visitor accommodation will be considered in the context of Policy RE6. Policy RE7 sets out the parameters in which schemes for new visitor accommodation will be considered. Applications for visitor accommodation should not be seen as a mechanism to gaining permanent residential use of the accommodation.
532. Policy RE7 also seeks to protect the existing housing stock and ensure that tourist development does not result in a reduction in the number of dwelling spaces. This is historically seen as especially significant in Bath given the shortage of land available for development and the City's limited ability to absorb increasing numbers of visitors at peak times without having a detrimental effect on residential amenity and character.
533. This means in the case of a larger house in single family occupancy (4 or more bedrooms), with parking available within its curtilage or in the vicinity may be considered suitable for use as a hotel or guest house with an unspecified number of bedrooms, but only if part of the property is reserved as one or more self-contained residences.

### **POLICY RE7: VISITOR ACCOMMODATION**

#### **New visitor accommodation**

- 1) Permission will be granted for new build visitor accommodation provided:
  - a) it is in a sustainable location or, accessible by a choice of transport modes
  - b) there are no other buildings available and suitable for conversion
  - c) the scale of the proposal will not harm the character or appearance of the countryside
  - d) the materials, form, bulk and general design of buildings are in keeping with their rural surroundings
  - e) there is safe and convenient access to the highway network and there are no significant adverse impacts on the local highway network
  - f) the proposal would not adversely affect protected species or habitats
- 2) Where a proposal for visitor accommodation is approved appropriate planning conditions will be used to prevent permanent residential use of the accommodation.

#### **Change of use from a dwelling to visitor accommodation**

- 3) The change of use of an existing dwelling to visitor accommodation will be permitted provided that:
- a) for large residential properties, a substantial private residential unit is retained, and any existing or proposed parking within the curtilage of the property which does not detract from the appearance of the property is made permanently available; and
  - b) for small residential properties, a satisfactory residential accommodation is retained which is not occupied independently of the proposed use.

## CENTRES AND RETAILING

534. Along with Bath City Centre, the District is served by a diverse network of town, District and local centres of varying size. In addition to providing facilities like shops, cafés, pubs, post offices and banks, centres also include varying levels of community facilities, work places and leisure facilities. Many centres are a focus for public transport services and most offer a chance to access essential facilities close to people's homes. Policy CP12 therefore aims to support this network of accessible centres as key focuses for development and as the principal locations for shopping and community facilities as well as offices, local entertainment, art and cultural facilities. Many centres contain a range of independent specialist shops which are important to retain as they contribute to the uniqueness of each centre. Centres are also well placed to be a focus for some higher density residential development which can both benefit from the services provided and help to sustain the viability of those services. This approach is reflected in the place based sections of the Core Strategy.
535. Shopping remains of key importance to the centres. The availability of a good range of convenience (food) and comparison (non-food) shops makes an important contribution to people's quality of life. It is important that centres provide for choice, vitality and diversity and include a good balance of convenience, comparison, local and national traders. Maintaining and enhancing the retail function of centres is important in enabling residents and visitors to meet their shopping needs in the most sustainable way, in the most accessible locations. Shopping provision also makes an important contribution to a vibrant and vital public realm.
536. Shopping habits have however changed over the past decade. Nationally, high streets are becoming an increasingly social environment, as well as a place to shop. Many high streets have seen a big rise in the number of evening attractions, such as cafés, restaurants and leisure facilities including health clubs. High street local convenience retailing has also seen a large increase in floorspace. At the same time, some traditional retailing sectors, such as travel agents, DVD rental shops and photo processing shops have declined.

537. National planning policy states that local plans should:
- define a network and hierarchy of centres
  - define the extent of town centres and primary shopping areas based on a clear definition of primary and secondary frontages, and set policies which make clear which uses will be permitted in such locations
  - allocate a range of suitable sites in town centres to meet the needs for retail, leisure, office and other main town centre uses in full
  - set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres
538. Walcot Street, Margaret's Buildings and Lansdown Road are included as local centres for the purposes of this policy, but it is recognised rather than primarily serving local day to day needs they play a more specialist retail role, supplementing the city centre retail offer, supporting small businesses and serving a wider catchment area.
539. London Road has been identified as a declining centre, and is also identified in equalities mapping as an area of deprivation.
540. Protection of shops within the centres defined in the hierarchy is covered by Local Plan Policy CR.3.
541. Active ground floor uses referred to in Policy CP12 are generally those ~~falling within use Classes A1 to A5 but can also include other town centre uses~~ which are visited by large numbers of people.

## POLICY CP12 CENTRES AND RETAILING

The centres within the hierarchy of shopping centres set out below and as defined on the Policies Map will be maintained and enhanced:

### City Centre

Bath City Centre

### Town Centres

Keynsham Town Centre, Midsomer Norton Town Centre, Radstock Town Centre

### District Centres

Moorland Road, Bath

### Local Centres (urban)

In Bath: (1) Chelsea Road, (2) Weston High Street, (3) Julian Road, (4) St James Square (5) Margaret's Buildings, (6) Lansdown Road, (7) Camden Road & Fairfield Road, (8) Larkhall High Street (9) London Road, (10) Nelson Place East & Cleveland Place, (11) Walcot Street, (12) Widcombe Parade, (13) Bathwick Street, (14) Bathwick Hill, (16) Bear Flat, (17) The Avenue, Combe Down, (18) Bradford Road, (19) Frome Road, (20) Upper Bloomfield Road, (21) Twerton High Street, (22) Mount Road.

In Keynsham: Queen's Road and Chandag Road

In the Somer Valley: Westfield Paulton, Peasedown St. John and Timsbury

Local Centres (rest of the District)

Bathampton, Batheaston, Chew Magna, Saltford, and Whitchurch

Retail development, offices, leisure and entertainment uses, markets, community facilities, arts, culture and tourism uses will be primarily located within, or where appropriate, adjoining the centres in the identified hierarchy of centres as required by Policy CR1. Centres will also be the focus for higher density forms of residential development provided the centre is suitable for such development and has a high level of accessibility by public transport, cycling and walking.

Uses which contribute to maintaining the vitality, viability and diversity of centres within the hierarchy will be encouraged. Active ground floor uses will be maintained and enhanced.

Retail development within the centres listed within the hierarchy and defined on the Policies Map will be permitted, subject to Policy CR3, where it is:

- a. Of a scale and type consistent with the existing retail function and character of the centre and
- b. Well integrated into the existing pattern of the centre.

Delivery:

The place-based sections for Bath, Keynsham, Midsomer Norton and Radstock will set out more detail on the approach to the centres contained in those settlements.

The boundaries for all of the centres listed within the hierarchy are defined on the Policies Map. These designations will be supported by development management policies to guide decisions on individual planning applications.

Main town centre uses will be subject to the sequential and impact tests set out in the NPPF.

## **New Retail Development**

542. The NPPF requires Local Plans to allocate a range of suitable sites to meet the scale and type of retail development needed in town centres. It is important that, as appropriate, this need is met in full and is not compromised by limited site availability. The Council ~~is~~ **was** required in NPPF paragraph 161 **(2012)** to assess the quantitative and qualitative needs for land or floorspace for retail development over the plan period.

543. The Council has therefore undertaken an update of its 2011 retail study that includes an assessment of the need for new retail floorspace within the district up to 2029. The quantitative results of this work are shown in the table below. There is also a qualitative need for improving

the existing retail offer in the town centres. Sites are identified within the site allocations section of the Placemaking Plan to meet this quantitative and qualitative need.

544. Whilst the evidence base demonstrates that there is capacity for an additional 31,000 sq.m. of comparison retail floorspace in Bath by the end of the plan period, there is not enough land in the city to meet this and other 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 significance of heritage assets, not least the World Heritage Site.
545. The Council has therefore prioritised which land uses should be provided on the limited land available. As set out in the West of England City Deal agreed with Government, the main focus in the Enterprise Area is the delivery of economic and employment growth with up to 9,000 jobs planned to be delivered by 2030. This requires the delivery of 60,000 sq.m. (gross) of new office floorspace within the plan period, and predominately within the central area.
546. Whilst about 6,000 sq.m. of comparison retail development is anticipated to be delivered over the plan period on various development sites throughout the city centre, and a similar quantum of net floorspace may be provided at Sydenham Park (subject to it complementing the city centre as it is in a well-related, but out of centre location), there will still be a shortfall. The Council is therefore unable to meet its objectively assessed longer term need, and will be undertaking further retail studies to review this need requirement and to ascertain how to ensure that its retail offer is maintained and enhanced, without growth.
547. In the Somer Valley, retail floorspace is being allocated at a variety of sites, including South Road Car Park and Midsomer Norton High Street Core / Brewery site (as part of the strategy for Midsomer Norton Town Centre), the former Welton Packaging Factory (local needs), and Charlton Timber Yard and Radstock Railway Land. This is consistent with the overall vision for the Somer Valley which envisages Midsomer Norton as the principal retail centre complemented by Radstock Town centre and the various Local Centres which provide for more local needs. The implementation and delivery of these sites will be monitored against the projected capacity as part of the AMR.

**Table 8: Projected Quantitative Capacity for Additional Retail Floorspace 2011-2029 (GVA 2014 Retail Assessment – net figures in sqm)**

	2014	2019	2024	2029
<b>Bath</b>				
Convenience	139	1,237	2,394	3,524
Comparison	7,679	11,642	20,554	31,044
<b>Keynsham</b>				
Convenience	No surplus quantitative capacity for additional floorspace unless market share can be raised; however there is a qualitative need to improve the existing retail offer.			
Comparison				
<b>Midsomer Norton &amp; Radstock</b>				
Convenience	1,949	2,315	2,703	3,078
Comparison	922	1,297	2,322	3,588

## Proposals for Retail Development Outside of Centres – the Sequential Test

548. The site allocations sections of the Plan identify where new retail floorspace within town centres is intended to be met. However, other retail proposals outside of the centres may still come forward. The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available (**or expected to become available within a reasonable period**), to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available (**or expected to become available within a reasonable period**), to out of town centre locations, with preference for accessible sites which are well connected to the town centre. It supports the viability and vitality of town centres by placing existing town centres foremost in plan-making and decision taking. The NPPG states that Local Plans should contain policies to apply the sequential test.
549. For retail purposes, edge of centre relates to a location that is well connected and up to 300m of the Primary Shopping Area (where defined). This means that locations within a centre but outside the Primary Shopping Area are considered to be edge of centre. For all other main town centre uses it relates to a location within 300m of a town centre boundary. For office development, this includes locations outside the town centre but within 500m of a public transport interchange. The sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.
550. It is for the applicant to demonstrate compliance with the sequential test. Failure to undertake a sequential assessment could in itself constitute a reason for refusing permission.
551. In line with ~~paragraph 27~~ of the NPPF , where a proposal fails to satisfy the sequential test, it should be refused.



552. The PPG checklist should be used when considering what should be taken into account in determining whether a proposal complies with the sequential test.
553. Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification must be provided where this is the case. Land ownership does not provide such a justification.

### POLICY CR1: SEQUENTIAL TEST

Retail and other main town centre uses (including commercial leisure) should be located within the centres identified on the Policies Map and in Core Strategy Policy CP12.

Where there are no suitable and viable sites available (**or expected to become available within a reasonable period**) to meet the needs for such uses within centres, edge of centre locations may be appropriate. Sites should be in a location readily accessible on foot, by cycle and by public transport, with preference given to sites that are well connected to the town centre.

Out of centre development of main town centre uses will only be acceptable where:

- i. No suitable or viable centre or edge of centre sites are available (**or expected to become available within a reasonable period**) and the proposal would be in a location readily accessible on foot, by cycle and by public transport, with preference given to sites that are well connected to the town centre; or
- ii. The proposal is of a small scale (less than 280sqm gross floorspace), located within the existing urban area of Bath or a settlement with a Housing Development Boundary, and aimed at providing for local needs (refer to Policy CR4).

In assessing the availability, suitability and viability of alternative sequentially preferable sites, alternative formats for the proposed uses should be considered. Applicants and the Local Planning Authority should both demonstrate flexibility on format and scale in relation to the form of the proposed development and the consideration of alternative sites.

The application of the sequential test should be proportionate and appropriate for the given proposal.

If there are no suitable sequentially preferable locations, the sequential test is passed.

In all cases regard should also be given to Policy CR2.

## Impact Assessments

554. Paragraph 26 ~~89~~ of the NPPF (**2019**) states that when assessing applications for retail, **and** leisure ~~and office~~ development outside of town centres, which are not in accordance with a Local Plan, Local Planning Authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold.
555. The purpose of the test, as defined in the NPPG, is to ensure that the impact over time of the proposal on existing town centres is not significantly adverse. The test relates to retail, ~~office~~ and commercial leisure development only. The impact must be assessed in relation to all town centres that may be affected.
556. The B&NES Retail Study Stage 2 Report (2015) sets out the justification for setting a locally set floorspace threshold.
557. Proposals for small scale local shops (under 280sqm) should refer to Policy CR4.

### **POLICY CR2: IMPACT ASSESSMENTS**

Outside the scope of Policy CR4, retail, ~~office~~ and commercial leisure development outside of centres will not be permitted if:

- i. It would be liable to have a significant adverse impact on the vitality, viability and diversity of existing centres; or
- ii. It would have a significant adverse impact on existing, committed or planned investment in a centre or centres in the catchment area of the proposal.

Within Bath, an Impact Assessment will be required for ~~Use Class A1-5~~ retail proposals over 500sqm (gross) that are located outside of the designated town centres and not in accordance with the Local Plan.

For the rest of the District, an Impact Assessment will be required for ~~Use Class A1-5~~ retail proposals over 280sqm (gross) that are located outside of the designated town centres and not in accordance with the Local Plan.

For commercial leisure proposals anywhere in the District, an Impact Assessment will be required for schemes over 1,000sqm (gross) that are located outside of a designated town centre and not in accordance with the Local Plan.

~~For office proposals anywhere in the District, an Impact Assessment will be required for schemes over 2,500sqm (gross) that are located outside of a designated town centre and not in accordance with the Local Plan.~~

The application of the impact test should be proportionate and appropriate for the given proposal.

558. It is for the applicant to demonstrate compliance with the impact test in support of relevant applications. Failure to undertake an impact test could in itself constitute a reason for refusing permission. Impact assessments provided by applicants should be fully scoped out with the Local Planning Authority prior to the submission of a planning application and be based upon an up-to-date evidence and information base. The PPG should be used to determine the key steps to be taken when carrying out an impact assessment, but in general impact assessments should include information on:
- The cumulative impact of the proposal on existing, committed and planned investment in a centre or centres in the catchment area of the proposal;
  - The impact of the proposal on town centre vitality and viability, including local consumer choice and the range and quality of the comparison and convenience retail offer;
  - The impact of the proposal on allocated sites outside town centres being developed in accordance with the development plan; and
  - The impact of the proposal on in-centre trade/turnover and on trade in the wider area, taking account of current and future consumer expenditure capacity in the catchment area up to five years from the time the application is made.
559. Compliance with the sequential and impact tests does not guarantee that permission is granted. The Council will consider all material considerations in reaching a decision.

## **Primary Shopping Areas and Primary Shopping Frontages**

560. The boundaries of Town Centre Primary Shopping Areas and Primary Shopping Frontages will be defined on the Policies Map.
561. Policy CR3 aims to support vitality and viability and promote diversity within the centres identified in Core Strategy Policy CP12 by maintaining a healthy mix of uses within a variety of unit sizes capable of accommodating a range of retailers and associated uses.
562. Primary Shopping Frontages are defined where there ~~will be~~ **are** a high proportion of ~~Use Class A1~~ retail uses. A Primary Shopping Area is a defined area where ~~Class A1-A5~~ retail development is concentrated. Together they represent the retail core of centres. The Policies Map shows the boundaries of Primary Shopping Areas and Frontages within the main centres of the District. This is important as the NPPF states that when considering the sequential test for retail development, an 'edge of centre' location is deemed to be one that is well connected and up to 300m from the Primary Shopping Area.
- ~~563. The previous Local Plan was very restrictive about the uses permitted within Primary Shopping Frontages (the loss of an A1 shop use from the ground floor was not permitted). This has been very successful in~~

~~maintaining the Primary Shopping Frontages as predominantly A1 retail areas. Conversely, it has also had the effect of restricting other uses such as cafes and restaurants to areas outside of the frontages, and concentrating them within certain areas of the city centre.~~

~~564. Consultation feedback suggested that in some areas, these uses had become over concentrated and that there was a negative impact on resident's amenity, resulting from noise and anti-social behaviour. Other feedback suggested that some non-A1 uses, such as banks and cafes can have a positive effect on footfall within centres.~~

565. Policy CR3 therefore introduces a more **provides a** flexible approach in relation to Primary Shopping Frontages, acknowledging that retail can benefit from having diverse, non-A1 **retail** neighbours, creating a richer mix of footfall. It allows the Local Planning Authority to maintain a primary shopping function in the defined frontages whilst allowing other Class A uses which can also add to the attractiveness of, and vitality within, a town centre. However, it is imperative that a balance is maintained and the focus of the centres remains retail (A1) based.

565a **While the NPPF refers to Primary Shopping Areas, the Government has introduced changes to the planning system that enable flexibility between town centre type uses. The Government has amended the Use Classes Order to combine a number of former different town centre type use classes including shops (former A1 use class), restaurants (former A3), banks and estate agents (former A2), gyms (former D2), health facilities (former D1) and offices (former B1), into a single Use Class E "Commercial, Business and Service" use. Uses can change within the use class without the need to apply for planning permission thereby allowing a shop for example to be converted to a restaurant, office or gym, or vice versa. Planning permission will still be required for what is termed sui generis uses, including drinking establishments, hot food take away outlets, betting shops and pay day loan shops, cinemas and nightclubs.**

**565b There is also greater protection for local shops "Shops (mostly) selling essential goods, including food, where the shop's premises do not exceed 280 square metres and there is no other such facility within 1000 metres)" which are in a new use class F2(a). This is reflective of the trends in more home working and less travel that has led to greater use of local shops and facilities during the Covid 19 pandemic.**

566. The main centres were subject to a Goad survey in 2014 which forms the basis of the definition of Primary Shopping Frontages and Primary Shopping Areas. A Frontage is considered to be the active parts of the shop, usually containing the shop entrance and/or large shop window. **Definitions of Active Frontage and Active Ground Floor uses are defined in the glossary to Placemaking Plan (see volume 6).**

567. Outside of the Primary Shopping Frontages, but within a Primary Shopping Area or Town Centre, the strategy seeks to ensure that the range of uses which are provided contribute to the health of the town centre. In referring to 'Town Centres' Policy CR3 applies to all centres within the hierarchy identified in Policy CP12 as defined in the glossary to Placemaking Plan (see volume 6).
568. Policy CR3 is subject to the limitations presented by national permitted development rights and prior approval regime which affects some retail uses. The latest Town and Country Planning (General Permitted Development) (England) Order should be consulted.

### POLICY CR3: PRIMARY SHOPPING AREAS AND PRIMARY SHOPPING FRONTAGES

#### Development within Primary Shopping Frontages

Within Primary Shopping Frontages identified on the Policies Map development will be expected to maintain or provide active ground floor uses.

Within Primary Shopping Frontages **application for** change of use of shops (~~Use Class A1~~) to another use will not be permitted (subject to permitted development rights) unless the proposed use would:

- i. Make a positive contribution to the vitality, viability and diversity of the centre; and
- ii. Not fragment any part of the Primary Shopping Frontage by creating a significant break in the shopping frontage; and
- iii. Not result in a loss of retail floorspace of a scale harmful to the shopping function of the centre; and
- iv. Be compatible with a retail area in that it includes a shopfront with a display function and would be immediately accessible to the public from the street.

#### Development outside Primary Shopping Frontages

Outside the Primary Shopping Frontage but within Primary Shopping Areas and Town Centres, the loss of ~~Use Class A1~~ retail floorspace will be permitted provided that a healthy balance and diversity of uses is retained and concentrations of uses other than ~~Use Class A1~~ **retail** are avoided. The proposed use should still attract pedestrian activity and footfall to the centre and should not significantly harm the amenity of the area. The proposed use should not have an unacceptable impact on the vitality, viability and diversity of the centre.

569. In order to assist applicants and the decision maker, applications should include the following information:
- The location and prominence of the premises;
  - The size and width of the premises;
  - The number and distribution of other existing and committed non-A1 **retail** uses within the defined primary retail frontage (including any premises subject to current Permitted Development changes of use);

- Where applicable, the length of vacancy of the premises and evidence of marketing for the current permitted use;
- The nature and character of the proposed use; and
- The design of the shop-front (with reference to Policy D.9 and where applicable individual Conservation Area Appraisals, shop front guides and design guides).

## **Dispersed Local Shops**

570. Outside the centres identified in Core Strategy Policy CP12 and on the Policies Map there are many small shops spread throughout the District both within the urban areas and in villages. These can often serve day to day needs and offer valuable social and community benefits but a wide range of factors has contributed to a gradual reduction in the number of such units. While most of these factors are beyond the scope of planning powers the Council will seek to encourage the provision of new small shops in suitable cases and will resist the change of use of units with the potential to provide continuing key retail services to their local residential communities.

571. Where appropriate the provision of small-scale local shops should be encouraged. They should be located so as to be accessible by a variety of means of transport and they should not adversely impact upon the amenity of existing or new residents. In rural areas provision may also be made via farm shops. This is covered under Policy RE3. Whilst such shops can provide a useful service, their potentially adverse impact on the viability of existing village shops would need to be carefully considered (refer to Policy CR1 and CR2).

Outside the centres defined in Core Strategy Policy CP12 and on the Policies Map proposals for development of appropriately located small-scale local shops (less than 280 sqm gross floorspace which provide for local needs) within a settlement with a defined Housing Development Boundary will be supported.

### **POLICY CR4: DISPERSED LOCAL SHOPS**

Outside the centres defined in Core Strategy Policy CP12 and on the Policies Map, proposals for development of appropriately located small-scale local shops (less than 280sqm gross floorspace which provide for local needs) within the existing urban area of Bath or a settlement with a defined Housing Development Boundary will be supported.

Proposals over 280sqm gross floorspace will be considered against Policy CR1 and Policy CR2.

Proposals for a change of use of an existing small-scale local shop must be supported by a viability assessment to demonstrate that the unit is not capable of continuing in retail use.

## **Markets**

572. Markets contribute to the range of shopping opportunities and choices within the District and also to the cultural identity and local economy of different centres. They provide an important outlet for independent and start-up businesses and can make an important contribution to the diversity of retailing in particular areas. The NPPF states that local authorities should retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive. Core Strategy Policy CP12 encourages their use and states that markets will be primarily located within, or where appropriate, adjoining town centres.
573. It is important that the positive benefits that a market can bring to a centre are not reduced by a detrimental impact upon pedestrian movement around a town centre and on the public realm (cross refer to Policies D1, D3 and D4).

## **London Road Local Centre**

574. The London Road has been a key entrance to Bath since Roman times, and is of great architectural and historic interest due to the high density of listed buildings. The area has a long and proud tradition of community. However, London Road Local Centre was identified in the Core Strategy as a declining centre, and an area of deprivation. The Core Strategy committed the Council to consider policy options for the centre, including the scope for consolidating and strengthening its retailing role, enabling its regeneration, supporting business development and improving its appearance as a key route into the central area.
575. In recognition of this, the Council has invested over £1 million to deliver a combination of improvement projects to the look, feel and appearance of this area, creating the conditions needed for rejuvenation and encouraging greater private sector investment. The scheme includes improvements to cycling provision, landscaping, and parking provision.
576. This investment, together with the more flexible approach proposed in Policy CR3 will help provide the conditions for reversing the decline of this centre.
577. The London Road and Snow Hill Partnership have developed a vision for the future of London Road:

### **London Road Vision**

*The London Road is a key gateway to the city centre of Bath which has been enhanced by recent public realm improvements. It will retain and enhance its reputation as a destination for shopping, building on its strengths as a retail destination for furniture, antiques and unusual artefacts of decorative interest. Retaining car parking for shoppers is essential. The area will continue to seek improvements to its appearance and public realm, taking inspiration from its architectural and historic context, in order to remain a vibrant and vital place and encourage more people to travel through it by foot or cycle. Improvements to air quality will be sought, in line with the Bath Transport Strategy, by reducing the impact of vehicles by supporting trips that are made by means other than the car, particularly encouraging more people to use public transport. Further tree planting along London Road will be encouraged, and the green spaces around the area will be retained and enhanced.*

### **Permitted Development Rights and Prior Approval affecting Centres and Retailing within B&NES**

~~578. The Government has introduced new national permitted development rights in order to make it easier for businesses to make best use of their premises; deliver more homes; support high streets; simplify the change of use system; and support sustainability by promoting the reuse of buildings. They are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. The Prior Approval procedure requires a developer to provide some basic information about a proposed extension and involves a process of consultation with immediate neighbours. These rights mostly sit within Part 3 of Schedule 2 to the General Permitted Development Order.~~

~~579. The GPDO may in some cases override the Development Plan.~~

~~580. Where the GPDO refers to 'key shopping areas', The Local Planning Authority interprets these as the designated centres identified in Core Strategy Policy CP12.~~



# Sustainable Transport

## Transport and Movement

**581** **Our overarching approach to transport policy is to build on achievements to date and continue to** The approach of the Local Development Framework is to continue the longstanding theme of **reduce** ing car dependency and **make** working towards making walking, cycling and use of public transport, the more attractive **and convenient** options for travel. **Across the West of England, Joint Local Transport Plans over ten years have seen the number of cycling trips more double, and bus passenger trips increase by more than one third, in the context of a national 1% fall.** This approach is embodied in the strategic objectives of the Core Strategy, and the place based section in seeking to enhance the walking, cycling and public transport network from existing communities to jobs, local services, facilities and attractions. **The Placemaking Plan (2017) established strong foundations for this approach. However, the declaration of the Climate and Ecological Emergency (2019) with a target of carbon neutrality by 2030, coupled with the adoption of JLTP4 (2020), identifies and supports the need for substantial transport improvements to deliver a step-change in enabling sustainable transport and movement. The Council has recognised that “business as usual is not an option and that the Council and all our partners and contractors need to review all existing strategies and plans to re-align to the Climate Emergency.”** The Council will continue to work with neighbouring authorities **and the West of England Combined Authority (WECA)** to **address impacts of car dependency and deliver a transformational rebalancing of our transport network to address the Climate Emergency, support sustainable travel and healthier lifestyle.** address these issues.

**582.** **Notwithstanding achievements to date,** the B&NES highway network remains heavily trafficked **with a high dependency on car travel,** highlighting the need to **fundamentally change the way we travel, with a strong focus on mode shift away from the private car usage. We will need to** undertake **transformational** transport and access improvements and major capital infrastructure projects to facilitate growth in housing numbers and jobs, to ~~work towards~~ **achieve carbon neutrality, to** minimise the adverse effect of traffic, and to enable environmentalals improvement to be made to existing centres. **The Council’s approach to strategic transport issues and major schemes is to set out in the current adopted Joint Local Transport Plan (JLTP), which has been developed with WECA partners. This includes a schedule of major schemes and adopted policy position on each. The purpose of the Development Plan is to set Council Policy relating to development and safeguarding land. it**

**is not intended to duplicate or supersede the adopted JLTP, rather, both Plans are complementary. B&NES has also developed Transport Strategies for Bath and Keynsham, and are continually working on place-based solutions to transport issues within the District. Our Transport Strategies are intended to identify the key local-level issues, develop approaches to provide solutions, and form the basis for the development of specific schemes to come forward in line with the Strategy as a whole. The Place-based Strategies are important as they are bespoke to the locality and are a mechanism to translate overarching transport policy to local scheme delivery.** The Council remains concerned with the impact of through traffic, particularly HGVs, on the WHS. This is compounded by the incomplete nature of the Trunk Road Network to the east of the city. The Council will work with neighbouring authorities, including Wiltshire Council, to address the problem of through traffic in Bath, particularly traffic that currently uses the A36-A46 route through the city and continue to press Highways England and Transport Ministers to take steps for solutions to be identified and funded in the next Road Investment Strategy to be published in 2020. The Council will also review tThe A4 corridor **is a key strategic corridor which carries high volumes of people but experiences significant traffic congestions and negative environmental effects such as poor air quality in places such as Saltford. The A4 corridor has been identified as a Mass Transit route between Bristol and Bath within the JLTP4. We will work with WECA to support the delivery of transformational Mass Transit proposals which will increase transport options, dramatically improve journey times and significantly decrease congestion. For Saltford, we will fully assess options to provide bus priority before a decision on a bypass is made. We will also explore the possibility of introducing Mass Transit in Bath to help provide clean, efficient transport for those living, working and visiting the city whilst also meeting the future growth and transport needs of the City.** and, in particular, consider how best to improve the environment within Saltford and improve journey times and reliability between Bristol and Bath. This will include the options for a bypass of the village.

583. This approach is in line with national objectives and the Council's **Corporate** Sustainable Community Strategy. The approach also follows on from the five key **objectives** goals of the Joint Local Transport Plan (JLTP3), which are:
- **Take action against climate change and address poor air quality;**  
Reduce carbon emissions;
  - Support **sustainable and inclusive** economic growth;
  - **Enable equality and improve** promote accessibility;
  - Contribute to better **health, wellbeing,** safety, **and** security and health;
  - **Create better places** improve quality of life and a healthy natural environment.

**583a. Our approach to transport within both the current adopted Joint Local Transport Plan and this Local Plan is both ambitious and**

**realistic. However, we also need to achieve transformational change in the way we travel to meet our Climate Emergency obligations. The Council is fully committed to the target of Carbon Neutrality by 2030 and will keep progress towards this target and our approach to transport under review. If progress is not great enough, or fast enough, we are prepared to explore further interventions to reduce car usage, potentially including charging mechanisms such as a Workplace Parking Levy or Road User Charging.**

### Creating Better Places

584. This approach brings with it a wide range of benefits. The most significant, long term benefit to B&NES is that this approach creates more economically successful, more sociable, healthier, more **inclusive**, more accessible and more inviting places in which to live, work and visit. **Our Liveable Neighbourhoods Strategy sets out the key principles of our transport approach to creating better places.**
585. Whilst good accessibility is of absolute importance for places to function effectively, better and more sociable places are created where people dominate, rather than vehicular traffic. Streets are not just for movement; they form the shared public space between buildings, where city, town or village life takes place. **Streets needs to integrate and not segregate our communities and neighbourhoods, and promote an inclusive environment.** This is particularly the case in our historic settlements that have not been designed to accommodate the current levels of vehicular traffic that they often have to endure. There is a strong correlation between an enhanced public realm and better places; the experience of numerous cities around the world is testament to this approach. **Enhancing street environments can help stimulate local economic activity, reduce street crime and encourage a sense of local community. The Getting Around Bath Transport Strategy highlights the vision for the City. “Bath will enhance its unique status by adopting measures that promote sustainable transport and reduce the intrusion of vehicles, particularly in the historic core. This will enable more economic activity and growth, whilst enhancing its special character and environment and improving the quality of life for local people.”**
586. Measures that support the shift to more sustainable modes of transport and that improve levels of accessibility to and within Bath, Keynsham, Somer Valley and the Rural Areas will be supported and promoted. **We will support measures that enhance the liveability of our neighbourhoods by reducing traffic volumes and speeds, making walking and cycling the mode of choice for local trips, and offering a range of choices for longer distance trips.**
587. Other critical benefits to undertaking this approach include meeting our **carbon neutrality obligations** reduction in CO<sub>2</sub> emission targets,

addressing **health and impacts of air pollution, combatting** rising obesity levels and general health risks **issues** arising through a lack of physical activity, **improving residents' wellbeing, reducing levels of inequality** and enabling improvements to be made to our historic environment and public realm. **Creating better places that people can live and spend time in, will also have a vast impact on other health and wellbeing aspects including social isolation and mental health. In creating better places, we must ensure that the principles of inclusive design (Manual for Streets, 2007) are followed. Inclusive design:**

- **Places people at the heart of the design process;**
- **Acknowledges diversity and difference;**
- **Offers choice where a single solution cannot accommodate all users;**
- **Provides for flexibility in use; and**
- **Provides buildings and environments that are convenient and enjoyable to use for everyone.**

## Climate Change and Air Quality

589. JLTP3 states 'In 2008, road transport represented 32% of West of England CO2 emissions. This amounts to some 2.16 tonnes per head of population, similar to the national average of 2.13 tonnes. In reducing road transport carbon emissions JLTP3 focuses on:

- Promotion of lower carbon choices
- Providing alternatives to the car
- Influencing travel behaviour and managing travel demand
- Workplace and school travel plans
- Personalised travel planning
- Improvements to walking and cycling infrastructure
- Public transport enhancements
- Integration of travel modes
- Better information
- Demand management and reducing the need to travel through technology and spatial planning
- Introduction of an appraisal of the impact of scheme/programme/policy options to inform their selection or otherwise for inclusion in JLTP3 delivery plans
- Robust understanding of the contribution to carbon reduction (or carbon increase) that each scheme, programme, policy is expected to deliver

**589a.B&NES Council declared a Climate Emergency in 2019 and committed to achieving carbon neutrality by 2030. Transport contributes 29% (216,110t/CO2e/yr) of all direct and indirect emissions (Scope 1 & 2) within B&NES, emphasising the degree to which decarbonising the transport sector can contribute to carbon neutrality. The Council has declared three priorities to achieve the carbon neutrality, including “a major shift to mass transit, walking and cycling to reduce transport emissions.” Our approach will play a vital role in addressing inequalities across B&NES, which we have seen exacerbated by the COVID-19 pandemic.**

**589b. Carbon neutrality cannot be achieved solely by gradual shift to Ultra-Low Emission Vehicles (ULEV), we need a big change in how people choose to travel, with a major shift to public transport, walking and cycling. This is especially important in Bath, where 42% of all journeys under 3km are taken by the private car. Our 2030 targets are as follows:**

- 25% reduction in car and van mileage per person**
- 76% electric vehicles, 14% hybrid, 10% petrol/diesel, private vehicle fleet**
- 76% electric, 24% hybrid bus fleet**
- Full electrification of passenger rail by 2030**

**589c. The Council is committed to providing the leadership needed to enable this scale of ambition to be realised, and recognises that this requires a significant and fundamental cultural shift. To transform the way we travel, we will need to be flexible, agile and brave as technologies evolve and lifestyles and future strategic and local development planning change. There is a significant uncertainty as to the medium and long term effect of Covid-19 on our work and travel patterns, and how that could translate into car usage, and we need to ensure that we capitalise on opportunities, and proactively manage risks associated, to drive a sustainable future. We will continuously maximise every opportunity and work in partnership with WECA, sustainable transport organisation, Public Health, bus and rail operators and other key stakeholders to enable people to switch from car usage and ownership to cycling, walking, public transport, and shared mobility options such as car clubs.**

**589d. Whilst the Council is committed to addressing the Climate and Ecological Emergency, we must achieve this equitably and inclusively. Data on household emission by income (2011) shows that the wealthiest (top 10% of earnings) produces over seven times more CO<sub>2</sub> emissions from cars, and indeed three to four times more overall, than the least wealthy (bottom 10% of earnings). Likewise we also know that those in lower income brackets are disproportionately more likely to suffer from the adverse effects of car usage, including health impacts from poor air quality.**

**589e. B&NES has five designated Air Quality Management Areas (AQMA), where levels of Nitrogen Dioxide exceed the national annual average of 40 micrograms per cubic metre (µg/m<sup>3</sup>). The AQMAs are**

located in Bath, Keynsham, Saltford, Farrington Gurney and Temple Cloud. Air Quality Action Plans (AQAP) have been produced for these areas, outlining the actions required to reduce concentrations of air pollutants and exposure to air pollution.

589f. Specifically, Bath's Clean Air Plan includes a Class C Clean Air Zone (CAZ), which came into effect in March 2021. The CAZ is required to help the city meet UK air quality legislation, as several places in Bath currently exceed the legal limits for Nitrogen Dioxide pollution, which is mainly caused by diesel and older petrol vehicles. The CAZ will charge all higher emissions vehicles, except private cars and motorcycles, to drive in Bath's City Centre. Its aim is to deter the majority of drivers of higher emissions vehicles from entering the inner city area. It is accompanied by traffic management in Queen's Square, to provide the necessary additional localised measure to reduce emissions to acceptable level without charging private vehicles.

590. The reduction of the adverse effects of transport on climate change and air quality, particularly in Air Quality Management Areas (AQMA) in Bath and Keynsham and in future AQMAs, will be **proactively** managed in accordance with the NPPF.

#### **Health, Obesity, Health and Well Being**

590a. The intrinsic link between transport, particularly opportunities for active travel, and health and well-being outcomes is well established and multi-faceted, Active Travel has the potential to achieve major population-wide health benefits. It is one of the most cost-effective and easiest ways of embedding physical activity in people's lives, resulting in array of physical and mental health and wellbeing benefits. Walking and cycling offer enjoyment, independence and contact with outdoor environments and these benefits may be particularly important for disabled people whose participation in other activities may be more restricted. Therefore, it is imperative that the built environment in B&NES is designed, created and built to support and enable people to incorporate movement, particularly walking and cycling, into their daily lives.

590b. Physical inactivity contributes to one in six deaths in the UK, Doing regular exercise, like walking and cycling, can help to prevent and manage over 20 chronic conditions and diseases, including heart disease, type 2 diabetes and some cancers. Active travel also has an impact on mental health, with just 20 minutes of exercise a day cutting the risk of developing depression by 31%.

590c. Vulnerable road users continue to be more seriously affected by road traffic incidents, and concerns about safety and security are a significant barrier to active travel for large numbers of people. Parental concern about road traffic injury is a major contributor to physical inactivity in children, due to reluctance to allow children outside without supervision. Severance and noise caused by motorised traffic

**exacerbates this and deters the use of active modes. Consequently, these factors can increase vehicle trips and perpetuate the issue.**

**590d.High car dependency, poor air quality and inactive lifestyles pose a major threat to public health, including obesity and associated conditions. Public Health England identifies that 1.2m lives are lost each year as a result of excess weight, and that air pollution causes 28,000 -36,000 deaths each year. As well as physical health, there are growing concerns about impacts on integration and viability of local communities, quality of life, and mental health and well-being.**

**590e. Disadvantaged areas tend to have a high density of main roads, leading to poorer air quality, higher noise levels and higher collision rates, exacerbating health inequalities. Children in the 10% most deprived wards in the UK are four times more likely to be hit by a car than by those in the 10% least deprived.**

591. **Transport therefore offers a great opportunity to contribute to better health, well-being, safety and security, and to address health inequalities, for those who live, work and travel in B&NES.**

Continuing with the shift to more active travel is a key way of helping to tackle the pressing issues associated with poor health, rising obesity and general well-being. **We need to achieve a step change in the number of healthy, low carbon, walking and cycling trips.**

**Furthermore, we need to continue to reduce the number of road casualties and improve personal safety, including from crime, on our transport network, particularly for those most vulnerable.** It is estimated that by 2050 almost 60% of the UK population could be obese with the economic cost reaching £49.9 billion at today's prices (Government Office of Science, Foresight Tackling Obesity: Future Choices, 2007). Increased levels of walking and cycling in particular will help to achieve the strategic objective of promoting health and well-being, **and will need to be enabled through transport interventions.**

## **Historic Environment and Public Realm**

592. Improvements to parts of the District's historic settlements will become possible by reducing the volume **and speed** of traffic using historic streets and spaces. The management of the highway network, particularly in local centres, residential areas, places of higher pedestrian footfall and/or areas of historic significance, to support the development of stronger communities and the creation of high quality public realm and better places is supported by the Local Development Framework. This approach is reflected in **a number of recent** the Council's **public realm schemes located across the district, including Saw Close, Milsom Street and Seven Dials in Bath, Market Place in Keynsham with further planned improvements for the High Street and Radstock town centre.** Public Realm and Movement Strategy for Bath City Centre.

## **Promoting sustainable travel**

593. It is important that the need for new development is **delivered sustainably, through the provision of low carbon transport options** providing sustainable transport choices, **that deliver improved** improving **accessibility**, balanced with **whilst** minimising traffic congestion and **creating better places**. **Sustainability must be embedded into development schemes at conception, and be a fundamental factor in decisions on land use planning, composition of developments, and master planning**. **35% of car trips within B&NES are less than 5km in length, which offers significant opportunity to reduce the number of car trips on our roads through designing sustainable alternatives and Liveable Neighbourhoods**. Making places more accessible by sustainable modes of transport. This reflects the approach outlined in the Core Strategy and 'Getting Around Bath— A Transport Strategy for Bath' which place emphasis on the need to reduce car dependency and promote sustainable modes of transport. This is key in making places more accessible for all and healthier environments.

**593a. There are substantial bodies of research and Best Practice that provide the evidence and tools needed to avoid creating car-dependent patterns of development which would significantly compromise the aims and objectives of this Local Plan. This includes the Transport for New Homes Checklist and Building for a Healthy Life, a design toolkit for neighbourhoods, streets, home and public spaces. The Council will draw upon guidance such as these documents in decision-making regarding the sustainability of development proposals.**

**593b. All developments will need to be planned and designed in line with Sustainable Transport Hierarchy. In the first instance, opportunities to reduce the need to travel should be maximised, including through the provision of ancillary facilities on site and through measures that enable people to work from home, such as high speed broadband. Development should be located, and intensified, in areas which are already well served by public transport and have access to a range of local facilities within walking and cycling distance. This is in line with the NPPF principle to 'actively manage patterns of growth' so that 'significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes'**

**593c. Masterplans must be designed to prioritise active travel and micro-mobility modes, including e-bikes and e-scooters, over private car usage. Gear Change sets out the UK Government's vision for cycling and walking to be the natural choice of many journeys, with half of all journeys in towns and cities being cycled or walked by 2030. LTN1/20 provides clear unequivocal guidance for Local Authorities, Developers and Highways Engineers on designing high quality cycle infrastructure to support the realisation of this bold vision. All new developments will be expected to be designed in line with current national guidance and best practice. Masterplan layouts are expected to be designed to include direct and legible routes, with residential streets designed to a 20mph speed limit**



to enhance pedestrian and cycle safety and limit severance. Measures need to be included to limit through traffic in residential areas and keep traffic to main routes, potentially including modal filters or other techniques to create low traffic neighbourhoods. Bus permeability and associated facilities should be incorporated into development proposals where they support the public transport network as a whole, and suitable pedestrian facilities must be provided for people of all abilities to access bus services, either on or off-site. Shared mobility opportunities will need to be should be explored and accommodated, with the aim of reducing car ownership whilst also maintaining personal mobility.

593d. Developments will be required to connect into surrounding infrastructure and contribute to new and improved walking, cycling and public transport facilities. Sustainable transport facilities will be required to be put in place as early as possible to ensure that opportunities for sustainable transport are available to support early occupiers in establishing sustainable travel patterns. Formulation of transport strategies for developments will be expected to use the “Decide and Provide” methodology, identifying desirable sustainable travel patterns and providing the opportunities to enable them to be achieved. Sustainable transport measures will be promoted and prioritised ahead of increases to traffic capacity, which will only be accepted once sustainable transport opportunities have been exhausted or where there is a significant risk to safety.

593e. The rise in e-commerce has resulted in an increase in the movement of light goods vehicles to homes. National data shows that vehicle mileage for vans has increased by 106% between 1990 and 2018, and increased from 9% to 16% of transport emissions over the same time period. Locally, it is estimated that there will be over 40% growth in goods traffic in Bath between 2013 and 2036. Reducing or removing multiple door-to-door vehicle trips from our residential streets, in favour of consolidation, can significantly contribute to our transport objectives and decarbonise last mile delivery of goods. Developments will be expected to contribute towards this objective, for example through the establishment of consolidation hubs providing centralised points for deliveries. Collection could then be done personally on foot or by bike, or through a centrally administered low carbon service such as using e-cargo bikes. Ten new e-cargo bikes have been introduced in Bath (November 2020) to help businesses make sustainable pollution-free deliveries following a successful B&NES bid to the Energy Savings Trust. B&NES will continue to support the introduction of low carbon measures for goods transport across the District.

593f. B&NES has produced area-specific transport strategies across the district. These strategies are tailored to addressing local issues and capitalising on local opportunities. At their heart, they each aim to create better places by reducing the negative impacts of traffic and provide improved facilities and create better conditions for sustainable modes of transport. Development proposals coming forward in these areas will be expected to support, and avoid prejudicing, the delivery of

**the relevant transport strategy and be in line with overarching transport plans and policies relevant at the time of application, including the current adopted Joint Local Transport Plan.**

594. ~~One of the core principles of the NPPF is to ‘actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.’ This principle will underpin the sustainable transport policies in this Plan.~~
595. ~~‘Getting Around Bath – A Transport Strategy for Bath’ was adopted in November 2014. Its principal objectives are:~~
- ~~— Supporting and enabling economic growth, competitiveness and jobs;~~
  - ~~— Improving air quality and health, reducing vehicle carbon emissions;~~
  - ~~— Promoting sustainable mobility;~~
  - ~~— Widening travel choice;~~
  - ~~— Widening access to opportunities: jobs/learning/training;~~
  - ~~— Safeguarding and enhancing the unique historic environment and World Heritage Site status; and~~
  - ~~— Improving the quality of life in the city.~~
596. ~~To complement the Bath Transport Strategy, further transport strategies are being progressed for other areas within B&NES, initially Keynsham. Transport Strategies for Somer Valley and Chew Valley are in development. The ‘Getting Around Keynsham – Transport Strategy’ has the following objectives:~~
- ~~— Minimising the future increase in traffic congestion;~~
  - ~~— Supporting and enabling the local economy;~~
  - ~~— Promoting sustainable mobility;~~
  - ~~— Widening travel choice;~~
  - ~~— Improving connections, particularly to improved rail services and the town centre;~~
  - ~~— Widening access to opportunities: jobs, learning, training, leisure and other local facilities;~~
  - ~~— Improving air quality and reducing vehicle carbon emissions;~~
  - ~~— Improving the quality of life for residents;~~
  - ~~— Ensuring that all traffic management and pedestrian schemes are designed to take mobility needs in to account; and~~
  - ~~— Maximising safety for all transport users.~~

***Policy aims***

- **Enable and achieve transformational mode** ~~Enable a shift to more sustainable modes of transport~~
- **Ensure that sustainability is embedded into the location, design and planning of new developments**

- Need to identify and safeguard routes crucial to widen transport choice and support major new development
  - Need to provide safe sustainable transport **facilities and** routes
  - Promote walking and cycling to ~~promote~~ improve health and wellbeing
  - Improve accessibility for people of all ages and ~~mobility and sensory~~ abilities
  - **Reduce transport impacts of goods delivery, particularly e-commerce, through enabling low carbon last mile delivery solutions.**
597. The NPPF recognises the key role transport policies have in facilitating **low carbon** sustainable development and contributing to wider **environmental** sustainability and health objectives by supporting and promoting sustainable transport modes, so that people **have a realistic choice over how they** can choose how they travel. It also acknowledges that different place specific policy solutions and measures may be required.
598. The vision for the Joint Local Transport Plan ~~4 3~~ (JLTP~~4 3~~) is **“Connecting people and places for a vibrant, inclusive and carbon neutral West of England.” Transport is crucial to supporting economic growth, but the choices that we make in how it is planned and delivered will determine whether that is achieved sustainably and inclusively, and whether it addresses or exacerbates climate change and poor air quality.** ~~To seek an affordable, low carbon, accessible, integrated, efficient and reliable transport network to achieve a more competitive economy and better connected, more active and healthy communities by 2026.~~
599. Policy ST1 seeks to help achieve these aims and objectives by setting out the key principles which should be addressed when **locating, planning and** designing a development. **The application of the policy will be sensitive and appropriate to the context of the site location and type of development proposed.**

**POLICY ST1: PROMOTING SUSTAINABLE TRAVEL AND HEALTHY STREETS**

In order to ensure delivery of well-connected places accessible by sustainable means of transport, planning permission will be permitted provided the following principles are addressed, **appropriate to the context and type of development and within the requirements of the NPPF:**

- 1).Development is located where there are, or will be at the time of development, a range of realistic travel opportunities to provide genuine alternatives to private car usage and where opportunities to reduce travel distances exist;**
- 2).The design of the development reduces car dependency and actively supports travel by sustainable modes, including providing attractive sustainable travel connections;**

- 3). ~~Reduce~~ The growth and the overall level of traffic and congestion **are reduced** by measures which encourage movement by public transport, bicycle and on foot, including traffic management and assisting the integration of all forms of transport;
- ~~2. Reduce dependency on the private car;~~
- ~~3. give priority to pedestrian and cycle movements and have access to high quality public transport facilities~~
- 4). Mitigation for traffic impacts maximises opportunities to achieve mode shift towards sustainable transport modes before proposing traffic capacity enhancements;**
- 5). Transport proposals align with relevant area-specific transport strategies, plans, policy documents, local guidance and the current adopted Joint Local Transport Plan;**
- 6). Proposals provide and enhance facilities for pedestrians, cyclists and the mobility impaired, including disabled people, including segregated provision that is fit for purpose and in line with the B&NES Transport and Development SPD;**
- 7). Proposals safeguard, enhance and extend the network of public rights of way and cycle routes;**
- 8). Opportunities for low-carbon, last mile transport of goods and deliveries have been taken up which are appropriate to the location and scale of the development;**
- 9). The development reduces the adverse impact of all forms of travel on the natural and built environment;** ~~reduce the adverse impact of all forms of travel on the natural and built environment;~~
- 10). Development does not prejudice the efficient functioning and acceptable development of the railway network;** ~~ensure development does not prejudice the efficient functioning and acceptable development of the railway network;~~
- 11). The use of car clubs and Ultra-Low Emissions Vehicles (ULEV) electric cars are promoted;** ~~promote the use of car clubs and electric cars~~
- 12). Ensure **Access to high quality public transport facilities is achieved by improving existing and providing new public transport facilities which would increase the proportion of journeys made by public transport; and**
- 13). Proposals support and promote measures which reduce the levels of traffic pollution in the interests of improving health and quality of life and reducing harmful impacts on the built and natural environment.**
- ~~11. schemes should safeguard affected heritage assets and the historic environment~~

## **Safeguarded** Sustainable Transport Routes

600. ~~B&NES Council and Sustrans have carried out a wide ranging review of cycle routes and developed a number of cycle proposals for Chew Valley, Keynsham, Midsomer Norton, Radstock and Bath.~~ **B&NES Council has worked with the West of England Authorities, WECA and stakeholder groups to produce a Local Cycling and Walking Infrastructure Plan (LCWIP) for the West of England Region. This uses DfT methodology to identify and prioritise improvements which will bring about the greatest increases in walking and cycling. The LCWIP is a key element in our plans to achieve significant improvements in our active travel network to make cycling and walking the natural choice for shorter journeys, or as part of a longer journey. It sets out specific priority locations where we are seeking to improve our active travel network. The LCWIP is the next step in the WoE's ambitious plans to improve the walking and cycling environment, making it accessible for all users, including those with mobility aids, kick-scooter and adapted cycles, whilst future proofing for new modes such as electric scooters and other forms of sustainable, individual transport modes.**

**600a. Our plans and ambitions for walking and cycling are not limited to the WoE LCWIP. Through our place-based transport strategies, other transport planning workstreams and the development management process, we will seek to deliver rural routes, both short distance within villages and longer routes, as well as additional urban routes.**

601. ~~There are sections of safeguarded former railway land not included in Sustrans' recommended cycle routes, and whilst further work needs to be undertaken in the context of the Sustrans review, the Council will continue to give policy protection to these. This will include the line of the sustainable transport link from the Newbridge area to Bath city centre serving the Bath City Riverside Enterprise Area. Land safeguarded for Sustainable Transport purposes is shown on the Policies Map.~~ **This will include the line of the sustainable transport link from the Newbridge area to Bath city centre serving the Bath City Riverside Enterprise Zone. Land safeguarded for Sustainable Transport purposes is shown on the Policies Map.**

### **POLICY ST2: SUSTAINABLE TRANSPORT ROUTES**

Development which prejudices the use of **safeguarded land** including former railway land for sustainable transport purposes as shown on the Policies Map will not be permitted.

## **Active Travel Routes ~~Recreational Routes~~**

602. National planning policy promotes the protection and enhancement of public rights of way (PROW) and access including making links to existing rights of way networks. Bath and North East Somerset has an

extensive network of PROW including a number of long distance and circular routes which form an integral part of the overall leisure and recreational provision. **The Council recognises the importance of this network in terms of facilitating active lifestyles, providing access to the countryside, and supporting the health and wellbeing of our population. Given the contribution these routes make to our overall objectives, these routes should be seen as an integral part of our transport network, and not of secondary importance compared with traditional residential to employment routes. Opportunities to enhance this network in terms of quality, connectivity and functionality should be capitalised on.**

603. The Council aims to develop a safe, convenient, efficient transport infrastructure which encourages and facilitates walking and cycling, and which minimises reliance on, and discourages unnecessary use of, private cars, especially for local trips. This will help increase the role of walking and cycling as key transport modes and to assist in reducing the use of private cars, by raising the status of walking and cycling and promoting them as safe and healthy means of transport.
604. This accords with **the current adopted JLTP which will provide the means to enable active travel to be the preferred choice for shorter journeys, and** 'Getting Around Bath – A Transport Strategy for Bath', which identifies that walking is the highest modal priority in the transport strategy.
605. Policy ST2A seeks to ensure that any publicly accessible routes are not adversely affected by development proposals **and that opportunities to enhance the active travel route network are taken up.** Where an active travel/recreational route follows the line of a former railway, its course is protected as a sustainable transport route.

**605a. The Bath River line is a key green infrastructure project in Bath and will provide a high-quality walking and cycling route from Newbridge to Batheaston. The route is approximately 10km in length and will connect communities along the length of the river, enabling more people to explore the city in a healthy and sustainable way. The western section of the Bath River Line will run alongside the River Avon, following the same route as the existing towpath/ path, from Newbridge to Pulteney Bridge. The exact route of the Bath River Line in the east, from Pulteney Bridge to Batheaston, is still to be determined. Following the transfer of Bathampton Meadows to the National Trust, Bath and North East Somerset Council will work together with the National Trust and the community to develop a vision and route options for this section of the Bath River Line.**

POLICY ST2A: **Active Travel Routes** RECREATIONAL ROUTES

1. Development which adversely affects the recreational and amenity value of, or access to, public rights of way and other publicly accessible routes for walking, cycling and riding will not be permitted, unless any harm can be successfully mitigated.
2. A development proposal affecting a publicly accessible ~~recreational~~ **active travel** route will be expected to maintain and/or incorporate the route within the scheme, **provide appropriate enhancements to the route in line with guidance set out in the Transport and Development SPD,** and depending on the location, the Council will seek to negotiate the provision of **support** additional linkages between urban areas and the wider countryside, open spaces and the River or Canal. **Opportunities to make and enhance strategic connections between, and within, urban areas and other key origins/destinations, utilising these routes, should be investigated and implemented wherever feasible.**
3. Development that adversely impacts on the established ~~cycle~~ **active travel** routes shown on the Policies Map will not be permitted, unless any harm can be successfully mitigated.

## Transport infrastructure

606. The Core Strategy highlights the need to carry out transport and access improvements and to secure the necessary capital infrastructure projects to enable the increase in housing numbers and jobs to be delivered. Core Strategy Policy CP13 also required the new development is supported by the timely delivery of physical infrastructure necessary to support that development. **We require sustainable travel opportunities to be available for the first occupiers of new developments.**

607. The Council inherited a number of highway improvement schemes from the former Avon County Council. The only former scheme being pursued is the improvement of the Lower Bristol Road (A36) east of Fieldings Road to Churchill Bridge, which now includes the Pines Way gyratory as shown on the Policies Map. This route is safeguarded to provide for future improvements to bus priority, cycle and pedestrian facilities, and public realm enhancements. The principles listed in Policy ST3 will be expected to apply to the implementation of the scheme. **The Council is working with neighbouring authorities and WECA to develop a significant number of transport infrastructure schemes as set out in the current adopted JLTP, designed to achieve a step change in uptake of sustainable travel. Further, the place-based Transport Strategies provide mechanisms for bringing forward transport infrastructure and other measures to improve accessibility in those areas.**

608. The Council recognises the need for further studies to assess and design a number of the schemes set out in the current adopted JLTP. Mass Transit proposals are being developed for the A4 Bath to Bristol corridor. At Saltford, we will fully assess options to provide bus priority before a decision on a bypass is made. We will also explore the possibility of introducing Mass Transit in Bath to help provide clean, efficient transport for those living, working and visiting the city whilst also meeting the future growth and transport needs of the City. The A4 Saltford bypass, and an east of Bath link designed to remove through traffic. The Keynsham Transport Strategy recognised the need to provide an alternative route for traffic seeking to travel between the A4 and the A37. BANES will work with Bristol and South Gloucestershire to develop a solution to this issue.

**608a. Transport infrastructure encompasses how we use and manage our existing infrastructure, including how we allocate space on our transport network. Interventions designed to amend our existing infrastructure to improve conditions for vulnerable road users and support active travel and public transport will be investigated and progressed. This will include both physical provision of improved infrastructure for these users, and measures which reduce traffic volumes and speeds in inappropriate areas to make our environment conducive to walking and cycling. Our Liveable Neighbourhoods Strategy sets out how we create better place in this way.**



## Development of transport infrastructure

609. ~~As with other development w~~Well planned solutions are paramount in the design of transport infrastructure proposals. Core Strategy Policy CP6(1) requires high quality and inclusive design of schemes, including transport infrastructure, which reinforces and contributes to its specific local context, creating attractive, inspiring and safe places.
610. The Council aims to give as much attention as possible to the details of both public and private proposals. There will also be a rigorous assessment of the need for the scheme, **the issues the scheme is designed to address, and the choices made in the type of scheme being proposed. Wherever possible, transport infrastructure will be designed to achieve mode shift away from private car usage, to address congestion by reducing traffic demand rather than increasing capacity as the default approach. Any traffic capacity schemes will need to incorporate commensurate improvements for sustainable modes and not prejudice the condition of highway safety, particularly for vulnerable road users.**
611. Policy ST3 seeks to ensure that transport infrastructure is designed to the highest standards possible. 'Getting Around Bath – A Transport Strategy for Bath' highlights that consideration for the needs of **disabled** people ~~with mobility impairments~~ is regarded as a core element of the strategy. This is reflected in Policy ST3.

### POLICY ST3: TRANSPORT INFRASTRUCTURE

Within the context of Core Strategy Policy CP6(1) the development of transport infrastructure will only be permitted provided that the following requirements have been met:

- 1) **The need for intervention has been robustly justified and decisions in relation to the planning and design of the scheme have been made in line with the sustainable transport hierarchy, promoting the use of sustainable modes;**
- 2) **The needs of pedestrians, disabled people cyclists and horseriders are met;**
- 3) The quality, patronage and efficiency of public transport operations must not be compromised;
- 4) **Schemes which propose increases in traffic capacity will need to demonstrate that all other ~~can be justified in terms of whether~~ opportunities to achieve mode shift as an alternative solution have been exhausted;**
- 5) **Schemes which propose increases in traffic capacity will also be required to incorporate commensurate improvements to the sustainable transport network;**
- 6) The environmental benefits to be secured through implementation of the scheme and any additional traffic management or calming measures needed to maximise those benefits should be clearly articulated;
- 7) There is no unacceptable impact on heritage and environmental assets and amenity including the World Heritage Site and its setting, Areas of Outstanding Natural Beauty and ~~Natura 2000 sites~~ **on the National Site Network** (SACs/SPA);

- 8) The visual and functional impact of the scheme and any associated elements such as surface-treatment, street furniture, signing, road markings, roadside verges and lighting upon the character of the area is minimised;
- 9) The **environmental** impact of **the scheme, such as from** noise and other forms of pollution, ~~on surrounding land uses from traffic likely to be generated by the proposal~~ is minimised **and of an acceptable level in accordance with relevant topic-specific environmental guidance and standards;**
- 10) The need for provision ~~in appropriate cases~~ of street furniture which aids security of premises without adversely affecting **mobility** pedestrian circulation;
- 11) ~~The needs of pedestrians including those with impaired mobility, cyclists and horseriders are met;~~
- 12) ~~The environmental benefits to be secured through implementation of the scheme and any additional traffic management or calming measures needed to maximise these benefits should be clearly articulated;~~
- 13) ~~The quality, patronage and efficiency of public transport operations must not be compromised;~~
- 14) The response time of emergency services must not be compromised; and
- 15) The acceptable provision for the transportation of materials to and from the site or disposal of spoil during construction.

All highway infrastructure will be required to comply with national guidance and standards set out in 'Manual for Streets', 'Manual for Streets 2 – wider application of the principles', **LTN1/20**, the 'Design Manual for Roads and Bridges' and any subsequent updates to these documents.

### **Rail freight facility Westmoreland Station Road, Bath**

612. The NPPF discusses the provision of viable infrastructure necessary to support sustainable development including rail freight interchanges. The railhead at Westmoreland Station Road, Bath has been used to transfer and transport compacted waste and may have the potential to be used in the transportation of aggregates in the future. It has been safeguarded through successive Local Plans and Policy ST4 continues this role.

#### **POLICY ST4: RAIL FREIGHT FACILITY**

Land at Westmoreland Station Road, Bath as defined on the Policies Map will be safeguarded as a rail freight facility and interchange.

### **Rail Station at Saltford**

613. The opportunity for re-opening a station at Saltford has arisen from work undertaken by the West of England on the MetroWest Project. **MetroWest is a significant rail infrastructure programme that will dramatically increase rail travel in the region, connect more people to the rail network and improve air quality.** This will provide an additional train service between Bath and Bristol each hour (in both directions) and the potential for an additional station as well.

614. A public consultation on the three potential options for the proposed station was completed in 2013 and the results considered by Cabinet in 2014 when it was agreed that, before deciding to progress to the next stage of Network Rail's Governance for Railway Investment Projects (GRIP) process, further work should be undertaken to see if there were a location for a station which would have additional parking and better access from the A4. In addition confirmation that the new rail timetable could accommodate the station at Saltford is still needed. **In October 2019, the Council declared its support for a new Station at Saltford. Saltford is included in JLTP4 as a potential new station for consideration due to the recognition of its potential role to play in tackling existing and future transport challenges, and would be delivered in the period 2030-2045. A key challenge in delivering a new Station at Saltford is the network capacity issues on the railway line between Bath and Bristol, and therefore the ability to identify capacity to stop trains at a new station. However, the Greater Bristol Area Rail Feasibility Study (GBARFS) found that the new infrastructure required to deliver enhanced MetroWest services on the Bristol to Bath Spa line could provide the additional capacity required to enable additional stops at Saltford.**
615. **In order to progress a station at Saltford, it will be necessary to work through Network Rail's Governance for Railway Investment Projects (GRIP) process, and undertake Strategic and Outline Business Cases.** No timescale has currently been **confirmed** set for the delivery of the project, **albeit it is likely that scheme development will be in the period 2020-2030, for delivery 2030-2045;** however progress is dependent on the successful completion of Phase 1 of the MetroWest project, **the Development Consent Order Examination for which is due to conclude in 2021.** which is due for completion in 2019.
616. The next step will be to consider and identify a preferred option/site for the new station, which will require an estimated 200 parking spaces in order to be viable. However, it may need to be addressed as part of any future Local Plan review.

### Traffic management proposals

617. The Core Strategy highlights that *'improvements to parts of the District's historic settlements will become possible by reducing the volume of traffic using historic streets and spaces.'* It supports the management of the highway network, particularly in local centres, residential areas, places of higher pedestrian footfall and/or areas of historic significance. This also helps with the creation of high quality public realm and better, **more inclusive, healthier** places, and is an approach reflected in the Council's Public Realm and Movement Strategy. **This also aligns with the 'Healthy Streets Approach', as it will help to create streets that are inclusive, safe and attractive, that are accessible to all and will facilitate sustainable travel**

where people choose to walk, cycle and where possible use public transport.

617a. Our Liveable Neighbourhoods Strategy has been developed to breathe new life into residential areas by reducing the dominance of vehicles and rethinking how road space is used. The intention is to reduce overall traffic volumes, rather than displacing traffic onto alternative routes. Liveable neighbourhoods promote and prioritise walking, cycling and public realm movements without disadvantaging people with mobility restrictions. The focus is in enhancing community, health and wellbeing through the introduction of high quality, attractive, outdoor space, achieved by rebalancing space currently used for vehicles. Importantly, changes can be made on a trial basis to allow effective consultation on the effects of interventions.

618. The purpose of Policy ST5 is to provide specific guidance for traffic management proposals and sets the high level principles within which more tailored traffic management schemes may be devised.

#### POLICY ST5: TRAFFIC MANAGEMENT PROPOSALS

With reference to the principles in Policy ST3, traffic management proposals for the centres of Bath, Keynsham, Midsomer Norton, Radstock, Westfield and Peasedown St John will be expected to:

- 1 ~~discourage~~ reduce through traffic and other unnecessary motorised vehicle journeys from the main shopping streets;
- 2 enhance vitality and viability;
- 3 secure improvements for pedestrians, cyclists **and disabled people**
- 4 facilitate the improvement of public transport integration;
- 5 ensure the needs of all road users are taken into account and the servicing needs of commercial, cultural, recreational and residential activities are met;
- 6 improve air quality; and
- 7 ~~be designed to~~ respect local distinctiveness and not detract from the quality of the historic, environmental and cultural assets

Traffic Management schemes in residential areas **will be expected** should aim to:

- 1) Reduce the speed of traffic and ~~to remove~~ reduce ~~discourage~~ through traffic from using unsuitable routes, **whilst maintaining** allowing access for only **those who need it**;
- 2) **Create attractive places to enhance the sense of community and improve health and wellbeing through re-balancing space towards people and away from vehicles;**
- 3) **Achieve mode shift through discouraging short car journeys and prioritising walking and cycling;**
- 4) **Support disabled people and others with restricted mobility;**
- 5) **Reduce on-street non-residential parking and provide opportunities for EV charging, car clubs, social spaces and improved walking and cycling routes;** and
- 6) **Retain vehicular access for residents and businesses; and**

The implementation of schemes on a trial basis will be supported as this can be a useful tool in enabling changes to be made in consultation with the council and community.

## Interchange Hubs Park & Ride

618a. Our transport network facilitates people moving around the district, and many of these journeys are, or could be, made via a number of different types of transport. The ability for people to change between modes is integral to improve the efficiency of the system, and can be an important factor in reducing car usage for whole journeys where a viable, realistic sustainable alternative exists for part of the journey. The traditional form of “interchange” is the Park & Ride (P&R). Traditional P&R services which are serviced by a high frequency, direct dedicated bus service, have been used successfully to intercept car trips into the historic centre of Bath, and enable us to release road space in central areas for walking, cycling and public transport. P&R continues to play a key role in our transport system, but we need to broaden its scope to reflect modern transport ambitions.

618b. There is a great potential for the function of our traditional “Park and Ride” services, at existing and new facilities, to be expanded to “Interchange Hubs.” Such sites would enable interchange between a range of modes and in a range of directions, rather than solely moving people from their car to the bus and the periphery to the city centre. Facilities could include safe and secure cycle parking, electric bike hire and charging, micro mobility such as e-scooters, walking infrastructure and wayfinding, electric vehicle charging, last mile freight consolidation, coach parking and interchange with a range of public transport services including the integration of local bus services. Complementary uses, such as renewable energy generation and community uses will be considered and supported, subject to impact assessment. The Council will also investigate opportunities for providing formalised off-street parking on key bus corridors, and Park and Share facilities, to support bus use and car sharing in order to reduce car trips into Bath whilst better managing impacts in local areas where these activities are known to occur.

618c. Interchange does not need to be limited to large scale, edge of city expanses, but can also include smaller, more local, mobility hubs. Such hubs can be tailored to meet the need of the locality and include a mix of transport opportunities relevant to the travel demand of the place.

619. The Council proposes to build on the success expand the provision of Park and Ride facilities serving Bath as part of a wider strategy promoting sustainable means of transport across the district and reducing the impact of vehicles in the city and in particular its historic core. This includes seeking to increase opportunities to transfer car trips into urban centres onto sustainable alternatives, and to support multi-modal travel through facilitating interchange hubs. Enhanced interchange Park & Ride provision will help maintain existing public transport provision to remove a variety of vehicular trips from the city arising from both existing pressures and those associated with growth generated by the Enterprise Zone. In addition to the Park & Ride improvements already implemented through the Bath Transport Package we will seek to enhance the existing Park &

Ride sites at Newbridge, Odd Down and Lansdown **though expansion and increased interchange functionality** are likely to need further expansion and a new Park & Ride site to the East of Bath provided to improve access from that side of the city. **Data shows that many trips into Bath originate in the east and some motorists choose to use the facilities at Odd Down and Lansdown in the absence of a facility to the east. B&NES will continue to work towards identifying and developing innovative solutions to increase existing levels of sustainable transport options** intercept trips **into Bath from the east.**

620. An independent review of potential sites for a Park and Ride facility was carried out in 2013. The Council has also consulted with the public to help identify the most appropriate location. No final decision has been made on a preferred site. The general area under consideration is indicated on the Bath Spatial Strategy diagram for reference. In addition, the strategy diagram also indicates the locations for the future expansion of existing Park & Ride sites.
621. Policy ST6 will be used to assess **future interchange hub** Park & Ride schemes, including both extensions to existing Park & Ride sites, and **potential new facilities to intercept traffic heading into our historic centres, and hubs supporting multi-modal travel** a new facility to the East of Bath. **All proposals for Interchange Hubs should be thoroughly evaluated to ensure that the most suitable and sustainable locations are selected. As with all development** the need for and benefits of extending existing sites and/or developing a **new facility** facilities will need to be **considered in the planning balance, including thorough assessment of environmental impact and other planning factors such as** weighed against the harm to environmental assets and, where relevant, the Green Belt. It is proposed **required** that the criteria in Policy ST6 guide all **development relating to Interchange Hubs, including existing** Park & Ride site development to ensure a consistency of approach. **In order to facilitate the provision of Interchange Hubs on the existing Bath Park & Ride sites it is proposed that they be removed from the Green Belt (subject to the demonstration of the necessary exceptional circumstances) and an allocation policy is set out in the Bath section (volume 2) of the Plan setting out site specific development requirements.**
622. All proposals should be thoroughly evaluated to ensure that the most sustainable locations are selected, and that all relevant impacts are properly assessed. In particular, any proposal will be expected to be informed by an assessment of impact on the Outstanding Universal Value of the World Heritage Site and its Setting. This process should be undertaken by using the ICOMOS 'Guidance on Heritage Impact Assets for Cultural World Heritage Properties' and Historic England's Good Practice Advice 'The Setting of Heritage Assets' and applying the Council's Bath World Heritage Site Setting SPD.

623. Any proposals for development within the Green Belt will have to comply with national Green Belt policy. The NPPF states that local transport infrastructure which can demonstrate a requirement for a Green Belt location is not inappropriate in the Green Belt, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt.
624. Any proposal affecting the AONBs will need to take into account advice in the NPPF.

**POLICY ST6: Transport Interchange PARK AND RIDE**

Development of new or expansion of existing **Transport Interchange sites, including** Park and Ride, sites will be permitted provided:

- 1) **Opportunities to enhance the transport benefits of proposed schemes to incorporate wider interchange functionality have been fully assessed and incorporated into proposals;**
- 2) **Proposed site(s) have been thoroughly evaluated with a robust evidence base demonstrating that the most suitable and sustainable site has been selected;**
- 3) **Transport effects of the proposed development have been comprehensively and robustly identified through a Transport Assessment in line with current national guidance. This will include, but not be limited to:**
  - a. **Benefits related to reductions in onward city centre car travel;**
  - b. **Potential level of mode shift away from other transport modes, especially existing local bus and rail services;**
  - c. **Changes to the overall modal share;**
  - d. **Future viability of public transport services, including those that will experience loss of patronage as a result of the new facility; and**
  - e. **Any mitigation measures required to address any negative impacts.**
- 4) Provision is made for the needs of those with impaired mobility disabled people and for the safety and security of all users;
- 5) **The development accords with all relevant planning and environmental policies, such as those relating to the WHS, AONB, European Sites, Green Belt and any other special designations and protections as may be affected by development proposals. It must be robustly demonstrated that potential impacts can be successfully mitigated and the degree of public benefit outweighs the level of harm to any such assets; and**
- 6) **The development does not result in unacceptable environmental impacts in line with relevant local, regional and national planning policies and regulations when weighed against the benefits of scheme proposals. In this regard it should be noted that the Odd Down site meets the criteria for SNCI designation and supports a colony of Small Blue butterflies. The key site development**



**requirements are set out in the site allocation development requirements.**

**Applicants will also be required to demonstrate that the scheme complies with all other relevant national and local planning policies that affect the site and its location.**

### **Development management, transport, access and parking**

625. Developers are required to submit sufficient information to enable the Council to assess these matters, and to demonstrate that any traffic reduction targets or initiatives aimed at promoting public transport, cycling and walking set out in **JLTP4 or any of the area-specific Transport Strategies** the Local Transport Plan will not be jeopardised by their proposals. **Development proposals will be expected to positively contribute towards the delivery of these plans or strategies.**
626. National planning policy requires that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:
- ~~— the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;~~
  - ~~— safe and suitable access to the site can be achieved for all people; and~~
  - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development.
  - **Appropriate opportunities for sustainable transport modes can be- or have been-taken up, given the type of development and its location;**
  - **Safe and suitable access to the site can be achieved for all users; and**
  - **Any significant impacts from the development. On the transport network (in terms of capacity or congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.** Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
627. Developments should also make a positive contribution towards the achievement of the Council's **ambitious** traffic reduction targets. This can be achieved through, for example:
- development being located and designed in such a way that it seeks to discourage car use and encourages travel by other modes.
  - occupier(s) of the development seeking to secure changes in the travel behaviour of employees, clients or other visitors by drawing

up a workplace or school travel plan to be submitted to the Council for approval very often as a Planning Obligation. These Plans do not have to be associated with development and can be phased to take account of planned improvements in public transport for example.

- Developers of **residential schemes providing proportionate measures to encourage occupants to travel sustainably, including smaller scale residential schemes providing 'Welcome Packs' setting out sustainable travel options** to encourage occupants to travel sustainably
- Development **directly delivering measures and/or** making a financial contribution towards the implementation of the Council's transport strategies. Such contributions will be tailored as far as possible according to the nature and location of the development. **Where developments are assessed as having an unacceptable impact on the local highway network, including in terms of capacity, safety or amenity, developers will be expected to identify and assess appropriate mitigation, agree said mitigation and its delivery mechanism with the Highway Authority, and comply with relevant planning conditions and obligations relating to its delivery. Mitigation proposals will be expected to maximise opportunities to achieve mode shift away from the private car before proposing any traffic capacity enhancements.**

628. More detailed information on travel plans, transport assessments and statements in decision-taking can be found in the National Planning Policy Framework and Planning Practice Guidance. **Additionally, B&NES Council has developed a Transport and Development SPD. This sets out the requirement for development to provide robust Travel Plans and details the Council's expectations on the content of such plans. This will include development thresholds at which different level of Travel Plan are required, types of sustainable transport measures which will be expected, targets and monitoring and evaluation targets. Each Travel Plan will need to be tailored to the specific development and the location context in order to ensure that the optimal package of measures is provided to enable future users of the development to travel sustainably. The SPD is intended to support developers, site owners and operators in producing Travel Plans, and ensure that Travel Plans secured through the planning process are of a consistently high standard to help us achieve our ambitious traffic reduction targets.**
629. Policy ST7, **in conjunction with the Transport and Development SPD**, sets out the policy framework for considering the requirements and implications of development for the highway, transport systems and their users. This will ensure that the direct and indirect impacts of schemes are properly assessed.

## POLICY ST7 TRANSPORT REQUIREMENTS FOR MANAGING DEVELOPMENT

- 1) Development will be permitted providing the following provisions are met:
  - aa) Users of the development benefit from genuine choice in their mode of travel through opportunities to travel by sustainable modes;**
    - a) Highway safety is not prejudiced;
    - b) ~~Safe and convenient access to and within the site for pedestrians, cyclists and those with a mobility impairment is provided or enhanced.~~ **Walking and cycling assessment and facilities are provided in line with the Transport and Development SPD, including safe, convenient and inclusive access to and within the site for pedestrians and cyclists;**
    - c) ~~Suitable~~ Vehicular access **is both safe and suitable;**
    - d) No introduction to traffic of excessive volume, size or weight onto an unsuitable road system or into an environmentally sensitive area;
    - e) ~~No traffic mitigation measures are required that would harm the historic or natural environment;~~
    - f) Provision **is** made for any improvements to the transport system required to render the development proposal acceptable. **Improvement requirements will maximise opportunities to travel by sustainable modes;**
    - g) ~~secure and accessible cycle storage facilities.~~
    - h) Necessary mitigation measures can be delivered without unacceptable harm to the historic or natural environment;** and
- 2) In the case of new development proposals, facilities for charging plug-in and other ultra-low emission vehicles will be sought **in line with the Transport and Development SPD.**
- 3) Transport assessments/statements **& Travel Plans**
  - a. Planning applications for developments that generate significant levels of movement should be accompanied by a transport assessment or transport statement in accordance with National Planning Policy Framework and Planning Practice Guidance. Schemes will be expected to be tested through transport the Council's modelling, as necessary.
  - b. **Travel Plans will be expected to be provided in line with the Transport and Development SPD.**
- 4) **Car and cycle parking provision and design must contribute to the aims of the Climate and Ecological Emergency, support creating better and healthier places, and be appropriate to the context of the development. Parking needs to be provided at a level appropriate to reduce the convenience of unnecessary car usage and make sustainable transport a more attractive choice. Parking provision must support good urban design and placemaking through minimising the proportion of space allocated to vehicle storage and usage, and reducing car dominance on our natural**

**and built environment. Proposals must avoid contributing to haphazard, informal or inconsiderate parking behaviours and their associated effects, including through ensuring suitable parking controls and management, availability of alternative travel options including car clubs, and ensuring sufficient parking provision to meet residual demand. There should be no increase in on-street parking in the vicinity of the site which would affect highway safety and/or the operational function of the local highway network in terms of emergency access, refuse collection, goods delivery and accessibility. Detailed parking policy guidance and parking standards for all forms of development are set out in the Transport and Development SPD.**

Any reduction in minimum residential parking standards will require the completion of an accessibility assessment which will form the basis for any discount from the prescribed standard.

## Parking Standards

630. Bath and North East Somerset's previous Local Plan (2007) set out the maximum car parking standards required for new development proposals reflecting previous national planning policy set out in PPG13 (Transport). The policy of restricting the level of parking provision particularly in new residential developments, has promoted less reliance on the motor vehicle and a move to more sustainable and healthy methods of travel, particularly for shorter journeys.

631. In January 2011, the Government announced the removal of national limits on residential parking. Local authorities are still able to set parking standards for their areas, but they should do so having regard to local circumstances and without trying to control car ownership. However the need to promote sustainable transport outcomes is not affected.

632. The NPPF **requires** reflects this approach to parking by referring to both residential and non-residential development, leaving it to local authorities to decide whether there is a need for parking standards, **for both residential and non-residential development** by advising:

If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

633. The Department for Communities and Local Government (DCLG) issued a statement on 26 March 2015 regarding the setting of local parking standards, to be read alongside the NPPF. This states that: *"Local planning authorities should only impose local parking standards for residential and non-residential development where there is clear*

*and compelling justification that it is necessary to manage their local road network.”*

**633a. B&NES Council considers that clear and compelling justification exists to use parking standards as a policy tool to reduce the dominance of the motor vehicle on our built environment. Good parking policy can facilitate high quality and well-designed parking provision appropriate to the type and scale of development within the context and location. Parking restraint can encourage modal-shift to non-car alternatives. The 2017 Placemaking Plan included parking standards for cars, blue badge holders and cycles. B&NES Council has decided to review these parking standards in the light of the clear and compelling justification presented by the Climate Emergency and target to achieve carbon neutrality by 2030 to ensure that parking standards remain appropriate. As part of this review, parking standards are relocated from the PMP into a new Transport and Development SPD. This provides the flexibility to allow B&NES Council to continually review and update the parking standards to ensure we are in line with current national policy and guidance and on target with regards the objectives of the authority's ies Climate Emergency.**

**633b. The Council understands the variation on transport requirements and opportunities in different parts of the District and continues to ensure that the standards, and application of those standards, recognise these differences. Whilst reducing car usage overall remains the most important factor in achieving carbon neutrality, fleet transition towards ULEV and EV/hybrid vehicles is a key part of our decarbonisation strategy. The standards within the Transport and Development SPD reflect this need to enable increased uptake of ULEV technology, without encouraging increased car use overall**

### **Parking Standards in Bath & North East Somerset**

634. ~~When devising parking standards for Bath & North East Somerset recognition has been paid to the fundamental difference between the provision of spaces in residential developments as origin parking and spaces in employment, retail and leisure developments as destination parking. The shift in residential standards acknowledges that where constrained approaches to origin parking have not been supported by effective controls, problems affecting the use and enjoyment of streets have often arisen.~~

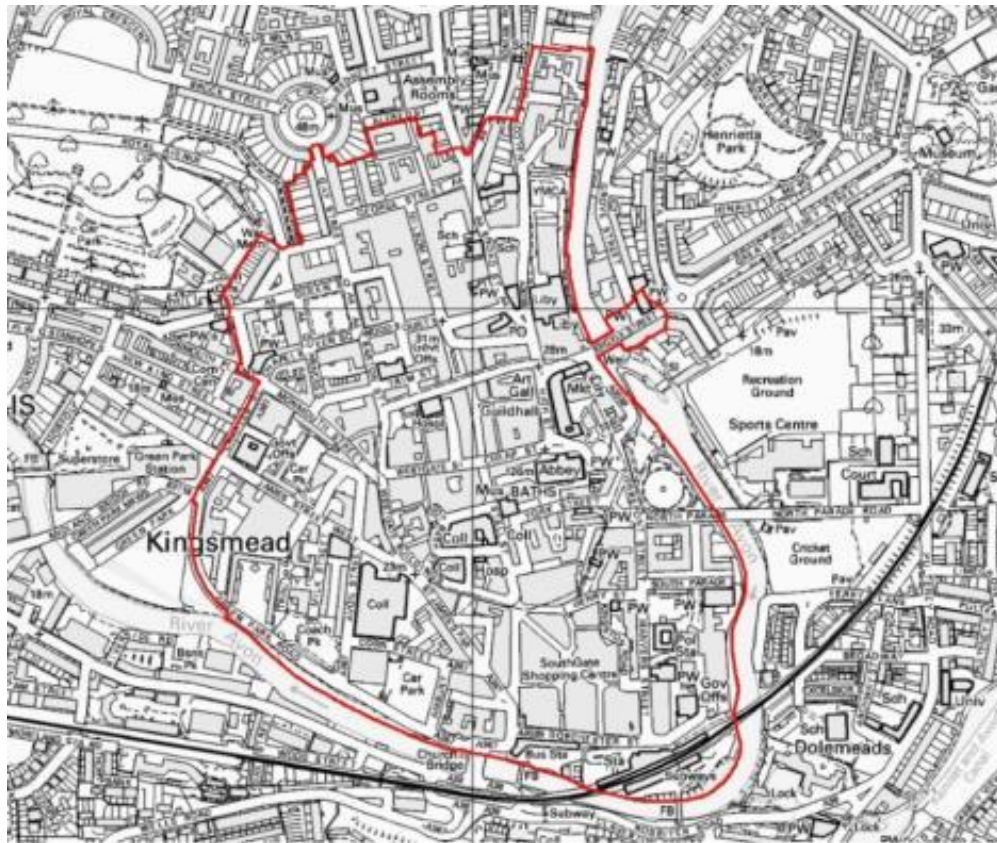
### **Bath**

635. ~~There currently exists a clear and compelling justification for introducing a prescribed parking standard for Bath based upon:~~

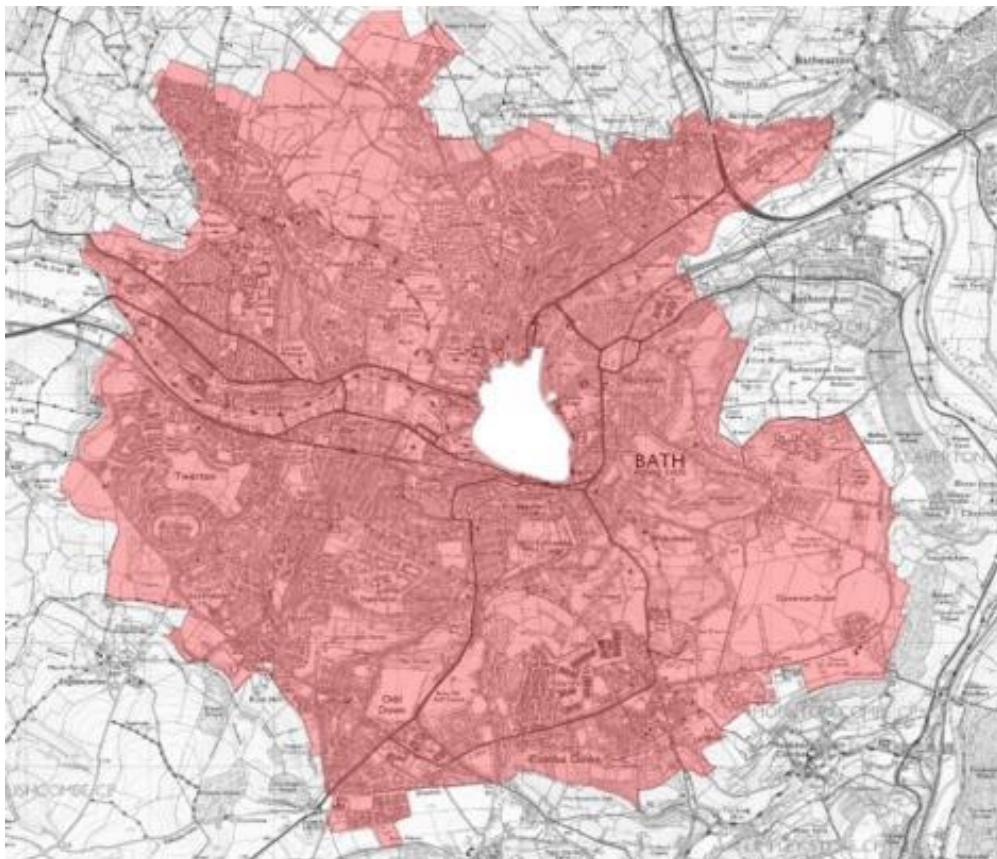
- ~~— Poor air quality~~
- ~~— Existing congestion levels within the city, and~~
- ~~— Overspill parking from new developments on the outskirts of the city that require the authority to introduce controlled parking zones and more enforcement~~

636. ~~This approach is also supported by the recently adopted Bath Transport Strategy which states that “additional parking in the core of the city is not really an option because space is scarce and more traffic would be undesirable.”~~
637. ~~Two parking zones have been introduced for Bath: a City Centre Zone and a Bath Outer Zone covering the remainder of Bath. The boundaries of each of these zones can be seen in Diagrams 9 and 10 below, with the City Centre Zone following the line of the city centre defined in the Core Strategy.~~

**Diagram 9—Bath City Centre Zone**



**Diagram 10—Bath Outer Zone**



## **Bath City Centre Zone**

### ***Non-Residential***

638. ~~For B1 uses in the City Centre the parking standard is 1 space 400 sq metres. For all other non-residential development uses, the parking standard will be zero provision within the City Centre Zone exclusive of any operational requirements such as servicing/ maintenance/loading, and accessible parking specifically for Blue Badge Holders, where some provision may be required. Any departure above the prescribed parking standards for B1 uses will need to be fully justified including reasoning why greater use of more sustainable transport solutions is not a suitable alternative.~~

### ***Residential***

639. ~~For all new residential development of any size in the City Centre Zone the parking standard is 0.5 spaces per dwelling. This standard is based on Census 2011 data that shows car ownership levels for those living in central Bath to be 0.5 cars per dwelling.~~

640. ~~This approach for parking in the City Centre Zone is justified as any development located in this zone is within a reasonable walking distance of key services and facilities, and is in the most accessible location within the Council area. The development will therefore benefit from a range of travel options.~~

641. ~~Such an approach is consistent with current transport and planning policy which seeks to direct development to the most sustainable locations, reduce the intrusion of vehicles in the historic core of Bath and protect the World Heritage Site.~~

642. ~~Any departure above the prescribed parking standards will need to be fully justified including reasoning why greater use of more sustainable transport solutions is not a sustainable alternative.~~



## **Bath Outer Zone**

### ***Non-Residential***

643. The non-residential parking standards for the Bath Outer Zone are defined as maximum standards. These are set out in Schedule 2— Parking Standards at the end of this chapter.
644. It is widely acknowledged that restricting parking at the origin of a journey is less effective than restricting parking at the destination. Therefore an important contribution to reducing traffic growth and congestion can be made by local authorities using their development control powers to limit the amount of parking associated with new business premises.
645. The standards strike a balance between allowing proportionate and complementary parking provision in new developments, whilst at the same time not discouraging businesses from locating or expanding in Bath, or potentially transferring unmet parking demand onto residential streets. Any departure above the prescribed parking standards will need to be fully justified including reasoning why greater use of more sustainable transport solutions is not a suitable alternative. or Furthermore a significant reduction in proposed parking from the prescribed maximum standards will need to be fully justified by an accessibility assessment and car parking management strategy. This is to ensure that proposed parking is not reduced to the extent that it could lead to unmet parking demand being transferred onto nearby streets.

### ***Residential***

646. Inside the Bath Outer Zone minimum parking standards apply for residential parking. These are set out in Schedule 2— Parking Standards at the end of this chapter.
647. Previous parking policy to reduce car travel through reducing availability of parking at both the origin and destination has not worked at the point of origin; therefore vehicle parking standards need to be increased, along with sustainable transport measures. By changing the origin car parking standard from a maximum to a minimum it is intended that appropriate parking facilities will be provided thereby minimising problems associated with on-street parking.
648. Any departure or reduction in parking spaces from the prescribed standards will need to be fully justified by an accessibility assessment and car parking management strategy. The accessibility assessment is discussed in more detail in a later section. Any car parking management strategy should include reference to off-site impacts, and existing/proposed residents' parking zones.

## **Bath and North East Somerset Outside of Bath**

### ***Non-residential***

649. For non-residential developments outside the City of Bath, parking requirements will be determined on an individual basis (i.e. case by case).
650. This approach reflects the position that the Council is best placed to take account of local circumstances, and is able to make the right decisions for the benefit of its communities, as opposed to these being dictated through national guidance and policy.

### ***Residential***

651. Similar to the approach for the Bath Outer Zone, minimum parking standards will be applied to new residential development outside the City of Bath. These are set out in Schedule 1 – Parking Standards at the end of this chapter.
652. This approach for residential development, based on minimum parking standards allows more flexibility as the Council will still be able to negotiate higher levels if deemed necessary. This is in contrast to the existing maximum parking standards in the current Local Plan that do not allow for any flexibility upwards in parking provision.
653. Any departure or reduction in parking spaces from the prescribed standards will need to be fully justified by an accessibility assessment and car parking management strategy (see below). Any car parking management strategy should include reference to off-site impacts, and existing/proposed residents' parking zones.
654. The approach of restricting parking provision has had some success in city centres where public transport provision is good, the distance to important community services is short, and plenty of local shopping is available. In inter-urban and rural communities where mobility is more reliant on access to a car, many residential developments have been suffering from strict limitations of parking allocation. This inevitably results in parking problems which manifest themselves in pavement parking, obstruction of driveways and accesses, hindrance to larger delivery vehicles and refuse vehicles, damage to soft landscaping and footways, and cluttered, unsightly streets.

### **Accessibility Assessment**

655. The prescribed parking standards need to be considered in a sensitive and flexible way that reflects local circumstances. An accessibility assessment will be developed to assess the acceptability of potential departures from the prescribed minimum residential parking standards and significant reductions to the maximum non-residential parking standards as set out in Schedule 2. This will help inform the implementation of Policy ST7.

656. ~~The use of accessibility levels as a basis for the departure from specific parking standards is now an established policy among many local authorities. The council has identified a process, following best practice, to apply such an approach.~~
657. ~~The assessment will require developers to undertake a questionnaire that will assess the actual site in terms of local accessibility to non-car modes of transport. The questionnaire will result in a development being scored on the basis of the current level of accessibility it has to non-car modes of transport. The score will enable the site to be assessed as having low, moderate, high or very high local accessibility. This score will then be translated into a discount from the prescribed parking standard.~~

## Cycle Parking

658. Cycling is a key form of low carbon transport and is also part of a healthy lifestyle. The Council's policies and programmes facilitate the construction of cycle routes and cycling infrastructure throughout the area, **and this is required to be in accordance with LTN1/20 and the B&NES Transport and Development SPD.** However for cycling rates to increase, it is equally important that homes and workplaces have provision for people to easily and safely keep and store bicycles.
659. **Safe and accessible cycle parking at appropriate levels, that is prioritised over vehicle parking must** should be incorporated into the design of all developments **from the outset** (new, extensions or change of use). **Cycle parking standards for new development are included in the Transport and Development SPD.** The numbers of stands required are expressed as minimum standards to reflect the sustainable nature of this mode of travel **and ensure that the quality and accessibility of cycle parking does not form a barrier to usage.** **Cycle policy within the Transport and Development SPD also reflects the need to accommodate and encourage the use of adapted cycles, cargo bikes and e-bikes as these technologies enable cycling to be a viable mode choice for a greater range of trip types, routes and distances.** These are set out in Schedule 2— Parking Standards at the end of this volume.

## Residential Cycle Provision

660. ~~In residential developments, where no provision is specified, garages or car ports should be large enough to accommodate bicycles. The dimensions and location of doors should be such that bicycles can be easily and conveniently taken in and out without removing the car and bins, if these are also stored in the parking area.~~
661. ~~Where no suitably sized garage is available cycle parking should be provided in secure covered areas.~~

662. Shared cycle parking facilities should be located and designed to avoid anti-social behaviour and be covered, well lit, safe and convenient. Formal cycle parking for flats should ideally be provided within the building, either in a ground floor communal area close to the main entrance, under stairs or in underground or semi-basement areas alongside other storage for households, whilst maintaining fire escape routes.
663. Further information on the provision of secure cycle storage in domestic and non-domestic developments can be found in Secured by Design's publication 'New Homes 2014' (see clause 35) <http://www.securedbydesign.com/wp-content/uploads/2014/02/SBD-NewHomes14-lowres.pdf>.

### ***All Uses Cycle Provision***

664. Visitor cycle parking should be provided in well-overlooked areas, convenient for access to the building. Sheffield stands or similar should be used rather than less secure front wheel holders which also have greater potential to damage bicycles. Cycle stands need to be conveniently located close to destination points, but clear of the direct pedestrian desire lines. They should be detectable by blind or partially sighted people. A ground level tapping rail at either end of a run of stands should be provided.
665. Standards for cycle parking are described either as "stands" or as "spaces". Note that one stand means a Sheffield Type Stand, which equates to two spaces. In some cases higher quality provision will be appropriate in the form of spaces (e.g. under cover or with secure lockers). Generally, the longer cycles are expected to be parked at a location, the higher the level of weather protection and security required. This will be a matter for consideration on individual planning applications.
666. In addition to the provision of secure parking for visitors, as part of any agreement on Travel Plans, developers of non-residential proposals will be required to demonstrate that the Travel Plan has considered the additional needs of employees, such as lockers, changing and shower facilities.

### **Provision for people with disabilities**

667. Many disabled people rely on cars for getting about. Whether they drive themselves or ride with someone else. The ease with which they can reach their destination is almost always determined by where the car can be parked. Parking standards for people with disabilities **are included in the Transport and Development SPD** is provided in the Schedule 1 below. These standards conform with **relevant national** guidance including provided in the Department for Transport's Traffic Advisory Leaflet 05/95 'Parking for Disabled People', **'Inclusive**

**Mobility’ and BS 8300 ‘Design of an accessible and inclusive built environment’.**

**667a.It should also be noted that many disabled people do not own a car, and inclusive mobility is embedded throughout Placemaking Plan Policy, not just in car parking policy. Some disabled people use adapted cycles for personal mobility, and the cycle parking standards in the Transport and Development SPD reflect this and ensure that this mobility need is catered for. A transport network with reduced car dominance, where people feel safe and comfortable in public spaces, and with improved bus accessibility, all inherently support mobility for disabled people. Wider Policies designed to reduce car dominance of our public spaces aim to ensure inclusive mobility, whilst providing access for those who need a car due to disability.**

<b>Schedule 1 – Parking for Disabled people</b>		
Description of Use	Parking Provision minimum standards	Notes
Employment	<p><b>Up to 200 spaces:</b> Individual bays for each disabled employee plus 2 spaces or 5% of total capacity whichever is greater.</p> <p><b>Above 200 spaces:</b> 2% of capacity plus 6 spaces</p>	<p>Car parking spaces should be clearly identified for blue badge holders only and should be located so as to allow easy access to the building they serve.</p> <p>A minimum of 1 space should be provided where calculations produce a figure of less than one whole space.</p>
Shopping, leisure, recreation and other uses requiring public access	<p><b>Up to 200 spaces:</b> 6% of capacity or 3 spaces, whichever is greater.</p> <p><b>Above 200 spaces:</b> 4% of capacity plus 4 spaces</p>	<p>Where development is to take place without on-site parking the availability of parking for disabled people in public/shared car parking needs to be reassessed and additional provision funded by the development if appropriate.</p> <p>The availability of on-street parking for disabled people may also be taken into consideration.</p>

## Schedule 2 – Parking Standards

Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
A1 Retail	Bath City Centre Zone	Zero provision		1 stand per 200sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Up to: 100sqm: 2 spaces 200sqm: 3 spaces 300sqm: 4 spaces 500sqm: 5 spaces Over 500sqm: 1 space per 20sqm	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
A1 Food Retail	Bath City Centre Zone	Zero Provision			
	Bath Outer Zone	1 sps per 14sqm	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
A2 Financial and Professional Services	Bath City Centre Zone	Zero provision		1 stand per 300sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Up to: 100sqm: 2 spaces 200sqm: 3 spaces 300sqm: 4 spaces 500sqm: 5 spaces Over 500sqm: 1 space per 20sqm	-		

Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
A3 Restaurant and cafes	Bath City Centre Zone	Zero provision		1 stand per 100sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Up to: 100sqm: 2 spaces 200sqm: 3 spaces 300sqm: 4 spaces 500sqm: 5 spaces Over 500sqm: 1 space per 20sqm	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
B1 Offices, Light Industrial, R&D, Laboratory Studios	Bath City Centre Zone	1 space per 400sqm	-	1 stand per 100sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	1 space per 100sqm	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
B2 Industry	Bath City Centre Zone	Zero provision		1 stand per 300sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	1 space per 50sqm	-		
	Bath and North East Somerset Outside of	Each case assessed on merit			



Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
	Bath				
B8 Warehousing	Bath City Centre Zone	Zero provision		1 stand per 400sqm	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Up to 235sqm: 1 space per 50sqm Above 235sqm: 1 space per 250sqm	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
C1 Hotels	Bath City Centre Zone	Zero provision		1 stand per 5 staff plus 1 space per 20 bedrooms	Arrangements can be made with public/private car park operators. Coach parking on merit.
	Bath Outer Zone	1 space per 3 bedrooms	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
C2 Hospitals	Bath City Centre Zone	Zero provision		1 stand per 4 staff + 1 space per 10 beds	When allocating parking spaces preference should be given to the needs of patients and the operational needs of staff.  Each case assessed on merit. New/expanded health facilities will be required to improve access by public transport, walking and cycling and provision of Travel Plans will be sought. Adequate disabled parking provision and dropping off facilities must be provided.
	Bath Outer Zone	Hospitals 1 space per 4 staff plus 1 space per 3 visitors	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			

Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
C2 Residential/Boarding Schools	Bath City Centre Zone	Zero provision		1 stand per 5 staff + 1 space per 3 Students	<p>Duty staff are those required to be present "on-duty" over-night.</p> <p>Operational requirements will be considered in addition. Adequate disabled parking provision and dropping off facilities must be provided.</p> <p>Standard permit allowance for visitors. Dropping off area and temporary parking area for open days to be defined.</p>
	Bath Outer Zone	1 space per 2 members of staff which shall include sufficient space for each member of duty staff	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
C2 Residential Colleges, student accommodation	Bath City Centre Zone	Zero provision		1 stand per 5 staff + 1 space per 3 students	<p>Educational establishments are expected to discourage use of cars by students and staff.</p> <p>New/expanded facilities will be required to improve access by public transport, walking and cycling. Provision of Travel Plans will be sought.</p>
	Bath City Centre Zone	Zero provision			
	Bath Outer Zone	Zero provision			
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
C2 Convalescent, Residential Care and Nursing Homes	Bath City Centre Zone	Zero provision		1 stand per 4 staff + 1 space per 10 beds	
	Bath Outer Zone	1 space per 2 staff plus 1 space per 6 bed spaces	-		
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
C3 Residential	Bath City Centre Zone	0.5 space per	-	2 secure	<b>Vehicle Parking</b>

Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
		dwelling		covered spaces per dwelling.	<p>Garages are included within the prescribed minimum standard provided they have minimum internal dimensions of 6m by 3m.</p> <p>For Bath City Centre the prescribed standard is exclusive of any operational requirements, such as service/maintenance and possible provision of accessible parking specifically for Blue Badge Holders. This will be assessed on merit.</p> <p><b>Cycle parking</b> Satisfied if garage or secure area is provided within curtilage of dwelling to minimum dimensions</p> <p>If no garage or secure area provided 1 secure covered stand per dwelling in a communal area for residents plus 1 stand per 8 dwellings for visitors</p>
	Bath Outer Zone	-	<p>1 space per one bed dwelling.</p> <p>2 spaces per two to three bed dwelling.</p> <p>3 spaces per four bed dwelling and above.</p> <p>0.2 space per dwelling for visitor parking</p>		
	Bath and North East Somerset Outside of Bath	-	<p>1 space per one bed dwelling.</p> <p>2 spaces per two to three bed dwelling.</p> <p>3 spaces per four bed dwelling and above.</p> <p>0.2 space per</p>		

Land Use	Location	Vehicle Parking		Cycle Parking	Notes
		Maximum Standard (gross)	Minimum Standard (gross)	Minimum Standard (gross)	
			dwelling for visitor parking		
D1 Non-Residential Institutions	Bath City Centre Zone	Zero provision		1 stand per 4 staff	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Each case assessed on merit			
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			
D2 Assembly and leisure uses	Bath City Centre Zone	Zero provision		10 stand plus 1 space per 10 vehicle space	Transport assessments may be appropriate for some developments
	Bath Outer Zone	Each case assessed on merit			
	Bath and North East Somerset Outside of Bath	Each case assessed on merit			

## **Airport and Aerodrome Safeguarding Areas**

668. Circular 1/2003 'Safeguarding, Aerodromes, Technical Sites and Explosive Storage Areas' requires that Local Plans should include a policy stating that officially safeguarded areas have been established for a particular airport. It also states that the outer boundary of safeguarded areas should be indicated on the Policies Map and made clear that why an area has been safeguarded and that it is neither the responsibility nor the proposal of the local planning authority.
669. Bristol International Airport at Lulsgate lies close to the western boundary of the District and is listed as an officially safeguarded civil aerodrome. Parts of the District are covered by the Safeguarding Areas for this airport, Clutton Hill Airfield and Colerne, a military aerodrome in North Wiltshire. Air installations that are protected in this way are selected on the basis of their importance to the national air transport system or national defence.
670. Under the terms of the Circular certain planning applications will be the subject of consultation with the aerodrome operator. For instance land uses or tall structures that would prejudice air safety or the ability of the installation to maintain either existing or acceptable increased level of activity will not be permitted within these areas. This includes uses which might increase the risk of collision between aircraft and birds. Certain applications for development will be the subject of consultation with the operator of the aerodrome in accordance with Circular 1/2003 'Safeguarding, Aerodromes, Technical Sites and Explosive Storage Areas'.
671. Policy ST8 will not allow development that would prejudice air safety or the optimum use of the facility within the airport/aerodrome safeguarding areas as defined by the Civil Aviation Authority (CAA).

### **POLICY ST8: AIRPORT AND AERODROME SAFEGUARDING AREAS**

Within the airport/aerodrome safeguarding areas as defined by the Civil Aviation Authority and as shown on the Policies Map any development that would prejudice air safety or adversely affect the operational integrity of an aerodrome or airport will not be permitted.

# MINERALS AND WASTE

## MINERALS

672. The NPPF places importance on facilitating the sustainable use of minerals and asks local authorities to include policies relating to the extraction, prior extraction of minerals and for reclamation and restoration and to set out environmental criteria, and to define Minerals Safeguarding Areas.

### Policy Aims

- ensure the most efficient use of minerals is made as a finite natural resource define minerals safeguarding areas to ensure mineral resources which have the potential for further exploitation are not needlessly sterilise by non-mineral development
- encourage the prior extraction of minerals where it is practicable and viable -environmentally
- avoid the detrimental impact on the natural, historic and on health from permitted operations

673. Minerals are a finite and important resource both nationally and locally. Unlike most other forms of development mineral extraction can take place only where the mineral is found. Therefore it is important to protect areas where it is known, or suspected, that commercially valuable minerals exist.

674. Limestone is the principal commercial mineral worked in the District. There are currently two active sites – one surface workings and one underground mine. Upper Lawn Quarry at Combe Down in Bath and Hayes Wood mine near Limpley Stoke both produce high quality Bath Stone building and renovation projects. Bath & North East Somerset also has a legacy of coal mining and there are still coal resources which are capable of extraction by surface mining techniques. Although no longer worked, there are potential public safety and land stability issues associated with these areas. The general extent of the surface coal Mineral Safeguarding Area within the District is illustrated in Diagram 20a.

675. Historically Bath & North East Somerset has never made any significant contribution to regional aggregates supply and because of the scale and nature of the mineral operations in the District and the geology of the area it is considered that this situation will continue. Bristol is also in no position to make a contribution to regional aggregates supply, other than the provision of wharf facilities. However North Somerset and South Gloucestershire have extensive permitted reserves of aggregates and have historically always met the sub regional apportionment for the West of England. This approach is consistent with national planning policy advice for minerals.

676. The West of England Joint Waste Core Strategy (JWCS) seeks to encourage the prudent use of resources with specific reference to minerals and includes policy guidance on the recycling, storage and transfer of construction, demolition and excavation waste at mineral sites.
677. Policy CP8a, which sets out the strategic approach to minerals in the District, will ensure that mineral resources within the District continue to be safeguarded. Minerals Safeguarding Areas are designated following the methodology set out in the British Geological Survey<sup>1</sup> document and defined on the Policies Map. Although there is no presumption that the resources will be worked this will ensure that known mineral resources are not needlessly sterilised by non-mineral development.

### **POLICY CP8A MINERALS**

*Mineral sites and allocated resources within Bath & North East Somerset will be safeguarded to ensure that existing and future needs for building stone can be met.*

*The production of recycled and secondary aggregates will be supported by safeguarding existing sites and identifying new sites.*

*Minerals Safeguarding Areas will be designated to ensure that minerals resources which have a potential for future exploitation are safeguarded and not needlessly sterilised by non-mineral developments. Where it is necessary for non-mineral development to take place within a Minerals Safeguarding Area the prior extraction of minerals will be supported.*

*Potential ground instability issues, including those associated with the historical mining legacy, and the need for related remedial measures should be addressed as part of the proposal in the interests of public safety.*

*Mineral extraction that has an unacceptable impact on the environment, climate change, local communities, transport routes or the integrity of European wildlife sites which cannot be mitigated will not be permitted. The scale of operations should be appropriate to the character of the area and the roads that serve it.*

*Reclamation and restoration of a high quality should be carried out as soon as reasonably possible and proposals will be expected to improve the local environment.*

#### **Delivery:**

*Delivery will be through the Development Management process. Minerals Safeguarding Areas will be identified in a separate Development Plan Document and other current designations and allocations will be reviewed to ensure adequate resources are safeguarded.*

## Mineral Safeguarding Areas

678. Mineral Safeguarding Areas are defined around the active mineral sites in the Plan area. The purpose of these areas is to avoid the needless sterilisation of mineral resources by non-mineral development. There is no presumption that any of these areas will be acceptable for mineral working and nor should they be used to automatically preclude other forms of development. Instead they are to make sure that mineral resources are adequately and effectively considered in land use planning decisions.
679. Limestone is the only mineral that is now worked in the Plan area and the existing safeguarding areas, whilst not covering the whole of the geological resource in the Plan area, are based on the active workings in the area. It is considered that these areas adequately identify the mineral resource areas likely to be of interest in the future.
680. With the District's significant historic coal mining legacy there are still coal resources which are capable of extraction by surface mining techniques. Although no longer worked, there may be potential public safety and land stability issues associated with these areas (see also the Unstable Land section in the Environmental Quality chapter). To ensure that coal resources are not unnecessarily sterilised by new development, the prior extraction of the coal may be sought. This would have the added benefit of removing any potential land instability problems in the process.
681. Any proposal for coal extraction will be determined in accordance with national policy. As statutory consultee the Coal Authority may recommend that shallow coal resources are removed as part of the ground works of the proposed development. The 'Development High Risk Area' for the coal mining legacy is defined on the Policies Map within which the submission of a Coal Mining Risk Assessment would be necessary to support a development proposal (see also Policy PCS6 'Unstable Land').
682. The general extent of the surface coal Mineral Safeguarding Area within the District shown on the Policies Map together with other Mineral Safeguarding Areas as described above. Policy M1 clarifies how applications for non-mineral development within Mineral Safeguarding Areas will be considered.

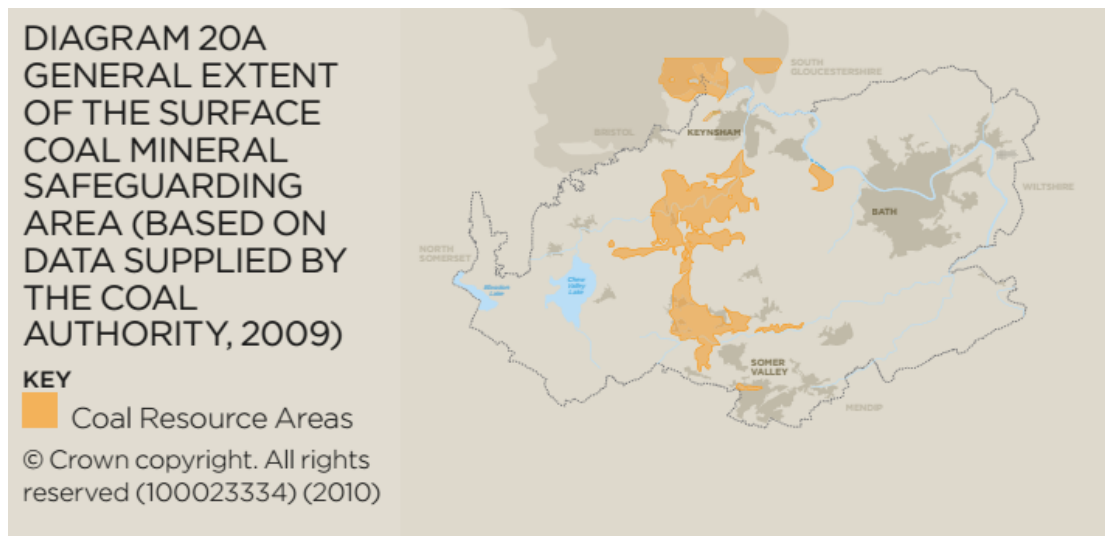
### **POLICY M1: MINERAL SAFEGUARDING AREAS**

*Non mineral development within Mineral Safeguarding Areas as shown on the Policies Map will be permitted provided:*

- 1. It will not sterilise or unduly restrict the extraction of mineral deposits which are, or may become, of economic importance and which are capable of being worked; and*
- 2. It will not adversely affect the viability of exploiting a mineral resource or be incompatible with an existing or potential minerals development; or*



*3. It is practicable and environmentally acceptable to extract the mineral before development commences and this is secured as part of the development.*



## Minerals Allocations

683. Active mineral working continues at both Upper Lawn Quarry and Hayes Wood Mine (also known as Stoke Hill Mine). However Stowey Quarry, previously identified for future extraction, has now been worked to its maximum extent and the current planning permission for mineral extraction has expired. Recent planning permissions and applications have focussed on utilising Stowey Quarry for waste management purposes. Nevertheless the Mineral Safeguarding Area for Stowey Quarry will be retained in order to safeguard any future interest.
684. As an underground working Stoke Hill Mine has very limited surface impacts which are restricted to its surface stockyard and adequately controlled by the conditions on the current permission. Therefore whilst it is located within the Green Belt and the Cotswolds AONB its impact on these designations is very limited. The current Area of Search<sup>2</sup> at the mine occupies an extensive area that coincides with the Mineral Safeguarding Area. There remains therefore a substantial area identified for potential future working and this is considered likely to be adequate for the future Plan period and should therefore be retained.
685. Upper Lawn Quarry is tightly constrained by housing, allotments and recreational land but it remains an importance source of Bath stone used in new build and restoration projects in the City. The operation is well established, small scale and low key and operates without complaint. A Preferred Area<sup>3</sup> for future mineral extraction remains unpermitted to the north of the existing quarry and it is considered likely on current levels of activity that this will be sufficient for the forthcoming Plan period.

686. Policy M2 sets out the approach in respect of the extraction of primary aggregates and including those sites allocated for mineral extraction as shown on the Policies Map as well as their respective areas of search. Policy M2 sets out the approach in respect of the extraction of primary aggregates and including those sites allocated for mineral extraction as shown on the Policies Map as well as their respective areas of search.

### ***POLICY M2: MINERALS ALLOCATIONS***

*The following sites, as shown on the Policies Map, are allocated for mineral extraction:*

- 1. Upper Lawn Quarry, Bath and preferred area; and*
- 2. Stoke Hill Mine, Limpley Stoke and area of search.*

*Mineral extraction outside of these areas will not be permitted unless it can be demonstrated that the need for the mineral cannot be met from the allocated sites or from adjoining authority areas.*

*Proposals for mineral extraction involving the production of crushed rock or other aggregate minerals as a primary activity will not be permitted.*

### **Aggregate Recycling Facilities**

687. Existing or approved aggregate recycling facilities in the Plan area are located at the former Fullers Earthworks site, Odd Down and Stowey Quarry. The Odd Down site operates under the benefit of established B2 use rights and has been subject to enforcement action to determine the extent of those rights. Planning permission for a residual waste facility including material recovery facilities was approved in 2015. The permission at Stowey Quarry permits aggregate recycling at the site until 2028. The existing facilities and permissions are considered to provide an adequate geographical spread across the Plan area and there is not currently a demand for additional facilities.

688. Having regard to the often temporary nature of these facilities it is considered preferable for any future proposals that may come forward to be dealt with by a criterion based policy as set out below rather than by allocating specific sites/areas. Policy M3 clarifies the policy approach to considering proposals for aggregate recycling facilities.

### ***POLICY M3 AGGREGATE RECYCLING FACILITIES***

*The development of aggregate recycling facilities will only be permitted at the following locations:*

- 1) Active mineral or waste management sites where the development will not conflict with or unreasonably delay the restoration of the site; or*
- 2) Land used for general industrial (B2 use); or*
- 3) Previously developed land not already allocated for alternative uses.*

### **Winning and working of minerals**

689. There is historically a low level of mineral activity within Bath and North East Somerset and this situation is unlikely to significantly change during the Plan period. A policy framework is therefore in place against which all minerals developments will be determined and to ensure full consideration is given to minerals related planning applications.

### ***POLICY M4 WINNING AND WORKING OF MINERALS***

*Within the context of Policy CP8a the winning and working of minerals and ancillary minerals development will be permitted where:*

- 1. The need for the mineral is demonstrated having had regard to the availability of alternative sources of primary, secondary and recycled materials*
- 2. The scale and nature of the proposed development is compatible with the character of the area*
- 3. Adequate safeguards can be secured for the protection of the environment and the amenities of the area*
- 4. Satisfactory provision is made for the restoration of the site which maintains or enhances its value to the environment and/or community and*
- 5. The access roads are adequate for the type and volume of traffic or can be upgraded without comprising the character or adversely affecting the environment in the vicinity of the road.*

### **Conventional and Unconventional Hydrocarbons**

#### **Background**

690. Shale gas and coal bed methane (CBM) extraction is a new mineral related issue for the District since the adoption of the previous Local Plan in 2007. Bath and North East Somerset potentially has oil and gas reserves; for example within coal beds or possibly within its deeper shale resource.

691. The particular concern for Bath & North East Somerset is the potential involvement of the deep drilling and fracturing or 'fracking' of the deep geological resource in order to extract shale gas. This has implications for the Bath Hot Springs which relies on underground water resources

from a wide geographical area and the potential disruption that deep drilling and hydrofracturing (fracking) may cause. Due to the international importance of the Bath Hot Springs a precautionary approach should be applied to proposals for shale gas exploration and extraction within the Plan area.

692. Shale gas is methane found in rocks deep below the earth's surface which had previously been considered too impermeable ('tight') to allow for economic recovery. The method of extraction involves hydraulic fracturing or 'fracking'. This process involves opening and/or extending existing narrow fractures or creating new ones (typically hairline in width) by pumping a mixture of water, sand and additives at a very high pressure down a borehole to induce fractures in the shale rock bed allowing gas (or oil) to be captured.
693. Coal bed methane, on the other hand, is methane that is extracted from unworked coal seams. The extraction of coal bed methane is usually from one of two sources most commonly directional drilling along a coal seam or drilling vertically into a coal seam (making use of pre-existing fracture patterns). The water in the coal seam is pumped out to the surface with the methane following. Coal bed methane doesn't usually involve fracking as the coal seams are less dense than the shale rock. However, fracking would be required if the gas could not be extracted solely by pumping. To date in the UK there has been no commercial exploitation of coal bed methane.

#### Petroleum Exploration and Development Licences (PEDL)

694. The Department of Energy and Climate Change (DECC) is responsible for issuing Petroleum Exploration and Development Licences (PEDLs) which give exclusive rights for exploration and extraction of oil and gas resources within a defined area. Gaining a licence does not convey consent to drill or undertake any other form of operations.
695. PEDL Licences for exploration were previously granted within the Plan area and in neighbouring authorities under the 13th round of DECC's licensing. There has been interest in developing exploration boreholes within the Plan area, notably in the Hicks Gate area of Keynsham in 2012 (the planning application was subsequently withdrawn). All 13th round licences potentially affecting B&NES have now been rescinded.
696. The Government has announced (August 2015) the issuing of a number of the 14th round Petroleum Exploration and Development (PEDL) licences. None of these affect Bath & North East Somerset but there a number of further areas in Wiltshire and Somerset for which licences have been applied for and offered in December 2015. DECC regularly updates the PEDL map so what is shown on the Policies Map reflects the position at the time of the Plan's adoption to comply with national policy.

#### Policy Context

697. Whilst there are currently no PEDL licences within Bath & North East

Somerset or in the wider region it is nonetheless important to have in place a robust planning policy framework in place for considering planning applications relating to conventional and unconventional hydrocarbons (energy minerals) related development within Bath & North East Somerset should this situation change in the future.

698. The NPPF provides the context for developing local planning policy for conventional and unconventional hydrocarbons. A detailed policy planning policy framework for determining planning applications relating to the extraction of conventional and unconventional hydrocarbons is expected, to include:
- Criteria-based policies for each of the three phases of hydrocarbon extraction
    - Exploration, Appraisal and Production
    - which set clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum License Areas
  - Petroleum License (PEDL) Areas on the Policies Map
699. Proposals would need to be considered within current national, European and international legislation, in light of the latest scientific information, government advice and best practice guidance at the time of proposal application. Planning Practice Guidance (March 2014) provides current advice on planning for mineral extraction in plan making and the application process. There is a dedicated section on Planning for Hydrocarbon extraction which provides a wealth of detailed information and advice.
700. A Topic Paper on energy minerals has been prepared jointly by Somerset County, Bath & North East Somerset, North Somerset and Mendip District Councils and the Environment Agency. This is a technical paper which includes an outline of the key regulatory responsibilities in respect of the Planning Authority (MPA), Department for Energy and Climate Change (DECC) Environment Agency (EA) Health and Safety Executive (HSE) which must be satisfied before any proposal can be implemented.
701. The Government has updated this guidance making explicit that permission should only be granted for extraction of unconventional hydrocarbons in AONBs in exceptional circumstances and where this would lead to substantial harm to or loss of a World Heritage Site, mineral planning authorities should refuse consent unless wholly exceptional circumstances apply.
702. Obtaining planning consent is just one of a number of consents that must be obtained before fracking can take place. In addition to the Minerals Planning Authority, the key regulators are the DECC, Environment Agency and the Health and Safety Executive (HSE). Other bodies which may be involved in the consenting of the process include the Coal Authority, Natural England, British Geological Survey (BGS), and the Hazardous Substances Authorities.
703. Although it is acknowledged it may not always be possible to distinguish a distinct appraisal phase, new planning applications will be expected for

three main phases for on-shore oil and gas development (exploration, appraisal and production) to ensure that potential impacts are managed and minimised. An Environmental Impact Assessment will be required where a project involving hydraulic fracturing is likely to have significant environmental effect. This is most likely to apply to the exploratory and appraisal phases. An Environmental Risk Assessment (ERA) should also be completed as best practice in line with DECC guidance.

704. For the production stage operators will be expected to provide information on the outcomes of the appraisal stage with evidence that production will be viable. This should be accompanied by a development framework for the site with detailed consideration of the economic impacts of the proposal.
705. Proposals would need to satisfy the requirements of Policy M5. Other key policy areas (e.g. policies for Green Belt, AONB, World heritage Site, Water Source Protection Zones, Bath Hot Springs) may also be relevant to the consideration of proposals. The consideration of cumulative impacts will form an important part of decision making process. Appropriate planning obligations and conditions will be sought to ensure the necessary safeguards or mitigation are put in place.
706. Bath & North East Somerset Council will continue to collaborate with Somerset Council, North Somerset Council, Mendip District Council, the Environment Agency and other relevant organisations such as DECC , the Coal Authority and the British Geological Survey (BGS) to ensure the Council's evidence base and knowledge to kept up to date on potential impacts in this rapidly evolving field.

#### *POLICY M5 CONVENTIONAL AND UNCONVENTIONAL HYDROCARBONS*

- 1. Development involving the exploration and/or appraisal of oil and gas resources in Bath and North East Somerset will only be permitted provided it can be demonstrated that:  
a well sites and associated facilities would be sited in the least sensitive location from which the target reservoir can be accessed; and  
b drilling at the proposed location will not generate unacceptable adverse impacts on the integrity of the underlying geological structure or groundwater resource(s); and  
c the proposal does not give rise to any potential adverse impacts on amenity, human health, public safety and the natural and historic environment which cannot be successfully mitigated; and  
d possible effects that might arise from the development would not adversely affect the integrity of a European site or species.*
- 2. In the case of proposals for the production of oil or gas development permission will only be granted provide it can be demonstrated to the satisfaction of the Council that, in addition to the above requirements:  
a a full appraisal of the oil and /or gas resource has been undertaken that confirms production will be viable; and  
b a development framework for the site, incorporating or supplemented by*

*justification for the number and extent of the proposed production facilities and assessment of the economic impacts.*

3. *Development that is likely to have any adverse impact on the quality or yield of the Bath Hot Springs will not be permitted.*
4. *Permission will only be granted for extraction in the AONBs in exceptional circumstances and substantial harm to a World Heritage Site will be wholly exceptional.*
5. *The decommissioning, restoration and aftercare of a site will be required to be carried out to a high standard in the shortest possible time, at the earliest possible opportunity, to a timescale to be agreed with the Council.*
6. *In all cases, where investigations identify a need for safeguards or mitigation, appropriate conditions may be imposed, or agreements sought.*

The following studies, together with documents produced by the Government on unconventional hydrocarbons provide further background information on unconventional oil and gas:

- BGS report 'Potential problems in Bath & North East Somerset and surrounding area with respect to hydrocarbon and other exploration and production' October 2012:
- Energy Minerals Topic Paper (2014) prepared jointly by Somerset County, Bath & North East Somerset, North Somerset and Mendip District Councils and the Environment Agency

## **WASTE**

707. The JWCS Development Plan Document (March 2011) sets out the planning strategy for the provision of waste management infrastructure within the West of England. The Strategy is being prepared by the four West of England unitary authorities of B&NES, Bristol, North Somerset and South Gloucestershire Councils
708. The JWCS applies to all waste, with the exception of radioactive waste, which is dealt with at a national level and sets out the authorities' aspirations for all levels of waste management until 2029: prevention; recycling; recovery; and disposal. When adopted, the JWCS policies will supersede the Local Plan waste policies. Details can be found at [www.westofengland.org/waste/planning](http://www.westofengland.org/waste/planning)
709. The West of England's Joint Residual Municipal Waste Management Strategy (June 2008) sets a framework for managing municipal residual waste generated in the West of England. The B&NES Waste Strategy 'Towards Zero Waste 2020' provides the steps we need to take now and over the next few years to reduce the amount of waste that we produce, to recycle as much as possible and to develop new ways of treating the remaining waste.

# INFRASTRUCTURE

710. The Core Strategy is supported by evidence of what physical, social and green infrastructure is needed to support the developments proposed in the spatial strategy. This evidence includes the costs of infrastructure, who will be responsible for providing it and when it will be provided. It will be funded in various ways. Some funding will be provided by the Council, some through national funding streams, and some from developer contributions or through the investment programmes of other service providers.
711. The Council has prepared an Infrastructure Delivery Programme (IDP) which presents this evidence and seeks to ensure that the planned infrastructure can meet the needs of new development and also close the gaps in existing infrastructure. The IDP includes a high level assessment undertaken by West of England partners as well as some more specific work carried out within the District. The programme covers issues such as the viability of a development, funding and its timing. It also outlines how and when key infrastructure will be provided. It looks at the need for: transport, open and green space, energy provision and secondary education as well as flooding, water supply, sewerage and drainage and healthcare provision.
712. The Council will also work with partners and in partnership with local communities to ensure that adequate and accessible provision is made for the health, welfare, faith, recreational, leisure and cultural needs of existing and future communities and neighbourhoods in B&NES. Successful community facilities and services will be integral to the vibrancy of communities across the District. Good community facilities provide opportunities for interaction between people, to get involved in activities and to have increased accessibility to basic services. This benefits the social prosperity of communities across the District, whilst providing knock on benefits for sustainability and the economy.
713. Details of the infrastructure needed for new developments and to reduce gaps in existing infrastructure have been highlighted in the relevant sections of the Core Strategy (see strategic requirements identified in the District-wide chapter, and the place-based chapters for more detailed place specific requirements).
714. Policy CP13 will ensure that all new developments are supported by the necessary infrastructure, including forms of energy supply that help to reduce carbon emissions and existing infrastructure is retained and improved. Proposals for housing developments should consider the potential for cumulative effects on social infrastructure. Key Infrastructure requirements set out in the Core Strategy will be supported by an up-to-date IDP with a robust monitoring system to track each element of the delivery.



### POLICY CP13 Infrastructure provision

New developments must be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.

The Council will work in partnership with adjoining authorities, local communities and relevant agencies and providers to ensure that social, physical and green infrastructure is retained and improved for communities.

Developer contributions will be based on the Planning Obligations SPD and its successors.

Infrastructure proposals should not cause harm to the integrity of European wildlife sites which cannot be mitigated.

#### Delivery:

The Core Strategy will be supported by an Infrastructure Delivery Programme which will set out Infrastructure requirements and estimated costs, and suggested delivery mechanisms and phasing schedules for infrastructure delivery. Delivery of the policy will be through the Development Management process. Developer contributions will be sought through the use of planning obligations, as set out in Section 106 of the 1990 Town & Country Planning Act and based on the Planning Obligations SPD and its successors. The Council's Community Infrastructure Levy charging schedule which came into effect on 6<sup>th</sup> April 2015 (or similar local tariff) may be considered. Delivery will also require working in partnership with public and private bodies.

## CIL/PLANNING OBLIGATIONS

### Context

715. B&NES Core Strategy Policy CP13 (Infrastructure Provision) sets out the Council's commitment to ensure new developments will be supported by the timely delivery of the required infrastructure to provide balanced and more self-contained communities.
716. The key infrastructure needed to support the Core Strategy and Placemaking Plan is set out in the Infrastructure Delivery Plan (IDP December 2015). The IDP is a living document and will be updated to reflect the further discussions with utilities and service providers on the key infrastructure necessary to support the development of the allocated sites.
717. The Council has approved its Community Infrastructure Levy (CIL) under the CIL Regulations 2010 (as amended) on 17<sup>th</sup> February 2015 and came into force on 6<sup>th</sup> April 2015. The CIL is a tool for local authorities to help deliver infrastructure to support the development of the area. The CIL is intended to provide infrastructure to support the development of the area, rather than making individual planning applications acceptable in planning terms. As a result, some site specific impact mitigation may still

be necessary in order for a development to be granted planning permission. A planning obligation can only be taken into account when determining a planning application if the obligation meets all of the following tests under CIL Regulation 122:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

718. To clarify what types of infrastructure will no longer fall under planning obligations (S10)6, B&NES Council has published a list of infrastructure types and projects that it intends will be, or may be, wholly or partly funded by CIL. This is known as the Regulation 123 list and is published alongside the CIL Charging Schedule. This may be updated as necessary, through a process which is separate from the Local Plan. The details for the CIL can be found at [www.bathnes.gov.uk/CIL](http://www.bathnes.gov.uk/CIL)