



TOWN AND COUNTRY PLANNING ACT 1990

**EXAMINATION OF THE BATH AND NORTH EAST SOMERSET LOCAL PLAN
(CORE STRATEGY AND PLACE MAKING PLAN) PARTIAL UPDATE
MATTER 3: HOUSING LAND SUPPLY**

**HEARING STATEMENT
IN ASSOCIATION WITH LAND ADJOINING ODD DOWN, BATH
KNOWN AS SULIS DOWN**

**ON BEHALF OF
THE HIGNETT FAMILY TRUST**

JUNE 2022

REF: PF/10160

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Appendix 1 Comprehensive Masterplan Land adjoining odd Down, Bath

1.0 BACKGROUND

1.1 This Hearing Statement is submitted on behalf of The Hignett Family Trust (HFT) in respect of Land adjoining Odd Down, Bath, known as Sulis Down. The land is identified in the B&NES District's Core Strategy as a strategic Site allocation to meet part of the District's housing need. The strategic Site is allocated for a residential development under Planning Policy B3a.

1.2 The land at Odd Down is one of four strategic housing Sites removed from the Green Belt in the Core Strategy. In respect of the land at Odd Down, the Planning Inspector (PI) concluded in his report (paragraph 164) following the Examination of the Core Strategy, that if the Council's placemaking principle (included in the proposed policy wording) were met:

'Overall, there would be a loss of Green Belt, localised harm to the AONB (nonetheless great weight should be attached to protecting this landscape); only slight harm to the Wansdyke SM, with a small benefit from planned positive management measures; and limited and localised harm to the setting of WHS (paragraph 164)'

1.3 The PI noted at paragraph 164 that there were no acceptable alternative Sites within Bath which could replace the contribution to housing that the Odd Down Site could make. The PI confirmed that the Council's decision to allocate the Site represented positive planning and was justified.

1.4 The PI further concluded that there were exceptional circumstances to justify the removal of the land from the Green Belt, and for major development within the AONB (paragraph 165 of the PI Report).

'I consider that there are exceptional circumstances to justify removing land from the Green Belt and for major development within the AONB. The need for housing and the benefits of additional housing in this location at Bath outweigh the harm that would arise, taking into account the great weight that must be given to protecting the AONB and heritage assets (paragraph 165).'

1.5 The PI at paragraph 163 stated that the text in the planning policy should make clear that, if all the placemaking principles could be met, the housing number (300) is not a cap on capacity.

'PP1 refers to development of around 300 dwellings. This capacity reflects the Council's view that substantial parts of the allocated area are not suitable for built development and my assessment above largely endorses that approach. The text should make clear, however, that this figure is not a cap on capacity if all the place-making principles can be met (paragraph 163).'

Planning Progress of the Site Allocation B3a – Land adjoining Odd Down, Bath

1.6 Since the adoption of the Core Strategy and Placemaking Plan, a Comprehensive Masterplan of the strategic allocation (**Appendix 1**) was submitted to the Council in 2018. The Masterplan subdivides the allocation into 4 Phases: Phase 1 consists of land to the west of Sulis Manor, Phase 2 consists of Sulis Manor, and Phases 3 and 4, land to the east of Sulis Manor. In 2019 a detailed planning permission was granted for Phase 1 for 171

dwellings (Planning Ref: 17/02588/EFUL) with access off Combe Hay Lane. Phase 1 is currently being built out.

- 1.7 A hybrid planning application was submitted to the Council in May 2022 for the residential Phases 3 and 4 and an extension to spine road approved for Phase 1. The application is under consideration by the Council. The application description is set out below:

'Hybrid planning application on land adjacent to Odd Down, Bath, known as Sulis Down, comprising:

- (i) Outline application for Phases 3 and 4 for up to 300 dwellings; landscaping; drainage; open space; footpaths and emergency access; all matters reserved, except access from Combe Hay Lane via the approved Phase 1 spine road (details of internal roads and footpaths reserved);*
- (ii) Detailed application for the continuation of the spine road (from Phase 1), to and through Sulis Manor and associated works comprising: the demolition of existing dilapidated buildings and tree removal; drainage; landscaping; lighting; and boundary treatment; to enable construction of the spine road; and;*
- (iii) Detailed application for landscaping; mitigation works; allotments; including access; on the field known as Derrymans.'*

- 1.8 The site allocation Policy B3a includes a series of placemaking principles that provide a set of robust expectations related to the development to be delivered through the policy. The hybrid planning application has demonstrated that Phases 3 and 4 and the proposed access arrangement can be delivered in accordance with the placemaking principles, both in terms of the specific impacts and cumulatively across the entire allocation.

- 1.9 It is anticipated that Phases 1, 3 and 4 will deliver 471 dwellings across the allocation. At the time of writing there is no certainty of the timescale or number of dwellings for Phase 2. The number of dwellings for Phase 2 could be 'up to 50 dwellings'. Phase 2 will not be delivered within the Plan period and have therefore not been considered in this Hearing Statement.

- 1.10 The HFT submitted representation to both the Regulation 18 and 19 consultations of the Local Plan Partial Update (LPPU). This Hearing Statement should be read in conjunction with these submissions. The rest of this Hearing Statement addresses the specific matters relating to housing land supply.

2.0 MATTER 3: HOUSING LAND SUPPLY

Issue: Do the policies of the Plan identify a sufficient supply and mix of sites for the plan period?

Q.14. The Council has confirmed in its letter of 7 March 2022 (B&NES 1) that the intention of the Plan is to provide a five-year supply of housing sites on adoption. What is the evidence that there would be a five-year supply of deliverable housing sites on adoption of the Plan as per the requirements of the NPPF?

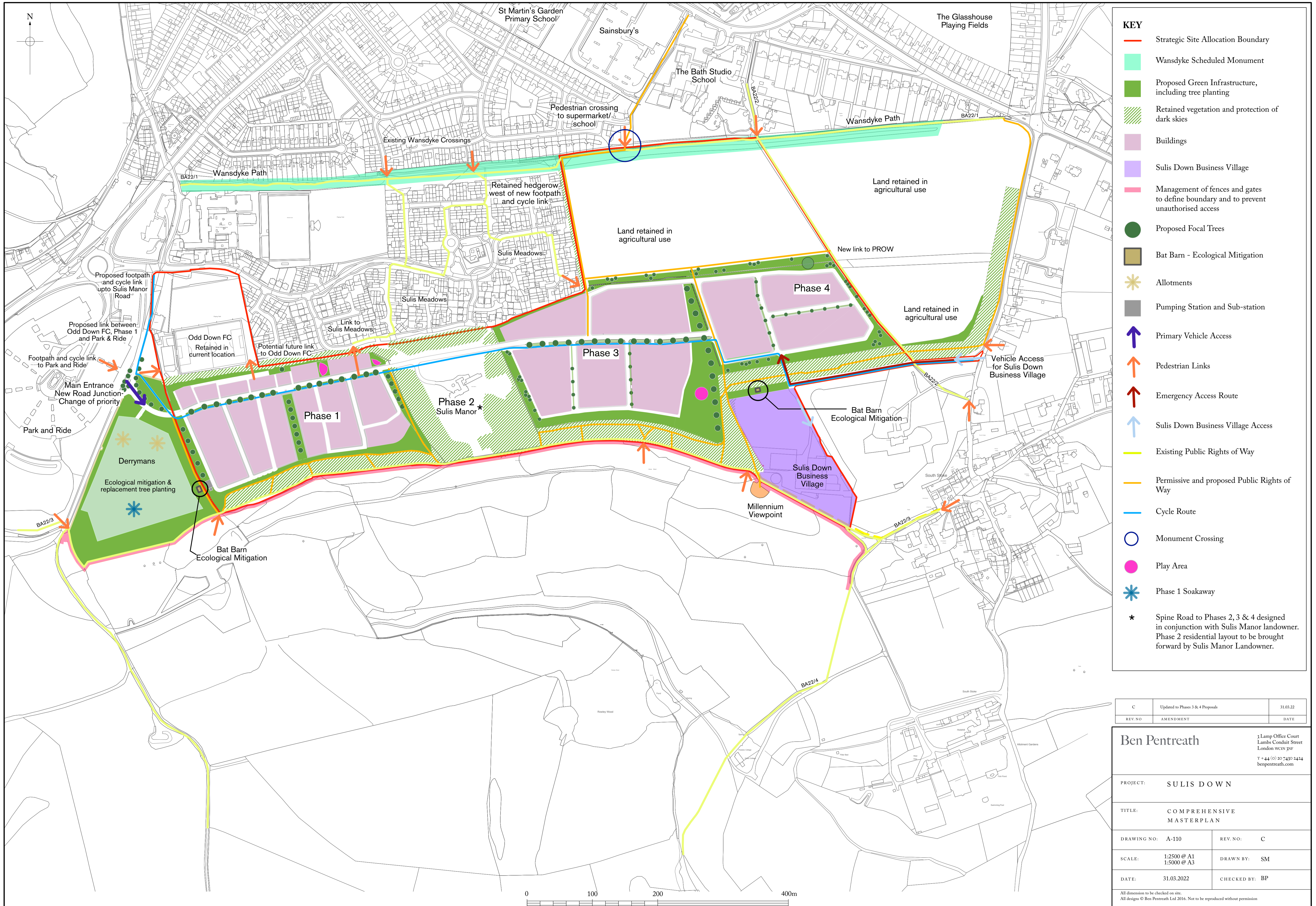
Q.15. Do strategic policies include an up-to-date trajectory illustrating the expected rate of housing delivery over the plan period as per NPPF paragraph 74?

- 2.1 The HFT consider that the approach taken to the allocation of additional land to meet the District's housing shortfall do not meet the test of soundness as required by paragraph 35 of the National Planning Policy Framework (NPPF). Further, the HFT requested in previous representations that the Council consider the appropriateness of a Partial Review of the

Local Plan rather than that of a wholesale review. The HFT position, in both regards, has not changed.

- 2.2 Core Strategy Policy DW1 sets the spatial strategy for the District. Supporting text for Policy DW1 states that Bath should be the '*primary focus of development*' (Paragraph 49). As such, in addressing, the District's housing shortfall, the spatial strategy should firstly consider and review the potential of sustainable sites in and on the edge of Bath.
- 2.3 Notwithstanding paragraph 119 of the NPPF that requires '*Planning policies and decision should promote an effective use of land in meeting the needs for homes and other uses*'. There is no evidence in the Housing Topic Paper prepared by the Council that the Council has undertaken such a review.
- 2.4 Paragraph 2.19 of the Housing Topic Paper states that a review and updating of the plan on a limited basis to the end of the Plan Period to 2029 is entirely appropriate. The HFT maintain that this timeframe is not acceptable. The continuing delay of the preparation of a new Local Plan means that there will be no spatial plans for B&NES beyond the end of the Plan Period in 2029. Regulation 10A of the Town and Country Planning Act (Local Planning) (England) Regulations 2021 (as amended) require Local Planning Authorities (LPA) to review local plans every 5 years from the date of adoption. The Core Strategy was adopted in July 2014.
- 2.5 B&NES state that the longer-term housing provision will be included in a new Local Plan based on the requirements included in the West of England Combined Authority Spatial Development Strategy (SDS). Paragraph 2.20 of the Housing Topic Paper states '*...should the SDS be significantly delayed (given the LPPU mitigates the risk of some delay), the LPA would continue to progress the new local plan based on the standard methodology and this would consider any unmet need from Bristol under the Duty to Cooperate*'
- 2.6 The time frame committed for the publication of the Draft SDS for statutory consultation was spring 2022. Due to an agreement not being reached between parties, work on the SDS was halted on the 26th May 2022. This is confirmed on the West of England Combined Authorities website: '*Work on the Spatial Development Strategy (SDS) has been halted and is not being progressed by the West of England Combined Authority. Metro Mayor Dan Norris has written to the Department for Levelling Up, Housing and Communities to explain that he has asked officers to stop work as unanimous agreement on the plan by the councils has not been reached*' ([Spatial Development Strategy - West of England Combined Authority \(westofengland-ca.gov.uk\)](https://www.westofengland-ca.gov.uk)).
- 2.7 In the context in which this Hearing Statement is written, and in light of the evidence included in the Housing Topic Paper, it is now expedient for the Council to bring forward the preparation of a new local plan. In doing so, consideration should be given to looking to the urban areas first, in respect allocating new land to meet the District's housing need, as opposed to releasing Green Belt land for development.

Appendix 1
Comprehensive Masterplan



KEY

- Strategic Site Allocation Boundary
- Wansdyke Scheduled Monument
- Proposed Green Infrastructure, including tree planting
- Retained vegetation and protection of dark skies
- Buildings
- Sulis Down Business Village
- Management of fences and gates to define boundary and to prevent unauthorised access
- Proposed Focal Trees
- Bat Barn - Ecological Mitigation
- ✳ Allotments
- Pumping Station and Sub-station
- ↑ Primary Vehicle Access
- ↑ Pedestrian Links
- ↑ Emergency Access Route
- ↑ Sulis Down Business Village Access
- Existing Public Rights of Way
- Permissive and proposed Public Rights of Way
- Cycle Route
- Monument Crossing
- Play Area
- ✳ Phase 1 Soakaway
- ★ Spine Road to Phases 2, 3 & 4 designed in conjunction with Sulis Manor landowner. Phase 2 residential layout to be brought forward by Sulis Manor Landowner.

C	Updated to Phases 3 & 4 Proposals	31.03.22
REV. NO.	AMENDMENT	DATE

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PROJECT: **SULIS DOWN**

TITLE: **COMPREHENSIVE MASTERPLAN**

DRAWING NO: A-110	REV. NO: C
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SCALE: 1:2500 @ A1 1:5000 @ A3	DRAWN BY: SM
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DATE: 31.03.2022	CHECKED BY: BP
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All dimension to be checked on site.
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