

**Bath and North East Somerset Council Response to
Inspector's Initial Matters, Issues and Questions
(EXAM 4)**

Matter 4: Area Policies and allocations

06 June 2022

Bath (Questions 16 – 55)

**Bath & North East
Somerset Council**

Improving People's Lives

Response to Inspector's Initial Matters, Issues and Questions (EXAM 4)

Please note: Where the Council is proposing modifications to policies or reasoned justifications in the submitted plan these are detailed in the responses as follows:

- **Additional and new text** proposed in **Bold**, **Red** and underlined
- ~~Deleted text~~ proposed in **Red** and ~~strike through~~

(Submitted LPPU changes are shown in **Bold**, underlined and ~~strike through~~ all in **black** text)

Matter 4: Area Policies and allocations

Issue: Are the proposed policies and allocations justified, effective and consistent with national policy?

Bath Biodiversity net gain

Q.16 Given the provisions of Policy NE3a, are the specific biodiversity net gain requirements, and the requirements for bird, bat boxes etc within the proposed allocations justified?

B&NES Response:

16.1 The specific biodiversity net gain requirements within the proposed allocations are justified as it requires delivery within the site to be fully explored or tested, before any off-site measures are proposed. The requirement for on-site measures is not set out in Policy NE3a. In addition, some site allocation policies provide guidance, where relevant, as to where off-site measures should be focussed. In terms of the requirements for bird, bat boxes etc. within the proposed allocations, these are additional to address species issues and recovery in line with the requirements of Policy NE3 and the NPPF and in response to the Ecological Emergency.

Policy SB8: Bath Riverside

Q.17 What is the justification for the requirement in 1) that proposals for Purpose Built Student Accommodation shall not be permitted?

B&NES Response:

17.1 Adopted Placemaking Plan policy SB8 Western Riverside (see Core Strategy Placemaking Plan: Bath (V2) [CD-SD017](#) page 71), sets out the development requirements for the existing site allocation. Criterion 1 requires development to comprise '*Residential redevelopment including around 1,500 dwellings, not including student accommodation*'.

17.2 The site allocation is located within Bath Enterprise Zone. Adopted Placemaking Plan policy B5 sets out the Strategic Policy for Bath's Universities (see [CD-SD017](#) page 109). It states that '*proposals for off-campus student accommodation... will be refused within... the Enterprise Zone... where this would adversely affect the*

realisation of other aspects of the vision and spatial strategy for the city in relation to delivering housing, and economic development (in respect of office, industrial, retail and hotel space).'

- 17.3 The LPPU seeks to update policy SB8, to increase the dwelling capacity across the allocation, based on up-to-date capacity calculations for the sites within the allocation boundary which have not yet been developed. However, the allocation's approach to student accommodation remains unchanged, but is proposed to be more clearly stated.
- 17.4 The Core Strategy and Placemaking Plan do not include student accommodation within the strategic housing requirement set out in Policy DW.1. Demand for student bed spaces is calculated separately. The LPPU is a partial update to the Core Strategy and Placemaking Plan, and therefore continues to use the same strategic housing requirement, with a separate demand calculation carried out for student accommodation. As such, the capacity figure set out within the Bath Riverside allocation continues to meet the need for general housing, as per adopted policy SB8.
- 17.5 Demand for student accommodation arising from growth plans of the Universities will be met via existing student accommodation commitments and site allocations (not including Bath Riverside), as set out in [CD-SD036](#) (Student Accommodation Topic Paper).
- 17.6 The Bath Riverside site is a key site in delivering housing and economic development within Bath. The updated capacity calculation within the LPPU (1,750 dwellings) maximises housing capacity across the site, whilst respecting its context and constraints. Provision of student accommodation across the sites within the allocation, which are not yet developed or permitted, would lead to a reduction in the general housing achieved across the allocation, adversely affecting the aim of the allocation to deliver 1,750 dwellings within the Plan period, particularly as accommodation demands arising from Universities will be met strategically elsewhere, most notably on-campus.
- 17.7 The requirement in criterion 1 that proposals for Purpose Built Student Accommodation shall not be permitted is therefore considered to be justified and is clear and effective.

Q.18 Are the assumptions for the site to deliver 564 dwellings within 5 years and 756 dwellings in the plan period (as set out in the Council's response to my initial questions) realistic and based on a robust assessment?

B&NES Response:

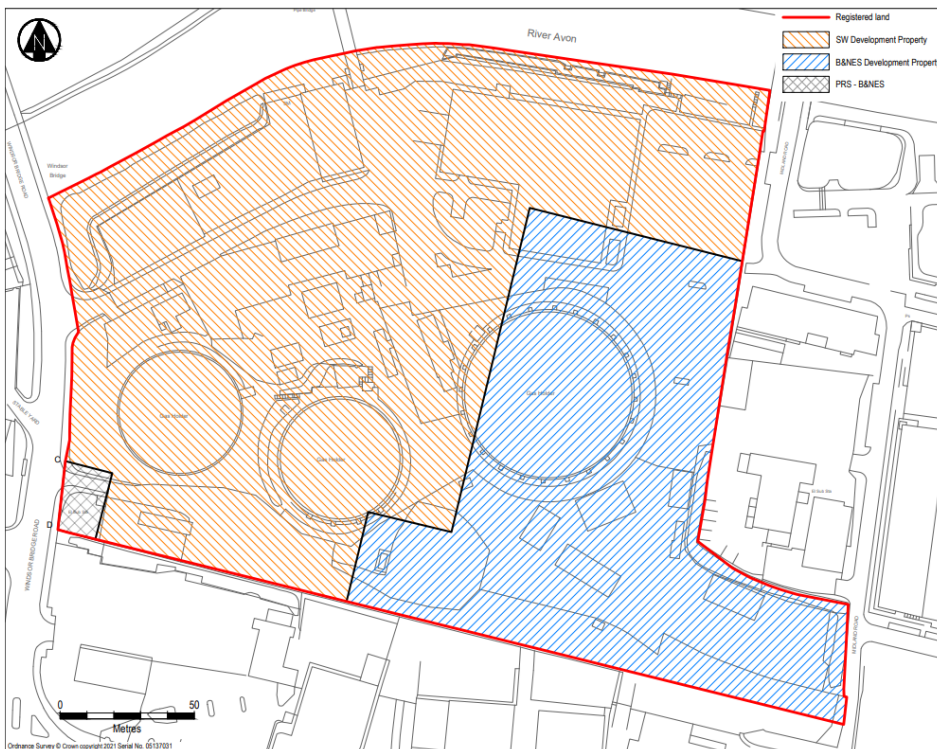
- 18.1 The Bath Riverside site allocation is large and quite complex, and it comprises of a number of different land parcels in different ownerships. The Inspector's question relates to the Council's response to his initial question. However, on reviewing the figures supplied in that response, it seems that these only related to part of the site,

namely that owned by St William and the Council. There are other parcels in different land ownerships, as explained below.

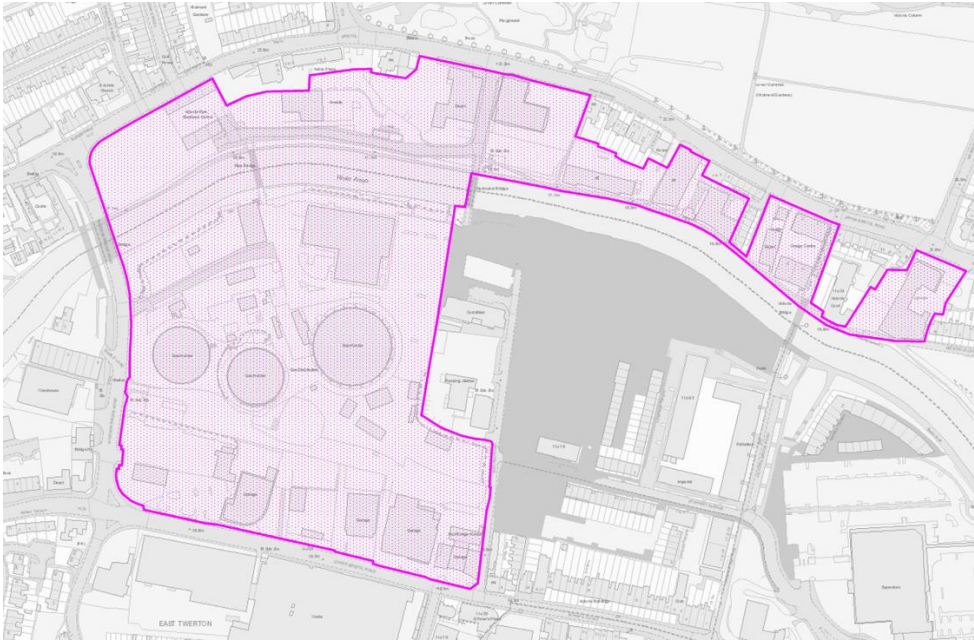
18.2 The St William development land is approximately 3.33 hectares in area located at the former Bath Gasworks located to the west of Bath City Centre. The Site is bound by the River Avon to the north and the Wellsway Garage development (ref: 20/03071/EFUL) and the A36 to the south. Midland Road and Windsor Bridge Road form the eastern and western boundary respectively.

18.3 The Council controls the adjoining development land which is approximately 1.8 hectares. The Council plot is bound by the Wessex Water Pumping compound to the east, and existing Brunel Ford/Kia dealership to the South and connects to the completed development phase of Bath Western Riverside by Crest.

18.4 The diagram below illustrates the distribution of land ownership between these two parties:



18.5 The wider allocation land comprises of brownfield land in a variety of different ownerships, part of which is controlled by the Council. The boundary of Policy SB8 is shown below:

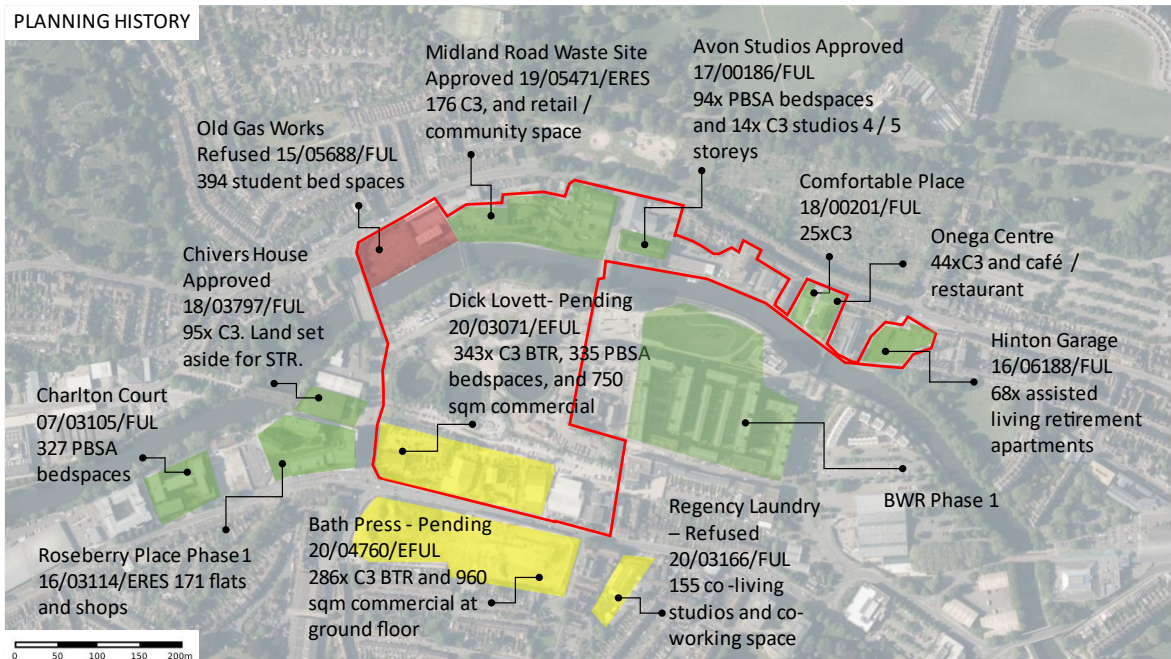


18.6 Development has now been completed on the Crest Nicholson area delivering 840 new dwellings, and this area is now excluded from the site allocation.

18.7 Other consents include 184 dwellings to the north of the river on the Council waste recycling centre and the recent consent for the residential led redevelopment of the Dick Lovett site, situated to the east of Windsor Bridge Road and the north of Lower Bristol Road.

18.8 The Westmark site to the east of Windsor Bridge Road and immediately to the south of Upper Bristol Road and north of the river is also part of Policy SB8.

18.9 The plan below illustrates the planning history on and adjacent to this site:



18.10 The Housing Land Supply paper (CD-HOU009) sets out the anticipated delivery for each of those land parcels with full planning permission and for those with either outline consent or which are new allocations. These are summarised in the table below:

Planning Status	Site	Total Capacity	Plan Period Completions	Five Year Completions
Full Planning Permission:	BWR Waste site	176	176	176
	Dick Lovett	317	317	317
	Hinton Garage	68	68	68
	Comfortable Place	25	25	25
Outline consent or new allocations	Bath Gaslands (St William)	600	600	360
Allocations outside five years	Bath Gaslands (B&NES Land)	300	300	0
TOTALS		1,486	1,486	946

18.11 St William has advised they intend to submit a planning application by summer 2022 and have recently conducted a public consultation (see link below for consultation boards). Their anticipated start date on site is Summer/Autumn 2023. St William are part of the Berkeley Group, and they are proposing to construct their whole scheme using modern methods of construction (MMC), which will speed up delivery.

https://www.bathgasworks.com/wp-content/uploads/2022/05/Bath_Gasworks_Public_Consultation_Two_Boards.pdf

18.12 On the St William site it is anticipated that 360 homes will be delivered within the next five years of the plan period. Combined with the other landowners and developers who benefit from full planning permission, the Council is anticipating 946 homes will be delivered over the next five years.

18.13 With the remaining build out of the St William site and the completion of the adjoining site owned by the Council, it is anticipated that a total of 1,486 homes will be delivered within the plan period.

18.14 This is considered to be realistic and based on a robust assessment.

Q.19 What is the evidence for the need for the provision of a primary school, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion as set out in criterion 2?

B&NES Response:

- 19.1 At the time of producing the BWR SPD and formulating the site allocation policy for the Local Plan, there was a requirement for a new primary school within this site to meet the anticipated demand for school places generated by the development. Since then, a significant amount of development has been delivered and this has been achieved with a greater proportion of flats rather than family housing.
- 19.2 Planning for school places responds to changing demographics. Based on the most recent pupil projections, there is no evidence to support the requirement for a new primary school within the Bath Riverside development. There is currently projected to be sufficient existing primary school capacity to provide places for all pupils in Bath with sufficient surplus capacity, in accessible locations, still retained across the city. It should also be noted that primary pupil numbers nationally are now showing a general downward trend, except for areas where significant new family housing is being built.
- 19.3 Most of the future dwellings to be built in this area of Bath are expected to be flats rather than houses, therefore any future pupil yields would be calculated to be low.
- 19.4 Opening a new school on the BWR site is also projected to have a negative impact on surrounding existing schools, mainly in the Twerton and Southdown areas, taking pupils from these schools. This could leave them with such low numbers they would become unviable and have to close. This would leave these areas of generally greater social and economic need with no local school, with the resultant negative impact on community cohesion. Children from these areas would have to travel further to get to school, which would also negatively impact on the aims of the climate emergency.

Early Years Facility and New Community Hub

- 19.5 There is also a requirement to provide a new community hub which, together with the early years' facility, will contribute towards the mix of uses, add to its vibrancy and integration with neighbouring areas whilst encouraging community interaction and social cohesion.
- 19.6 Early years provision in the wider area related to this site appears to have reached a position of market forces equilibrium in recent times, however this could change and it is therefore sensible to facilitate the provision as part of a longer term adaptable and flexible space. This will also support stronger community cohesion and healthier lifestyles.

Proposed changes

19.7 It is proposed to remove the requirement for a 'primary school' from clause 2 of Policy SB8 in the LPPU, retaining the requirement for 'an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion.'

Policy SB8

Clause 2. Deliver ~~a Primary School~~, an early years facility and a new community hub with communal facilities to promote healthy lifestyles and community cohesion.

Q.20 Is the Policy justified in seeking that new streets and spaces throughout the area are implemented by the developer/s and are to be in accordance with the relevant typology as set out in the Bath Pattern Book, and that car parking provision is consistent with the Council's Transport & Development SPD when these documents do not form part of the development plan?

B&NES Response:

20.1 The LPPU forms the development plan for B&NES, and the other documents referred to in the Inspector's Question provide additional guidance on how the policies in the development plan should be applied when considering development proposals. It is agreed that documents such as the Transport and Developments Supplementary Planning Document (SPD) and the Bath Pattern Book do not form part of the development plan, however, they do carry appropriate weight in decision-making as they represent clear and evidenced guidance on how the policies of the development plan should be applied. The amount of weight to be applied to such documents will be dependent upon the preparation process followed. For example, it is well established through Inspector's appeal decisions that SPDs which have followed the legislatively prescribed preparation process (including public consultation and SEA screening) and are formally adopted by the Council will carry significant weight in decision-making.

20.2 It is not the intention, or the effect, of the Policy to seek to equate the aforementioned documents with the development plan and to thus afford them additional weight than they legitimately carry. The intention of the Policy wording is to expressly ensure that these documents are applied in the correct manner, and to guide decision makers, applicants and the public to the guidance on how policy should be applied. It is a common approach within other Local Plans to do this through referring to relevant SPDs, Local Transport Plans, or other guidance documents within development plan policies.

Q.21 A number of policy criteria are concerned with cycling matters and there appears to be some duplication between them. Is the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals as per NPPF paragraph 16, and would it be effective?

B&NES Response:

21.1 The Bath Riverside development is at a key location in the Bath transport network, and is on a complex intersection between existing and planned routes. It will provide a significant level of housing, and needs to support high levels of sustainable transport, not least because it is at a congested part of the network. It has also been an active development site for a number of years, in an area which has benefitted from investigation into a range of transport measures. As such, a number of sustainable transport criteria are justifiably introduced into the policy wording to ensure development can be delivered sustainably.

21.2 It is appreciated that cycling is included in a number of different criteria and the Council addresses potential concerns about duplication below. Section 5, clauses a, e, f, and g refer specifically to cycle measures. These cover the following areas:

- Clause a) refers to the masterplanning of the site, ensuring that pedestrians and cyclists are well provided for within the site, through the site, and for access connections to the local area. For clarity, this can be summarised as **internal and access**.
- Clause e) refers to improvements for routes along the Upper Bristol Road, and Lower Bristol Road, and connections to and from these improvements from both within the development and existing infrastructure external to the development. This can be summarised as **local links**. The connections are specifically to these improvements. It is recognised that there could be a perceived overlap with the access part of clause a), but clause a) is broader in scope, and the connection part of clause e) is critical to its effectiveness as infrastructure. Thus they fulfil different but necessary purposes, and do not conflict from interpretation or delivery of either clause.
- Clause f) refers to improvements on Upper Bristol Road and Lower Bristol Road, specifically at the junctions with Windsor Bridge Road. These are geographically distinct from the link improvements in clause e) and fulfil a different purpose. These can be summarised as **junctions**.
- Clause g) specifically refers to the east-west sustainable transport route, and its necessary enhancement. It refers to the design quality needed, and specific measures to connect to the Bristol to Bath Railway Path (BBRP), i.e. sub-clauses iii and iv. These are geographically distinct to points a, e and f. This can be summarised as **east-west BBRP connection**. The measures required for point g) will need to be incorporated in clause a), but clause a) is broader in scope and pertains to the whole masterplan.

21.3 Thus, we consider that the policy is clear and unambiguous, and a decision maker would be clear on how to respond, ensuring that the policy is effective.

Sustainable Transport Route (clause g)

21.4 Additional changes are also proposed to the clause relating to the Sustainable Transport Route to provide greater clarity and certainty that the optimal solutions can be delivered.

Rationale

21.5 The extension of the BBRP has long been safeguarded as a sustainable transport route that would reduce conflicts between cyclists and pedestrians on the riverside path and would assist in facilitating the significant levels of modal shift required to address the climate emergency.

21.6 At the junction with Windsor Bridge Road the options for the Sustainable Transport Route are currently either to provide an at grade or a grade separated crossing of Windsor Bridge Road which would allow for a continuation of a segregated route. The implication of an at grade crossing on the local highway network is currently unknown.

21.7 With the recent announcement of significant City Region Sustainable Transport Settlement funding (CRSTS), together with the Bristol to Bath Strategic Corridor (BBSC) investment already underway, there is a reasonable justification for pursuing the option of a grade separated crossing of Windsor Bridge Road and this requires the provision of land to enable this to be delivered.

21.8 The current wording in LPPU Policy SB8 (clause 5g iii) was designed to provide flexibility in how this route is to be delivered as part of the development but is open to developer selection and is considered to lack clarity. The policy needs to be updated to ensure that the grade separated option can be facilitated and that land is safeguarded to secure its route. It should also be noted that public funding is required, either in full or in part, to enable the delivery of a grade separated solution, and that only a contribution towards this would likely to be sought from the developer.

Proposed change

Policy SB8 (only those clauses proposed to be changed are shown)

5 Be required to provide a comprehensive Transport Assessment to assess the transport requirements of development proposals. This will need to include a traffic impact assessment modelling the effects of additional transport demand on the Upper Bristol Road and Lower Bristol Road corridors and additional locations to be agreed with the Local Highways Authority. Development is to provide comprehensive on and off site transport infrastructure including, but not limited to:

c. Low car development will be supported and must be accompanied by high quality sustainable transport alternatives to car usage and ownership, including integrating with emerging Metrobus / Mass Transit proposals and providing access to electric car club vehicles.

g. Deliver the Sustainable Transport Route from east to west across the site. This is required to:

iii. Ensure the delivery of deliver a direct, well-aligned and high-quality pedestrian and cycle crossing over-of Windsor Bridge Road to that connects to the former railway bridge over the river and to the Bath Riverside Site. This must include provision of a grade separated solution if feasible, and the dedication of any land to safeguard its future implementation. Development proposals must demonstrate that they do not preclude the delivery of a grade separated solution. Development must provide contributions to the delivery of local connections and at-grade crossings improvements. Modelling will be required to demonstrate the effects of interaction with existing junctions.

v. Integrate with emerging Metrobus / Mass Transit proposals. Design of the route should support Mass Transit proposals as they emerge, which may involve direct usage of the route by the Mass Transit scheme.

Policy SB22: Locksbrook Creative Industry Hub Development requirements and design principles

Q.22 The Policy requires that teaching space is designed and managed to be available as flexible workspace that is offered to small and medium enterprises on reasonable terms. What is meant by this, is this requirement clear and would it be effective?

B&NES Response:

22.1 The allocation site is located within the Bath Enterprise Zone which plays a leading role in delivering the economic priorities for the city and the district. It is also located within the Newbridge Riverside Strategic Industrial Estate where Policy ED2A encourages the provision of new industrial land and a strong presumption in favour of retaining industrial floorspace. The intention of the Policy SB22 is facilitate a creative business hub, maximising the benefit of collaboration with Bath Spa University. The Statement of Common Ground is prepared with the Bath Spa University ([CD-SC068](#)).

22.2 The Council acknowledge that the requirements expected by the current policy wording is not clear and some amendments are proposed to make the policy clearer and effective as below.

Suggested wording Option 1

1. Provide a mixed use development comprised of employment space including incubator units and 'grow-on' space, and teaching space, and higher educational teaching space associated with Bath Spa University which can also be used as studio space with access to specialist equipment and facilities for start-up businesses and workspaces for local people, academics and students.

~~2. Ensure that teaching space is designed and managed to be available as flexible workspace that is offered to small and medium enterprises on reasonable terms. The economic benefit to the city especially for industrial uses will need to be demonstrated.~~

Policy SB23 Weston Island

Q.23 Is there a realistic prospect that the bus depot will be relocated within the plan period and if not, would Policy SB23 be effective and is it justified?

B&NES Response:

23.1 First Bus and B&NES have agreed a Joint Statement (EXAM 4D-4) to demonstrate the proactive steps that are being taken to enable the bus depot to be relocated within the plan period. Specifically on this point, the Joint Statement demonstrates that there is a realistic prospect that the bus depot will be relocated in a time period of around 5 years.

Q.24 What is the evidence that the existing employment uses such as those within sites SB3 and SB6 would be likely to relocate to the site? Would the Plan be effective in facilitating this?

B&NES Response:

24.1 The Joint Statement (EXAM 4D-4) agreed by First Bus and B&NES contains relevant information in response to this question.

24.2 The relocation of the Bus Depot would not only address the operational requirements of First Bus but would also enable B&NES to facilitate the relocation of existing employment uses to Weston Island. This would enable the redevelopment and regeneration of the Manvers Street site (site SB3) and the South Bank site on the Lower Bristol Road (site SB6). The relocation of these existing uses will therefore unlock the delivery of complex sites which are allocated for higher density mixed use development and would contribute towards achieving strategic planning policy objectives such as the delivery of homes and jobs.

24.3 There are ongoing discussions with the existing businesses about their specific operational and relocation requirements, and whilst these are positive and there is a desire to relocate, no firm commitments can be provided at this stage. Importantly, the relocation of First Bus from Weston Island allows for these opportunities to be facilitated.

24.4 The Council has a WECA Strategic Outline Business Case funding allocation that links the relocation of First Bus, the strategic relocation of these existing employment uses, and the enabling works required to facilitate the Placemaking Plan ambition on these allocated sites. In taking a strategic role in enabling this, the Council can determine and better control the outcomes delivered by these uses alongside supporting the public transport improvements in a better fleet operation. Reinforcing the requirement to maintain employment land is a key consideration in establishing the business case to relocate other city centric uses to unlock development within the city centre.

24.5 The plan would therefore be effective in facilitating this the relocation of these existing businesses.

Q.25 Is the Policy justified in seeking that proposals respond the restrictions on 'lightspill from development set out in the Waterspace Design Guidance (June 2018) "Protecting Bats in Waterside Development" when this document is not part of the development plan?

B&NES Response:

25.1 The waterways are recognised as providing supporting habitat for the Bath and Bradford on Avon Bat SAC to which the Habitat and Conservation Regulations (Habitat Regulations) apply. The "WaterSpace Design Guidance Protecting Bats in Waterside Development June 2018" provides technical advice on lighting and supports policies as proposed in the LPPU (including Policy SB23). The LPPU will upon its adoption form part of the development plan for B&NES, and it is agreed that documents such as the 'B&NES 2018 Waterspace Design Guidance' do not form part of the development plan. However, it contains best practice guidance on lighting design which is a material consideration to which appropriate weight should be given in decision-making.

25.2 It is not the intention, or the effect, of the Policy to seek to equate the aforementioned documents with the development plan and to thus afford it additional weight than it legitimately carries. The intention of the policy wording is to expressly ensure that this document (or the best practice guidance set out within it) is applied in the correct manner, and to guide decision makers, applicants and the public to the guidance on how policy should be applied. It is a common approach within other Local Plans to do this through referring to relevant other guidance documents within development plan policies.

Policy SB14 Twerton Park

Q.26 Should the Policy be amended to remove the duplicated words in the sentence prior to criterion 1 so as to make it effective?

B&NES Response:

26.1 Yes. The duplicate words will be deleted, as follows:

Policy SB14

'Development proposals will: ~~Development proposals will:~~'

Q.27 What is the indicative dwelling capacity for the site and what is the evidence that the Policy is either deliverable or developable as per the definitions in the NPPF?

B&NES Response:

- 27.1 The indicative dwelling capacity is based on a high level assessment of the site including its context, policy requirements and the recent planning history. It is anticipated that the indicative dwelling capacity is around 80 dwellings.
- 27.2 There has been a longstanding aspiration to enable a mixed use development on this site that supports the retention and regeneration of Bath City Football Club and its facilities, whilst providing uses that support the High Street and meet an identified community need, including housing.
- 27.3 To deliver a viable scheme that generates sufficient funds to enable the Football Club to implement their proposed enhancements, the viability assessment suggests that residential accommodation that delivers small units, and therefore higher values, is needed. As such the allocation policy therefore allows for a mix of residential accommodation, potentially including co-living (sui generis), but excluding purpose built student accommodation (as the need for student accommodation is proposed to be met elsewhere, see also response to Q17 above).

Q.28 The Policy in criterion 9 refers to a masterplan for the site. In regard to the provision of a masterplan, is the Policy clearly written and unambiguous so it is evident how a decision maker should react to development proposals as per NPPF 16, and would it be effective?

B&NES Response:

- 28.1 The purpose of the clause is to make it clear that the site, as a whole, must maximise permeability for pedestrians and cyclists and connect well with the wider context. Instead of the word 'masterplan' which can have certain connotations, it is proposed to change the word to 'layout'. This should be clearer and less ambiguous, and it will assist the decision maker in understanding and responding to the development proposals.
- 28.2 The wording should be changed as follows:

Policy SB14

Clause 9. The site must be designed to prioritise pedestrian and cycle movements over vehicles and minimise conflict between users, whilst accommodating vehicle movements necessary for the successful commercial operation of the football club and the proposed additional development. The ~~masterplan layout~~ for the site

as a whole must maximise permeability for pedestrians and cyclists and connect well with the wider transport network.

Q.29 Is the Policy justified in seeking that cycle improvements should be in line with the West of England Local Walking and Cycling Infrastructure Plan when this document is not part of the development plan?

B&NES Response:

- 29.1 The West of England Local Walking and Cycling Infrastructure Plan (LCWIP) prioritises walking and cycling improvements across the West of England. It has been through an extensive consultation process and has been adopted by the West of England authorities. It is therefore a strong basis from which to determine the form of cycling improvements which should be brought forwards. NPPF Paragraph 105d requires that *“Planning policies should provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans).”*
- 29.2 Furthermore, the specific proposals within the LCWIP which would be applied in this case are on a key desire line for travel to and from the proposed development, and reflect necessary improvements. It is reasonable to conclude that these improvements would have been identified as requirements regardless of the LCWIP. The existence of the LCWIP further enhances the evidence base for these improvements being required, and included within the policy wording.
- 29.3 As set out in the response to Q.125 it is not the intention, or the effect, of the Policy to seek to equate the LCWIP with the development plan and to thus afford it additional weight than it legitimately carries. The intention of the Policy wording is to expressly ensure that the LCWIP is applied in the correct manner, and to guide decision makers, applicants and the public to the guidance on how policy should be applied. It is a common approach within other Local Plans to do this through referring to relevant SPDs, Local Transport Plans, or other guidance documents within development plan policies.

Policy SB18 – Royal United Hospital

Q.30 Which designated and non-designated heritage assets may be affected by the proposed allocation, what is the significance of such heritage assets, and how may their significance be affected by the proposal? Would the Policy be effective in conserving the significance of any affected heritage assets?

B&NES Response:

- 30.1 A table setting out the designated and non-designated heritage assets that could be affected by the proposed allocation is set out in Core Document [CD-HIS001](#), pages 49 - 56. This table also sets out their significance, and the potential impact that the allocation could have on their significance.

30.2 The site allocation policy wording has been prepared to ensure a heritage led and contextual approach is taken to development, with particular acknowledgement of the Grade II* Listed Manor House and its setting. These requirements were drawn up in conjunction with the Council's Conservation Officer, and are considered to be effective in conserving the significance of the heritage assets.

Q.31 What is the specific justification for the transportation requirements set out in criterion 8 and would they be effective?

31.1 B&NES Transport Officers have undertaken a review of the local network in the vicinity of the RUH, including the key local origins and destinations where future site users are likely to be travelling to and from. This has included a range of Officers who have been involved in reviewing the active travel network in the local area, including as part of the LCWIP. The transport requirements in criterion 8 represent key desire lines, and locations thereon, which have been identified as potentially requiring improvements. The policy wording requires a planning application for this site to make appropriate enhancements to pedestrian and cycle routes between the site and key local facilities, and to investigate the locations in point 8 as specific opportunities to do so.

Q.32 Is the Policy justified in seeking parking in line with the parking standards in the Transport and Development SPD when this document is not part of the development plan? What is the evidence which underpins the potential requirement for contributions to a residents parking zone?

32.1 Please see response to Q.125 regarding referring to the SPD.

32.2 The policy states that contributions to a Residents Parking Zone (RPZ) may be required. Given the very early stage of the proposals, it is not yet known whether a RPZ would be needed, and whether a contribution would be appropriate. The policy thus highlights that it may be required as part of parking solutions, rather than being prescriptive. The policy requires the investigation into car park management which would define this. Parking in the vicinity of the RUH is a known issue on the local highway network, due to travel demand for the hospital, and therefore it is a reasonable position to highlight in the policy that a parking solution will be required specifically for the development of the proposed site allocation.

SB24 Sion Hill Bath – site allocation

Q.33 What is the justification for the development of the site with around 100 apartments, would this be effective and is the proposed allocation viable and deliverable with the policy requirements?

B&NES Response:

33.1 The site is a former ornamental landscaped garden of St Winifred's, a 19th century house built in 1803. The house no longer exists, and the site now contains a substantial educational building, set within the landscaped garden. To optimise

capacity at the site, whilst protecting the important landscaped garden from encroachment, the capacity calculation carried out focuses on a flatted residential development, within the footprint of the existing educational building at the site.

- 33.2 The capacity calculation is based on an analysis of the footprint of the existing building, on an average size of 70sqm per apartment, with an average height of 3 storeys.
- 33.3 As there is a substantial existing building already located within the site, the policy encourages investigation into retention and conversion (in whole or part) of the existing building to reduce the embodied carbon emissions associated with the development. As such, it is considered that the site lends itself well to a flatted development, rather than housing.
- 33.4 This form of development is also considered appropriate to the sensitive heritage and landscape setting of the site, ensuring that development does not impact the significance of relevant heritage assets, as set out in the heritage assessment at [CD-HIS001](#) (pages 57 – 71).
- 33.5 The West of England Local Housing Needs Assessment (see [CD-HOU007](#), page 132) sets out that there is a need for 2+ bedroom apartments in the District (both market and affordable). As such, the policy requirement for 2+ bed apartments is considered to optimise development whilst meeting an evidenced need within the District.
- 33.6 With regards to deliverability, the landowner, Bath Spa University, have confirmed in their representations on the regulation 19 consultation, that *“the proposed development should be considered a realistic prospect for future housing within the next five years.”* (See Core Document CD-SD011 – Bath Spa University, Robert Nicholas, page 3). In addition, a Statement of Common Ground has been drawn up between the Council and Bath Spa University ([CD-SD068](#)), which confirms this statement at page 3. Deliverability of the site for housing aligns with the University’s broader estates strategy to focus development into two campuses; Newton Park and the area around Locksbrook Road, thus releasing Sion Hill Campus for residential use.
- 33.7 With regards to viability, Core Document [CD-VIA001](#) Viability Study sets out the viability testing for the site. This concludes at paragraph 6.29 that the allocation is viable against all benchmark land values with the adopted and emerging policies in place. This viability testing was carried out based on the assumption that the existing building would be demolished and rebuilt, as although the policy seeks re-use of the existing building to reduce embodied carbon emissions, the cost of conversion for use as flats per sqm is lower than the cost of new build according to the BCIS costs set out in **Appendix 5 of Core Document [CD-VIA001](#)**. As such, a more cautious approach has been taken for the viability testing, in order to ensure that the higher build cost scenario was tested.

33.8 It is also important to note for the purposes of the LPPU Viability Assessment, that while the Viability Assessment takes into account the standard development costs, LPPU policy costs and current standard CIL charges, in the case of residual Section 106 costs, other than greenspace and transport infrastructure costs which are integral to the development, a standard allowance of £1,000 per unit is applied for all typologies and allocations tested. This therefore indicates residual value in a consistent manner for all typologies and allocations and is appropriate and proportionate for a Local Plan Viability Assessment.

33.9 The actual amounts for S106 will be subject to site-specific negotiations when schemes are brought forward through the development management process. Each development is bespoke and there may be economies of scale for instance if the developer delivers the infrastructure directly.

33.10 In addition, the Viability Assessment notes at paragraph 3.4:

“Assumptions about development phasing, phasing of Section 106 contributions and infrastructure required to facilitate each phase of the development will affect residual values. Where the delivery of a planning obligation is deferred, the lower the real cost to the applicant (and the greater the scope for increased affordable housing and other planning obligations). This is because the interest cost is reduced if the costs are incurred later in the development cashflow;”

Q.34 What is the specific justification for the transportation requirements set out in criterion 10, and would they be effective?

B&NES Response:

34.1 It is a core requirement of the NPPF that opportunities to promote walking, cycling and public transport use are identified and pursued (Paragraph 104d). Thus this policy requires that development proposals must ensure safe and attractive walking routes to key destinations, identify potential barriers to walking and cycling, and propose solutions. B&NES Transport Officers have undertaken a review of the site and the locality and identified the items in criterion 10 as important measures for investigation and delivery to include this. This is based on knowledge of the local transport network, likely desire lines, and existing known barriers to walking and cycling.

34.2 The policy is not excessively proscriptive, allowing the findings of the Transport Assessment, and feasibility work therein, to propose optimal solutions at the time of a planning application and delivery, based on these known issues. It also states that the measures for investigation and delivery should not be limited to this, allowing other measures to come forward if more appropriate. For example, B&NES is currently working up its Liveable Neighbourhoods programme, with co-design with the public scheduled for Summer 2022. Whilst the Council cannot pre-empt this process, development is expected to facilitate, enable or contribute to a Liveable Neighbourhood scheme for the Lower Lansdown area, if it were to meet

the tests. The way the policy is worded provides flexibility for this approach to be taken if appropriate at the time of the planning application and properly evidenced by a Transport Assessment. If this is not appropriate, the policy continues to provide sufficient direction to support the delivery of walking and cycling improvements in line with the NPPF.

- 34.3 The specific justification for the transportation requirements is set out below:
- 34.4 **Criterion 10A:** Criterion 10A requires investigation into provision of pedestrian crossing facilities over Lansdown Road in the vicinity of the junction with Sion Road. This measure will provide a safe pedestrian crossing from the south-bound bus stop on Lansdown Road to Sion Road. This bus stop provides frequent buses to Bath City Centre. The services from this bus stop are much more frequent than services departing from bus stops to the south of the site on Sion Hill and Cavendish Crescent. As such, provision of a safe pedestrian route to the bus stops on Lansdown Road is considered to be required, and a new pedestrian crossing is considered to be an effective measure to facilitate provision of this route.
- 34.5 **Criterion 10B:** Criterion 10B requires investigation into traffic speed reduction measures on Cavendish Road and/or Winifred's Lane. Winifred's Lane is a steep, narrow lane, restricted to one-way northbound traffic, and is known to be used as a through route to Lansdown Road. There is no footway on Winifred's Lane and it is an unattractive environment for pedestrians and cyclists due to lack of footway and traffic flows. Cars accelerating uphill northwards in the 20mph zone on Cavendish Road are not required to stop at the crossroad where it meets Sion Hill and Winifred's Lane. As such, cars enter the narrow entrance of Winifred's Lane at speed, creating an unattractive, and potentially unsafe, route for pedestrians and cyclists along Winifred's Lane. Investigation of potential traffic speed reduction measures on Cavendish Road and / or Winifred's Lane are required in order to examine ways in which Winifred's Lane could be made safer for use by pedestrian and cyclists. If investigations show that it would not be possible to provide traffic calming measures in this location, criterion 11 requires investigation into providing a pedestrian / cycle route within the site in parallel to Winifred's Lane. The policy wording at criterion 10B and 11 is considered effective in requiring such investigation.
- 34.6 **Criterion 10C:** Criterion 10C requires investigation into improvements to cycle routes to the city centre, including options using alternatives to Lansdown Road. From the site, the most direct route to the city centre for cyclists is via Cavendish Road. Cavendish Road is not an attractive route for cyclists due to parking bays located on both sides of the road, and no cycle lane provision. Another route option is to cycle along Sion Road and down Lansdown Road. However, Lansdown Road is a busy main road with no cycle lane provision. One other route option is to cycle down Cotswold Way, through Bath Approach Golf Course. However, Cotswold Way is a very narrow, fence lined passage, and cyclists using the path create an unattractive route for pedestrians and conflict between the two

different user types. Investigation into options for improvements to cycle routes into the city from the site are therefore considered justified to improve sustainable access, and the policy wording is considered effective in requiring such investigation.

SB25 St Martin's Hospital

Q.35 What is the evidence that the proposed allocation would be deliverable or developable in terms of the NPPF within the plan period?

B&NES Response:

- 35.1 The freehold owner of the site, NHS Property Services (NHSPS), has confirmed in their representations submitted on the regulation 18 options consultation that *“the subject sites are considered available, suitable and deliverable within the period 1-5 years.”*
- 35.2 The representation can be accessed via the link at paragraph 11.4 of Core Document [CD-SD028](#), by searching ‘NHS Property Services Ltd, Adams’.
- 35.3 Informal engagement with NHSPS during the preparation of the site allocation in the Reg 19 Draft Plan indicated that the proposed allocation is deliverable. The NHSPS confirmed that:
- Ash House is vacant.
 - Kempthorne House and Midford House already have significant areas of vacant space, and are primarily in use as admin offices, and have been for an extended period.
 - All existing office uses in the buildings will be relocating to purpose built office accommodation within Bath.
 - The small number of ‘clinical teams’ within Kempthorne House will be relocating into existing vacant space within the clinical buildings to the south east of the site.
 - Due to the age of the buildings on Site B, and their inefficient layout, they are no longer considered suitable for modern healthcare requirements.
- 35.4 No deliverability concerns were raised within NHSPS representation to the Regulation 19 consultation (see [CD-SD011](#), by searching ‘[NHS Property Services Ltd, Adams](#)’).
- 35.5 As such it is considered that the site is deliverable within the plan period.

Q.36 Which designated and non-designated heritage assets may be affected by the proposed allocation, what is the significance of such heritage assets and how may their significance be affected by the proposed allocation? How would the proposed allocation affect the Paupers Burial Ground and how may that affect the deliverability of the allocation? Would the Policy be effective in conserving the significance of any affected heritage assets?

B&NES Response:

- 36.1 A table setting out the designated and undesignated heritage assets that could be affected by the proposed allocation is set out in Core Document [CD-HIS001](#), pages **72 - 80**. This table also sets out their significance, and the potential impact that the allocation could have on their significance.
- 36.2 With regards to the Paupers Burial Ground, the exact extent of its boundary is unknown. However, its south-eastern boundary, as marked on the Council's mapping system, is around 3 metres from Frome House. Correspondence with the Council's conservation officer during the preparation of the policy concluded that any development proposed within the vicinity of the Pauper's Burial Ground (i.e. on the site of Frome House), would need to be informed by an archaeological assessment of the area. Criterion 13 of policy SB25 requires the evaluation of the potential for archaeological remains across the development site and requires that appropriate mitigation is carried out where required.
- 36.3 If, through assessment of archaeological remains in the area, it is concluded that redevelopment of Frome House would be harmful to the undesignated heritage asset, and planning permission could not be permitted, it is considered that the deliverability of the site allocation as a whole would not be significantly affected, as the overall capacity calculation for the site only included a limited number of dwellings for the redevelopment of Frome House, at 6 dwellings. This capacity limit of 6 dwellings was based on analysis by the Council's conservation officer, who considered that a small scale, high-quality, sensitively designed redevelopment scheme could be appropriate within the setting of the heritage assets at the site, subject to an assessment of archaeological impact. The total capacity for the allocation is 'around 50 residential dwellings', therefore providing some flexibility for if the redevelopment of Frome House was to be considered harmful following assessment of archaeological impact. In addition, the capacity assumption for the conversion of Kempthorne House is cautious, due to the historic sensitivity of the building and its setting. This also provides some potential flexibility in terms of the overall capacity assumed.
- 36.4 In terms of the other heritage assets at the site, the allocation policy wording has been prepared to ensure the conservation of their significance. Kempthorne House, Midford House, Ash House and Frome House are all located within the setting of two Grade II listed buildings, St Martins Hospital building (former workhouse, now converted to flats), and the Chapel of St Martin.

- 36.5 The heritage significance of the Grade II listed former workhouse / hospital building stems from it being a good example of workhouse design of the early to mid C19. Although now converted to flats, the building retains its symmetrical plan form, utilitarian appearance, monumental scale, and original architectural features. The Chapel of St Martin, adjacent to the former workhouse / hospital building, draws its significance from its early English style, with relatively modest detail and finishes, having been built by the inmates of the workhouse for their own use.
- 36.6 The St Martins Hospital Complex is an undesignated heritage asset. This comprises the whole complex of hospital buildings, including the two Grade II listed buildings, Kempthorne House, Midford House, Ash House, and Frome House. The hierarchy and design of all buildings within the complex, (except for Frome House) are historically significant in their group value.
- 36.7 The policy comprises requirements to ensure the conservation of the significance of the affected heritage assets, including:
- A requirement for any development to be informed by a detailed, site-wide heritage assessment.
 - A requirement to convert (rather than redevelop) Kempthorne House, Midford House, and Ash House, unless an objective and comprehensive heritage assessment is provided to justify demolition, with a clear evidence base to demonstrate that conversion is not feasible and / or viable.
 - A requirement to ensure development of high-quality architectural design, informed by the site's sensitive historic surroundings.
 - A requirement to ensure that any extension or redevelopment of existing buildings will be designed to ensure minimal to no encroachment into landscaped areas.
- 36.8 These requirements were drawn up in conjunction with the Council's Conservation Officer, and are considered to be effective in conserving the significance of the heritage assets.

Q.37 What is the specific justification for the transportation requirements set out in criterion 11 and would they be effective? Should criterion 11b be corrected to refer to St Martin's Garden Primary School?

B&NES Response:

- 37.1 It is a core requirement of the NPPF that opportunities to promote walking, cycling and public transport use are identified and pursued (Paragraph 104d). Thus, this policy requires that development proposals must ensure safe and attractive walking routes to key destinations, identify potential barriers to walking and cycling, and propose solutions. B&NES Transport Officers have undertaken a review of the site and the locality and identified the items in criterion 11 as important measures for investigation and delivery to include this. This is based on knowledge of the local

transport network, likely desire lines, and existing known barriers to walking and cycling.

37.2 The specific justification for the transportation requirements is set out below:

37.3 **Criterion 11a:** One of the Council's wider strategies is to better link up green infrastructure throughout the city for pedestrians and cyclists. The overarching importance of connectivity of Green Infrastructure is set out in the West of England Joint Green Infrastructure Strategy 2020-2030 (**CD-INF003**). An ambition within the Placemaking Plan ([CD-SD016](#), page 123) is to increase the benefit and connectivity of GI assets. Placemaking Plan Policy NE1 requires major development proposals to demonstrate how GI has been incorporated into the scheme to increase function and improve connectivity of GI assets including links to the existing local and strategic networks.

37.4 Currently, there is poor access between Odd Down Sports Ground and Entry Hill Golf Course located to the north of the site. There is also poor access to Odd Down Sports Ground for residents living at St Martins and the surrounding area, across Wellsway. There is a refuge island crossing on Wellsway, but no clear access into the Sports Ground. Criterion 11a therefore seeks to improve the crossing and open up a clear access into the sports ground from Wellsway, in line with the Council's wider aspirations to ensure GI connectivity for pedestrians and cyclists.

37.5 **Criteria 11B and 11C:** Criteria 11B and 11C both relate to a specific scheme that B&NES Highways and Traffic Design and Projects Team has developed as part of the Mulberry Park Pedestrian Crossings and Cycle Infrastructure Scheme.

37.6 **Criterion 11B** should be corrected to refer to St Martin's Garden Primary School. Reference to the primary school can be corrected as a minor modification prior to adoption of the LPPU, or if the Inspector considers this is a soundness issue it should be included as a recommended main modification.

37.7 **Criterion 11D:** Criterion D relates to the improvement of the junction where Midford Road meets the A367. There is currently a series of dropped kerbs with tactile paving, and refuge island crossings, located at the junction. Improvements at this junction would improve road safety and sustainable accessibility.

Q.38 What are the parking standards referred to in criterion 12 and would the Policy be effective in this regard?

B&NES Response:

38.1 The 'current parking standards' will be those in place at the time the site comes forward for development and the planning application is determined. In practice, the parking standards will be those defined in the Transport and Developments SPD. The policy would be interpreted as signposting to the current standards at that time and would therefore be effective.

38.2 If clarity is required in order ensure that the plan is effective, the following minor amendment to the wording is suggested:

Policy SB25

Clause **12. Parking for bicycles and cars will need to be provided in line with current parking standards accordance with policy ST7, for both residential and clinical uses. Improved integrated parking solutions and car park management across the site should be investigated to maximise efficient use of land.**

SB19 The University of Bath at Claverton Down (including the Sulis Club) and consequential changes to Policy B5 Off-campus student accommodation and teaching space

Q.39 What is the justification for the overall scale and mix of development proposed by Policy SB19?

B&NES Response:

- 39.1 The approach of the Core Strategy is to enable the realisation of a better balance between the aspirations of the university, the concerns of communities and the overall functioning, performance and environmental quality of the city and its setting.
- 39.2 Policy B5 sets out the capacities for student accommodation and teaching space at the Claverton Campus, however these capacities were carried over from the B&NES Local Plan 2007 and have already been met. The Placemaking Plan ([CD-SD017](#)) committed to reviewing the student accommodation requirements beyond 2020 linking with the university's growth aspiration (paragraph 226 of the Placemaking Plan).
- 39.3 The overall scale and mix of development proposed by Policy SB19 is in line with the overall strategy set by the Core Strategy and informed by the LPPU plan making process, including Sustainability Appraisal and the masterplan led by the University of Bath (the University). The Masterplan responds to extant Policy SB19 by providing a clear understanding of the key environmental constraints, the required design response, and the remaining capacity for development within the University's estate, including the land previously removed from the Green Belt.
- 39.4 Since the Placemaking Plan was adopted in 2017, the University of Bath (UoB) has been developing its new masterplan. The Adopted Placemaking Plan Policy SB19 sets out the Development Framework Plan with policy zones, general development principles and area specific development principles.
- 39.5 The University's masterplan was prepared collaboratively between the University and the Council. Key evidence documents such as the visual analysis and ecology report were shared with the Council which allowed Council's specialist officers to

assess, recommend changes and influence the preparation of the masterplan. This approach is supported by the Planning Policy Guidance (Paragraph: 038 Reference ID: 61-038-20190315) in ensuring a time and cost effective and efficient plan preparation process, and is considered proportionate to the plan making process.

- 39.6 The masterplan and supported evidence were subject to public consultation undertaken by the university as well as through the LPPU regulation 18 consultation.
- 39.7 Therefore the masterplan ([CD-BTH001](#)) provides a sound base for identifying the scale and mix of development included in the revised SB19.
- 39.8 It is worth noting that the university's future strategy is a strategic matter for the city and district as it is the second largest employer in the district contributing to the overall health of the district's economic health, as well as the effect of the student population within the city as it has grown to over a quarter of the population in Bath.
- 39.9 The Council's adopted policy framework seeks to enable the universities to fulfil their ambitions, as far as possible, without those ambitions having a negative impact on the realisation of the Council's wider strategic planning objectives for the City, nor an unacceptable impact on the university campuses or their environs.
- 39.10 In order to prioritise the limited available development sites within the city for housing and employment, it is important to maximise the use of the campus development capacity whilst avoiding an unacceptable impact, and to enhance the natural environment including green infrastructure, landscape and to make biodiversity improvements.
- 39.11 The development of policy SB19 was informed by the Sustainability Appraisal and positive effects of this policy, particularly objective 3 (housing) and objective 4 (economy) are identified in the cumulative effects of the LPPU in section 8 of the draft SA report ([CD-SD005](#)).

Q.40 What is the justification for the land uses listed in paragraph two of criterion 1?

B&NES Response:

- 40.1 The land uses listed in paragraph two of Criterion 1 are included in the adopted Policy SB19 under Purple Zones (with no hatching) which are the areas of pre-existing development. The policy was tested through the Placemaking Plan examination and considered sound. Therefore, it was carried over through the LPPU revised Policy SB19.

Q.41 What is the justification for the stated heights of buildings set out in criteria 2, 3, 4, 5 and 6, and would these be effective?

B&NES Response:

- 41.1 The heights of buildings were primarily informed by the landscape impact assessments and the Masterplan Verified Visual Assessment ([CD-BTH001](#)), Landscape and Ecological Management Plan([CD-BTH001](#)) and Masterplan Report([CD-BTH001](#)). The Claverton Masterplan Verified Views Appraisal was specifically requested by the Council following an initial Visual Analysis and Masterplan Review (June 2019). It enabled assessment of a basic massing visualisation for a number of agreed viewpoints using the methodology set out in the Landscape Institute Draft Technical Guidance Note (June 2018) on “Photography and Photomontage in Landscape and Visual Impact Assessment”. Various feedback and recommendations were provided to the university, and it resulted in the repositioning and reconfiguration of the buildings proposed. This included the reduction of the heights of the buildings proposed.
- 41.2 The Policy as proposed to be revised in the submission LPPU sets the maximum heights both in storeys and meters based on the visual impact evidence. They provide a clear basis for considering future development proposals, which are also subject to other Development Management policies particularly Policy NE2 /NE2A (Landscape) which require a Landscape and Visual Impact Assessment (LVIA) to assess potential impact on the landscape. It is appropriate that, at the time of submitting and determining planning application, a LVIA is undertaken once the details of the proposed development are known.
- 41.3 Therefore, it is considered that the stated heights of buildings set out in criteria 2, 3, 4, 5 and 6 are justified and effective to facilitate new development within assessed constraints.

Q.42 Are the proposed changes to sport and recreation provision consistent with paragraph 99 of the NPPF and would they be effective?

B&NES Response:

- 42.1 Adopted Placemaking Plan Policy SB19 sets out policy zones and the policy approach that applies within each policy zone. Purple Zones (hatched) are currently largely occupied by sport related development, pitches, tennis courts and a car park where university related development is acceptable in principle. These areas were removed from the Green Belt through the B&NES Local Plan 2007 for future development.
- 42.2 The key elements of the proposed changes in the LPPU to sport and recreation provision are:
- 1)Policy Area 2 for purpose built student accommodation: It is currently natural playing pitches.

2) New artificial pitches (east part of the campus, north of the Avenue): It is currently natural playing pitches.

42.3 Paragraph 99 of the NPPF protects open space, sports and recreational buildings and land and sets out the criteria to be met if these areas are to be built on. The analysis against the criteria is set out below.

NPPF Paragraph 99

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;

The Council's justification:

The evidence including various assessments was prepared supporting the Local Plan 2007 which was examined and justified removing the area from the Green Belt for future development.

The adopted Placemaking Plan ([CD-SD017](#)) in paragraph 236 states that '*The University purchased the Sulis Club which is a 'satellite' recreational ground on the edge of the Claverton plateau after the adoption of the B&NES Local Plan 2007. The purchase of the Sulis Club enabled the University to reduce playing pitch provision on the non-green belt part of the main campus site. To date this has not yet occurred to any significant degree. Therefore, the loss of the playing pitches on Area 2 was justified through the Local Plan 2007.*

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or

The Council's justification:

As explained above, the Sulis Club provides capacities lost by development in Area 2.

Furthermore, a high quality third generation (3G) playing pitch is proposed to replace the natural pitches that will provide a better quality pitch in a suitable location and increase the total number of matches that can be played. Further analysis is included in the Claverton Campus Maintaining and Enhancing Our Sports Facilities ([CD-BTH001a](#))

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The Council's justification:

Where the 3G pitch is proposed is currently natural playing pitches/field. The provision of a 3G pitch will significantly increase the capacity of sports pitch provision across the campus as a whole. The benefits of the 3G artificial grass pitches are recognised as durable, year-round playing surfaces, able to withstand intensive use and all kinds of weather. That means more people can benefit from all the associated social and health benefits of physical activity. Policy SB19 requires the 3G pitch to be completely recyclable with natural crumb. Based on this, it clearly outweighs the loss of the current playing pitches/field. Further analysis is included in the Claverton Campus Maintaining and Enhancing Our Sports Facilities ([CD-BTH001a](#))

- 42.4 It is worth noting that adopted Policy SB19 identifies the Medical Pitch located at the western part of the campus (close to Area 4 of the Development Framework Plan) as a part of Purple Zone (no hatching) as a future development area. However, through the masterplan exercise, it was agreed to retain it as a playing pitch. This helps continuous green corridor and open space provision through the centre of the campus.
- 42.5 The tennis courts along Norwood Avenue were identified as Purple Zone (hatched) for potential future development. However, through the masterplan exercise it was also agreed to retain these as outdoor sport facilities.
- 42.6 In summary, the master planning undertaken in the context of the adopted SB19 allowed a strategic and comprehensive approach for future development on campus, particularly for sports facilities, and revised Policy SB19 with area specific Development Requirements provides further policy which helps support greater levels of sports participation. It is worth noting that the University of Bath is in the process of drawing up a community access agreement which sets out how communities are able to book or access the new 3G pitches.
- 42.7 Therefore, it is considered that the proposed changes to sport and recreation provision is consistent with paragraph 99 of the NPPF and would be effective.

Q.43 Would the Policy be effective in conserving and enhancing the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty, and enhancing the natural and local environment in terms of landscape effects?

B&NES Response:

- 43.1 Purple Zones (hatched) in the adopted Policy SB19 lie within the Cotswold Area of Outstanding Natural Beauty (AONB) and are currently occupied by largely sport related development, pitches, tennis courts and a car park. This area was removed from the Green Belt through the B&NES Local Plan 2007 for potential development.

The impact on the AONB was extensively discussed alongside and to inform the decision to remove the land from the Green Belt. At that time the Inspector considered that university-related development in the AONB was justified (including consideration against the national policy tests for major development in AONBs now set out under NPPF, paragraph 177) and recommended policy wording to ensure such development is designed sensitively to minimise impact on the AONB. Adopted Placemaking Plan Policy SB19 also sets the principal acceptance of potential development and sets out area specific requirements to effectively manage development within AONB and to ensure impact on the wider AONB is comprehensively considered.

- 43.2 The impact on the AONB was considered through the preparation of the latest masterplan and various evidence base documents including visual impact assessments submitted to the Council for review at the key stages of its preparation. As explained above under question 41, the key evidence, the Claverton Masterplan [Verified Views Appraisal](#) (CD- 001), was specifically requested by the Council. Various feedback and recommendations were provided to the university, resulting in the repositioning and reconfiguration of the buildings proposed in the AONB. This includes the reduction of the height and a wider landscaped buffer along the eastern campus boundary.
- 43.3 The proposed revisions to Policy SB 19 area specific clauses and general development requirements, particularly clause d), require applications to respond to the local context to minimise the impact on the AONB and consider any opportunities to enhance the AONB. New development will also be subject to other Development Management policies particularly NE2 /NE2A (Landscape).
- 43.4 Therefore, it is considered the policy would be effective in conserving and enhancing the landscape and scenic beauty of the Cotswold Area of Outstanding Natural Beauty, and enhancing the natural and local environment in terms of landscape effects.

Q.44 Is the scale and extent of the development proposed in the AONB 'limited' as per NPPF paragraph 176?

B&NES Response:

- 44.1 As explained in response to Question 43 above, the principle for new development within the AONB was established through the 2007 B&NES Local Plan and in the adopted Policy SB19. The revised Policy SB19 provides a more detailed framework identifying the area for new development (Area 2) and land to be retained for sports facilities elsewhere within the AONB. This helps remove uncertainty and contributes to limiting the scale and extent of the development proposed in the AONB as per NPPF paragraph 176.

Q.45 What is the justification for the requirement for a completely recyclable 3G pitch and natural crumb in part 8 of the Policy?

B&NES Response:

- 45.1 The Council acknowledge the significant benefits of artificial grass pitches in supporting active lifestyles and well-being by allowing people to play and exercise for longer, especially in winter, as well as the benefits of third generation pitches on campus. However, there are some concerns regarding impact on people’s health from exposure to contaminated granular material and impact on the environment of resulting water pollution with microplastics harming ecosystems and wildlife as well as creating a large quantity of plastic waste. (Please see the Council’s response to Matter 5 Question 121.)
- 45.2 As stated in Section 5 of the Claverton Campus Masterplan ‘Background Paper: Maintaining & Enhancing Our Sports Facility ([CD-BTH001a](#)) the University is developing a proposal for a completely recyclable 3G pitch in order to address these valid concerns. The Council welcomes this commitment.
- 45.3 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.
- 45.4 This precautionary approach is also proposed through the amended Policy SB19 reflecting the Council’s declaration of climate and ecological emergency, the Council’s corporate priority to ‘improve people’s lives’, and the University’s commitment to provide an environmentally friendly solution.

Q.46 Is the Policy justified in seeking parking in line with the parking standards in the Transport and Developments SPD when this document is not part of the development plan?

B&NES Response

- 46.1 Please see response to Q.125 regarding referring to the SPD.

Policy SB26: Park and ride sites

Q.47 Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Would it be effective to deliver the multi-modal transport interchanges without altering the boundaries of the Green Belt?

B&NES Response:

- 47.1 For the reasons set out at paragraphs 5.1 – 5.16 of [CD-SD023](#) (Topic Paper: Park and Ride Green Belt exceptional circumstances (updated)), delivery of multi-modal transport interchanges at the existing Park and Ride sites is considered to be vital to meet the aims of the transport strategy for the district.

- 47.2 The Council worked with consultants LUC during the preparation of the LPPU, who have significant expertise and experience in Green Belt matters, to establish whether the extent of development required to bring such proposals forward at the existing park and ride sites could be considered to be ‘not inappropriate’, in Green Belt policy terms.
- 47.3 NPPF paragraph 146 sets out the forms of development that are ‘*not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.*’ This includes ‘*local transport infrastructure which can demonstrate a requirement for a Green Belt location*’.
- 47.4 The Council were advised, as set out at paragraphs 4.22 – 4.24 of [CD-TRN006](#) (Green Belt assessments (Park & Ride)), that although the diversification of the Park and Ride sites for multi-modal transport uses could broadly fall within this ‘local transport infrastructure’ category, the general absence of existing buildings and infrastructure beyond parking bays would mean almost any additional infrastructure or buildings would impact and therefore, not preserve the openness of the Green Belt. Furthermore, the NPPG cites the ‘degree of activity likely to be generated, such as traffic generation’ as capable of affecting spatial and visual aspects of openness. Therefore, it was considered that almost all forms of development associated with the diversification of the transport facilities at the three Park and Ride sites were likely to be considered inappropriate development in Green Belt terms.
- 47.5 Therefore, the allocation of the sites for the delivery of multi-modal transport interchanges would not be deliverable without alteration of the Green Belt boundaries, as without such alteration, the site allocations would be dependent on the delivery of development considered to be inappropriate in the Green Belt, and reliant on justification of very special circumstances as part of any future planning application.
- 47.6 It would not, therefore, be effective to allocate the multi-modal transport exchanges without altering the Green Belt boundaries.

Q.48 Was the Green Belt Assessment undertaken on the basis of a clear methodology consistent with national planning policy for protecting Green Belts?

B&NES Response:

- 48.1 The Green Belt Assessment was undertaken by LUC, on the basis of a clear methodology consistent with national planning policy for protecting Green Belts. This methodology has been tried and tested by LUC in undertaking Green Belt Assessments elsewhere in the country. The methodology is set out at Chapter 3 of [CD-TRN006](#) (Green Belt assessments (Park & Ride)).

Q.49 Is the site selection methodology for sites to be released from the Green Belt robust?

B&NES Response:

49.1 The site selection methodology for sites to be released from the Green Belt is considered to be robust. This methodology is set out at Appendix 1, Section 2 of [CD-SD023](#) (Topic Paper: Park and Ride Green Belt exceptional circumstances (updated)).

Q.50 Have all realistic alternatives to releasing land from the Green Belt been considered?

B&NES Response:

50.1 The NPPF requires that prior to concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the local authority should demonstrate that it has examined fully all other reasonable options for meeting its identified need.

50.2 The existing brownfield Park and Ride sites provide a unique and available opportunity to accommodate the facilities associated with the proposed transport interchanges, whilst continuing to provide a Park and Ride service.

50.3 A site search was carried out to understand whether any reasonable options exist outside the Green Belt to accommodate the transport interchange facilities. The methodology and results of the site search are set out at Appendix 1 of [CD-SD023](#). The site search was based on 'realistic alternatives' being any sites considered to be both suitable and available, as specified in the site requirements at pages 19 and 20 of [CD-SD023](#).

50.4 The Council considers that the unique opportunity that the existing Park and Ride sites provide to accommodate the facilities whilst continuing to provide a Park and Ride service, together with the results of the site search for other site options outside the Green Belt, equate to all realistic alternatives having been considered.

Q.51 In terms of paragraph 138 of the Framework, have the proposed alterations to the Green Belt boundaries taken account of the need to promote sustainable patterns of development and are they consistent with the Local Plan strategy?

B&NES Response:

51.1 The proposed alterations to the Green Belt boundaries have taken account of the need to promote sustainable patterns of development as set out at paragraphs 5.22 and 5.23 of [CD-SD023](#).

51.2 With regard to being consistent with the Local Plan strategy, the Core Strategy ([CD-SD016](#)) sets out the overall Spatial Vision and Strategic Objectives for the District at pages 18 – 23. These include an objective to deliver well connected places accessible by sustainable means of transport. Alteration of the Green Belt

boundaries to accommodate multi-modal transport interchanges is considered consistent with this Core Strategy Objective, in that the interchanges will promote sustainability by encouraging use of various sustainable transport options and providing more choice for users.

51.3 Policy DW1 in the Core Strategy ([CD-SD016](#), page 32) sets out the Spatial Strategy for the district, including provision of a list at criterion 4 of sites which are removed from the Green Belt in order to meet the District’s development needs. For clarity, and to ensure consistency throughout the Plan, the following text amendments to DW.1 is proposed (see bold text below):

Policy DW1

Clause 4. retaining the general extent of Bristol - Bath Green Belt within B&NES, other than removing land to meet the District’s development **and sustainable transport** 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
- **Land allocated for use as transport interchanges at Odd Down, Newbridge and Lansdown Park and Ride sites**

Q.52 In overall terms, having regard to the principles established in Calverton, (Calverton PC v Nottingham CC [2015] EWHC 1078 (Admin)) what are the exceptional circumstances for the proposed alterations of the boundaries of the Green Belt to accommodate the proposed multi-modal transport interchanges which cannot be accommodated outside of the Green Belt?

52.1 The exceptional circumstances for the proposed alterations of the Green Belt boundaries to accommodate multi-modal transport interchanges are set out in Section 5 of [CD-SD023](#).

52.2 In the case of Calverton Parish Council v Nottingham City Council [2015] EWHC 1078 (Admin), five matters are set out that should be identified and dealt with in order to ascertain whether exceptional circumstances exist to justify releasing land from the Green Belt. Each of these 5 matters is listed in the table below, alongside references to the relevant paragraphs within the Core Documents which deal with each matter.

Calverton Case Matter	Core document reference and summary
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<p>(i) the acuteness/ intensity of the objectively assessed need (matters of degree may be important);</p>	<p>CD-SD023: Paragraphs 5.1 – 5.16</p> <p>These paragraphs clearly identify a strategic need for improved Park and Ride facilities in Bath and North East Somerset. Provision of multi-modal transport interchanges at the three existing Park and Ride sites in Bath is considered to be vital in meeting the aims of the transport strategy for the district, in order to achieve a sustainable transport network which is able to accommodate both the existing needs of the District, plus proposed growth. The proposals are also considered to be significant in helping the Council to achieve the targets pledged in relation to the declaration of climate and ecological emergencies.</p>
<p>(ii) the inherent constraints on supply/ availability of land prima facie suitable for sustainable development;</p>	<p>CD-SD023: Paragraphs 5.17 – 5.21 and Appendix 1</p> <p>These paragraphs set out the examination into all other reasonable options, including a site search at appendix 1, which evidences that no other sites are available and suitable, to provide the required facilities.</p>
<p>(iii) (on the facts of this case) the consequent difficulties in achieving sustainable development without impinging on the Green Belt;</p>	<p>CD-SD023: Paragraphs 5.15 – 5.21 and Appendix 1</p> <p>These paragraphs set out the examination into all other reasonable options, including a site search at appendix 1, which evidences that no other sites located outside of the Green Belt are available and suitable, to provide the facilities required to achieve sustainable development.</p>
<p>(iv) the nature and extent of the harm to this Green Belt (or those parts of it which would be lost if the boundaries were reviewed; and</p>	<p>CD-SD023: Paragraphs 5.24 – 5.29 CD-TRN006: Chapter 4 (page 24)</p> <p>LUC have carried out an assessment of the harm to the Green Belt of release of each</p>

	site on behalf of Bath and North East Somerset Council (see CD-TRN006). A summary of this harm assessment is set out at paragraphs 5.24 – 5.29 of CD-SD023.
(v) the extent to which the consequent impacts on the purposes of the Green Belt may be ameliorated or reduced to the lowest reasonably practicable extent.”	CD-SD023 : Paragraphs 5.30 – 5.37 These paragraphs set out the steps proposed to ensure minimal harm to the Green Belt following the sites’ removal.

Q.53 Consistent with NPPF paragraph 142, how would the impact of removing land from the Green Belt be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land?

B&NES Response:

53.1 Compensatory improvements to environmental quality and improvements to the accessibility of remaining Green Belt land are set out at paragraph 5.38 of [CD-SD023](#).

Q.54 Is criterion 1 of the Policy clearly written and unambiguous, so it is evident how a decision maker should react to development proposals in not setting out the appropriate uses for the multi-modal transport interchanges?

B&NES Response:

54.1 Criterion 1 clearly refers to the supporting text for policy ST6 Transport Interchanges, which lists the facilities likely to be required in expanding existing Park and Ride services to provide multi-modal Interchange Hubs, allowing interchange between a range of transport modes, in a range of directions. Such facilities are listed at paragraph 618b of [CD-SD001](#).

54.2 The exact set of uses will vary between each transport interchange as it will need to be tailored to the location and the likely end users. It is therefore not appropriate to be proscriptive on appropriate uses within the policy itself. The explanation around what a transport interchange is and what it is intended to achieve, also requires further description than should be included within a succinct policy criterion. It is therefore appropriate to signpost to a location in the development plan where that description is provided.

Q.55 What is meant by criterion 4 and would it be effective, given the extent of land proposed to be removed from the Green Belt?

B&NES Response:

- 55.1 Criterion 4 states that development proposals are expected to *“be contained within the areas of the sites already developed for Park and Ride use and removed from the Green Belt, as specified on the Policies Map.”*
- 55.2 The green belt harm assessment for the sites (see [CD-TRN006](#)) is based on the assumption that the proposed changes to the Park and Ride sites to provide transport interchange facilities, would be limited to the areas of the site already developed for Park and Ride use. This is considered to mean the area of the sites currently in use for Park and Ride purposes, such as areas of hardstanding and associated structures.
- 55.3 The aim of criterion 4 is to ensure that development does not encroach into any of the surrounding green edges of the P&R sites, which are important in terms of biodiversity and landscape character.
- 55.4 These green edges are proposed to be removed from the Green Belt, due to the importance of ensuring that new Green Belt boundaries are based on strong physical boundary features, as set out at paragraph 3.54 of [CD-TRN006](#), and as required by paragraph 143f of the NPPF. For example, at Odd Down Park and Ride, the north-western boundary of the site is defined clearly by the presence of the A367, therefore the green edges of the Park and Ride site along this stretch, located between the hardstanding and the A367, are proposed for removal from the Green Belt, in order to ensure that the new Green Belt boundary is clearly defined by a physical feature.
- 55.5 Criterion 4 therefore ensures that, although these areas will no longer be designated Green Belt land, their importance in terms of biodiversity and landscape character are preserved from encroachment of development.
- 55.6 Specifically restricting development to areas of hardstanding across and within the Park & Ride sites is considered too restrictive, as although this would ensure that there would be no development encroachment into the green edges of the sites, there may be situations where development could be appropriate over some of the soft landscaping within the sites, albeit only where acceptable in ecological and landscape terms, in line with adopted policy.
- 55.7 It is considered that it is clearer to identify those areas which are suitable for transport interchange development (subject to meeting the policy criteria) by allocating land for that purpose and defining an allocation boundary on the Policies Map. As such the following wording amendment is proposed in order that the policy criterion is clearer, and therefore more effective, alongside providing a site allocation boundary for each site:

Policy SB26

Clause 4

Be contained within the areas of the sites removed from the Green Belt, and that are allocated for Transport Interchange use as specified on the Policies Map, already developed for Park and Ride use and removed from the Green Belt, as specified on the Policies Map.

55.8 The proposed site allocation boundaries for each of the park and ride sites are indicated on the diagrams below:



