



The Planning Inspectorate

Report to Bath and North East Somerset Council

by Simon Emerson BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

REPORT ON THE EXAMINATION INTO BATH AND NORTH EAST SOMERSET COUNCIL'S CORE STRATEGY

Document submitted for examination on 3 May 2011

Examination hearings held between 16 January - 1 February 2012; 15 March 2012;
17 September and 10 - 11 December 2013; and between 26 March - 10 April 2014

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Abbreviations Used in this Report

AA	Appropriate Assessment
AONB	Area of Outstanding Natural Beauty
B&NES	Bath and North East Somerset
CD	Core Document
DPD	Development Plan Document
FPC	Further Proposed Change
HMA	Housing Market Area
LDS	Local Development Scheme
LEP	Local Economic Partnership
MM	Main Modification
MYE	Mid year estimate
NPP	Neighbourhood Planning Protocol
ONS	Office for National Statistics
PP	Place-making principle
PPG	Planning Policy Guidance
psm	Per square metre
RS	Regional Strategy
SA	Sustainability Appraisal
SAC	Special Area of Conservation
SCI	Statement of Community Involvement
SCG	Statement of Common Ground
SCS	Sustainable Community Strategy
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
WHS	World Heritage Site

Non-Technical Summary

This report concludes that the Bath and North East Somerset Core Strategy provides an appropriate basis for the planning of the district providing a number of modifications are made to the plan. The Council has specifically requested me to recommend any modifications necessary to enable the plan to be adopted.

All of the modifications I recommend were proposed by the Council, I have recommended their inclusion after considering the representations from other parties on these changes.

These changes can be summarised as follows:

- An increase in the overall housing provision to around 13,000 dwellings.
- The allocation of four strategic sites for housing to be removed from the Green Belt at Odd Down at Bath, East Keynsham, South West Keynsham and Whitchurch.
- The removal from the Green Belt of additional land at East Keynsham as safeguarded land.
- Setting different targets for the provision of affordable housing in different parts of the district to reflect the evidence on viability.
- Other detailed changes to policies and text to bring the plan up to date and to be consistent with Government policy.

Where necessary, for clarity and consistency with the reasoning in this report, I have amended the detailed wording of some of the changes proposed by the Council.

The Council had proposed a change to make a fifth strategic housing allocation requiring land to be removed from the Green Belt at Weston, Bath. That proposal has not been recommended as a modification to the submitted plan as the exceptional circumstances necessary to change Green Belt boundaries and to justify major development in an Area of Outstanding Natural Beauty are not met in that location for the scale of development proposed.

Introduction

1. This report contains my assessment of the Bath and North East Somerset (B&NES) Core Strategy (CS) in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the duty to co-operate is applicable to this plan and then considers whether the plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (the Framework, paragraph 182) makes clear that to be sound, a local plan should be positively prepared; justified; effective and consistent with national policy.
2. My report deals with the main modifications that are needed to make the plan sound and legally compliant and they are identified in bold in the report (**MM**). In accordance with section 20(7C) of the 2004 Act the Council requested that I should make any modifications needed to rectify matters that make the plan unsound/not legally compliant and thus incapable of being adopted. These main modifications are set out in the accompanying Schedule (and its Annex of Diagrams and Maps).

Evolution of the Proposed Modifications

3. The starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound plan. The basis for my examination is the submitted draft plan (May 2011), which is the same as the document published for consultation in December 2010, but amended by those minor changes published by the Council and which I subsequently accepted as embedded in the submitted plan (see paragraph 5 below).
4. During the course of this long Examination, the Council formally proposed changes on three occasions and undertook consultation on them. On some matters subsequent changes superseded changes previously proposed by the Council. Each of the consultations undertaken by the Council was supported by additional evidence documents and by additional Sustainability Appraisal (SA) of the changes, most notably in support of the March 2013 changes and the November 2013 changes.
5. At submission, the Council included a *Schedule of Proposed Changes* (Core Document - CD5/6) which are changes to the document which was published for consultation in December 2010 (CD5/5). I highlighted in a published note (Examination document reference ID1, Annex, 2 June 2011) that some of the changes included in this schedule could not be regarded as minor. These more significant changes were subsequently included by the Council in the *Schedule of Significant Changes* (CD5/22) published for consultation in September 2011. Further minor changes were included in CD5/26. In my Pre-hearing Guidance Notes (ID/5, November 2011) I indicated that the remaining minor changes proposed by the Council should be regarded as embedded in the Core Strategy. I do not refer to such minor changes further in this report.
6. The first group of hearings were held in January 2012, with a further hearing on the duty to co-operate in March 2012. Following publication of the Framework, there was an opportunity for all parties to make further

comments. In June 2012, I issued *Preliminary Conclusions on Strategic Matters and Way Forward* (ID28, June 2012). This note highlighted a number of significant shortcomings with the Core Strategy, particularly in relation to the assessment of the overall housing requirement. This prompted the Council to request a year-long suspension of the Examination in order to undertake more work and consult on necessary changes. I subsequently also issued *Preliminary Conclusions on Other Matters* (ID30, August 2012), so that the Council was aware of all my concerns with the submitted Core Strategy.

7. In March 2013 the Council published *Schedule of Proposed Changes to the Submitted Core Strategy* (CD9/PC1). Included in these changes were five locations where land was proposed to be removed from the Green Belt to meet the identified new housing requirement. These locations were land adjoining Odd Down and Weston at Bath; land adjoining east and south west Keynsham; and land at Whitchurch. No specific sites were identified at these locations. Site-specific allocations were intended to be made in the subsequent Place-making Plan.
8. I resumed the Examination in June 2013. Drawing on the representations made in response to this consultation and from national policy in the Framework, I issued a note *Concerns in Relation to Evidence on the Strategic Locations and Questions on Green Belt Matters* (ID36, July 2013). Among other matters, this note raised questions about: the evidence relied on by the Council; the justification for the Council's assessment of the capacity of each broad location; the reliance on delivery from these locations to support the five year housing land supply; and the intended deferral to the Place-making Plan of any consideration of the need for safeguarded land (which is land to be removed from the Green Belt, but not allocated for development).
9. As a consequence, the Council decided to propose further changes to the Core Strategy so as to make site-specific allocations at the five broad locations previously identified. These further changes included proposed changes to the Proposals Map (now to be called the Policies Map) showing what land would be removed from the Green Belt and Concept Diagrams showing what land was allocated and how it might be developed. These changes were all published in November 2013 in *Schedule of Core Strategy Amendments* (CD10/CS1). If incorporated into the Core Strategy, these proposed allocations would supersede the previously proposed policies for the identification of broad locations.
10. I held two hearings whilst the Council was undertaking the further work to identify allocations and the related consultation on them. The first of these was a hearing on 17 September 2013 to consider the justification for the Council's Strategic Housing Market Assessment (SHMA) addressing housing needs in B&NES only. Following this hearing, I issued *Conclusions on the Geographic Scope of the SHMA* (ID39, September 2013). Secondly, on 10/11 December 2013 a hearing was held on overall housing needs and the intended scale of housing provision now proposed by the Council for inclusion in the plan.
11. After that hearing I was not in a position to issue detailed preliminary conclusions because some matters relating to housing provision (such as the calculation of the five year land supply and a very small increase in overall

provision) were included in the November 2013 consultation and would need to be pursued further at the subsequent hearings. However, I had heard all existing parties who wanted to be heard who considered the identified housing need and overall provision proposed in the March 2013 changes to be too low and the supporting SHMA to be inadequate. I indicated in *Progression of the Examination 2014* (ID44, January 2014) that I had not been persuaded that overall housing provision in the plan needed to be greater than the *around 13,000 homes* now proposed by the Council (eg in proposed change CSA14 to policy DW1 2c - *Schedule of Amendments*, November 2013 CD10/CS/1). Accordingly, to make effective use of the subsequent hearings, I indicated that I would proceed on the assumption that the total provision of housing of around 13,000 homes was either about right or should be lower (if, for example, the exception in Framework paragraph 14 is met).

12. The final hearings were held at the end of March and in early April 2014. In the lead-up to these hearings the Council indicated (BNES/54) that a few small amendments were required to the changes published in November 2013. These matters were discussed at the hearing. At the hearings, the Council also accepted that some other changes could or should be made to the published changes. These included a simplification of the presentation in the plan of the overall housing provision (whilst not changing the headline figure) and the method for calculating the five year supply.
13. After these hearings, the Council produced BNES/56 to set out its specific wording for the changes relating to the five year supply. Participants at the hearing where this had been discussed were given the opportunity to comment in writing. BNES/56 also included some small changes to the notation on the Concept Diagrams which the Council accepted were necessary for clarity, notably in relation to access arrangements for East Keynsham. Those present at the hearing (which included the landowners/promoters who would be the parties most directly affected by the suggested changes) had the opportunity to comment on these changes at that time.
14. National Planning Policy Guidance (PPG) was published on 6 March 2014 after I had issued agendas for some of the hearings. I subsequently indicated to all participants (ID49, March 2014) that the PPG should be referred to at the hearings so far as appropriate and agendas for the last week's hearings referred to the PPG and to the Ministerial Statement on the Housing Standards Review (13 March 2014). I provided the opportunity for further comments in writing on the overall assessment of housing need in the light of the PPG, since the main hearing on that matter had already taken place.
15. In coming to my conclusions in this report, I have taken into account all the responses to the formal consultations and to the other opportunities for further written comments. I have made some amendments to the detailed wording of the MMs to reflect the conclusions in this report and for consistency or clarity. None of these amendments significantly alters the content of the changes published for consultation or undermines the participatory processes and sustainability appraisal that has been undertaken.
16. Some of the changes that the Council proposed are not needed for soundness and are not included in the Appendix. This includes the Council's proposed allocation at Weston on the edge of Bath. Where I have not needed to

recommend a change proposed by the Council, I am not making any change to the submitted plan and thus no further consultation is required. In some cases a MM to a policy or text includes a detail which, in isolation, is minor and not necessary for soundness, but for simplicity and clarity it is preferable to retain these details within the MMs. An example is the Council's renaming of the *Western Corridor* within Bath as the *Enterprise Area*. I have retained this change where it has been included in a larger MM, but in isolation such a change of name is not required for soundness. Within the limits prescribed by the Regulations, the Council can make additional modifications to the plan at adoption.

17. Concerns were expressed about the adequacy of consultation arrangements undertaken in March/April 2013 and November/December 2013. The consultation process is set out in the *Consultation Summary Report* CD9/PC5 (May 2013) and CD12/20 (February 2014). Further clarification of the Council's actions is in BNES/58. In my note ID/32 (July 2013) I highlighted concerns regarding the consultation in March/April 2013. The Council's response is in BNES/42. For the reasons the Council gives, the problems which arose in relation to the publication of some of the supporting documents do not undermine the consultation process as a whole. This is reinforced by the fact that there has subsequently been the further opportunity to comment on the specific site allocations and to have regard to the final, full version of all the evidence published previously by the Council.
18. Some residents in east Keynsham were unaware of the allocation nearby made in the November/December 2013 changes or were made aware only during the last few days of the consultation. At submission, the Council's *Statement of Community Involvement* (SCI) was that adopted in October 2007, with an Addendum 2009 (CD5/13). This was replaced by the Council's *My Neighbourhood: The Neighbourhood Planning Protocol* (NPP) in September 2012. Appendix A of that document is a menu of various consultation methods, including notification by letter to addresses in the vicinity of a proposed site allocation. However, my reading of the NPP is that such notification is an option rather a requirement. Notification by letter was not undertaken when specific site allocations were proposed in November 2013 but an article on the consultation was included in the Council's free *Connect Magazine*, which is intended to be delivered to all households in the district. This was a reasonable approach, consistent with the intentions of the NPP. This publicity, combined with all the other consultation arrangements, ensured that the process was adequate, achieved the intentions of the NPP and met the minimum statutory requirements. The notification by leaflet to some individual households in east Keynsham towards the end of the consultation period appears to have been to supplement what had already been done, rather than a belated necessity.
19. I am satisfied that the MMs I recommend as necessary for soundness all relate to matters that have properly emerged over the course of the Examination, have been put forward by the Council, and have been subject to appropriate consultation and SA.

Assessment of Duty to Co-operate

20. Section s20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on them by section 33A of the 2004 Act in relation to the Plan's preparation.
21. The Core Strategy was submitted for examination on 3 May 2011 well before the duty came into force on 15 November 2011. The duty cannot impose an obligation which did not exist prior to the submission of a plan. Accordingly the duty does not apply to this plan. That was the conclusion I expressed in ID23 in January 2012.
22. At the request of the Council, a hearing was held on 15 March 2012 to consider whether, if the duty was subsequently found to apply to this plan, the duty had been met. Subsequent decisions in the High Court have confirmed that the duty applies only to the preparation stage prior to submission and is not retrospective for plans submitted before 15 November 2011. There is no need to draw conclusions from this hearing.
23. Some representations suggest that the duty should apply because changes put forward by the Council in March and November 2013 were proposed after the duty had come into effect. In my view, there is a clear distinction between plan preparation for which the Council is responsible under S19 and the Examination which begins on submission of the plan and transfers responsibility for the final testing of the document to the Inspector under S20. This provides a mechanism through the Examination process for the plan to be modified. The duty does not apply to the post submission changes.

Assessment of Soundness

Main Issues

24. Taking account of all the representations, written evidence and the discussions that took place at the hearings, I have identified seven main issues upon which the soundness of the Plan depends.

Issue one – Does the plan make adequate provision for housing and jobs based on objectively assessed needs?

The submitted plan

25. The submitted plan makes provision for around 11,000 homes and around 8,700 jobs over a 20 year plan period from 2006 to 2026. The principal evidence justifying this level of housing provision was the *Future Growth Requirements to 2026 Stage 2 Report* (CD4/H1, September 2010). The SHMA current at submission (CD4/H11, June 2009) covered the four West of England Authorities and parts of Mendip and Wiltshire and was based on the housing requirements set out in the then emerging Regional Strategy (RS).
26. The justification for the proposals in the submitted Core Strategy was considered at the hearings in January 2012. In ID28 I set out my main conclusions on strategic matters. For the reasons given in ID28 the submitted Core Strategy is unsound in relation to the overall provision of houses and jobs. The main points are:
 - the lack of an NPPF compliant assessment of the housing requirement,

given the unsuitability of the Council's methodology;

- the need to make up the shortfall of 850 dwellings to 2006 under the existing local plan;
- the need for a 20% buffer to the five year housing land supply;
- a lack of flexibility to accommodate any delay in bringing forward the complex, brownfield, mixed-use proposals in Bath and Keynsham;
- a lack of flexibility to properly apply the sequential and exception flood risk tests at the allocation/application stage on the brownfield, mixed use sites in Bath and Keynsham;
- a general lack of flexibility to adapt to rapid change, including (other than in the Somer Valley) being able to accommodate more business growth, if opportunities arise;
- lack of justification for the policy approach for the Somer Valley;
- the need to explain in the Sustainability Appraisal Report the reasons for the choice made in relation to not fully meeting assessed needs (if that continued to be the Council's strategy).

The Council's proposed changes and position at the hearings in December 2013 and March 2014

27. The Council's proposed changes in March 2013 (CD9/PC1) changed the plan period to 18 years from 2011 to 2029 and proposed 12,700 homes (of which 3,100 were to be new affordable dwellings) and 10,170 new jobs (eg proposed changes SPCs 14 and 23). The total housing figure was derived from demographic projections in the *Draft SHMA Update* (CD9/H4, March 2013) and adjustments set out in Appendix 1 of the Officer's Report to Full Council in March 2013 (CD9/PC3). The Council's *SHMA Update* and subsequent Addendums (see below) have been produced by external consultants, ORS.
28. In April 2013 DCLG published new household projections to 2021. As a result of the 2011 Census, the Office for National Statistics (ONS) subsequently published revised mid-year estimates (MYE) for 2001-2011. In response to these changes, the Council's consultants updated and amended the SHMA and published *Addendum 1a Future Projections* (CD9/H4/1) and *Addendum 1b Housing Mix* (CD9/H4/2), both dated July 2013. The DCLG projections to 2021 are not based on the revised MYE, but the SHMA Addendums did take these into account and so are more accurate. Following a technical seminar in August 2013 between the Council and a number of representatives, the Council published *SHMA Addendum 1c Further Scenario Testing* (CD9/H4/3, September 2013). This included a new hybrid projection using the DCLG 2011 headship rates to 2021 and from then to 2031 an index of headship rates drawn from the DCLG 2008 projection sequence for that period. The approach is explained in BNES/52 (paragraph 3.11).
29. *Addendums 1a-c* supersede parts of the SHMA published in March/April 2013. The Council's position regarding these documents is set out in a covering note – BNES/48, paragraph 20 (which superseded BNES/44). It adopts the mid-

trend, migration-led projection, applying the hybrid headship rate from *Addendum 1c*. BNES/48 also explains the continued justification for the overall housing requirement and this effectively replaces the calculations in Appendix 1 of the March 2013 report to Council.

30. The proposed changes published in November 2013 (eg changes CSAs 6 and 14 in CD10/CS1) reflected the updated evidence. The Council now propose 12,960 homes, of which 3,310 would be affordable, and 10,300 new jobs. Change CSA14 proposes that policy DW1 would refer to an increase in total supply of *around 13,000 homes*. These changes also included much more detail on how this total had been derived from the objectively assessed needs and slightly increased provision of market housing compared with the March 2013 changes to continue to deliver all of the needed affordable housing.
31. At the hearing on the 26 March 2014, the Council did not seek to justify its previous approach of calculating the five year land supply separately on the basis of its assessment of market and affordable housing needs (set out in BNES/48, paragraph 39; BNES/52 paragraph 3.34; and CD12/22). It accepted that the five year supply should be calculated on the basis of the overall housing requirement necessary to meet the identified needs, namely the *around 13,000* referred to in change CSA14. I had previously questioned the justification for the disaggregated approach (ID40, 24 September 2013, paragraphs 13-16). I agree that a straightforward method for calculating the five year supply should be adopted on the basis of what the plan is intending to deliver.

Assessment of the evidence of objectively assessed housing needs

32. ID28 highlighted the need for an assessment of housing needs that was compliant with the Framework. Paragraph 47 refers to local plans meeting the full objectively assessed need for market and affordable housing *in the housing market area* (HMA). Paragraph 159 refers to local planning authorities preparing a SHMA to assess their full housing needs working with neighbouring authorities where housing markets cross boundaries.
33. When I wrote ID28, the main evidence before the Examination relating to the relevant HMA was the *West of England SHMA 2009* (CD4/H1). In that document, B&NES was identified as entirely within a HMA which extended beyond the four West of England authorities. My expectation (and that of many parties) was that as a result of the suspension, the further work undertaken by the Council would encompass a SHMA for the whole, or at least the greater part of, this West of England HMA.
34. The Council's *SHMA Update* (CD9/H4, March 2013) concludes (Chapter 2, Summary) that the west of B&NES falls within a Bristol-focussed housing market (covering the whole of North Somerset and South Gloucestershire and the fringes of adjoining counties), whereas the City of Bath and the south of B&NES form an entirely separate HMA which extends over a small part of Wiltshire and North Mendip (as shown in Fig 4 of that document). The Council proceeded with a SHMA for B&NES alone on the basis that the district predominantly formed its own housing market. The justification for this approach was considered at the hearing on 17 September 2013.

35. My conclusion on the adequacy of the coverage of the SHMA is set out in ID39, September 2013, and there is no reason for me to come to a different conclusion now. It is reasonable for the Council to rely on the dominant coverage within the district of the Bath HMA to have undertaken a district only SHMA. Accordingly, the geographic coverage of the Council's *SHMA Update* is an adequate basis for the objective assessment of housing needs in accordance with the Framework. One consequence of this conclusion is that it is not necessary to explore housing needs in the adjoining greater Bristol HMA as some representors seek. It is also worth highlighting that none of the other Councils in the West of England have ever sought such consideration as part of this Examination, nor do they seek any provision within B&NES for any of their housing needs.
36. Some important points about cross-boundary working were clarified at the hearing on 17 September 2013. The four West of England Authorities are in the process of commissioning work on a joint SHMA (see CD9/H9, H10, H12). The first part of the work will be to reassess the extent of the HMA in the light of travel to work and other information from the 2011 Census. If new evidence demonstrates that B&NES remains predominantly a separate HMA, the joint SHMA would not produce projections for B&NES. Accordingly, it cannot be assumed that there will necessarily be an update of objectively assessed housing needs in B&NES within the next year or so.
37. In BNES/45, paragraph 85, the Council accepts that even if the new West of England SHMA does not cover B&NES, the Council would still have to respond positively to any request from adjoining authorities to accommodate housing needs that could not otherwise be met within the Bristol sub-region. The Council also agreed at the hearing that acceptance now of a SHMA for B&NES only would not give the Council any reason to resist any such request in the future. Irrespective of the SHMA process, the four West of England authorities have recently signed a Memorandum of Understanding (CD12/25) setting out an intention to work together on a joint planning strategy to be finalised by 2016-2017 to inform the review of each local plan. The possibility of new evidence of objectively assessed housing needs or requests from adjoining authorities to meet some of their needs is reflected in the Council's suggested changes relating to a future review of the Core Strategy, which I address at the end of this report.
38. The Framework (paragraph 59) refers to *meeting household and population projections taking account of migration and demographic change*. The PPG indicates that household projections published by the DCLG should provide the starting point. At the time of the hearing in December 2013, the *latest* projections provided by the ONS and DCLG are for 2011 - 2021 only and are of limited assistance since they do not cover the whole plan period. They draw on assumptions from the 2010 projections, which are informed by the old MYE from ONS, which have since been revised in the light of the Census. At the time of the December 2013 hearing, official projections which cover the full plan-period based on the Census data and the inter-census recalibration of MYE were not due to be available until Spring 2014 (for population) and Autumn 2014 (for households). There is thus a greater than normal degree of uncertainty and complexity in determining the most appropriate starting point for any future projection over the plan period. Given the already protracted nature of this Examination, further delay to take into account any national

projections published during 2014 would be unjustified.

39. In the last few years, the official projections for B&NES have produced widely varying figures, adding further to the difficulty of making a properly informed assessment of future needs. Recent ONS population projections and CLG household projections for B&NES are summarised in the Open House *West of England Sub Regional Housing Study* April 2013 (CD10/LD4, Tables 6.2 and 6.3).
40. The ORS approach in the *SHMA Addendums* is to use the 2001 and 2011 recalibrated MYE most closely aligned with the Census dates as the framework to identify components of change (Fig 1, *Addendum 1a* CD9/H4/1). The key output and choice made from this table is the annual rate for net migration and other changes to be used in the projections. The SHMA selects a figure of 552 per year, which is the 10 year average.
41. There are two main criticisms of the use of this figure. Firstly, ONS states that the other, *unattributable*, changes introduced each year (generally a reduction of about 450 and reflected in Fig 1 of *Addendum 1a*) should not be directly taken off estimates of net migration because, as its name indicates, the ONS are not sure of the reasons why the adjustments have to be made. However, if this *other changes* adjustment is not made, the Census figures between 2001-2011 would not correlate and any annual average for past migration and other changes would not reflect what the Censuses show actually occurred.
42. Secondly, the most recent five years leading up to 2010-11 (in Fig 1 of *Addendum 1a*) has a higher annual average for migration and other changes at 681 than the 10 year average and this figure would be higher still if the ONS data for 2011/12 (published at the end of June 2013) was included in a rolled-forward five year average. However, given the uncertainties inherent in some of the data, particularly for flows of migrants internationally, a 10 year period is a reasonable approach and the latest MYE was published just as the ORS were completing their *Addendums 1a* and *b* so, understandably, had not been included.
43. The 10 year period selected by ORS also enables a simple cross-check drawn directly from the increase in the population of the district between 2001 and 2011 shown by the MYE for those years which are most closely related to the Censuses. In this period, the population increased by 6,338. (The rolled forward MYE from 2001 had indicated much higher growth at 12,308 – BNES/43 - and thus was clearly an overestimate.) Natural change (births and deaths) are a relatively reliable component of change and account for an increase of about 1,000 over the inter-censal period. The residual increase as a result of all types of out-migration and in-migration is about 5,500 or 550 per year. The inter-censal period provides a readily understandable and robust check on the reasonableness of the average of about 550 per year for migration and other change used in the ORS model. Thus I consider that the ORS mid-trend population projection is a reasonable demographic projection. The population increase between 2011-2031 is projected to be about 16,600.
44. The next critical step is the headship (household formation) rate to be applied to the projected population. Fig 6 *SHMA Addendum 1c* shows the outcomes using three different headship rates. The 2011 headship rate showed a

marked shift from the post-war trend and it is generally accepted that it reflects the impact of the recent recession on household formation. Given that the Framework seeks to plan for growth, it would be inappropriate to embed the effects of recession through the plan period. Conversely, use of the 2008 headship rate for the whole plan period would be too optimistic because the recession is affecting household formation in the short and possibly medium term. A hybrid approach therefore appears sensible, but given the slowing down in household formation that has occurred in the last few years and which may continue for some years yet, it would be too optimistic to expect that the long term trend would have been regained by 2031.

45. To the general surprise of most parties, the outcome of using the hybrid approach is a dwelling requirement slightly below that using 2011 headship rates. I accept that the outcome is an accurate reflection of the modelling and can be explained by the particular population profile of the district and the different headship rates that have to be applied to the different population groups. Nevertheless, the outcome does not sit easily with the common-sense understanding of the issue explained above and the significant difference between the outcome using the 2008 headship rates and the 2011 rates. Accordingly, I consider that it is necessary to make an adjustment to the modelled outputs. A dwelling requirement mid-point between that derived from the use of the two headship rates would be 9,950 (20 years), which over the 18 year plan period is 8,955.
46. I indicated at the hearing in December 2013 that this common-sense approach was one I was likely to adopt. Subsequently, the Council accepted this approach and helpfully set out its case relating to the calculation of the five year supply based on it (see *Updates to the SHLAA housing Trajectory between November 2013 and March 2014*, CD12/21, March 2014). The Council maintain that the affordable housing element of the overall requirement should still be as calculated from the hybrid projection, since this accurately models the characteristics of the projected population (Fig 6, *SHMA Addendum 1c*). I accept that this is a reasonable approach.
47. Representors put forward alternative projections with higher population/household figures. These used different assumptions, but for the reasons given above, the Council's approach is justified, subject to the use of the "common-sense" approach on headship rates. A representation considers that the ORS modelling is fundamentally flawed, particularly compared with the approach that would be taken in relation to actuarial work. But all the modelling projections before me, whether by the Council's consultants or the alternatives put forward which seek higher numbers, adopt similar approaches, albeit varying the precise inputs. ORS are experienced in undertaking this type of study and the Council's evidence (as reflected in the Addendums) comes within the normal parameters for studies of this kind.

Affordable housing needs

48. The work by ORS on the updated SHMA includes projections for future needs of affordable housing as part of the overall model of the housing market. On the basis of the Council's hybrid headship rate projection, the model predicts a need for 800 intermediate units and 2,400 social/affordable units over the 20 year period, which equates to a total of 2,880 for the 18 year plan period. The

ORS model is explained in greater detail in the Technical Paper that accompanied BNES/43. The model is intended to represent a complete analysis of affordable housing needs over the plan period.

49. To this total the Council adds 35% of the shortfall not delivered during the adopted local plan period to 2011 (see below for further explanation) amounting to 410 units based on what should have been achieved in terms of affordable housing delivery. This 410 is not related to what past needs may have been at that time, but is a recognition of a past failure to deliver some affordable housing. It is reasonable to acknowledge this failure and for it to be made-up in the future. It adds some headroom to affordable provision.
50. The ORS model did not follow the steps for assessing the backlog of current affordable housing needs set out in the national guidance applicable at the time it was prepared (the 2007 DCLG Practice Guidance - CD9/H24). The main principles of that guidance have been carried forward in the new PPG. The PPG indicates that no one methodological approach to the assessment of needs will provide a definitive assessment. The ORS model is not unacceptable simply because it has not followed these steps. The steps outlined in the PPG are concerned with addressing the needs of identifiable households (homeless, overcrowded, unsuitable accommodation etc), whereas the ORS model takes a holistic approach to the issue and models the need for affordable housing from an overall population/economic model, rather than building-up from identifiable households in need.
51. The SHMA at submission (*West of England SHMA 2009, CD4/H11*) had followed the traditional bottom-up approach in its assessment and identified a net annual requirement for B&NES of 786 units for 2009-2021. The substantial need for affordable housing in the 2009 SHMA was largely unchallenged and I did not need to investigate its methodology at the hearings in 2012 given that even if it had overestimated need, the need was far greater than could reasonably be expected to be delivered. Understandably, the contrast in evidence between the 2009 SHMA and the work produced by ORS and now relied on by the Council has caused considerable confusion and questioning of the ORS methodology. But I am now satisfied that the greater part of this difference can be explained by two factors.
52. Firstly, the ORS *SHMA Update* and *Addendums* make explicit that the ORS model operates to ensure that the number of households in the private rented sector with housing benefit will not be increased (*Draft SHMA Update, paragraph 8.52 CD9/H4*). Thus there is assumed to be continued reliance, as at present, on the private rented sector and housing benefit to provide affordable housing in the future. It is not clear, however, what assumption was made about the role of the private rented sector/housing benefit in the 2009 SHMA. It appears to have assumed that all needs should be met by new affordable housing.
53. In my view, there is no justification for setting aside a continuing substantial role for affordable housing needs being met through the private rented sector with housing benefit. Whilst there are a number of uncertainties about how the market and public assistance will interact in the future, this is not a reason for ignoring the likely contribution that private accommodation will continue to make. Nevertheless, this assumption needs to be made explicit in the plan

and reassessed at future plan reviews. I have added wording to **MM8**.

54. Secondly, the ORS model recognises that whilst many households in need of affordable accommodation may be living in accommodation unsuitable for them, if they moved to more suitable accommodation then a vacancy would be created which may be suitable for a different type of household. Thus many such needs do not represent a need for an overall increase in affordable housing, but a need for existing accommodation to be managed more efficiently and effectively. Again the earlier SHMA does not seem to have allowed for this back-filling of accommodation identified as unsuitable for the existing occupier, but which could be suitable for a different household.
55. Overall, I consider that the Council has sufficiently explained and justified its approach to identifying the need for affordable housing.
56. Many representors who seek to resist the strategic allocations in the Green Belt challenge the Council's decision to increase market housing to deliver a proportion of affordable housing. They suggest, for example, that the Council should prioritise the use of its own land holdings within the City which are already scheduled for redevelopment (such as the Avon Street car park) to deliver a much higher proportion of affordable housing than existing and proposed policies require from private developers.
57. As a landowner, the Council could have sought to pursue such an alternative approach, but there is no evidence that it would be an achievable or desirable outcome (in terms of viability or the social mix of housing). It would also have implications for the delivery of the mixed-use redevelopment sites which are a key part of the strategy for Bath city centre and riverside. Others suggest that more affordable housing should be delivered elsewhere in the district, but the greatest needs and pressures on the housing market are clearly in Bath. There is no evidence that small exception sites in the villages can make other than a minor contribution to overall affordable housing needs and, in any case, small villages are not the most sustainable locations, particularly for households who may be particularly reliant on public transport.
58. The PPG indicates (under *What is the total need for affordable housing?*) that an increase in the total housing figure in a local plan should be considered where it could help deliver the required number of affordable homes. That is what the Council has done and the approach is, in principle, sound. The justification for the proportions of affordable housing sought from new development is considered under Issue five.

Students

59. The PPG (*How should local planning authorities deal with student housing?*) indicates that all student accommodation can be included in the housing requirement based on the amount of accommodation it releases in the housing market. The Council's treatment of student housing needs and the provision of student accommodation has changed several times during the course of the Examination. The PPG does not make it a requirement to include student housing as part of housing supply, but it is essential for the assumptions about student demand for accommodation and its supply to be clear and to be monitored in case those assumptions do not hold true for the plan period.

60. The *Draft SHMA Update 2013* had not included students at all in the projections, but the *Addendums* do include a student population within the projections, the size of which is assumed to remain constant (*Addendum 1a*, paragraph 14). This assumption is based on the Council's conclusions from its *Student Numbers and Accommodation Requirements Evidence Base July 2013* (published with BNES/43). This updated a similar paper from 2010 (CD6/D1). The 2013 paper draws on the advice provided to the Council by the two universities within the district - Bath University and Bath Spa University - regarding their future plans for students and accommodation.
61. Bath University's known plans do not extend over the full plan period, but project either 1% or 3% growth for part of the period. It is continuing to plan for additional accommodation on the campus. Bath Spa University is assuming no future growth in students, but plans to add a further 600 beds on campus. Overall, the Council concludes that if Bath Spa does not expand and Bath University grows by only 1% pa and all the accommodation plans are realised, then students should not add to housing pressures over the plan period and that between 250-575 houses in multiple occupation could be released from student use and returned to the general housing market. But it has not relied on any such releases as a contribution to supply.
62. Clearly there are uncertainties. The universities might grow more than currently planned, particularly given the lifting of the Government's cap on university places – albeit that Bath University's growth may not have been influenced by the cap because of its high entrance requirements. Post-hearing comments on the PPG on behalf of Unite Group PLC refer to Bath Spa's plans to significantly increase its proportion of overseas students, but it is not clear whether this would represent an increase in students overall or simply a higher proportion of overseas students. In addition, the delivery of on-campus accommodation for both universities has been slower than originally intended and similar delays might occur.
63. There is some leeway for these factors to change without significantly affecting the general housing market. Nevertheless, the assumption underpinning this element of the SHMA of no net increase in demand from students on the general housing market is a crucial one. It is essential that this assumption is made explicit in the plan and reassessed at future plan reviews so that any additional pressures on the housing market can be identified and taken into account. I have added wording in **MM8** and **MM134** to make this clear.
64. Bath spatial strategy policy B1.7 refers to additional on-campus accommodation enabling a growth in student numbers and/or a shrinkage of the private student lettings market, whereas the assumption by the Council is for limited growth in numbers and no need for expansion of the private letting market. Accordingly this text needs to be amended to reflect this position (**MM23** in part). With this change, the plan would leave off-campus purpose-built student accommodation to be determined on its merits other than in the Central Area and Western Corridor (Enterprise Area) where policy B5 indicates that such proposals would be refused if they would adversely affect the realisation of other aspects of the vision and spatial strategy. This approach is reasonable given the other priorities for these areas which cover only a small part of the City. In any case, avoiding additional student pressures in the housing market is part of the underlying strategy which the Council would

need to take into account in determining whether any proposals conflicted with this policy. A growing need for such off-campus accommodation would be a matter to address in a review of the plan.

Economic growth and jobs

65. The Council's justification for the housing numbers in the submitted Core Strategy was directly linked to predictions of job growth and therefore required particular scrutiny of those predictions at the earlier hearings. But that is not the case now. The most important issue is simply to ensure that likely economic growth is not constrained by lack of an available workforce.
66. The Council is seeking to broadly facilitate what it regards as B&NES's share of the West of England Local Economic Partnership's (LEP) aspiration for jobs growth, amounting 11,500 over 20 years/10,350 over 18 years. The detailed explanation for how this figure is derived is B&NES/43, section 3.9. This is an increase compared with the 8,700 jobs which was the basis of the submitted Core Strategy. I previously addressed economic factors in ID28 (paragraphs 1.21 -1.29) and considered it important for the plan to be consistent with the aspirations of the LEP and to be sufficiently flexible to accommodate higher levels of economic/job growth than was being assumed by the Council at that time.
67. The Council's proposed changes maintain this position with the exception of not trying to replace the 2,800 MOD jobs which have been relocated in recent years from Bath to Bristol (within the LEP area). I accept that it is unrealistic to seek to make up for this particular economic shock and thus the B&NES share of growth in the LEP area will reduce. The LEP Board supports the early adoption of the Core Strategy (CD11/30).
68. It is also clear that specialists in economic forecasting can produce significantly different forecasts. The Council rely on projections prepared by Oxford Economics in *Economic Outlook for the West of England LEP* (CD11/E24, August 2013). This has projections for the period 2013-2036 (p28) so need adjusting to fit the plan period. The provision of 95,000 jobs is considered a *medium high scenario* and not as likely as the lower baseline figure. However the LEP is retaining 95,000 jobs as an achievable aspiration based on securing public sector interventions to deliver growth. The Council's proposed changes thus continue to align with aspirations of the LEP.
69. Other forecasts such as Experian's February 2013 (See section 7, Open House's *West of England's Sub Regional Housing Study*, CD10/LD4) suggest greater potential for growth. Such differences highlight the inherent uncertainty in projecting economic growth over the plan period and the need for monitoring and review to see if circumstances significantly change in the future. However, it is reasonable for the Council to continue to favour alignment with the LEP's aspirations whilst ensuring the provision for jobs is flexible. The figure for new jobs in the plan is not intended as any cap on development.
70. The SHMA (*Addendum 1a*, Figure 10, CD9/H4/1) made assumptions that economic participation rates would significantly increase over the plan period, particularly among older age groups. This increased contribution to the labour

force supported its conclusion that an appropriate employment-led housing requirement was only 7,100 dwellings. There was much criticism of these assumptions. Whilst economic participation rates are likely to change, I do not need to assess the matter in detail. Planned housing provision of around 13,000 dwellings sits within the range that the SHMA estimated would be required if participation rates remained unchanged and thus represents a very cautious approach on the matter.

71. The overall provision for jobs now proposed is sound and is consistent with an overall housing requirement of 13,000 dwellings. The floorspace figures in the spatial area policies need updating to take into account the changed plan period and the changes (particularly losses of industrial floorspace) that have occurred since 2006 (parts of **MMs 23, 28, 61 and 81**).

Adjustments to the modelled requirements

72. The Council's derivation of the final housing requirement for the plan contains two major adjustments. These are, firstly, the addition of the backlog of the dwellings not delivered during the period of the adopted local plan and, secondly, an increase in the provision of market housing to ensure the delivery of the total need for new affordable housing. The Council's evidence leading up to the hearings in March 2014 is made more complicated because it was split between market and affordable elements. In this report I focus on the justification for the overall approach adopted and do not refer to all the different housing figures presented in the evidence.
73. Following the hearings in 2012, I indicated in ID28 that the dwellings which had not been delivered to meet the requirement of the adopted local plan (1996-2011) should be added to any assessment of housing needs. The Council accepts this approach. The shortfall amounted to 850 dwellings to 2006, but given the change in the proposed base date of the Core Strategy the Council has included the total shortfall to 2011. This amounts to 1,167 dwellings. I see no justification, however, for assessing past under delivery on the basis of the housing requirement in the previously emerging South West RS because it was never formally adopted and work on it was abandoned in 2010 following the Government's stated intention to scrap regional plans.
74. The Council adds the 1,167 to the "common-sense" household projection of 8,955 (referred to in paragraph 45) resulting in an initial requirement over the plan period of 10,122 dwellings. The Council also splits this shortfall between market housing and the proportion of affordable housing that would have been delivered if the affordable housing requirement in the adopted local plan had been secured from these 1,167 dwellings. This results in a total identified need for affordable housing of 3,290 out of a total of about 10,000 new dwellings (CD12/21b and BNES/56 Appendix 1 Table 1A).
75. It is not always the case that a shortfall from a previous plan period should be added to a newly assessed housing requirement. This is particularly so where, as here, the start date of the new plan (2011) aligns with the base date of the SHMA and other evidence on housing needs. Where the requirement is derived from a thorough assessment of needs, including any appropriate adjustments for market signals, adding a shortfall from an earlier plan may not be required. The addition of the shortfall for B&NES remains justified here

as an element of a needed market adjustment.

76. The Framework (paragraph 17, 3rd bullet and paragraph 158) requires the housing provision to take full account of market signals. This is amplified in the PPG (*How should plan makers respond to market signals?*). Various signals such as affordability and rising private rents all indicate that particularly at Bath there is considerable pressure on the housing market and that in accordance with national policy and guidance there should be an upward adjustment in housing numbers compared with provision based solely on household projections. It is less clear what is the appropriate scale for such an adjustment.
77. The outcome of the Council's overall approach is that there is an upward adjustment from the "common sense" household projection of 8,995 to 13,000 as a consequence of the addition of the local plan shortfall and further provision of market housing to deliver the needed affordable housing. This can be regarded as a significant response to market signals, even though that is not the Council's original justification for considering that housing provision should be around 13,000. Such provision provides the flexibility to accommodate a higher trend in migration than assumed in the SHMA.
78. Savills analysis (November 2013) shows that affordability in the district is significantly worse than the national and regional averages and that affordability deteriorated in 2002-2007 when new housing supply was at its lowest. House price growth has been significantly above the regional and national average. The percentage increase in national housing stock necessary to meet national housing projections (0.96%, 1.04%, 1.06% depending on the projection used), is a useful check that the district is playing its part. A 1.04% increase in stock over 18 years would amount to 14,292 additional dwellings. Thus 13,000 might be too low, but this evidence alone is insufficient and too crude a tool to justify any specific higher figure. It does justify the need to make clear that the proposed provision in the plan is not a cap on housing development and that more than 13,000 can and should be permitted where consistent with other policies. This is accepted by the Council and reflected in the final wording relating to housing delivery suggested by the Council in BNES/56. Planned provision of around 13,000 would represent a reasonable, but not generous, response to market signals.
79. Taking into account the necessary market adjustment, there is an overall need for about 13,000 dwellings over the plan period. One of the proposed strategic allocations at Bath is not justified (see Issue four), but that allocation would have provided only 150 dwellings and the omission of that allocation will not make a significant difference to overall supply in the district or at Bath. Taking into account all my conclusions in this report, the assessed housing need can be met in full as the Council intend. Environmental constraints do not justify identifying a housing requirement below overall need. The overall housing requirement now proposed by the Council of around 13,000 dwellings for 2011-2029 is sound (**MM8**, in part).

Issue two – Will the Core Strategy secure the delivery of an on-going five year supply of housing?

Calculation of the five year supply

80. As indicated above, at the hearing on 26 March 2014 the Council accepted that the five year supply should be calculated on the basis of the overall housing requirement necessary to meet the identified needs, namely the *around 13,000* referred to in change CSA14. The necessary simplification of the proposed changes previously put forward by the Council to reflect this acceptance is set out in the Council's post hearing note BNES/56. On this basis, the starting point for considering how to calculate the five year supply would be an average annual requirement of 722. But during the first three years of the plan period delivery has been well below this average and on a simple residual approach the annual average going forward is now 765.
81. The Council accepts that the five year supply should include a buffer of 20% because of persistent past under delivery, as required by the Framework (paragraph 47). This was my conclusion in ID28 and is not now disputed. Hopefully, delivery will improve in the future and the buffer may be able to reduce to 5% later in the plan period.
82. The only remaining area of dispute for the calculation of the five year supply is the treatment of backlogs/shortfalls – past under delivery. The PPG (*How should planning authorities deal with past under supply?*) states that planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. Where this cannot be met in the first five years authorities will need to work co-operatively with neighbouring authorities under the duty to co-operate.
83. It is relevant to distinguish two elements of under-delivery that come into play in this case. Firstly, there is the under delivery that has occurred in the first three year period from the new base date of the Core Strategy. The Council accepts that this shortfall should be made good over the next five years (commonly referred to as the "Sedgefield" approach) rather than spread over the whole remaining plan period (the traditional residual or "Liverpool" approach). This requires annual average delivery to increase to 850 per year with a five year supply requirement of 4,250 (5 x 850) plus the 20% buffer. BNES/56 shows the necessary changes to put this into effect. I agree that this is the required approach to this element of shortfall to make the plan sound.
84. The second element of shortfall is the 1,167 dwellings not delivered under the adopted local plan to 2011 referred to earlier. As already explained, I consider that this should primarily be regarded as an element of market adjustment and as such it does not need to be regarded as a shortfall to which the PPG advice applies.
85. Even if I am wrong regarding this approach to the 1,167 dwellings, there are good reasons not to require this shortfall to be made up in the short term. Prior to the publication of the PPG, both the "Sedgefield" and the "Liverpool" approach had been supported by Inspectors in both planning appeals and Development Plan Examinations. The Inspector reporting on the adjoining South Gloucestershire Core Strategy in November 2013 (CD11/E28) had accepted the latter approach. It was not unreasonable for the Council to have some uncertainty about whether the "Sedgefield" approach was an essential requirement, which is reflected in the discussion of this issue in BNES/52.
86. Requiring the Council to achieve a five year supply (plus 20%) which

incorporates the local plan backlog would require the assessment of additional land to be allocated in the plan. It would result in a further considerable delay, since any new allocations would require full consultation and subsequent hearings. Such procedural delay would also delay delivery of housing on the proposed strategic housing allocations. These, collectively, make an important contribution to boosting housing supply. In any case, the practical implications of prolonging the Examination further would be likely to make such an option untenable. The Government did not expect that publication of the PPG should normally be a reason for extending Examinations (BNES/57). Seeking increased housing provision in adjoining districts, even if authorities were to agree in principle, would take time to progress and delay other development plans. In any case, as the Council highlights, such an approach would not help to deliver the affordable housing where it is most needed, namely at Bath.

87. Requiring a "Sedgefield" approach to the local plan "shortfall" would result in a very large jump in the housing supply requirement over a short period after which there would be a substantial reduction. For practical and marketing reasons it is more likely that developers would look to deliver an increase in supply which could be sustained or further increased rather than wanting to respond fully to a short, sharp increase. On the Council's approach there would still need to be a doubling in housing delivery compared with recent years. Equally importantly, there is scope for housing delivery to be increased above planned provision since the 13,000 is not a ceiling or cap to development. The SHLAA indicates some headroom to deliver more than is required for the first five years (see below).
88. Accordingly, the Government's overall intention of boosting housing delivery is best achieved by the adoption of this plan as soon as possible. The Council's most recent approach to calculating the five year supply is sound. I have incorporated BNES/56 Appendix 1 (with minor changes) in MMs **14** and **14a**. There are various consequential changes to the text arising from the new SHMA and the proposed figures for housing and jobs (**MMs 3, 4, 6, 7, 8, 15** and **134** in part).

SHLAA sites and delivery

89. There have been a series of updates to the SHLAA over the course of the Examination. The SHLAA that formed the basis of the discussions at the hearings in January 2012 was that of May 2011 (CD4/H13 and 14) and in ID28 I made several criticisms of its assumptions about delivery. The SHLAA that formed the basis of the most recent round of consultations and informed the hearings in March 2014 was that of November 2013 (CD10/E10). An update for the hearings on some of the sites in the SHLAA is in CD12/21b. The Council's final position is that the SHLAA shows completions, deliverable and developable sites, plus windfalls amounting to 13,160 dwellings for the plan period. The five year supply is 5,933 (*Headlines* in CD12/21b.) If the assumptions underpinning the SHLAA are reasonable then it demonstrates a robust basis for delivery in the short and medium term, but only a just adequate supply over the whole plan period.
90. The credibility of the SHLAA is now much greater than at the beginning of the Examination and there is a much closer alignment between the delivery

assumptions made in the SHLAA and landowner/developer intentions for many individual sites. The SHLAA rightly takes a more cautious approach to capacity in most cases where there is a dispute or uncertainty. Delivery on the strategic allocations generally reflects the position in the Statements of Common Ground (SCG) for each allocation between the Council and landowners/promoters (BNES/53, SCGs D-L). Even if delivery on a couple of these sites were to be delayed by a further year, it would result in only a small reduction in the overall five year supply.

91. The three former MOD sites within Bath have long been expected to make a major contribution to delivery and are now all in the ownership of developers (subject to leaseback to the MOD of part of the Ensleigh site). Delivery expectations are much firmer. Capacity might increase if, for example, there is no need for a primary school on the Warminster Road site as currently sought by the Council. The assumptions about these sites are reasonable.
92. The SHLAA includes an extension to MOD Ensleigh by incorporating part of the Royal High School playing field (SHLAA site *Lans 3*). Suggested new policy B3C sets out the broad approach to the development of this new site for subsequent allocation in the Place-making Plan. This site abuts the indent in the Ensleigh site at its north-west corner. It is not in the Green Belt, nor in the AONB, but is within the World Heritage Site (WHS). Development here would represent a logical addition to the redevelopment of the former MOD site. Any potential wider landscape impact could be satisfactorily mitigated. Development of the much larger area of playing fields to the west is not proposed by the Council and would have a wider adverse visual impact on the landscape and the setting of the Grade 1 listed Beckford's Tower. I concur with the conclusions in relation to the WHS and AONB in *WHS Setting and AONB Landscape and Visual Impact Assessment for Land at Ensleigh* (paragraphs 2.2-2.3, CD9/LV5). The proposed extension is an acceptable site for housing in the context of the adjoining MOD redevelopment.
93. For soundness, the text of the plan needs updating in relation to the MOD sites. The intended development of the playing field at Ensleigh also needs to be included as new policy B3C and referred to in policy B1 as part of the overall spatial strategy for Bath (**MMs 23, 33 and 46**). Given that both the MOD Ensleigh site and the extension proposed in B3C will be subject to specific allocations in the Place-making Plan, it is not justified to require adherence to the Council's informal Concept Statement for Ensleigh in policy B3B, particularly as the Concept Statement was drawn up prior to the proposed addition of the adjoining land. The text on overall delivery in outer Bath needs updating to reflect the additional capacity expected to be achieved as shown in the SHLAA (**MM32**).
94. In ID28 I expressed concern that two major constraints to development in central Bath and the riverside might not be overcome as assumed by the Council – namely the removal of the Windsor Road gas holder (and its related safety zone) and securing necessary compensation for the loss of flood plain from the redevelopment of riverside sites. Matters have moved forward considerably since then. The most up-to-date position is set out in BNES/54, drawing on the technical work undertaken by the consultants on the flood risk project (CD9/FR2 and CD10/E14). There is no evidence of substance to undermine the Council's assessment of continued good progress. The

Environment Agency is satisfied in principle with the improved flood conveyance scheme now proposed for the riverside (CD9/FR1). Funding is in place for both schemes.

95. New text is required to make clear what is now proposed in relation to flood mitigation. It is also necessary to make clear that within the central area/riverside site-specific flood risk assessments must still demonstrate that individual development will be safe and not increase flood risk elsewhere. The mitigation scheme now being pursued includes the expectation of access routes to sites being raised to be safe in times of flood and intends to provide flood protection for the Lower Bristol Road. Accordingly, there is now more confidence than earlier in the Examination that the exception test can be met when applied to proposals on individual sites. Whilst upstream flood storage is no longer an essential part of the strategy, the Council consider that the *area of search* for the location of flood mitigation measures shown in the submitted plan extending upstream should be retained in case other sites require such compensation (BNES/40, paragraph 5.9). I consider this is reasonable. The changes necessary for soundness on this matter are: **MM23** in part, **MM24**, **MM54**; **MM56** in part, and **MM105**.
96. At Keynsham the large scale redevelopment of the Somerdale site has recently received planning permission and its timely development is now much more certain. Issues relating to flood risk, which were a concern in ID28, have been addressed as part of this permission and flexibility for housing delivery elsewhere in case the exception test could not be met on this site is no longer required. However, the plan retains the policy for redevelopment at Somerdale, which is appropriate in case there are future applications, and the policy needs to be amended to include requirements relating to the sequential and exception tests within the site (**MM64**). The remaining greenfield site at Keynsham allocated in the adopted local plan (K2 west) is now in the hands of a developer and so development is more certain.
97. In ID28 I expressed concern about the clarity and consistency of approach in the SHLAA to assessing sites in the Somer Valley and highlighted the uncertainty of various sites being developable. As with other areas, there is now a greater robustness in the SHLAA for the Somer Valley. Several planning permissions have been granted for substantial development on greenfield sites outside the current housing development boundary of the adopted local plan. Assumptions about other major sites are better informed by the developer's intentions and some of the more uncertain sites have been removed from the SHLAA.
98. The SHLAA includes an allowance throughout the plan period for a contribution from small site windfalls – sites below the size threshold used in the SHLAA to identify specific sites (CD10/E19, pp21-25). The contribution is informed by past trends, but reduced to remove those likely to come forward on greenfield sites (including garden land). In the first five year period, the contribution has also been substantially reduced to avoid double counting with existing small site planning permissions. The windfall contribution is shared out to the five spatial areas in accordance with their past contribution to delivery. The Framework, paragraph 48, requires compelling evidence that such sites will continue to provide a reliable source of supply. The key point here, as the Council highlight, is that there is no change planned in the permissive policy

framework that has enabled these sites to come forward in the past. Given this context, I consider that the evidence from the past is compelling of an ongoing contribution.

99. Taking into account my conclusions under Issue four that four out of the five proposed strategic allocations are sound, the SHLAA provides robust evidence that the adoption of the Core Strategy would ensure that there is a five year (plus 20%) supply of housing on an ongoing basis. Provision over the whole plan period is tight with no flexibility to accommodate changed circumstances. But this would only become a significant issue for delivery towards the end of the plan period and the need for further provision can be re-assessed at the planned five year reviews.

Issue three – Is the spatial strategy for the delivery of housing and jobs justified?

100. The spatial strategy is set out in policy DW1 (*District Wide Spatial Strategy*) and in the spatial strategy policy for each spatial area: policy B1 for Bath; KE1 for Keynsham; SV1 for the Somer Valley; and RA1, RA2 and RA5 for the Rural Areas/Whitchurch. It is the policies for each spatial area that set out the scale of homes and jobs planned for each area and which make the spatial strategy meaningful.
101. The Council's summary assessment of the sustainability of the four spatial areas, together with the edge of south-east Bristol and a new settlement option are set out in the *Sustainability Appraisal Report, Annex L (CD/A1/5)*. However, the justification for the chosen strategy is also informed by a wide range of other published evidence, including the *Green Belt Review Stage 1 Report (CD9/E2)*.
102. Bath is the focus for most development with 7,020 homes now proposed (CSA18 in CD10/CS1) and 7,000 jobs (SPC53 in CD9/PC1). Among a wide spectrum of parties there is either strong support for, or acceptance of, Bath as the main focus for development, subject to the acceptability of the impact on its special environmental qualities. Some parties consider that Bath should have a higher proportion of overall planned development. Subject to any overriding environmental constraints, I agree that Bath should be the focus for much of the development in the district. It is the pre-eminent settlement within the district with a wide range of facilities, services (including health and education) and jobs; very good public transport and the potential for residents and workers in new development to have easy access to attractive alternatives to journeys by car.
103. If the positive and negative rankings in the *SA Annex L* are simply summed then Keynsham is shown as comparable to Bath in terms of sustainability. Whilst Keynsham does not have the same range of services, facilities and jobs as Bath, the potential impact of new development is not assessed as having such a potential negative impact in the absence of environmental designations such as the World Heritage Site (WHS) and the Cotswold Area of Outstanding Natural Beauty (AONB) which constrain development at Bath. However, the Council made clear that it had not based its choices on such simple scoring and, given the complexity of the various matters to be assessed, I agree that such an approach would be too crude.

104. Keynsham is a sustainable location for additional development, subject to the impact on transport and the Green Belt addressed under issue four. Some consider that Keynsham should have more development or a greater proportion of planned provision in preference to the strategic allocation at Whitchurch. Under Issue four, I have concluded that the allocation at Whitchurch is sound. A major redistribution of proposed housing on the strategic Green Belt sites is not therefore required. In addition, to give the best prospects for achieving the required boost to housing supply in the next few years it is appropriate not to concentrate delivery on only a few large sites, in case unexpected problems arise.
105. I made some criticisms of parts of the strategy for the Somer Valley (policy SV1) in ID28, such as its restriction on new housing to sites which could contribute to the proposed Town Park or had an employment benefit. The changes published in March 2013 (eg SPCs 129 and 130 in CD9/PC1) remove these unjustified requirements and aims to accommodate a modest level of new housing above existing commitments to help meet the overall needs of the district. It was proposed at that time that the housing development boundary should be reviewed to accommodate this modest level of growth. Since then, several greenfield and brownfield sites have been granted planning permission for major housing development (or approved pending completion of section 106 obligations). As a result, the strategy for the Somer Valley now largely reflects existing commitments and the housing boundary would need to be reviewed primarily to incorporate permitted sites (as indicated by the Council at the hearing in March 2014 and set out in BNES/56, Appendix 1).
106. The Council is justified in seeking to restrict significant further housing growth in the Somer Valley to avoid increasing the imbalance between homes and jobs and thus increasing out-commuting, which is primarily reliant on the car. Policy SV1 also proposes a modest increase in office space over the plan period and a reduction in industrial/warehouse space, reflecting the considerable structural change in the local economy that has been underway for some years and is likely to continue. The modest scale of planned new jobs is criticised by some, but avoids being over-ambitious. The proposed wording for SV1 indicates that the jobs figure is not a cap. There is scope to accommodate more jobs if economic circumstances enable this to happen (paragraph 4.14 of the plan). The changes now proposed for the Somer Valley would make the plan sound for this spatial area (**MMs 11, 77, 79, 80 and 81**). To reflect the removal from the SHLAA of several uncertain sites in the two town centres, the specific references to *200 homes* in the town centre in policies SV2 and SV3 should be removed, whilst still identifying the scope for residential development as part of mixed use schemes (**MMs 82 and 83**).
107. I had also expressed concerns about the detailed approach to development in the rural areas/villages at an early stage in the Examination (ID4). This prompted the Council to propose some changes (RC29-RC235 in CD6/E2.2) which were discussed at the hearings in January 2012. In ID28 I endorsed the overall strategy for the rural areas and the Council's suggested changes which were largely carried forward in the changes published in March 2013 (eg SPCs 135-144 in CD9/PC1).
108. For the reasons previously given, the submitted plan was unsound in relation to the approach in the rural villages. The proposed changes would remedy

that unsoundness. Around 1,120 homes are now planned in the rural areas during the plan period with expected growth of 500 jobs. Most of the new homes are intended to be accommodated in the larger villages which have a basic level of facilities. Development of around 50 dwellings is now envisaged in each of the villages which meet the criteria in policy RA1 at the time any application is determined. But the policy wording is sufficiently flexible to meet local circumstances. Because the services available in a village may change over the plan period it is not appropriate to identify RA1 villages in the plan and the indicative list in the plan and the diagrams showing these should be deleted so the plan can respond to changing circumstances. It would be for the Place-making Plan to review the housing development boundaries and allocate any additional sites needed to ensure delivery of the overall scale of development envisaged. However, a number of planning permissions have been granted for housing development in the past year or so that plan may need only to amend the housing boundary to reflect recent commitments.

109. The Core Strategy does not seek to cap development in the villages. Any rural exception sites would be an addition to planned developments and any Neighbourhood Plan would have scope to consider more development. A positive and flexible approach is also taken to employment development, both within and adjoining housing development boundaries, provided its scale, character and appearance are appropriate to the village and its setting. Overall, as proposed to be changed, the plan would allow for reasonable growth in the rural areas whilst avoiding an unsustainable dispersed pattern of new development. Substantially increasing development in the rural areas is not justified. The planned approach is consistent with the Framework in that it would support a prosperous rural economy and meet local housing needs. The Framework's requirement to accommodate objectively assessed housing needs is based on the housing market area rather than a settlement-by-settlement, bottom-up approach. The changes necessary for soundness in relation to rural villages (other than Whitchurch) are **MMs 78, 84 - 93** inclusive.
110. Policy RA1 applies to villages located outside the Green Belt or excluded from the Green Belt. The generally permissive approach for both housing and employment in accordance with RA1 would apply other than in the Green Belt. Accordingly, for villages such as Saltford, further development is permitted within the village, but the policy does not provide any support for expansion of the village into the Green Belt or for the Green Belt to be changed around such settlements. In the light of my overall conclusion that the Core Strategy can be made sound with various changes proposed by the Council, there are not the exceptional circumstances to justify changing Green Belt boundaries in this plan other than for the strategic allocations (in accordance with my recommendations) or to signal that such changes are subsequently required as part of the Place-making Plan. Any future changes would need to be justified on the basis of exceptional circumstances at the time (**MMs 89 and 110**). Accordingly, the approach to the RA1 villages which are surrounded by the Green Belt is justified.
111. The exception to the modest level of development planned for the rural areas and villages is the strategic allocation of 200 dwellings at Whitchurch. In the submitted plan, Whitchurch is identified as a RA1 village, albeit tightly constrained by the Green Belt. I consider the merits of the strategic allocation at Whitchurch under issue four below, but address here the strategic choice of

the village as broad location for additional development. Given the size of Bristol and the wide range of services, facilities and jobs it provides then, in principle, a location close to or abutting the edge of Bristol City where travel options to the City other than by car exist or could be secured is a sustainable location in terms of accessibility. Nonetheless, the *Green Belt Review Stage 1 Report* (CD9/E2) generally identifies the land parcels close to the south-eastern edge of the City within B&NES as of high importance for Green Belt purposes, particularly for the separation of Bristol and Keynsham.

112. The *SA Annex L* (CD9/A1/5) also highlights that the location does not provide good access to Bath and Keynsham (although such accessibility varies within this broad location) and would not serve so well the housing needs of the district. These considerations would be somewhat different if the location was being assessed for housing on a sub-regional basis, but for the reasons set out under Issue one, that is not required at this time. The Council is justified in identifying this broad location as not as suitable as Bath or Keynsham, but suitable to meet some of the overall housing needs of the district over and above that which would arise from the application of the rural/village policies.
113. The Council accepts that the figure of 200 dwellings allocated to Whitchurch is a residual of the housing requirement which cannot satisfactorily be accommodated elsewhere, rather than the assessed capacity of the location. (The rather complex evaluation of development scenarios at Whitchurch is summarised in BNES/47, 2.24-2.30). This approach is consistent with the location's merits compared with the other spatial areas and a housing requirement of about 13,000.
114. Within the broad location of south-east Bristol, the only alternative which has been seriously put forward to development at and around Whitchurch is at Hicks Gate. An urban extension straddling the boundary of the City of Bristol and B&NES has been consistently pursued throughout the Examination by Crest Strategic Projects and others (see CD4/UE2 and Masterplan January 2010). The merits of this location were discussed at the hearings in January 2012. The Council's summary evaluation of this location is in *SA Annex L - Locational alternative appraisal matrices* (CD9/A1/5). The A4 bisects the site so there is the potential for good access to public transport from the frequent services between Bath and Bristol along this road and the Brislington Park and Ride is close to at least part of the site.
115. Whatever its merits as a carefully planned urban extension straddling the administrative boundary, I accept the Council's view that it is not a creditable option to be pursued at this stage within B&NES only. The land within B&NES which is promoted for development is separated from the built-up edge of Bristol by Green Belt within Bristol City. This land is identified as a long term contingency for release in the adopted Bristol Core Strategy (CD3/15), but only if required to meet housing needs as a result of delivery issues or when housing needs are reassessed. It has not been removed from the Green Belt as safeguarded land. Whilst some development within Bristol City could go ahead without the rest of the urban extension within B&NES, it would be very undesirable for any of the land within B&NES to be developed in isolation or removed from the Green Belt at present as it would leave a remnant of Green Belt between it and the urban edge of the City, which might never be developed.

116. Policy BCS5 in the Bristol Core Strategy indicates an intention for joint working on any project abutting the City and the duty to co-cooperate would be relevant in terms of the review of Bristol's Core Strategy, but the City Council is not currently pursuing the release of this land and still seeks to maintain the Green Belt around the City. An urban extension straddling the boundary should not be imposed unilaterally by allocating the land within B&NES at this time. Accordingly, it is not at present a creditable alternative to Whitchurch. Overall, the allocation of some additional housing at Whitchurch over and above that arising from policy RA1 is justified in principle.

Issue four – Are the strategic sites and safeguarded land to be removed from the Green Belt justified?

General matters applicable to more than one strategic allocation

117. The policy requirements relating to the proportion of affordable housing sought from each strategic allocation is considered under Issue five and the requirements for renewable energy and sustainable construction are considered under Issue six.

118. A number of parties opposed to the allocations in the Green Belt highlight the advice in the PPG (which repeats a Ministerial Statement in 2013, CD9/H11) that unmet housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development on a site within the Green Belt. However, the strategic allocations would be on land that is removed from the Green Belt, so would not be inappropriate development when a planning application is considered. The above guidance is not applicable. The relevant test for changing Green Belt boundaries (to remove land from the Green Belt) is that of *exceptional circumstances* (Framework, paragraph 83).

119. Parties also refer to the exchange of correspondence between the Planning Minister and the Planning Inspectorate in March 2014 concerning Green Belt reviews. I note that the Minister's comments are not intended to be a change of policy. Furthermore, within the context of the need to provide around 13,000 homes, the allocation of five sites in the Green Belt has been the Council's choice, which it consistently defended at the hearings in March/April 2014. That correspondence is not relevant to assessing the soundness of these proposals.

120. Around Bath, the Green Belt is only one of several overlapping policy or environmental designations which potentially constrain development. The whole of the City of Bath is designated a World Heritage Site (WHS). Its *Outstanding Universal Value* (OUV) is explained in the formal statement adopted by UNESCO (CD9/W2). The OUV may briefly be summarised as: *The Roman Remains...; the Georgian City; the Neo-classical style of the public buildings...; and Palladio's ideas transposed to the scale of a complete city situated in a hollow in the hills* (as summarised in CD6/01, p5). The boundary of the WHS follows the administrative boundary of the City at the time of designation and mostly coincides with the built-up edge of the City. This results in much development from the 2nd half of the 19th century and from the 20th century being within the WHS boundary, but such development does not contribute to the OUV.

121. Framework paragraph 158 requires *great weight* to be given to the conservation of designated heritage assets; the more important the asset the greater that weight should be. The PPG makes clear that WHSs are heritage assets of the highest significance. The assessment of the effect of development on the significance of a heritage asset must include consideration of its setting. The two strategic allocations at Bath are either within or abut the WHS boundary. Where outside the WHS, there is no dispute that allocated land is within the setting of the WHS, but there are different views as to the significance of the impact that would arise.
122. I give considerable weight to the Council's *City of Bath World Heritage Site Setting Supplementary Planning Document (SPD)*. (The Draft SPD May 2012 is CD9/W1. The SPD has since been adopted, but the changes between the draft and adopted versions are not significant for this Examination.) The SPD contains much detailed analysis of the significance of the setting of the WHS around the City. I see no reason to disagree with the *Key Aspects of Setting* set out in the SPD (Draft, paragraph 5.06). I attach particular, but not exclusive importance, to the *Green Hillides Forming Prominent Features of the Landscape Setting* (Draft SPD, Map 4; adopted SPD, Map 5) as these embody several of the key aspects of the setting of the built city, such as the importance of landform, views from the built-up area to the hills; views from the hills in to the city; and the managed, farmed landscape of much of the setting. These green hillides include much land within the WHS as well as beyond the boundary.
123. An academic study of the history of the development of Bath and what makes it special was submitted on behalf of the Duchy of Cornwall (*Draft Bath Heritage Study 2012*, four volumes, CD13/16). This study also contains much valuable historic research. One theme of the study is that the development of Bath and its relationship to its surrounding landscape and topography has been complex and varied and cannot adequately be summed-up by well used phrases such as *a complete city situated in a hollow in the hills*. Whilst the study might pose a challenge to the justification for the present boundary of the WHS, I have not found it of much assistance in assessing the effect of development on the setting of the WHS, which must relate to the boundary as designated. This is also the Council's view (see SCG BNES/53Z).
124. Some representations sought the designation of a defined buffer to the WHS. The PPG refers to buffers around WHSs, but they are not a requirement of the Framework or recommended in the Guidance. Given the size of the Bath WHS and the complexity of the issues arising when considering the effect on WHS, the evidence-based and qualitative approach pursued by the Council through the SPD is justified. Designation of a specific buffer zone is not required for soundness.
125. Three of the strategic allocation policies published in November 2013, namely: CSA22 (Odd Down); CSA25 (Weston); and CSA45 (Whitchurch), contain similar wording in relation to the protection of heritage assets - that development causing substantial harm to designated heritage assets and/or their settings should be avoided (my emphasis). This wording is particularly relevant to the WHS for both sites at Bath and for the Wansdyke Scheduled Monument (SM) at Odd Down.

126. English Heritage raised concerns (CD12/4) about this wording as the policy was not giving *great weight* to the conservation of heritage assets. As a result of the SCG between the Council and English Heritage (BNES/53A), the Council suggested prior to the hearings alternative wording for these policies (including changes to the wording on the Concept Diagrams). These changes deleted references to avoiding substantial harm and substituted wording to conserve assets and avoid harm (as set out in BNES/54). These suggested changes were discussed at the hearings in March/April 2014 (including participants with land interests in the allocated sites). As explored at the hearing, the suggested wording is consistent with the aim of the Framework, but is not consistent with the Council's evidence that some harm would be caused to some designated heritage assets at the Bath sites.
127. A development plan allocation policy should not set out a requirement which the available evidence indicates is unlikely to be met. In assessing each allocation below I have considered what harm, if any, would be caused to designated heritage assets (as well as other matters) and whether public benefits outweigh that harm. Where an allocation is justified in principle, I have amended the precise policy wording where necessary to reflect achievable outcomes in accordance with the evidence.
128. Each strategic allocation is appraised against the SA objectives in *SA Annex N Policy Appraisal Matrices* (CD10/A1/2) and individual land parcels at each of the broad locations originally identified in March 2013 are appraised in *SA Annex O* which helps to justify the areas chosen for allocation. The summary justification for the selection of the allocations is in BNES/51. There is a substantial amount of further evidence published by the Council in relation to impacts on different matters.
129. In April 2013 the Council published reports prepared by Arup exploring the development potential at nine locations considered for possible strategic development, including the five locations taken forward in the March 2013 changes (*Development Concept Options Reports*, April 2013 CD9/CO1-CO9). These reports suggest various scales of development at each location. These are high-level, broad-brush studies and were undertaken in advance of much of the more detailed studies prepared by the Council and other parties for the five locations which have been progressed to allocations. This subsequent evidence generally highlights greater complexity and potential for harm from development than assessed in the Arup Reports. These reports have largely been superseded by subsequent evidence and do not provide justification for any enlarged or alternative allocations.
130. The two allocations at Bath are in the Cotswold AONB. The Framework requires *great weight* to be given to the protection of the landscape of AONBs (paragraph 115) and that major developments in AONBs should be refused except in exceptional circumstances and where it can be demonstrated they are in the public interest (paragraph 116). I apply these tests in the overall balancing exercise for each allocation below. I note that Natural England considers that the allocations in the AONB would not undermine the designation purposes of the AONB (CD12/5).
131. At both of the proposed allocations at Bath, the potential impact on bat foraging in relation to the Bath and Bradford-on-Avon Special Area of

Conservation (SAC) is relevant. The SAC protects important bat roosts to the east and south-east of Bath. At Odd Down, there is substantial evidence relating to the use of the location by bats (including Dr Ransome's Dusk Bat Surveys 2008 and 2009, CD9/E7 and E8; and Kestrel Wildlife CD10/LD1d). At Weston, there was less survey evidence available when the area was first proposed as a broad location. Natural England considered that evidence insufficient to support the conclusions in the HRA at the time (rep 281, letter 8 May 2013). Further survey work was undertaken in the summer/autumn of 2013 (CD10/E9; CD9/E14). Natural England now considers the Council's proposals to be generally legally compliant and sound (CD12/5).

132. I give considerable weight to the favourable conclusion of Natural England. It is reasonable to expect it to have given careful consideration to the potential effect of development on a SAC, particularly as it had concerns at an earlier stage, but is now satisfied that it has been properly addressed. There is longstanding shared experience on this issue locally between the Council, Natural England and experienced bat researchers. Given this context, the fact that the research undertaken at Weston may not have followed normal recommended practice is not significant because the surveys were informed by considerable knowledge of bat behaviour around Bath.
133. With the mitigation measures proposed in the allocation policies, I am satisfied that the Habitat Regulations are met and that harm to the SAC would be avoided. The references to ecological *compensation* in the allocation policies do not therefore relate to bats and are necessary only in relation to other species, such as alternative provision for skylarks at Odd Down.
134. The Framework requires that where Green Belt boundaries are reviewed they should endure beyond the plan period *to meet longer term development needs stretching well beyond the plan period* (paragraph 85). The aim of the Framework is to ensure that boundaries are not frequently changed which would undermine their status. In the proposed changes in March 2013 the Council delegated decisions about such safeguarded land to the Place-making Plan and I expressed concern about this approach in ID36. The Council now concludes that there is no scope for safeguarded land at Bath; it has proposed safeguarded land at East Keynsham; and considers that the issue of safeguarded land at Whitchurch should be deferred to the first plan review.
135. Safeguarded land is land removed from the Green Belt, but not allocated for development, and safeguarded to meet future development needs. In any future assessment of the most appropriate locations for development, the absence of Green Belt protection would weigh very considerably in the overall balance of considerations. Safeguarding is particularly significant for influencing the future pattern of development in the area between Bath and Bristol as nearly all undeveloped land is within the Green Belt.
136. An early review of the strategy for B&NES would be triggered either by its inclusion in the outputs of the West of England SHMA or by any unmet housing needs of the sub-region. The scale of any such future needs which might have to be met within B&NES are unknown and this makes it impossible to balance future possible need for more greenfield land against the benefits of retaining land in the Green Belt. Although this may be a common dilemma when considering possible safeguarded land, the situation is more complex here.

The most sustainable locations for major future development should be assessed in the context of where those needs particularly arise (eg within Bristol or within B&NES) and be evaluated on a comprehensive sub-regional basis. That is what the four West of England Authorities plan to do over the next couple of years, as confirmed in the Memorandum of Understanding (CD12/25). If a substantial area of land were to be removed now from the Green Belt within B&NES it would inappropriately skew the future sub-regional assessment of the most sustainable locations.

137. Accordingly, I consider that the achievement of sustainable development over the long term, which is the *golden thread* of the Framework, would not be achieved by pursuing the identification of a substantial scale of safeguarded land in this plan. In the assessment of the individual allocations below, I consider whether there is any scope for a modest scale of safeguarded land which would be able to support local needs, but not be of such a scale as to weigh significantly in any sub-regional assessment of future sustainable locations.

138. Land supply is tight in the latter part of the plan period. There are no obvious additional major brownfield sites to come forward in the long term and so it is almost certain that some further greenfield land will be required for housing towards the end of the plan period and beyond. (Such land may also, of course, be required sooner depending on the outcome of the new joint SHMA.) The most sustainable locations within B&NES (as reflected in the planned strategy) are adjoining Bath, closest to the A4 in Keynsham and parts of south-east Bristol, which are all protected by Green Belt. Accordingly, it is appropriate to consider the possibility of safeguarded land in those locations, at least for some needs within B&NES, if there are opportunities to do so which would not prejudice other considerations in the future.

139. For each strategic allocation I consider whether exceptional circumstances exist to change the Green Belt boundary, taking into account the harm to the Green Belt and any other harm and the benefits of securing the scale of additional housing proposed and the sustainability merits of the location. In each case I have also taken into account that each allocation would boost significantly the five year land supply, but I do not repeat this factor each time in my written commentary.

Odd Down – proposed strategic allocation policy B3A (CSA22, CD10/CS1)

140. The main matters here are the effect on the Green Belt, AONB, Wansdyke SM, WHS, South Stoke Conservation Area; and vehicular access. The Council's position is summarised in BNES/51 (3.6-3.26).

Green Belt

141. All of the allocation except the football ground is within the Green Belt. The Council accepts that there would be some harm to Green Belt purposes (see Framework, paragraph 80). The appraisal of Green Belt purposes for the whole of the Odd Down Plateau (a larger area than proposed for allocation) is in the *Green Belt Stage 2 Report* (Overview, Table 3.1.4 CD9/E9). It highlights that the contribution of the land to the purposes of the Green Belt varies across the plateau. I accept that significant harm to Green Belt

purposes would be avoided as a result of retaining in the Green Belt the land west of Combe Hay Lane and the two fields adjoining South Stoke Lane and avoiding development towards the southern boundary of the allocation (albeit land still to be removed from the Green Belt).

142. The proposed boundary follows readily recognisable existing features as required by the Framework (paragraph 85). Along the southern boundary, more land would be removed from the Green Belt than the Council envisage being developed. This is to protect the setting of the WHS. At present, there is not sufficient detailed evidence to define the precise southern boundary for built development and any new Green Belt boundary drawn across the existing open fields would be arbitrary. As explained further below, retaining the existing fields adjoining South Stoke Lane is necessary to help minimise the impact of development on the AONB, WHS and South Stoke Conservation Area. Their continued designation as Green Belt achieves Green Belt purposes, notably safeguarding the countryside and preserving the setting of historic towns and is justified.

AONB

143. All of the allocation, except the football ground, is within the Cotswold AONB. The Council's analysis is set out in the *WHS Setting and AONB Landscape and Visual Impact Assessment for Land Adjoining Odd Down* (CD9/LV/3) and *Updates* (CD10/E12). At the hearing, the Council's summary position was that there would be a moderate adverse impact on the special qualities of the AONB. This assessment took into account the existing visual intrusion of built development on the landscape of the plateau, the fact that the plateau exhibits only some of the qualities that make the AONB special (as identified in the *Cotswolds AONB Management Plan*, CD4/ENV2) and that built development would be pulled back from the more sensitive parts of the plateau where it could have a wider adverse impact. The land within the Odd Down plateau proposed for allocation is a much less dramatic and distinctive landscape than that to the south (see summary in CD10/LD1e, 6.3). Whilst there would be a loss of the existing farmed landscape, resulting in harm, this harm would be contained largely within the plateau on the basis of the Council's approach to where built development should take place. The Council's assessment of harm is reasonable.

Wansdyke Scheduled Monument

144. The Council's assessment of the significance of this monument and its setting is in the *Heritage Assets Study* (paragraphs 3.30-3.31, Appendix 3, CD9/LV/1) which is a reasonable summary of the key points of the asset and its setting. However, I also recognise that to the east of the Sulis Meadows Estate, the Wansdyke forms the boundary between South Stoke Parish and Bath City and is also the boundary for the WHS. The Wansdyke thus underpins the historical significance of these boundaries in this location. These and other overlapping factors were highlighted by English Heritage in 2006 (CD3/24) when Odd Down was first considered for major development in the RS.
145. English Heritage's most recent position (CD12/4) is that substantial harm would be caused to the significance of the monument if there was development in the field within the allocation immediately to the south of the

Wansdyke (field East 1 in CD9/LV/3 and CD/LV/1). Whatever the Wansdyke's original purpose or context, it is most likely that it was designed as a monument *that should be seen, a clear marker of territory in the landscape* (CD3/24). The modest set-back of houses from the monument along the edge of the Sulis Meadows housing estate does not retain a predominantly open setting and is not an example to follow. I note that this limited set back, which was also applied when the adjoining school was redeveloped, reflected English Heritage's view at the time (see background in 3.1.4-3.1.6, CD10/LD1c), but the position has clearly moved on, reflecting a greater appreciation now of the importance of the Wansdyke.

146. The Framework makes clear (paragraph 132) that *substantial harm* should be *wholly exceptional* and no party argued that this test could be met here. I agree with the Council's position at the hearing that built development should avoid field East 1. The evidence is sufficient to make this judgement now rather than leaving it to the masterplan, as sought by the landowner. Protecting the setting of the Wansdyke is also a strong reason to avoid built development in the field outside the allocation south of the Wansdyke abutting South Stoke Lane. My conclusion on this matter is consistent with the Council's assessment of the area as shown on the plan for site E14a in the SHLAA of November 2013 (Appendix 1B, p49, CD10/E19).
147. From the Wansdyke new built development would be visible on the land south of field East 1, but filtered by a young tree belt which could be strengthened. Bearing in mind the substantial distance of such buildings from the Wansdyke and the continued sense of openness from the combination of the two fields adjoining South Stoke Lane (outside the allocation) and East 1, I consider that there would be only a slight adverse impact on part of the setting of the monument. But given this conclusion and the Council's own assessment of harm (*medium risk to significance of heritage assets* - Figure A3.11 CD9/LV/1) it would not be possible to achieve the Council's suggested new policy wording of *avoiding development that harms its significance*. Nevertheless, it would be appropriate to require development to seek to conserve the asset since this would ensure that harm is minimised.
148. The monument is on English Heritage's Risk Register and suffers from erosion from the public footpath along the top and unofficial paths which cross the bank. The proposed allocation policy requires a Management Plan to set out a strategy for the long term and effective management of the monument. There is scope to mitigate existing harm and to avoid additional harm from increased movements across the bank that would arise as a result of the development. This would be a small benefit which could offset the harm and is to be weighed in the overall balance.

World Heritage Site

149. The Council's analysis is set out in the *WHS Setting and AONB Landscape and Visual Impact Assessment for Land Adjoining Odd Down* (CD9/LV/3) and *Updates* (CD10/E12) and the main study was incorporated in the assessment in the *Heritage Assets Study* (Appendix 3, CD9/LV/1). The Odd Down Plateau is not among the *important green hillsides* in the WHS Setting SPD (Draft SPD, CD9/W1, Map 4; adopted SPD, Map 5). This is an indicator that the significance and sensitivity of the setting of the WHS is not as critical here as

other locations around Bath which are identified as important green hillsides. Nevertheless, I accept that open rural land abutting the WHS boundary reinforces the distinction between the built-up part of the city defined by the WHS boundary here and its wider rural setting.

150. To the east of the Sulis Meadows estate where the WHS boundary follows the Wansdyke SM, and thus has strong historical associations, the immediate setting of the WHS would be conserved as a result of the constraints on development imposed by the setting of the Wansdyke already discussed. To the west of Sulis Manor, where the boundary follows the edge of the housing estate and the football ground, there is little significance to the immediate context of the boundary and the adjoining built development does not contribute to the OUV.
151. I agree with the Council that the key to avoiding substantial harm to the significance of the WHS across the Odd Down plateau is to avoid built development becoming prominent on the edge of the plateau when seen in the wider landscape to the south, since this would make the City appear to be spilling out from its present contained setting. To avoid this harm, development must be set back from the edge of the plateau where the land begins to slope towards the south and the existing young tree belts would need supplementing as shown on the Concept Diagram. There is not the evidence yet to draw a precise southern limit for built development here.
152. Sulis Manor has well treed boundaries. This site is within the WHS. The existing trees are an important feature of the plateau and would help screen development within the Manor and, in part, on the immediately adjoining open land. It is therefore important that the majority of trees are retained. This would need to be taken into account in the layout of any new development.
153. Overall, there would not be substantial harm to the significance of the WHS. If the Council's intentions are successfully realised through the masterplan, there would be only very limited and localised harm to the significance of the WHS. In my view, the Council's assessment tends to overstate the harm to WHS, particularly given that Odd Down is not an important green hillside in the WHS Setting SPD.

South Stoke Conservation Area

154. Extensions to the Conservation Area were suggested some years ago and at the time of writing this report were due to be formally designated by the Council. I have therefore considered this matter on the basis of the extended area. The extension most relevant here is the inclusion within the conservation area of Brantwood (a large detached house) and its extensive well-wooded grounds. As extended, the conservation area would abut the south-eastern corner of the proposed allocation and the new Green Belt boundary. The extended boundary is shown in the *South Stoke Conservation Area Appraisal* March 2014 (CD12/29). At the hearing, the Council's position was that, subject to adherence to place-making principle six in policy B3A, there would be no harm to the conservation area. Its original assessment is in the *Heritage Assets Study* (Appendix 3, CD9/LV11).
155. The features that make the conservation area special are summarised on p3 of

the Appraisal. Because of its location on the valley side just below the plateau edge, the village is essentially hidden from the north. The important perception of separation between the edge of the city at Cross Keys and the entrance to a rural village on the lip of the plateau would be retained by keeping within the Green Belt the two fields adjoining South Stoke Lane and by avoiding any suburbanisation of the lane, such as by widening or street lighting. Whilst the boundary at Brantwood would abut the allocation, new built development would be separated from the boundary by existing and new tree planting. The woodland around Brantwood would also assist the visual separation of new development from the village itself. Provided that any access arrangements in this south-eastern corner do not undermine the existing rural qualities of South Stoke Lane (see below) and subject to adherence to place-making principle six, the Council's conclusion that there would be no harm to the conservation area is justified.

Vehicular access

156. The site is well located to make journeys other than by car practical and attractive for regular use. Place-making principle (PP) 7 requires pedestrian and cycle links to roads to the north and to the Park and Ride site to the west. Walking, cycling and bus travel should help limit car trips, particularly at peak times. PP7 requires vehicular access to be provided from Combe Hay Lane. A possible junction arrangement has been put forward by the landowner (CD10/LD1a). The Council accepts this evidence as showing that this requirement can be achieved and there is no technical evidence to indicate that a safe and workable access here could not be designed. Whilst the development would be likely to add to congestion at nearby junctions, there is not the evidence to suggest that the cumulative impact on the local road network would be *severe*, the test set by the Framework (paragraph 32).
157. PP7 also requires inter-connection with the Sulis Meadows estate (which would be from Burnt House Road), including pedestrian and cycle links. The current vehicular access to Sulis Manor is from this road. At the hearing, the Council emphasised that the aim of this requirement was permeability for the benefit of future residents and that substantial use by vehicular traffic was not desirable. Whilst pedestrian and cycle links should be a requirement, vehicular access is not essential, but would be acceptable for a limited amount of traffic and to provide an emergency access if required. The policy therefore needs to reflect this approach.
158. PP7 indicates that there is potential for vehicular access from South Stoke Lane and that this would necessitate upgrading the Cross Keys junction. The Concept Diagram shows this potential access along the route of the existing farm road which serves the commercial buildings at Manor Farm and which connects with the southern end of South Stoke Lane. At the hearing, the Council was ambivalent about this potential access. Local residents and the Parish Council are very concerned about the consequences of additional traffic along the lane and the change to its character that would result from increasing its traffic capacity. The landowner's aspiration for an access from the east does not correspond to what is shown on the Concept Diagram, but envisages a new road across the plateau from an enlarged Cross Keys junction, with the northern end of South Stoke Lane diverted to meet the new road (see Figs 2 and 3 and G220/02 in CD10/LD1a and Fig 4, CD13/32).

159. Any significant increase in the use of South Stoke Lane to serve new development would be likely to require improvements to the lane such as widening and street lighting and these would be detrimental to its rural character and to the South Stoke Conservation Area for the reason already given. On the evidence before me, a major new junction at Cross Keys and a new road (with its inevitable street lighting) across the open Green Belt to the proposed allocation would be detrimental to the setting of the Wansdyke SM and the WHS.
160. The whole development could be served from the Combe Hay Lane access. The capacity of a new junction there was tested for a development of 300 dwellings in CD10/LD1a. If this were the only main access for the whole development, it would have to cross Sulis Manor. The Council consider that such a road could be fitted sensitively through that site without loss of significant trees. The main landowner for the allocation accepts that such a route is deliverable. An emergency access would be required to avoid an over-long cul-de-sac, but there are several options for this. Accordingly, I see no justification to contemplate access from the east, either as shown on the Concept Diagram or as suggested by the landowner. There would be a benefit if the commercial traffic currently serving Manor Farm could be removed from South Stoke Lane and if the layout enabled a through bus route, but these benefits do not outweigh the likely harm. Accordingly, any policy should not refer to access from South Stoke Lane and a potential route should not be shown on the Concept Diagram.

Other Matters

161. There are a few other matters to address. The allocation includes the existing modern former farm buildings at Manor Farm which are now used for various commercial purposes, but this part of the allocation would remain in the Green Belt. The Council explain that this approach is to ensure that any redevelopment at Manor Farm can be properly integrated with the rest of the development, but without increasing the scale of the buildings. These buildings are prominently sited on the edge of the plateau and adjoining the extended conservation area. Retention within the Green Belt allows strict control of any redevelopment. The Council's approach is justified.
162. The allocation also includes the Odd Down Football Ground. Whilst this would be an acceptable location for housing, finding an acceptable site for a replacement ground may be difficult (see CD10/E12). It is reasonable that any master-planning of the area should show how this site might be integrated, but the rest of the development could proceed without this land. PP10 allows for the football club to be retained on its present site, which may well be the outcome.
163. 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.
164. 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. The allocation would achieve 300 dwellings at a highly sustainable site at the most sustainable town/city in the district. Of these 300 or so dwellings, 40% would be affordable (in accordance with my conclusion under Issue five) making provision where the affordable need is greatest. There are no acceptable alternative sites at Bath (see below) which could replace the contribution to housing that this site would make.

165. I consider that there are the 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. The Council's decision to allocate this site represents positive planning and is justified. This allocation is needed to make the plan sound. I have amended the detailed wording of the proposed policy and the Concept Diagram to reflect my conclusions above on the detailed points and to take account of my conclusion under Issue six. (**MMs 9, 21, 36, 37, 39, 40 and 41**). In the light of my assessment above that land adjoining South Stoke Lane needs to be retained in the Green Belt, the Council is justified in concluding that there is no scope to identify any safeguarded land here (**MM38** and part of **MM109**).

Land adjoining Weston – proposed strategic allocation policy B3B (CSA25, CD10/CS1)

166. This strategic allocation consists of three separate land parcels. Two of the parcels are each side of Lansdown Lane on the highest, northern edge of the existing built-up area and the third parcel is slightly lower, abutting the north-eastern corner of Weston. The allocated land is in several different ownerships, but all the landowners support the allocation and/or seek enlarged allocations or more intensive development. The main matters here are the effect on the Green Belt, AONB, WHS and Bath Conservation Area.

167. The Council's background evidence at March 2013 and in support of the chosen sites in November 2013 assessed a long strip of land on the northern and north-eastern edge of Weston. The three chosen sites represent less than half of the area assessed. The other land was considered by the Council unsuitable for development for a variety of reasons including the impact on the AONB and WHS and more technical issues relating to land stability and surface water flooding. None of the rejected land was seriously advanced by others for allocation in this plan.

168. Before turning to the impact on the various designations, I consider the likely visual consequences of access arrangements. The frontages of the two sites either side of Lansdown Lane are beyond the existing speed limit. There is no street lighting and a narrow footway only on the western side of the road. The Council has not provided any specific design for access to the allocated land, but acceptable accesses could take the form of ghost island right turn lanes or a roundabout serving both accesses. It is most likely that street lighting (and the speed limit) would need to be extended at least for the length of the frontages and full-width footways provided on both sides of the road. Achieving the footways, necessary sight lines for the new accesses and any

localised widening (eg for a right turn lane) would result in the cutting back of the existing roadside banks and hedgerows. These likely changes would have a suburbanising effect on what is the beginning of a road with rural character leading to the Lansdown plateau. When illuminated, extended street lighting would be noticeable over a wide area. The promoter of the allocation at the Equestrian Centre has secured agreement to gain access via two houses fronting Eastfield Avenue and such an access is unlikely to have wider visual implications.

169. All of the allocated land is within the Green Belt. The Council accepts that there would be some harm to Green Belt purposes. The appraisal of Green Belt purposes for land at Weston is in the *Green Belt Stage 2 Report* (Overview, Table 3.2.4 CD9/E9). The Green Belt here restricts sprawl, safeguards the countryside from encroachment and preserves the special character of Bath. These purposes overlap with other designations, such as the AONB and WHS, which I consider further below.
170. The proposed Green Belt boundaries follow existing field boundaries which are readily recognisable existing features. At two of the three sites more land would be removed from the Green Belt than the Council envisages being developed, as shown on the Concept Diagrams. This is to protect the setting of the WHS (see below). If the allocation is acceptable in principle these boundaries would also be justified.
171. All three of the allocated parcels are within the AONB. Except for the existing dwelling fronting Lansdown Lane, all three parcels are within the WHS. The land allocated at the Equestrian Centre north of Eastfield Avenue and the adjoining allocated field are also within the Bath Conservation Area. The effect of the proposed development on these three designations directly relates to the extent and significance of the visual impact of development and I consider this common context first.
172. Upper Weston sits on the lower slopes of a steeply sloping horseshoe-shaped bowl with high ground surrounding the allocated land other than to the south-east, where Weston is contiguous with the rest of Bath (see for example ASP1 and 2 in CD13/27). There are two notable landmarks on this high ground – Beckford's Tower to the east and the Kelston Roundhill to the west.
173. The Cotswold Way long distance footpath follows the high ground to the west and south west. From many parts of this path there are extensive open views across the landscape bowl looking over the built development of Weston. In these views, the undeveloped nature of the allocated land west of Lansdown Lane is readily visible as an integral part of the patchwork of well managed fields occupying the upper slope of the bowl (see Viewpoints 8, 9, 11, 12 and 13 in CD13/27 and Viewpoints 5 and 6 in CD13/1). The allocated land on the other side of Lansdown Lane and the upper part of the Equestrian Centre is visible in a number of these view, but not as prominent as the nearest parcel of allocated land.
174. On the valley side to the east of the allocated land there is open access land on the upper slopes below Beckford's Tower and several footpaths descend this slope to Weston (see *Green Infrastructure Profile for Weston* in CD10/E18). From publicly accessible locations on these slopes there are views

across the bowl in which the allocated land on the eastern side of Lansdown Lane and at the Equestrian Centre is visible as part of the patchwork of green fields. From the footpath on the slope between the Primrose Hill Community Woodland and Blind Lane, the Equestrian Centre land is readily visible and in my view most of this site is an integral part of the landform, including the subsidiary valley on its eastern side.

175. The Council's analysis with regard to the AONB and WHS is in the *WHS Setting and AONB Landscape and Visual Impact Assessment for Eastern/North Eastern Slopes at Weston* (CD9/LV/2) and *Updates* (CD10/E12). There is further analysis in relation to the WHS in the *Heritage Assets Study* (Appendix 2, CD9/LV/1). At the hearing, the Council's summary of its position was that there would be a degree of harm, but that significant harm would be avoided. The Council recognises that the landscape bowl at Weston exhibits a number of key qualities of the AONB. I consider that the three parcels of allocated land are an integral part of a high quality landscape and cannot be readily distinguished or visually separated from the rest of the AONB landscape within the bowl.
176. The Council's overall assessment for the AONB and WHS shows considerable variation of impact across the three sites. A high negative impact is identified for the western part of the land west of Lansdown Lane (field C West) and the eastern half of the Equestrian Centre (field F Central and Eastern) with medium negative impact for the rest of those two sites. The Concept Diagrams indicates that built development should be avoided on most of the land where the impact is identified as *high negative*. However, from what I saw from the footpaths referred to above, the differing assessment across these fields is rather arbitrary and the visual impact of built development would be similar across much of the land. Built development would be a widely noticeable extension of Weston up the slope. Because of the elevation of these views, planting would not screen built development in the short or medium term.
177. The Council considers that for the land east of Lansdown Lane (field *D Road*) development would have a low to medium negative impact and for the land to the west of the Equestrian Centre (field *E*), a low negative impact. I accept that development of the lower slope of this latter field would be more inward facing than elsewhere and abut existing development on two sides, but development on the upper slope would be seen as a clear extension of built development as would development on the land east of Lansdown Lane.
178. All of the allocated land and the intervening and adjoining land is identified as *important green hillsides* in the WHS Setting SPD (CD9/W1, Draft SPD, Map 4; adopted SPD Map 5). As previously indicated, I regard these hillsides as an important consideration in the assessment of the effect of development on the WHS and/or its setting. Given this context, the proposed allocation would result in significant harm to the WHS, albeit less than substantial harm as it would affect only a small part of the WHS. There would be the loss of a clear component of what makes the WHS special in this area. The allocation would also represent the erosion of a high quality landscape integral to the AONB. The Council's assessment in relation to the WHS and AONB underestimates the impact in some of the locations.

179. I recognise that development of the proposed allocation and its relationship to the adjoining undeveloped land would be similar to the present relationship between built development and undeveloped land. However, built development at Weston has no special value whereas the undeveloped slopes clearly do. The allocation would erode a small part of this valued area and this change would be widely noticeable in public views.
180. I turn now to the Bath Conservation Area. This covers much of Bath, but excludes most of the 20th Century housing estates on the periphery and does not include built development at Upper Weston. Surprisingly, there is no conservation area appraisal to set out what makes the conservation area special, but overall it would be similar to the OUV of the WHS. The conservation area incorporates a large part of the undeveloped eastern slopes above Weston, up to the Lansdown plateau. Within this area are three listed farmhouses and Beckford's Tower. This part of the conservation area thus incorporates the rural setting for these listed buildings. All of this undeveloped part of the conservation area is identified as an important green hillside in the WHS Setting SPD.
181. The Council's assessment of the impact on the conservation area is in the *Heritage Assets Study* (Appendix 2, CD9/LV/1). Development of the Equestrian Centre and the field to the west are assessed as having a medium negative impact on the conservation area with the effect from development on the western field being able to be mitigated by design. There would clearly be harm to the conservation area because of the loss of part of the green hillsides which are integral to the designation of this part of the conservation area, but I recognise that it would affect only a very small part of the conservation area and therefore the harm would be less than substantial.
182. There are a number of other issues to be taken into account in assessing the suitability of the land at Weston for development, but none makes a significant difference either for or against development here. Potential flooding from both surface water and ground water and potential land instability would need to be taken into account in the detailed layout and design of development. These matters were assessed by the Council in the *Water Infrastructure and Geotechnical Prioritisation Report* (CD9/I3). The land is not as well located to promote journeys by walking, cycling or bus as Odd Down. This is particularly so for the two parcels either side of Lansdown Lane. Future residents here would face a steep uphill walk or cycle back from the High Street or the primary school. The bus service along Napier Road is not as frequent as that serving Eastfield Avenue. The Council envisages expanding Newbridge primary school and adjusting the catchment boundary between this school and Weston primary school so that places are released at the latter to serve the development. There is no evidence that this solution cannot be delivered.
183. Overall, there would be a loss of Green Belt; significant (albeit, still less than substantial) harm to the AONB, the WHS and conservation area. The allocation would achieve about 150 dwellings at the most sustainable town/city in the district. Of these 150 or so dwellings, 40% would be affordable (in accordance with my conclusion under Issue five) making provision where the affordable need is greatest. There are no acceptable alternative sites at Bath (see below) which could replace the contribution to housing that this site would make.

184. In this case, the benefits do not clearly outweigh the harm that would arise to the AONB, the WHS and the conservation area. In as much as the Green Belt here serves purposes which underpin and support the qualities that make these designations special, there are not the exceptional circumstances to justify removing land from the Green Belt or for major development within the AONB. The proposed allocation would not help make the plan sound and should not be made. At Weston I do not make any change to the submitted plan.
185. Some of the landowners of the proposed allocation seek a larger allocation or more intensive development to be reflected in a higher capacity figure (eg CD13/27 and CD13/1, paragraph 5.1.5). However given the sensitivity of the location, no such changes would alter the balance in favour of allocating the land. The harm would increase at least as much as any benefit from the additional dwellings.
186. I recognise that development on parts of the land proposed by the Council for allocation, such as the lower slopes of the Equestrian Centre currently occupied by a number of buildings (Fig 6 and photographs 1-12, CD13/1), would have much less harm than I have identified. However, it is not appropriate to consider such smaller parcels in isolation. The Council's proposed allocation is for a single strategic allocation and this is not justified. Allocating only small parts of this or other land parcels would make only a small contribution to meeting housing needs and boosting supply and thus a fresh balancing exercise would be required. The Council has not sought to exhaustively assess the contribution from all possible small sites around Bath and it would be unfair and arbitrary to consider the allocation of any small sites at Weston in the absence of such a comparative assessment. But as I indicate below, such an assessment would require a further commitment of time and resources which is not justified. Given my assessment of the allocated land and surroundings, there is no scope to identify any safeguarded land (part of **MM109**).

Other sites at Bath

187. An urban extension for up to 2,000 dwellings has been promoted over many years by the Duchy of Cornwall on land between the edge of Bath at Twerton and Newton St Loe (see, for example, Masterplan CD4/UE1 and *Heritage and Landscape Report* CD13/17). The merits of this location were discussed at the hearings in January 2012 and again in April 2014 in the context of the Duchy's *Draft Bath Heritage Study* (CD13/16). The Council's summary evaluation of this location is in *SA Annex L - Locational alternative appraisal matrices* (CD9/A1/5). This assessed development of either 2,000 dwellings or 250-350 dwellings on the southern part of the plateau. Subsequent more detailed assessment is in the *WHS Setting and AONB Landscape and Visual Impact Assessment* September 2013 (CD9/LV/4).
188. In the context of an overall housing requirement of *around 13,000* (and given the housing commitments outside Bath) there is no need for a very large greenfield allocation at Bath. The proposed urban extension of 2,000 dwellings was envisaged as having a high degree of self-containment. A much smaller allocation, such as comparable to that proposed at Odd Down, would not achieve this goal and be a relatively isolated development as it would be

physically separated from the edge of Bath by the steep-sided Newton Brook valley. It would be worse in terms of accessibility than the proposed allocation at Odd Down.

189. Given my interim conclusion on the scale of the housing requirement, the Duchy sought for the land to be removed from the Green Belt as safeguarded land. For the reasons already given, safeguarding such a large area is not appropriate at this time. In any case, there is a very strong objection to identifying this location for potential development in the future because of the adverse impact on the setting of the WHS and Green Belt purposes.
190. All of the land promoted by the Duchy is within the *important green hillsides* in the WHS Setting SPD (CD9/W1, Draft SPD, Map 4; adopted SPD Map 5) which is an important consideration in the assessment of the effect of development on the WHS. From various viewpoints within the AONB to the north of the river Avon (eg the entrance to Kelston Park and the Cotswold Way at Dean Hill/Kelston Roundhill) this land is prominent in mid-distance views. It has a coherent, open rural character which is well integrated with the surrounding countryside and clearly separate from the existing City because of the well wooded valley separating the land from Twerton. The intervening main road and existing and former railway lines do not significantly detract from the rural panorama of which this land is part. The land is also visible from higher ground within Bath, forming part of the countryside context of the city. I broadly concur with the Council's assessment in *WHS Setting and AONB Landscape and Visual Impact Assessment for Land West of Twerton* (CD9/LV/4). These visual qualities illustrate fulfilment of several Green Belt purposes in this location. There are not the exceptional circumstances to remove land here from the Green Belt for safeguarding.
191. Several smaller parcels of land on the edge of Bath were promoted for allocation in representations and/or through SCG with the Council (eg BNES/53R, 53S and 53W). In ID36 (July 2013) I expressed concern about the Council's approach to such small sites at Bath in the light of the Council's evidence at the time. The SHLAA (CD9/H3 and June 2013,) referred to some parcels of land not yet being fully assessed, but which might yield 20-30 houses each. Annex 1 of the Report to Council of 4 March 2013 (paragraph 4.11, CD9/PC3) also referred to smaller sites on the edge of Bath which could be considered in the Place-making Plan as part of a minor review of the inner Green Belt boundary. In the absence of any requirement in the Core Strategy to find further sites in the Green Belt, it was difficult to envisage how any such sites would pass the exceptional circumstances test, but they would not have been fully evaluated at the outset (see ID/36 for fuller explanation). The evidence has moved on since then.
192. Various sites on the edge of Bath were further reviewed in BNES/47 Table 8 and in the most recent SHLAA (CD/10/E19), either as individual sites or as larger parcels of land. Irrespective of their location in the Green Belt, most are not considered by the Council as suitable, with only one or two exceptions, (such as SHLAA site E14bi; Cranleigh, off Midford Road). Sites such as Old Fosse Road; land off Minster Way; and on the southern edge of Bathampton are all identified as *important green hillsides* in the WHS Setting SPD (CD9/W1, Draft SPD, Map 4; adopted SPD Map 5). Development here is likely to harm the WHS. There is not the evidence to demonstrate that harm to the

WHS or other designations/constraints (eg land stability, nature conservation) could be satisfactorily avoided or mitigated.

193. A robust assessment of the suitability of land on the edge of Bath requires considerable detailed work, even for relatively small sites (as illustrated by the evidence required at Weston). It would be disproportionate to require the Council to undertake further work on these small sites where a high-level assessment indicates likely significant harm. The scale of development that might be accommodated on sites potentially suitable (other than for their location in the Green Belt) is likely to be very modest and does not represent an alternative to the strategic allocations proposed at Odd Down or Weston. There are not the exceptional circumstances to justify allocating any such small sites in this plan or for signalling that such allocations should be made in the Place-making Plan.

Land Adjoining East Keynsham - proposed strategic allocation policy KE3A (CSA33, CD10/CS1) and proposed safeguarded land policy KE3B (CSA34)

194. Policy KE3A allocates for housing land south of the A4, to the east of the Wellsway secondary school. North of the A4, either side of World's End Lane, land is allocated for employment as an extension to the Broadmead industrial estate. The main issues here are Green Belt, transport and access, the accessibility of the location, the justification for employment provision and safeguarding.

Green Belt

195. All of the allocated land is within the Green Belt. The Council accepts that there would be some harm to Green Belt purposes. The Council's appraisal is in the *Green Belt Stage 2 Report* (Overview, Table 3.3.4, CD9/E9). The key purpose of Green Belt here is preventing the merging of neighbouring towns. A related local purpose is protecting the identity and setting of villages by maintaining the separation between Keynsham and Saltford. Bearing in mind that, when passing along the A4 corridor, much of the proposed allocation would be to the rear of existing frontage development, the perceived effect on narrowing the gap between Keynsham and Saltford would be limited. The safeguarded land would also be partly behind frontage development. The remaining area of land within the Green Belt between Keynsham and Saltford would still be sufficient to achieve the separate identity of these settlements.

196. The Green Belt here also safeguards the countryside from encroachment. The *Stage 2 Report* considers that this area of countryside is the most compromised along the A4 corridor because of the effect of ribbon development along the road. Nevertheless, this countryside is greatly appreciated by local residents for the opportunity it affords for informal recreation close to their homes and the attractive contrast it provides to built development. Some residents regard the fields proposed to be allocated as their local *common*, but public access is only permitted as of right along the footpath which crosses the centre of the proposed allocation, even if greater use appears to have been tolerated by the landowner. The loss of this opportunity for informal recreation close to Keynsham is a disadvantage to be weighed in the balance, but local residents would still have easy access to the Manor Road Community Woodland which provides an attractive mix of woods

and open meadow for informal recreation.

197. The proposed boundary of the allocated land follows existing hedgerows and the edge of the Community Woodland. The safeguarded land is in two parts - to the south and east of the allocated land. The Council accepts that its choice of which parcels of land to include in the allocation and which to retain as safeguarded land is finely balanced. For example, the triangle of safeguarded land to the south of the allocation could have been allocated instead of the eastern-most field of the allocation, but the balance of advantage lies in development being close to the A4 corridor (see below in relation to accessibility).
198. The new boundary for the Green Belt would follow the Community Woodland and field boundaries to the east. The eastward extent of the land to be removed from the Green Belt also takes into account the required safety zone either side of the high pressure gas pipeline which crosses the A4 between Keynsham and Saltford and which would be a fundamental constraint on any built development (see plan p17, Appendix 1c(i) of the SHLAA – CD10/E19). There would be no purpose in removing land from the Green Belt within this constrained corridor. If the allocation and safeguarded land is justified in principle, the chosen boundaries are appropriate - no alternative boundaries are clearly preferable.

Employment

199. The promoter of the allocated land north of the A4 states that if the allocation remains entirely for employment use then it is unlikely to be delivered, but no further explanation is given. Mixed-use is sought. In summary, the Council's justification for the scale of the employment allocation here is that the land is well located for industrial uses displaced as a result of redevelopment of sites in Bath for more intensive, higher value uses; it will support increased self containment at Keynsham; and that it is a good business location, being in the favoured Bath-Bristol corridor and thus has the potential to facilitate economic growth (see for example CD4/E1, 8.36-8.40; CD4/E14, 9.1 and p202; CD9/PC3, Annex 1, 3.32-3.34). The Council accepts that the scale of allocated land is more than is justified solely on floorspace forecasts, but see it as providing flexibility to accommodate higher economic growth, which I highlighted as a requirement in ID28.
200. I consider that the Council's case for the employment allocation is well made and is consistent with the aim of the Framework to promote economic growth. Prior to the hearing, the Council accepted that employment uses here should not be limited to B class uses (BNES/54, 4.4). This would allow greater flexibility in the use of the land, which is appropriate. Whilst there may not at present be demand to build speculative industrial units here, it is important to have land available that can respond to more favourable economic circumstances. Notwithstanding the dwellings on the A4 frontage abutting the allocation, mixed-use is not justified as it would limit the ability of the allocation to accommodate industrial and warehouse uses which may be incompatible with residential use. I see no reason why the landowner would not want to release this agricultural land for commercial development as and when demand arose. In the absence of the employment allocation there would be no justification for removing it from the Green Belt. There is,

however, no justification for making the allocation larger by placing the Green Belt boundary further to the east. In any case, the constraint from the gas pipeline affects land to the east. The proposed new Green Belt boundary north of the A4 is justified.

Transport

201. At the hearing, the Council accepted that some of the requirements in policy KE3A and shown on the Concept Diagram were not justified. In particular, highway access from the Broadmead roundabout need only be shown as a *potential vehicular access* as direct access to the A4 is available further to the east. Given the bus services along the A4, it is not necessary to have a bus route through the allocation linking to Teviot Road. The Council is now satisfied that the links to the south west need be only for pedestrians and cyclists. Dropping this vehicular link would remove a particular cause of concern to local residents. The land owner/promoter of the residential allocation was content with these changes. They were confirmed, with changes made to the Concept Diagram, in BNES/56 and I have incorporated them in the recommended MM.
202. There are undoubted problems of traffic congestion at Keynsham as a result of peak hour through traffic on the A4 and more local traffic using roads in and around the town centre. The Council's traffic modelling (CD12/18) indicates that there is potential for the network to *lock-up* with planned development, but the modelling took no account of future changes which should make alternatives to car journeys more attractive for residents of Keynsham and those coming to work in the town. These changes include: greater frequency of rail services stopping at Keynsham as part of the Metro West project; a new bus service to south Bristol via Charlton Road (secured as part of the S106 agreement for the Somerdale redevelopment); a new bridge across the river Avon to improve access to the Avon cycle path leading to the centre of Bristol (also secured as part of the Somerdale scheme); and other soft measures, such as encouraging changes in travel behaviour/walking to school. Working with Sustrans, the Council hopes to secure a new cycle link via World's End Lane to the Bath-Bristol cycle path, which would make journeys to Bath much more attractive.
203. The proposed allocation is well located to make journeys by walking, cycling and bus particularly attractive. A superstore, schools and employment are within a short walk of the site. A new primary school is included in the allocation. Keynsham town centre would be a short cycle or bus ride away. There are high frequency bus services along the A4 to the centres of Bath and Bristol and bus stops would be only a short walk for future residents. Accordingly, there is considerable scope to achieve significant modal shift away from the car in this location in accordance with a core planning principle in the Framework (paragraph 17, 11th bullet). The residual cumulative impact on the local road network would not be severe (Framework, paragraph 32).

Other Matters

204. The policy envisages around 250 dwellings with an average density of 40-45 dwellings per hectare. The Council considers that this makes the best use of a sustainable location and, in part, reflects one of the suggested density ranges

previously put forward by the landowner/promoter (although this was in the context of a much bigger proposal). I share the promoter's concern that this expectation may be too ambitious. The type of development resulting from the required density (more apartments) may not be attractive to the market here or achieve an appropriate edge to the development, bearing in mind that it cannot be assumed that the safeguarded land would be developed. A little more flexibility is required which could be achieved by deleting the specified density and indicating a range of 220 -250 dwellings to be delivered. The Council accepts that the allocated area is sufficient to allow a slightly lower density, depending on the land taken by other elements.

205. Overall, there would be a loss of Green Belt in a sensitive location, but the fundamental purpose of the Green Belt here would still be achieved. There would be a loss of well appreciated countryside and the opportunity for informal recreation. There would be no other significant harm. The allocation would achieve 220 - 250 dwellings in a highly sustainable location at the most sustainable town in the district after Bath. Of these dwellings, 30% would be affordable. The allocation would also provide additional employment to complement housing growth in the town. There are no better alternative sites at Keynsham (see below) which could replace the contribution to housing and employment that this site would make. Overall, there are the exceptional circumstances to justify removing land from the Green Belt. The Council's decision to allocate this site represents positive planning and is justified.

206. Several of the PPs in the policy were of concern to the landowner/promoter. At the hearing, the Council agreed some detailed changes which were confirmed in BNES/56 and which I have incorporated in the MM. Some further changes are also required. PP7 now makes clear that new planting is intended to provide an appropriate edge to the development. This is justified, but there needs to be flexibility as to whether this is provided within the allocated area or off-site, to allow for any practical difficulties of implementation. The same applies to the required ecological enhancements. The allocation is required to provide land for a new primary school, but the financial contribution for the school should be proportionate to the pupil requirement generated by the development. This is the Council's intention, but I have made it clear in the wording of PP19. As amended, the allocation is necessary to make the plan sound (**MMs 60, 65 part, 66, 68 and 69**).

207. The proposed safeguarded land to the south of the allocation has a long boundary with the relatively harsh built-up edge of Keynsham and is well defined to the east by the Community Woodland. This is a small area which justifies removal from the Green Belt for safeguarding. The safeguarded land to the east has similar characteristics to the allocated land. It would share many of the sustainability credentials referred to above. Bearing in mind the lack of any other fundamental constraint and the limiting effect on development to the east from the gas pipeline, I consider that this is a well defined and justified location for safeguarding. The scale of this safeguarded land is not so great as to be significant in any future sub-regional assessment of where development should take place to meet wider housing needs. Safeguarding this land now would not unreasonably skew future decisions, but would provide a local opportunity for further development if required. Policy KE3B rightly makes clear that the land would be released for development only following a review of the local plan, but it should not specify that this

would be only after 2029. There may be issues to overcome, such as traffic congestion, but they can be properly assessed as part of the plan review at any stage. I have amended the wording in **MM67** accordingly.

208. The landowner/promoter here had previously advocated a much larger allocation to include the safeguarded land and land on the western edge of Saltford (*Creating a new parkland community for Keynsham and Saltford CD13/8*). There may be some benefits from such a scheme, such as an alternative bus route between Saltford and the Broadmead roundabout and the creation of a new park where development is constrained by the gas pipeline. However, the delivery of the 13,000 housing requirement does not require this scale of development here. I find below that the allocation at Whitchurch is sound and replacing that allocation with additional housing at East Keynsham is not justified. The western edge of Saltford would not be as sustainable a location as the edge of Keynsham and the effect on the Green Belt gap between the settlements would be similar.

Land adjoining south west Keynsham - proposed strategic allocation policy KE4 (CSA37, CD10/CS1)

209. The Council's appraisal of the significance of the land for the Green Belt purposes is in the *Green Belt Stage 2 Report* (Land parcel A, Table 3.4.4, CD9/E9). For some Green Belt purposes this land is not relevant and for other purposes its contribution is very limited. It is a much less sensitive location in Green Belt terms than other edges of Keynsham.

210. Charlton Road and Parkhouse Lane would create logical new Green Belt boundaries. The policy requires (PP6) new woodland planting along the lane (as shown on the Concept Diagram) to provide a landscape buffer from views to the south and east. With such planting, the visual impact of the development would be satisfactorily contained and the potential for significant visual harm identified in the *Keynsham South Landscape and Visual Assessment* (CD9/LV8) would be mitigated (largely achieving what is suggested in the *Landscape Update for Keynsham - CD10/E13*).

211. The policy requires (PP4) that development does not break the skyline in views from the Queen Charlton Conservation Area. The allocated land falls away from Charlton Road and given the intervening plateau and woodland I am satisfied that there would be no harm to the conservation area, which was a concern flagged in the *Heritage Asset Study* (Appendix 4, Table A4.5, CD9/LV1).

212. The site is on the southern edge of Keynsham and is not particularly well located for encouraging travel by means other than the car, although Parkhouse Lane would provide an attractive route for walking and cycling to the town (less steep for the return than Charlton Road). Existing bus services pass through the housing estate to the north and the new service from Keynsham to south Bristol referred to above would be a useful addition.

213. Given the location on the southern edge of town, a higher proportion of traffic generated by the development is likely to access Bristol via Whitchurch rather than through Keynsham compared with other parts of the town. Taking into account the measures proposed at Keynsham to encourage modal shift, the

residual cumulative impact on the local road network should not be severe (Framework, paragraph 32).

214. The policy requires (PP13) off-site capacity improvements, including two named junctions. The need for this is disputed by the site promoter. I am not satisfied that the Council's evidence (CD9/I2/1 and Appendix F CD9/I2/7) is sufficient to confirm that improvements are essential at these specific junctions as a result of this allocation. The assessment for South West Keynsham in Appendix F assumed trip generation from 400 residences, whereas in the main report *scenario 1* was based correctly on 200 dwellings here. It is not clear that the determination of specific junction improvements took into account the correct scale of development. The assignment of trips to the network may also need further refinement. Whilst some off-site works are likely to be required (and the promoter has offered to realign the priority at the junction of Charlton Road and Wollard Lane, which would be welcomed by the Parish Council), the details should await further assessment at the application stage in a traffic impact assessment.
215. The allocation includes a dwelling - *The Bungalow* - not currently in the control of the site developer. Whilst it is reasonable to include this land in the allocation it is not essential for this part of the site to be developed if the land is not available. Its exclusion would slightly reduce capacity. If unavailable, it would not be possible to deliver the *reinstated path* along the southern boundary shown on the Concept Diagram, but I do not regard that as critical and, rightly, it is not a requirement in the policy. As with East Keynsham, I consider that greater flexibility is required in relation to density and the expected total number of dwellings should be expressed as a range of 180-200 to ensure that a satisfactory design and layout can be achieved.
216. Overall, there would be a loss of Green Belt, but not in a sensitive location and the wider purposes of the Green Belt in this area would be maintained. The wider visual impact would be limited. There would be no other significant harm. The allocation would achieve 180 -200 dwellings in a location that offers some alternatives to the use of the car. Of these dwellings, 30% would be affordable. There are no better alternative sites at Keynsham (see below) which could replace the contribution to housing that this site would make. There are the exceptional circumstances to justify removing the land from the Green Belt and the Council's decision to allocate this site represents positive planning. Subject to the detailed amendments referred to above I recommend the allocation as necessary to make the plan sound (**MMs 65** part, **71**, **72**, and **73**).
217. Both of the policies for strategic allocations at Keynsham include reference to sewerage improvements. The infrastructure table for Keynsham needs updating in relation to sewerage improvements and education provision (**MM76** and **MMs 74** and **75** for consistency and clarity). To reflect the strategy for additional housing at Keynsham, including the two allocations to be removed from the Green Belt, the text relating to Keynsham needs amending (**MMs 1**, **10**, **57**, **58**, **59**) as does the strategic policy for the town (**MM61**) and the related key diagram (**MM62**).

Other sites at Keynsham

218. Bloor Homes have promoted for many years development of over 1,000 homes at south west Keynsham to include the land now proposed for allocation by the Council, together with most of the land between Parkhouse Lane and Redlynch Lane (CD13/5). In the light of my preliminary conclusion that the plan need provide no more than around 13,000 dwellings, the safeguarding of this land rather than its allocation is now sought. Such a scale of safeguarded land would be significant in the future assessment of appropriate locations to meet sub-regional needs. For the reasons already given, it is best not to safeguard such large areas in the absence of a sub-regional assessment undertaken co-operatively by the West of England Authorities.
219. The overall sustainability merits of this location are not so strong as to justify safeguarding now (part of **MM109**). As already indicated, it is a peripheral location away from the main transport corridor for rail and bus services. There is also the potential for significant wider landscape impact as set out in the Council's assessment *Keynsham South Landscape and Visual Impact Assessment* (CD9/LV8). This land is seen in extensive views across the Chew Valley from the east and accordingly I do not find the promoter's favourable landscape assessment convincing (CD13/6). Given its rural character and wider visibility, the land south of Parkhouse Lane fulfils the Green Belt purpose of preventing encroachment into the countryside (Land parcel B, Table 3.3.4, CD9/E9).
220. I am satisfied that there are no clearly preferable alternative sites in the Green Belt abutting Keynsham which should be allocated or safeguarded in this plan. Land at Uplands Farm is in a peripheral, elevated location, in an open landscape setting. Apart from the north eastern corner, the land south of Lays Farm industrial estate is on an open plateau in a sensitive part of the Green Belt between Keynsham and Stockwood. Whilst in the long term, new woodland planting might preclude inter-visibility between these two urban areas (see CD13/22), I do not regard such planting as mitigating significant harm to the Green Belt here, since the Green Belt primarily seeks to retain openness. Land at Manor Road (Land parcel C4 in *Green Belt Stage 2 Report* Table 3.3.4, CD9/E9) is a relatively small parcel. Even if this was combined with the triangle of safeguarded land to the north (in the control of the same developer) it would not enjoy the accessibility benefits of the allocated land.
221. Complex and ambitious proposals for houses and employment were promoted on land north of the railway line at Avon Valley Country Park and Business Park (see for example CD10/LD3a and CD13/23-26). Such proposals would cause significant visual harm in an open landscape (*Keynsham East Landscape and Visual Impact Assessment* (CD9/LV7); significantly undermine Green Belt purposes of preventing sprawl and the merger of towns (Land parcels A1-3, *Green Belt Stage 2 Report* Table 3.3.4, CD9/E9); and require complex new road infrastructure, creating uncertainty about delivery. At the hearing in April 2014, only a small allocation (3ha) was sought on land immediately to the south of the main country park complex. However, such an allocation would make a hole in the Green Belt. There are not the exceptional circumstances necessary to remove this land from the Green Belt. Nor are there exceptional circumstances to justify allocating any smaller sites or for signalling in this plan that such allocations should subsequently be made in the Place-making Plan.

Land at Whitchurch – proposed strategic allocation policy RA5 (CSA45, CD10/CS1)

222. The proposed allocation is all currently in the Green Belt. It includes a listed former farmhouse and adjoining buildings adjacent to Staunton Lane/Sleep Lane; an extensive range of buildings and parking areas formerly used as the visitor centre for *Horseworld*; various fenced or hedged paddocks; and a commercial yard. The latter abuts another commercial use and dwellings which are also to be removed from the Green Belt, but are not included in the allocation.
223. The Council's appraisal of the Green Belt around Whitchurch is in the *Green Belt Stage 2 Report* (Table 3.5.4, CD9/E9). The allocated land forms only the south-western portion of parcel E in this report. The report considers that the narrow bands of land between Whitchurch village and the edge of Bristol and the land between Stockwood and Keynsham have the greatest significance for Green Belt purposes. In this context, the allocated land has a much more limited Green Belt role, particularly so given the existing buildings in the northern part of the allocated area.
224. Bristol City Council objected on Green Belt grounds to the changes published in March 2013 which included Whitchurch as a broad location for a strategic release of land from the Green Belt. However, the City Council concurs with the assessment of Green Belt land around Whitchurch in the *Stage 2 Report* referred to above. It does not object to the proposed allocation on the basis that it is the least harmful of the options around Whitchurch and its main concerns have been allayed (CD12/19 pp 488-490).
225. The proposed Green Belt boundaries follow the existing substantial hedgerows around the large paddocks in this area and exclude adjoining small parcels of land which are mainly very well-vegetated residential curtilages. In this respect, the proposed boundaries of the Green Belt and allocation would largely avoid development where its impact on the landscape was assessed as *high negative* in the *Addendum to the Landscape and Visual Impact Assessment: Whitchurch* (CD10/E11). This would ensure that overall encroachment into the countryside was minimised. Whilst matters are finely balanced, I consider that the evidence in this assessment justifies the Council's chosen boundary in the vicinity of Queen Charlton Lane, rather than the inclusion in the allocation of the eastern half of the curtilage of The Mead.
226. The allocated land would be within easy walking distance of Whitchurch primary school and the limited services within the village centre and not too far from the local shopping centre in Stockwood (although the footway along Staunton Lane is narrow). Nearby, there is a cycle path which provides a traffic free path for a significant proportion of the route to the centre of Bristol. There are reasonably frequent bus services along the A37 through Whitchurch and more frequent services across Bristol from the shops at Stockwood. The new bus service between Keynsham and south Bristol referred to above will also pass through Whitchurch. Accordingly, it is a location where there are realistic alternatives to the car for many journeys. The proposed allocation policy requires improved links for pedestrians and cyclists.
227. Local residents are very concerned about additional traffic congestion in the area. However, all the available technical evidence indicates that the residual

cumulative impact on the local road network would not be severe (see, for example, CD13/14). That was also the conclusion of the Secretary of State and the Inspector earlier this year when dismissing an appeal for up to 295 dwellings on land off Stockwood Lane and Orchard Park, close to the proposed allocation (APP/F0114/A/13/2199958, CD12/24).

228. The proposed policy and Concept Diagram propose two primary vehicular accesses: one to Staunton Lane to the north and one to Sleep Lane to the south west, which would link with the new roundabout proposed for the Barratt Homes development where houses are already under construction. This provision should ensure that the allocation does not materially increase traffic on the very narrow section of Sleep Lane (see section B, CD12/6).
229. The Concept Diagram shows only a pedestrian and cycle link to Queen Charlton Lane. A vehicular access here would enable the developer with an interest in the southern portion of the allocation to start independently and not be reliant on progress on the Horseworld part of the site. However, Horseworld are clearly keen to progress the development of their land and much useful work has already been done in support of their recent planning application for this part of the allocation (CD12/6). Protection of the rural character of Queen Charlton Lane weighs in favour of not identifying in the policy a vehicular access here, although the policy need not specifically exclude it.
230. Local residents highlight the refusal of the Horseworld application (for up to 125 dwellings on part of the allocated land) as reason not to pursue the proposed allocation. However, that refusal (CD12/7) was based on there not being clearly demonstrated very special circumstances to outweigh the harm from inappropriate development in the Green Belt, at a time when limited weight could be given to this emerging Core Strategy. My assessment of the soundness of the Council's proposed allocation is based on the exceptional circumstances test in the Framework for removing land from the Green Belt in the context of a planned strategy to meet an identified housing requirement.
231. The *Heritage Assets Study* identified a medium risk to the significance of heritage assets over a large parcel of land to the east of Whitchurch (Parcel *north east 2*, Table A5.5 and summary map, CD9/LV/1). The particular concern was the effect on the open countryside setting around the Queen Charlton Conservation Area. However, I am satisfied that there would be no harm given the location of the allocated land furthest from the conservation area and the intervening well treed plot boundaries.
232. Whitchurch Primary School would need to be expanded to accommodate the additional pupils from the new houses. Because the school is on a small site, expansion of the building results in an unacceptable loss of outside space. The school grounds would need to be enlarged at the rear or a separate new playing pitch provided conveniently nearby. Acquisition of the necessary land may require compulsory purchase. The expansion of the grounds/new pitch is clearly a direct consequence of the expansion of the building required to accommodate the pupils from this development and therefore the requirement of the policy (PP8) in this regard is justified.
233. At the hearing in April 2014, the Council accepted that some of the notation

on the Concept Diagram could be clarified, including re-naming the *retained vegetation* running north-south through the site as an *indicative green infrastructure corridor*, in order to provide the necessary flexibility to accommodate the road layout crossing this central spine of planned and existing planting. The various changes agreed were shown on the Concept Diagram included in BNES/56.

234. Overall, there would be a loss of Green Belt, but this land does not strongly serve Green Belt purposes. The key role of the Green Belt in this area would be maintained. The wider visual impact would be limited. There would be no other significant harm. The allocation would achieve about 200 dwellings in a location with good alternatives to the use of the car. Of these dwellings, 40% would be affordable (in accordance with my conclusion under Issue 5). There are no better alternative sites at Whitchurch (see below) which could replace the contribution to housing that this site would make with less impact on the Green Belt and as good or better accessibility. There are the exceptional circumstances to justify removing the land from the Green Belt and the Council's decision to allocate this site represents positive planning. Subject to the detailed amendments referred to above, I recommend the allocation as necessary to make the plan sound (**MMs 12, 94, 95, 96 and 97**).
235. Given the close relationship of Whitchurch to Bristol, the Council considers that the need for and scope to identify safeguarded land here should be addressed as part of the Core Strategy review. The need to accommodate sub-regional housing may well require further consideration of the potential of land around Whitchurch. However, as the potential scale of such needs is unknown (but could be substantial) no realistic assessment can be made at present of the scale of any safeguarded land. As previously explained, in the absence of a comprehensive sub-regional approach, identifying now a large area of safeguarded land so close to Bristol would inappropriately skew any future assessment. The Council's approach, which is explained in proposed new text, is justified (**MM94** and part of **MM109**). The proposed allocation does not prejudice any future decisions on the rest of the Green Belt here and does not need to be part of any larger master-plan for the land around Whitchurch.
236. A very large urban extension around Whitchurch was first proposed in the context of the emerging RS. It was pursued as part of this Examination and considered at the hearings in January 2012. However, there is clearly no need for that scale of development in the context of this plan and I do not comment on its merits further.
237. Two smaller alternative sites have continued to be put forward (alternative options WH1 and WH2 in the November 2013 consultation CD10/CS1). Neither would be clearly preferable to the allocated land taking into account its very limited harm to the Green Belt and good accessibility. The land at Orchard Park, where the appeal was dismissed earlier this year, would be closer to the shops and high frequency buses at Stockwood than the allocated land, and could facilitate a new school playing field, but development of 200 or so homes here would cause substantial harm to the Green Belt as it is in the narrow gap between the urban edge of the Bristol and Whitchurch.
238. In the Orchard Park appeal decision, the Inspector disagreed with the appellant's view that the development would have only a modest impact on

Green Belt purposes (paragraph 193 of the report, CD12/24). The Secretary of State agreed with the Inspector's conclusions in relation to Green Belt harm (paragraph 10 of the decision). The Council's assessment of this land in the *Addendum to the Landscape and Visual Impact Assessment: Whitchurch* (CD10/E11) suggests that part of the land *could be suitable for an extension to Whitchurch village*, but I do not regard that visual and landscape assessment as directly assessing Green Belt purposes. In any case, the Secretary of State's conclusion on the Green Belt post-dates that assessment.

239. To reflect the combination of the revised figures for housing and jobs, the spatial strategy and the sites now to be allocated in the Green Belt, changes are required to the overall spatial strategy and the strategy policies for Bath and Keynsham (**MMs 17, 23, 61**). Consequential changes to text on the Green Belt are also required to reflect the four allocations that are to be made (**MMs 2, 13 and 108**).

Major Existing Developed Sites (MEDS) in the Green Belt

240. Within the Green Belt, a number of MEDS are currently defined on the Proposals Map of the adopted local plan. These were defined in accordance with the advice in Planning Policy Guidance 2 *Green Belts* which was current at the time, but has been replaced by the Framework. The specific identification of MEDS is not referred to in the Framework. In the light of concerns I expressed in ID36 about the ambiguous references to MEDS in the Core Strategy, the Council has proposed changes as explained in BNES/47 (6.22-6.26 and BNES/51, 6.1). In the context of national policy, the Council will review in the Place-making Plan whether MEDS should continue to be designated and, if so, the sites to be designated and their boundaries. Wording to make this clear is necessary for soundness (**MMs 49 and 111**).

Issue five – Are the policies for affordable housing and gypsies and travellers justified?

Affordable housing

241. Affordable housing policy CP9 was discussed at the hearings in January 2012. It is unsound for the reasons given in my note of 30 August 2012 (ID30, section 3). I suggested that the Council should consider setting different affordable housing requirements in different parts of the district to reflect the viability evidence. The *Viability Study Final Report* June 2010 suggested three target options including two with different targets in different parts of the district (paragraph 6.25, CD4/H8).

242. A *Viability Study Update* was published in December 2012 (CD9/H1). It concluded that the three options originally recommended in the 2010 study remained valid. The changes published in March 2013 (CD9/PC1) propose a two-way split namely: a 40% target for *Prime Bath, Bath rural hinterland and Bath north and east* and a 30% target elsewhere, in accordance with one of the options in the *Update*.

243. At the hearing in April 2014, the Council clarified that it was relying on the evidence in the above two viability studies to justify affordable housing provision generally across the district, but not on the strategic Green Belt sites. The latter are the subject of a separate study (see below). The above

studies did not include any allowance for site servicing/external works or significant differences between gross and net site density as such factors are more relevant for large greenfield sites which was not the focus of the studies. For the purposes for which they are intended, the assumptions used in the studies are reasonable and the evidence justifies the selected 2-way split in the affordable housing percentage now proposed.

244. The Council's proposed changes to CP9 included reference to a higher proportion of affordable housing being sought where supported by viability evidence, but such wording would undermine the clarity of the policy and is not justified. Changes can always be made in a plan or policy-specific review if viability evidence significantly changes. I have thus removed this wording from the changes I recommend. The Council is not seeking to deviate from the national definition of affordable housing in the Framework and there is no need to include a definition in the plan. **MMs 117-123**, and **MM125** are necessary to make the plan sound.
245. The percentage of affordable housing sought on the proposed strategic allocations is supported by *Strategic Greenfield Allocations – Viability Testing* November 2013 (CD10/E7). The main focus of representations is the 40% requirement for the allocations at Bath and Whitchurch. This study presents many different results by varying key assumptions. Although useful for sensitivity testing, I do not place much weight on the scenarios which assume growth in sales values of 10% as studies of this kind should normally be based on current costs and values and any short term changes which are certain.
246. The base assumption in the study with regard to section 106 contributions was £15,000 per unit, but with £10,000 and £7,500 per unit included for sensitivity testing. At the hearing in April 2014, the Council confirmed that in accordance with its latest *School Organisation Plan* (2013-2017) there is unlikely to be a need for any financial contribution to secondary school places from the strategic sites. Such contributions would make a substantial difference to likely section 106 costs. In the light of this very recent evidence, it is reasonable to assume such costs at no more than £10,000 per unit.
247. Under Issue six, I have concluded that the Council's proposal for the homes built on the strategic sites to meet Code for Sustainable Homes level five is not justified. Accordingly, there is no need to assume additional build costs other than those which will apply nationally through changes in the Building Regulations. In accordance with the stated intentions of promoters, these strategic sites should be well underway before the energy requirement equivalent to Code five in the Building Regulations comes into force in 2016. Thus, at most, costs can be assumed at Code four.
248. The study produced results for an average density of 40 dwellings per hectare and for 30 dwellings per hectare. Given that I am easing some of the density requirements in the proposed policies, an average density for the strategic sites may be around 35-40 dwellings per hectare. Based on the appropriate assumptions referred to above for other factors, the study strongly suggests that 40% affordable housing could be achieved at Bath and Whitchurch against at least some of the three benchmark land values used in the study (see below).

249. At Odd Down, the allocation is much larger than the area which is suitable for built development, reflecting the sensitivity of the site and the need to minimise harm to heritage assets. It is reasonable to calculate density on the gross area suitable for development and not to include the additional land which must be left free of built development and retained as woodland or open land. The sales values assumed for Whitchurch are not being achieved at Barratt's current development in Sleep Lane opposite the allocation, but one set of sales data for one builder should not override the more widely based data used in the study. In addition, the proposed allocation at Whitchurch is significantly larger than Barratt's current development and may create a more distinct and attractive sense of place reflected in higher values than currently being achieved.
250. The study assumes a base build cost of £883 per square metre (psm), an allowance for external works; and additional costs for Code level four, giving an overall build cost of £1,050 psm. A further £600 per unit is added for Lifetime Homes standards. At the hearing, parties highlighted higher build costs used in an earlier study by the same consultants commissioned by the Council to inform its proposed Community Infrastructure Levy (March 2012, CD12/31). In that study, all-in build costs for sites of over 150 units were assumed to vary between £810 psm in Keynsham and Norton Radstock to £1,620 for Bath City Centre. That very high figure is because of the need to use Bath stone and is not relevant for the strategic greenfield sites. More comparable are the costs assumed for *Bath rural* (£1,224 psm) and *Bath South* (£1,134 psm). In my view, these modest differences with the total build costs assumed in the viability testing report do not undermine the reasonableness of the assumptions used. Whilst I recognise that the development of the allocation at Odd Down will require particular care in its design and layout, this need not necessarily translate into significantly higher build costs.
251. The study uses three benchmark land values ranging from £250,000 - £350,000 per hectare. Apart from the buildings on part of the Horseworld sites, all the strategic allocations I am recommending are greenfield sites. Given their current location in the Green Belt, there is no alternative commercial use other than as agricultural land with a typical value of up to £22,000 per hectare. Accordingly, even the lowest benchmark value (or slightly less) would provide the landowner with a very substantial return. All the land owners are keen to bring their land forward for development.
252. Accordingly, the affordable housing requirements proposed by the Council for each strategic site are justified. The tenure split of affordable housing is an important matter and the Council intends that further guidance will be set out in an SPD (**MM120**).
253. The Council intends to address the specific accommodation needs of older people through the Place-making Plan. Such further consideration is necessary and use of this subsequent DPD is acceptable (**MM126**).

Gypsies, Travellers and Travelling Showpeople

254. The submitted Core Strategy sets out in policy CP11 criteria against which proposals for sites for travellers will be considered. The plan refers to the

2007 *West of England Gypsy and Traveller Accommodation Assessment* (GTAA) (CD4/H10) which had assessed needs only for the period 2006 – 2011. The submitted Core Strategy is unsound on this issue and does not adequately reflect the requirements of national policy in *Planning Policy for Travellers*, March 2012. In particular it is not based on an adequate assessment of needs over the whole plan period, nor does it make clear that allocations will be made to meet those needs.

255. A new GTAA for B&NES was completed in December 2012 (CD9/H2). This was undertaken by consultants experienced in such work. It identifies a present need for 24 pitches for gypsies and travellers and a further four pitches for the rest of the plan period and a present need for 40 plots for Travelling Showpeople. Proposed changes to the plan published in March 2013 include changes to the text to refer to this study and several changes to the wording of policy CP11. Representations made a number of criticisms of the new GTAA, but many of these were focussed on its reportage of stakeholder comments. At the hearing, there was general acceptance that the overall assessment of need was about right and there is no evidence to support alternative figures. The GTAA has come to reasonable conclusions on need. It has included a small element of need from travellers living in houses who may be seeking a pitch and has identified a large group of Travelling Showpeople not previously known to the Council. In the absence of any evidence to the contrary, it would be wrong to exclude these needs.
256. The Council's published changes do not adequately explain the evidence in the GTAA and I have made amendments so that the extent of immediate need is clear. This is necessary so that the five year supply of pitches can be readily identified. I have also made changes to CP11, given that the policy has to be effective for both applications and to guide allocations (**MMs 127-131**). Given that most of the need is immediate, the proposed target in the monitoring section for delivery by 2027 is not justified. Until the Gypsy and Traveller Plan has progressed further, it is not possible to identify a realistic but stretching target. A delivery target should be set in that plan (**MM134** in part).
257. The LDS (CD10/CS3) includes a separate Gypsy and Traveller Development Plan Document (DPD) through which specific site allocations will be made. Progress on the Gypsy and Traveller DPD has not been as rapid as is desirable given the scale of current unmet needs. Consultation on preferred options took place in 2012. The timetable in the LDS is for site options to be published in November 2014 and a full draft plan in May 2015, with submission by January 2016. This is the same timetable as for the Place-making Plan which would be making all other allocations not covered by the strategic allocations proposed in the Core Strategy. Accordingly, the Public Sector Equality Duty is met in relation to progression of the necessary allocations to meet the needs of travellers.

Issue six – Are the policies to respond to climate change justified and deliverable?

258. Policy CP4 concerns district heating. It is unsound for the reasons set in my note of 30 August 2012 (ID30). The evidence does not support the policy requirement that within the 15 identified areas development will be expected to incorporate infrastructure for district heating. The policy can only have an

expectation for the installation of such infrastructure in the three most promising locations: *Bath Centre*, *Bath Riverside Corridor* and *Keynsham Town Centre*. In the remaining 12 areas, the policy can only encourage consideration of district heating systems and require connection where any such suitable system is in place, or will be, at the time of construction. The Council's published changes in March 2013 addressed this problem, as well as clarifying the heat hierarchy in the policy. These changes make the policy sound (**MMs 103** and **104**).

259. In three of the policies for strategic allocations (both sites at Bath and at Whitchurch) the Council proposes that all dwellings should meet Code for Sustainable Homes Level Five from 2014. This would represent a significant increase in energy efficiency standards compared with current Building Regulations. As well as the additional cost of compliance in relation to building construction, such a policy requirement also imposes additional administrative processes for assessment and approval.
260. On 13 March 2014, the Government announced the outcome of its *Housing Standards Review* and a Ministerial Statement on Building Regulations was issued together with a Supporting Note (both CD12/26). The Statement made clear that in the future energy efficiency standards will be set through national building regulations. The Government also thinks that the current Code will need to be wound down, but will consider what transitional or legacy arrangements are required. This Government announcement was made after publication of the PPG and the application of that guidance needs to be informed by it.
261. The Council's requirement to meet Code five conflicts with the clear intention of the Government regarding housing standards in relation to energy and I see no justification for inserting in a new plan a requirement to achieve a high Code rating. The Council made submissions to Government (CD12/2) in response to the consultation on the Standards Review. The Government was clearly not persuaded by such arguments. It would be inappropriate to undermine the clear intention of the Government by agreeing to the Council's approach. I have omitted any reference to the Code in my recommended MMs for the strategic allocations.
262. At the hearing in January 2012 the Council had made clear that it was not the intention of policy CP2 to require any acceleration of building requirements above those in the Building Regulations. Proposed changes to CP2 in March 2013 made that position clear. However, given my conclusion above in relation to the Code, policy CP2 should no longer make any reference to the Code. This will future-proof the policy. I have deleted the table in the policy including the indication that non-residential buildings should achieve a BREEAM *Excellent* rating by 2019, since the Building Regulations should have addressed the matter satisfactorily by then. All the explanatory text relating to policy CP2 about the Code and BREEAM is now unnecessary. With these changes, monitoring the delivery of homes against Code levels would be inappropriate (**MMs 101**, **101A**, **102** and **134** in part). Some clarification is required in policy CP1 on retrofitting improvements in energy standards. In particular, any requirement on major development to retrofit existing buildings should apply only to existing buildings within the development site (**MM100**).

263. Given all the above, it is unnecessary and inappropriate for the allocation policy for East Keynsham to require non-residential buildings of 1,000 square metres or more to meet BREEAM *Excellent* standard and for smaller buildings BREEAM *Very Good* from 2014. It is likely that the employment land here will be developed progressively over the plan period rather than there being substantial building in the short term. Later developments will need to comply with future changes in Building Regulations. In the short term, any economic development here should be encouraged and not subject to additional costs in comparison to other locations in B&NES. The general requirements of policy CP2 would still apply in any case.
264. Each of the five strategic allocation policies state: *development will be expected to provide sufficient renewable energy generation to reduce carbon dioxide emissions from expected energy use in the buildings by at least 20%*. The technical deliverability and viability of such a requirement is generally supported by the Council's evidence (CD10/E16 and CD12/9). However, the Government's recent announcement on the Housing Standards Review included local renewable energy targets in its criticism of present arrangements. The accompanying note on Building Regulations makes clear that in respect of *energy*, the Government intends there to be a *Building Regulations only* approach. Accordingly, requiring a specific proportion of renewable energy to be generated from a housing development cuts across the intentions of Government and is not justified.
265. At the time of the hearing in April 2014, the Government's Deregulation Bill proposed only to delete from the Planning and Energy Act 2008 the clause relating to local energy efficiency standards. That Act would thus retain provision for Councils to require a proportion of energy used in development to be energy from renewable sources and from low carbon sources. However, those clauses refer to energy from sources *in the locality* of development not directly from a housing development. Regardless of what general powers would remain for Councils if and when the Deregulation Bill is enacted, it is appropriate to apply now the direction of Government policy which is clear.

Issue seven – Other Matters

266. The Council proposes a change to the spatial strategy in policy DW1 to indicate that the Core Strategy will be reviewed at around five year intervals, but that the first review will be timed to co-ordinate with the review of the West of England Core Strategies. The PPG indicates that plans need to be kept up to date and reviews, in whole or in part, are likely to be necessary at least every five years. So the Council's general expectation concerning review is appropriate.
267. As highlighted in relation to the housing assessment, an early review may be triggered by the need for joint working among the West of England Authorities in response to the new SHMA that is in preparation. A number of parties sought to include wording that would indicate that the plan would become out of date if a review had not been completed within a set timescale, in order to give the authorities an incentive to proceed speedily. However, the need for and timing of any review must be informed by the new evidence which emerges. It would be arbitrary to impose a deadline now. Furthermore, a co-operative approach is required between the authorities and is unlikely to be

helped by seeking to make one authority more vulnerable to change simply to encourage the others to make progress on the review of their plans. The Council's proposed wording in relation to review and the duty to co-operate is all that is required on this issue (**MMs 16, 17** in part, and **133**).

268. There are a number of other matters on which the submitted Core Strategy is unsound which I deal with briefly here. Policy B3 for managing change at Twerton and Riverside is unsound for the reasons given in ID28. The Council's proposed changes would make it sound (**MMs 31** and **55**). Various references to the Bath Transport Strategy were out of date soon after submission because of the abandonment by the Council of the rapid transit proposals and of the proposed site for a new park and ride to the east of the City (highlighted in ID1 and BNES/1). The much reduced Bath Transport Package was approved by the Government in December 2011 and considerable progress has since been made on implementation. Changes are needed to bring the plan up to date (**MMs 51, 52, 53** and **56**).
269. The combination of transport measures for Bath being pursued by the Council should ensure that transport supports and does not impede the delivery of the overall strategy for the City. I see no need for a more over-arching vision for transport in Bath especially given the role of the Joint Local Transport Plan in setting objectives in relation to transport.
270. The Council included in the changes on transport reference to an experimental weight restriction to remove through HGV traffic from London Road in Bath as one measure to address its very poor air quality. In general, specific traffic management measures, such as a weight restriction or residents' parking zones, are too detailed to be included in a Core Strategy policy which should be concerned with strategic aims. London Road forms part of the A36 long distance route. Given the strong opposition from Wiltshire Council and Somerset County Council and the background highlighted in their representations, I cannot see how reference in the plan to this weight restriction is justified or effective. It would not reflect the necessary joint working on a cross-border strategic matter. I have therefore omitted this matter from my recommended modifications.
271. ID30 included preliminary conclusions in relation to the central area boundary and the proposed sports stadium at the Recreation Ground, Bath. Changes related to these matters were included in the March 2013 proposed changes. It is proposed to exclude the Recreation Ground from the central area boundary, but the boundary would follow the riverside walk on the eastern side. This is consistent with the unaltered position of the boundary to the north and south and would assist in ensuring a positive approach to the river to better integrate it with the city centre. This change is justified. Other related changes make clear that the city centre boundary will extend westwards as major changes take place in this area and that existing uses should be accommodated where possible and viable, or relocated (**MMs 25, 26, 27, 28, 29** and **30**). As a consequence of these and the other changes Diagram 4, Spatial Strategy for Bath needs changing (**M22**).
272. At the Recreation Ground, it is now proposed to refer to *a sporting, cultural and leisure stadium*. I note that the reference to *stadium* rather than *arena* (as recommended in the Officer's report to full Council on 4 March 2013 -

CD9/PC3) was the specific decision of full Council, as recorded in the Minutes of this meeting (CD9/PC3). Accordingly, I am satisfied that this wording is specifically what the Council intend and I now see no reason to change it. I accept that the proposed reference to the *resolution of any unique legal issues and constraints* is not necessary for soundness (since such legal issues would need to be addressed in any case), although I had suggested it in ID30 partly to indicate the uncertainty about progress at that time. I have retained this wording as part of the overall change proposed by the Council in accordance with my general approach to published changes, as explained at the beginning of the report.

273. In ID1 I highlighted that the plan inadequately addressed minerals including coalfield legacy issues and mineral safeguarding. Proposed changes to overcome this issue were first published in September 2011 (CD5/22). They meet the concerns of the Coal Authority and would make the Core Strategy sound (**MMs 112, 113, 114, 115, and 116**).
274. Submitted policy CP6 Environmental Quality, which includes the historic and natural environment, lacks substance, given the importance of these matters for B&NES. Additional detail has been proposed which would make the policy sound (**MMs 106 and 107**). The Council has proposed a policy setting out the presumption in favour of sustainable development as has generally been included in plans progressed since publication of the Framework (**MMs 98 and 99**). Changes to the monitoring section are required, particularly to reflect the changed plan period and the changes in employment floorspace forecasts and housing provision (**MM134**). Similarly, general updating is required for the overall infrastructure table (**MM20**), the locational policies table (**MM18**) and for the maps and diagrams (**MM19**).
275. I have considered all other representations seeking changes to existing policies or for new policies and proposals, but conclude that none is required to make the plan sound.

Assessment of Legal Compliance

276. My examination of the compliance of the plan with the legal requirements is summarised in the table below. I conclude that the plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The Core Strategy is identified within the approved LDS November 2013 which sets out an expected adoption date of October 2014 which should be achieved. The Core Strategy's content is compliant with the LDS.
Statement of Community Involvement (SCI) and relevant regulations	The SCI (now called <i>My Neighbourhood: The Neighbourhood Planning Protocol</i>) was adopted in September 2012 and consultation has been compliant with the principles therein, including the consultation on the post-submission proposed 'main modification' changes, for the reasons already set out.

Sustainability Appraisal (SA)	SA has been carried out and is adequate. Whilst the length and complexity of the SA has increased as a result of the publication of a series of substantial changes, the relevant Annexes provide a logical sequence of analysis.
Appropriate Assessment (AA)	The Habitats Regulations AA Screening Reports set out why AA is not necessary. The report at submission is CD4/A16; that accompanying the pre-hearing changes of September 2011 is CD4/A18; in support of the changes in March 2013 is CD9/A2 (a republished version correcting layout errors is CD9/A2/A); and in support of the changes in November 2013 is CD10/A2. An Addendum to the HRA was published in March 2014 (BNES/55).
National policy	The Local Plan complies with national policy except where indicated and modifications are recommended.
Sustainable Community Strategy (SCS)	Satisfactory regard has been paid to the SCS.
Public Sector Equality Duty (PSED)	The plan complies with the Duty.
2004 Act (as amended) and 2012 Regulations.	The plan complies with the Act and the Regulations.

Overall Conclusion and Recommendation

277. The Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in the main issues set out above.

278. The Council has requested that I recommend main modifications to make the plan sound and capable of adoption. I conclude that with the recommended main modifications set out in the Schedule and Annex the Bath and North East Somerset Core Strategy satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Simon Emerson

Inspector

This report is accompanied by a Schedule containing the Main Modifications. An Annex to this Schedule shows the necessary changes to the Maps and Diagrams in the plan.