

Report to Bath and North East Somerset Council

by Philip Lewis BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Date 13 December 2022

Planning and Compulsory Purchase Act 2004 (as amended)

Section 20

Report on the Examination of the Local Plan (Core Strategy and Placemaking Plan) Partial Update

The Plan was submitted for examination on 17 December 2021

The examination hearings were held between 21 June and 6 July 2022

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Abbreviations used in this report

AONB	Area of Outstanding Natural Beauty
HRA	Habitats Regulations Assessment
JSP	West of England Joint Spatial Plan
LSA	Landscape Sensitivity Assessment
MM	Main Modifications
NPPF	National Planning Policy Framework
PPG	Planning Practice Guidance
PBSA	Purpose Built Student Accommodation
SDS	West of England Spatial Development Strategy
The 2004 Act	Planning and Compulsory Purchase Act 2004
WECA	West of England Combined Authority
WMS 2015	Written Ministerial Statement of 25 March 2015

Non-Technical Summary

This report concludes that the Local Plan (Core Strategy and Placemaking Plan) Partial Update provides an appropriate basis for the planning of the Bath and North East Somerset Council, provided that a number of main modifications (MMs) are made to it. Bath and North East Somerset Council has specifically requested that I recommend any MMs necessary to enable the Plan to be adopted.

Following the hearings, the Council prepared schedules of the proposed modifications and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MMs were subject to public consultation over a six-week period. In some cases, I have amended their detailed wording and/or added consequential modifications where necessary. I have recommended their inclusion in the Plan after considering the sustainability appraisal and habitats regulations assessment (HRA) and all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- To identify the strategic policies of the development plan consistent with national policy;
- To clarify the extent of the housing land supply for the remainder of the plan period;
- To set minimum dwelling requirements for designated neighbourhood areas;
- To clarify the basis for identification of the landscape areas which are potentially suitable for renewable energy development and to ensure that Policy CP3 Renewable Energy would be effective;
- To update policy requirements and the explanatory text in respect of biodiversity net gain following the Environment Act becoming law;
- To amend Policy H2A in respect of purpose built student accommodation to ensure that it would be effective;
- To alter Policy H2 Houses in Multiple Occupation to set out the circumstances when an Energy Performance Certificate 'C' rating would not be required;
- To clarify the scope of Policy GB2 Limited Infilling in Villages and to ensure that it is consistent with national policy;
- To make detailed adjustments to particular site allocations; and
- A number of other modifications to ensure that the plan is positively prepared, justified, effective and consistent with national policy.

Introduction

1. This report contains my assessment of the Local Plan (Core Strategy and Placemaking Plan) Partial Update (the Plan) in terms of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is compliant with the legal requirements and whether it is sound. The National Planning Policy Framework 2021 (NPPF) (paragraph 35) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.
2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Local Plan (Core Strategy and Placemaking Plan) Partial Update, submitted in December 2021 is the basis for my examination. It is the same document as was published for consultation in August 2021.

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any main modifications (MMs) necessary to rectify matters that make the Plan unsound and / or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs are necessary. The MMs are referenced in bold in the report in the form **MM1**, **MM2** etc, and are set out in full in the Appendix.
4. Following the examination hearings, the Council prepared a schedule of proposed MMs and, where necessary, carried out sustainability appraisal and habitats regulations assessment of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light, I have made some amendments to the detailed wording of the main modifications and added consequential modifications where these are necessary for consistency or clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and sustainability appraisal/habitats regulations assessment that has been undertaken. Where necessary I have highlighted these amendments in the report.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map

that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Policies Map Changes as set out in CD-SD002.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend MMs to it. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Policies Map Changes (CD-SD002).

Context of the Plan

7. The Local Plan (Core Strategy and Placemaking Plan) Partial Update (CD-SD001) is proposed to replace a number of the adopted policies of the Council's Core Strategy and Placemaking Plan. The scope of the Plan is confined to updating those areas that can be addressed without changing the spatial priorities of the Core Strategy and Placemaking Plan, which means that the spatial strategy and the strategic housing and job growth requirements are unchanged. The Plan area includes the City of Bath World Heritage Site, parts of the Bristol and Bath Green Belt, a significant number of historic heritage assets, parts of the Cotswolds, and the Mendip Hills Areas of Outstanding Natural Beauty.

Public Sector Equality Duty

8. I have had due regard to the aims expressed in S149(1) of the Equality Act 2010. This has included my consideration of several matters during the examination including the provision of accessible housing and sustainable travel relating to people with disabilities. The Plan has been subject to an Equalities Impact Assessment (CD-SD029) and there is no compelling evidence that the Plan would bear disproportionately or negatively on people with protected characteristics.

Assessment of Duty to Co-operate

9. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation.
10. The Plan has a limited scope, with only Policy CP3 Renewable Energy raising cross border strategic issues, with Mendip District Council. It is clear from the evidence that effective co-operation has taken place between the Council and Mendip District Council in this regard.

11. Some representors in objecting to the scope of the Plan, have questioned whether the duty to cooperate has been met in respect of a number of other strategic matters, such as the question of any unmet housing need arising from Bristol. However, it is clear that the preparation of the Plan to the point of submission took place in the context where such matters would fall within the remit of the West of England Spatial Development Strategy (SDS) which is being prepared by the West of England Combined Authority (WECA). Whilst the future of the SDS is now uncertain, in any event, these matters are outside of the scope of the Plan before me.
12. As the Plan raises limited cross border strategic issues, the outcomes of cooperation are correspondingly limited. Nevertheless, I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Other Aspects of Legal Compliance

13. The Plan has been prepared in accordance with the Council's Local Development Scheme.
14. Consultation on the Plan and the MMs was carried out in compliance with the Council's Statement of Community Involvement. Whilst the scope of the Plan was clear throughout the different consultation stages, a number of comments were made about Policies of the existing development plan which were not proposed to be changed. The Council accepted some representations relating to Policy SB2 Central Riverside & Recreation Ground as being duly made. Whilst Policy SB2 is not before me, as no changes are proposed to it in the submitted Plan, I nevertheless gave those representors an opportunity to appear before and be heard by me as per Section 20 of the 2004 Act. No representor took up this offer.
15. The Council carried out a sustainability appraisal of the Plan, prepared a report of the findings of the appraisal, and published the report along with the Plan and other submission documents under regulation 19. The appraisal was updated to assess the MMs. The sustainability appraisal was undertaken in an iterative manner, with a scoping assessment, assessment of options, an assessment of the submitted Plan, and a further assessment at the MM stage.
16. The Habitat Regulations Assessment of the B&NES Local Plan Partial Update (Pre-Submission version) August 2021 and the Habitat Regulations Assessment of the B&NES Local Plan Partial Update (Submission version) addendum December 2021 set out that a full assessment has been undertaken and that the plan may have some negative impact which requires mitigation. A further assessment was undertaken at the MM stage. The necessary mitigation has

been secured through the Plan as modified and I refer to those changes under specific Policies in this report where they are subject to MMs.

17. The Development Plan, taken as a whole, includes policies to address the strategic priorities for the development and use of land in the local planning authority's area.
18. The Development Plan, taken as a whole, includes policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change. This is reflected in the scope of the Plan and Policies such as Policy CP3 Renewable Energy, Policy SCR6 Sustainable Construction Policy for New Build Residential Development and Policy ST1: Promoting Sustainable Travel and Healthy Streets.
19. The submitted Plan in appendix 1 identifies policy changes from the adopted development plan. To meet the legal requirement of Regulation 8(5) the Plan should be altered to make clear that the superseded Policies will be deleted (**MM36 - MM40**).
20. The Plan complies with all other relevant legal requirements, including in the 2004 Act (as amended) and the 2012 Regulations.

Assessment of Soundness

Main Issues

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings, I have identified 7 main issues upon which the soundness of this plan depends. This report deals with these main issues. It does not respond to every point or issue raised by representors. Nor does it refer to every policy, policy criterion or allocation in the Plan.

Issue 1 – Is the partial review of the Core Strategy and Placemaking Plan justified?

22. The Council has submitted for examination a number of proposed changes to the adopted Core Strategy and Placemaking Plan as set out in the Plan as submitted. In this examination, I am concerned only with those parts of the Core Strategy and Placemaking Plan which are proposed to be changed through the Plan before me. In the interests of clarity however, on adoption of the Plan, it should be made clear as to which policies have been updated.

23. The Council has prepared the Plan in the context of the preparation of the SDS. The SDS, as expressed in a Statement of Common Ground (CD-SD064) is to set out a spatial strategy for growth to meet the need for homes and jobs in a clean and inclusive way across the WECA area over the next 20 years. The SDS would include matters such as the question of how any unmet need should be addressed. Consequently, the Plan before me was prepared with a limited scope, dealing with matters which do not change the spatial strategy for the area.
24. The scope of the Plan includes the update of policies, prompted by the Council declaring climate and ecological emergencies, to replenish housing supply to ensure that the Core Strategy housing requirement can be met, and to amend some policies for clarity and to ensure they are up to date. These are effectively interim changes, prior to the review of the spatial strategy, and are necessary to provide for an up-to-date local plan to meet the Government deadline of December 2023. Whilst the Metro Mayor has halted work on the SDS, the Council's note (EXAM7) is clear that the legal duty to prepare and publish that strategy remains. Although future progress with the SDS is unclear at this point, and the Council has commenced the preparation of its new local plan with consultation initiated on 4 October 2022, there is no reason why the Council cannot update the selected policies of its development plan, particularly as the proposed update does not affect the spatial strategy.

Conclusion

25. The partial review of the Core Strategy and Placemaking Plan is justified.

Issue 2 – Is the Plan's approach to strategic policies consistent with national policy?

The identification of strategic policies

26. The NPPF in paragraph 21 says that plans should make explicit which policies are strategic policies and that strategic policies should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. In addition, strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
27. The submitted Plan in paragraph 29a states that 'it is considered that all policies in the Core Strategy and Placemaking Plan are 'strategic''. Whilst I agree that this can be said of the Core Strategy, there are a number of policies of the Placemaking Plan which are clearly non-strategic policies in terms of the NPPF, such as Policy LCR6 new and replacement sports and recreational facilities. At

my request, the Council has undertaken an assessment of whether the policies of the Core Strategy, Placemaking Plan and Plan before me are strategic policies as per the NPPF (EXAM21). I am content with the assessment and findings of EXAM21, and to be consistent with national policy and to be effective, the Plan should be amended to make clear which policies are strategic. This is set out through amendments to the explanatory text in **MM1** and by the list of strategic policies in **MM41**.

Strategic policy timeframe

28. The NPPF in paragraph 22 says that strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. It is clear from the list of strategic policies identified in MM41 that there are a number of altered or new strategic policies in the Plan (as amended).
29. The submitted Plan as a partial update to the adopted Core Strategy and Placemaking Plan, has a limited scope, with the intention that changes proposed are confined to those areas that can be addressed without significantly changing the strategic policy framework of the adopted local plan. Consequently, the Plan is not seeking to amend the plan period of the adopted local plan which is for 2011 to 2029. Inevitably, fitting with the Core Strategy timeframe means that the strategic policies which are proposed to be amended, or new strategic policies, would not look ahead for a minimum 15 year period from adoption.
30. Whilst the changes proposed in the submitted Plan are limited in scope and do not change the overall spatial strategy or the scale of development required, those amendments to policies considered necessary to address climate and ecological emergencies, such as that relating to renewable energy development and the energy efficiency of buildings, are nevertheless significant.
31. I take into account the particular circumstances which led up to the point when the Council decided to prepare the Plan. The Council was preparing a new Local Plan (2016-2036) within the context of the West of England Joint Spatial Plan (JSP). However, following the withdrawal of the JSP, the Council paused the preparation of the new local plan. This has been followed by the WECA preparing the SDS, alongside which the Council is undertaking a full review of its Local Plan. Whilst the Council has set out its commitment to do this in its Local Development Scheme and work is underway, this will nevertheless take time. I consider it pragmatic therefore, for an otherwise sound Plan (as amended by MMs) to proceed to adoption despite the plan period being unchanged, and amended/new strategic policies not looking forward for a 15 year period. This is because it will enable an update to the selected policies so

that they better address the climate and ecological emergencies, address certain local issues, replenish housing supply and maintain the necessary supply of housing land in the short term until the full Local Plan review is completed, and ensure that the selected policies are up to date with national policy.

Conclusion

32. The Plan as amended makes explicit which policies are strategic policies consistent with national policy. Whilst the amended and new strategic policies would not look ahead for a minimum of 15 years from adoption, given the limited scope of the changes proposed which would not change the spatial strategy, it is pragmatic to allow the Plan to proceed to adoption on the basis proposed.

Issue 3 – Whether on adoption there will be a five-year supply of housing land?

33. The scope of the submitted Plan includes the replenishment of housing supply in order that the Core Strategy housing requirement can be met, and the necessary supply of housing land maintained. The Council confirmed in its response to my initial questions (EXAM 1A) that it is the intention of the plan to provide a five-year housing land supply.
34. The Core Strategy sets out an overall dwelling requirement of about 13,000 dwellings for the period 2011 to 2029, which equates to about 722 dwellings per annum. The NPPF in paragraph 74 and footnote 39 says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old, unless these strategic policies have been reviewed and found not to require updating.
35. Whilst the submitted Plan does not seek to update the dwelling requirement, I should reach a view on whether the adopted housing requirement, or the local housing need calculated using the standard method, is used in considering whether there would be a five-year supply of housing land on adoption of the Plan.
36. The Council has undertaken a review of the housing requirement as evidenced in CD-SD027 (Bath and North East Somerset Core Strategy Housing Target The basis of the Housing Requirement for the Core Strategy Review December 2021). At that time, the Council concluded that the standard method produced an annualised minimum local housing need below that set out in the Core Strategy, namely 676 dwellings per annum rather than 722. The Council has therefore undertaken a review of the Core Strategy housing requirement and on

that basis, decided that it does not require updating in the Plan before me as per the NPPF. It is sound therefore to calculate the five-year housing land supply using the Core Strategy housing requirement.

37. The standard method for calculating local housing need is a formula based approach and as components change, such as the affordability ratio, the resulting local housing need figure may change. It has been put to me that the standard method derived minimum figure is currently 741 dwellings per annum. However, the need for student housing was not included within the Core Strategy housing requirement, and as a consequence, the Council does not include the provision of student housing in the identified housing land supply. The Council's latest calculation of student housing provision (EXAM 11) is that student housing would add 426 dwellings to the housing land supply. This figure is not disputed. I would take this into account in the housing supply if the standard method figure were used instead of the Core Strategy housing requirement in assessing whether there was a five-year housing supply. I note that this additional component of supply would more than cancel out the modest difference between the Core Strategy housing requirement and the local housing need figure if factored into the five-year housing supply.
38. There is no dispute that the appropriate buffer to apply in the calculation of the five-year housing land supply is 5% given the delivery of housing in recent years. Taking this into account the five-year housing requirement is 3,790 dwellings.
39. In the plan period to date, there has been over-supply of 760 dwellings against the Core Strategy housing requirement, demonstrating that the Council has had some success in boosting the supply of housing. There is no national policy and limited guidance on whether past over-supply should be factored in, in the calculation of housing land supply, or whether it should be considered over the full lifetime of the plan or over a shorter period such as to reduce the five-year requirement. This is a matter which falls to the exercise of planning judgement as per *Tewkesbury BC v SSHCLG* [2021] EWHC 2782 (Admin). The five-year housing requirement would be 2,851 dwellings if past over-supply is taken into account in full.
40. I have considered the deliverability of the various elements of the identified housing land supply against the definition of 'deliverability' as given in the Glossary of the NPPF.
41. The Council have identified a total housing land supply to be delivered in five years from adoption of 4,246 dwellings. This is made up of 2,583 dwellings on sites with full planning permission, 643 dwellings from sites with planning permission which do not constitute major development and a further 1,020

dwellings from sites with outline planning permission, or already allocated, or to be allocated in the Plan.

42. There is a planning application before the Council in respect of proposed allocation Policy KE3D, and having regard to the evidence submitted, I am satisfied that the site should be considered deliverable in terms of the NPPF. Consequently, the total potential five-year housing land supply stands at 4,316 dwellings. This is in excess of the five-year requirement calculated without me taking into account the over delivery of houses in the plan period to date.
43. A number of representors have questioned specific components of the identified housing land supply, particularly in terms of the timing of delivery and the numbers of dwellings which may come forward from specific sites. However, I am satisfied that there is clear evidence that the disputed allocations Policies SB8, SB25, KE3C and SSV22 should be considered as being deliverable to the extent set out by the Council.
44. I am therefore satisfied that there will be a five-year supply of deliverable housing sites on the adoption of the Plan (regardless of the oversupply to date) and that given the extent of the housing land supply as a whole, there would also be adequate provision of specific, developable sites for the remainder of the plan period to 2029, with sufficient provision being made to ensure that the Core Strategy housing requirement would in overall terms be met.
45. To be effective and consistent with my findings, Policy DW1 should be amended to illustrate the extent of the housing land supply to the end of the plan period (MM2).

Conclusion

46. There would be a five-year supply of housing land on adoption of the Plan.

Issue 4 – Are the proposed allocations justified, effective and consistent with national policy?

Policy SB8; Western Riverside

47. Policy SB8 is concerned with the second phase of a significant city centre regeneration scheme at the Western Riverside in Bath. To be effective, the Policy requirements should be amended to clarify their application across the allocated site. The Policy should also be amended to require a high-density residential development so as to make effective use of land consistent with the NPPF, and to remove the requirement for the provision of a primary school and delete the reference to the Bath Pattern Book, and building height specifications, as these are not justified.

48. There was some discussion at the hearing on the transport requirements for the proposed development. The Council had sought an amendment to the submitted Policy to require a grade separated crossing of Windsor Bridge Road. Whilst such a requirement may be desirable, I do not consider that the proposed change is justified. However, I am satisfied that there is sufficient evidence to support the reference to the need to investigate the options for crossing the Windsor Bridge Road and the emerging Metrobus proposals within the Policy for effectiveness. The Policy should also be amended to clarify the green infrastructure requirements. The amendments to Policy SB8 are set out in **MM22**. Having considered the comments received at the MM stage, I do not consider that it is necessary for soundness to amend the Policy further.

Policy SB22: Locksbrook Creative Industry Hub

49. Land is allocated at Locksbrook within the Bath Enterprise Zone, for employment, educational space and purpose built student accommodation (PBSA). To be effective, Policy SB22 and the explanatory text should be amended to provide clarity as to the proposed uses, and so that green infrastructure and habitats along the riverside edge are retained and enhanced as recommended in the HRA (**MM23**). At the MM stage the landowner expressed concern about the possible use of the land as public open space given issues with anti-social behaviour. However, as this element of the proposal is identified as a potential use, its desirability or otherwise would be established through the development management process, where matters such as security and community safety arising from specific proposals can be assessed. As a consequential change and for effectiveness, Policy B3 should also be amended to include a reference to Policy SB22 (**MM23**).

Policy SB23: Weston Island

50. Weston Island is an area of land situated between the River Avon and the Weston Cut in Bath City Centre and is occupied by a bus depot. It is proposed that the bus depot is relocated, and the site is redeveloped for employment uses. These uses would be relocated from existing sites within the city, unlocking development elsewhere through providing space for some existing businesses to relocate. As such, I am satisfied that there is a reasonable prospect that the site will be vacated by the bus operator in the next 5 years and therefore would be available in the plan period.
51. A number of representations were made, and at the hearing I heard from participants seeking an alternative allocation for Weston Island for uses such as creative arts-based activities. However, it is my role to examine the soundness of the submitted plan, and not an alternative version of it, regardless of any merits it may have. I consider that the proposed allocation to be sound in principle. To be effective, the Policy should be amended to make clear the

status of the Waterspace Design Guidance (June 2018) "Protecting Bats in Waterside Development" as it is not part of the development plan (**MM24**).

SB14: Twerton Park

52. Policy SB14 allocates land at Twerton Park for a mixed use development to support the retention and regeneration of the existing football club site. To be effective, Policy SB14 should be amended to delete duplicate words and to change the reference to 'masterplan' in criteria 9 to 'layout' as a masterplan is not justified (**MM25**).

Policy SB18: Royal United Hospital

53. Policy SB18 relates to development at the Royal United Hospital, which is a major sub regional health care facility. The Policy is concerned with the improvement and development of health care facilities, provision of accommodation for key workers and sets overall development management criteria for the site. To be effective, the Policy and explanatory text should be amended to refer to the update of the Estate Strategy and associated Sustainable Transport Strategy. Whilst further amendments have been suggested at the MM stage by representors, they may prejudice the update of the strategies, and I do not find them necessary for soundness. The Policy should also be amended to ensure that it would be effective in safeguarding the significance of the Grade II* listed Manor House. In addition, the Policy should be amended to incorporate the recommendation in the HRA to protect and enhance existing landscape infrastructure and habitats to be effective. The submitted Policy included specific sustainable transport infrastructure requirements and set out that contributions to a Residents Parking Zone may be required. These requirements are not justified and should be deleted. The recommended amendments to the Policy are set out in **MM26**.

Policy SB24: Sion Hill

54. Land is proposed to be allocated at Sion Hill for the redevelopment of the current Bath Spa University site for residential development. Policy SB24 and the explanatory text should be amended to clarify the provision of sustainable transport options and to refer to the Liveable Neighbourhood Project which seeks to reduce traffic flows overall in the area by making walking and cycling easier and more attractive than making short trips by car. As a consequence of these changes, the site concept diagram should be amended to remove the annotation showing the location of potential works to Winifred Lane. The identified transport assessment requirements set out in criterion 10 a to c of the submitted Policy are not however amended. The explanatory text should also be altered to identify the designated heritage assets, the significance of which

may be affected by the proposed allocation. These changes are necessary for effectiveness and are set out in **MM27**.

Policy SB25 St Martins Hospital

55. Policy SB25 relates to the redevelopment of existing buildings at St Martins Hospital, which are expected to be declared as surplus to NHS requirements. The site has historic heritage significance, including the listed Chapel of St Martin and a former Paupers burial ground, related to the former workhouse. I am satisfied that the policy criteria would safeguard the burial ground, the updated evidence for which indicates that it would not be disturbed by the proposed development. The Policy should however be amended to include a criterion to ensure that the heritage significance of the listed chapel is safeguarded, and to ensure that biodiversity improvements do not harm the significance of heritage assets. The Policy should also be amended to correct the reference to St Martin's Garden Primary School.
56. The submitted Policy includes a number of transport requirements which seek to ensure that walking and cycling are the natural choice for local trips. There is not the evidence before me to justify the provision of these specific measures. However, to be effective, the Policy should be amended so that it is clear that the aim of ensuring that walking and cycling are the natural choice for local trips may be achieved, such as through the consideration of the listed options set out in the submitted Policy which could be provided as necessary consistent with NPPF57. The changes are set out in **MM28**.

Policy SB19: The University of Bath at Claverton Down (Including the Sulis Club)

57. The University of Bath is of strategic significance to the District. Following the adoption of the Placemaking Plan, the University prepared a Masterplan for the Claverton Campus. It is proposed that Policy SB19 is updated to set out detailed requirements for development at the University and to confirm the amount of development now proposed.
58. Parts of the site are situated within the Cotswold Area of Outstanding Natural Beauty (AONB), and are principally used for sport and recreation and for car parking. The area was removed from the Green Belt through the Bath and North East Somerset Local Plan 2007 for potential development. At that time, it was found that university-related development in the AONB was justified. Existing adopted Policy SB19 details area specific requirements to effectively manage development within the AONB and to ensure impact on the wider AONB is comprehensively considered. Although the site is already allocated for university related development, I nevertheless have regard to the duty imposed on me by Section 85 of the Countryside and Rights of Way Act 2000.

59. I am satisfied that the potential effects on the AONB were taken into account in the preparation of the Plan, which included amongst other things, having regard to the Claverton Masterplan Verified Views Appraisal (CD-BTH001), consideration of building locations and heights, and strategic landscaping requirements. The scale and extent of development proposed is limited as per NPPF 176, falling within the extent of the existing allocation. Consequently, the Policy (as amended) is consistent with national policy in respect of development in AONBs.
60. It is proposed that the Policy is amended so that the provision for replacement sports facilities would be undertaken consistent with paragraph 99 of the NPPF, and the requirements for recyclable artificial pitches amended to take account of the feasibility of the requirement. Concern has been expressed at the MM stage that the replacement of several grass pitches with one artificial pitch would not be consistent with national policy as set out in the NPPF, in that existing provision would not be replaced by equivalent or better provision in terms of quantity and quality. However, I am satisfied that the replacement pitch in principle should provide for better provision in terms of quantity and quality, given that the existing pitches are unlit and have poor drainage, which limits their usage significantly. I consider therefore that the Policy as amended is consistent with national policy and is sound. The consistency of a planning application with the Policy and the NPPF would be assessed in detail at the development management stage. The Policy should also be amended for effectiveness, so that the requirements for green infrastructure, landscaping and ecological assets, and transport are clear. Additionally, the policy diagram should be amended to correct the rights of way annotations for effectiveness. The changes are set out in **MM29**.

Policy KE2b Riverside and Fire Station Site

61. Policy KE2b sets out development requirements and design principles for the Keynsham Riverside and Fire Station site. The Policy should be amended as a result of the redevelopment of the Riverside Buildings to residential use, which has reduced the potential for office development at the site, and to reflect the change in the Use Classes Order in the deletion of the former class B1. These changes are set out in **MM31**.

Policy KE3b: Safeguarded land at East Keynsham

62. Adopted Core Strategy Policy KE3b removed land at East Keynsham from the Green Belt and safeguarded it for future development. Policy KE3b sets out that the safeguarded land is not allocated for development and that planning permission for development will be granted only when it is proposed for development following a review of the Local Plan. The local plan has been reviewed and it is proposed that Policy KE3b is superseded by two new

allocations, Policies KE3c and KE3d for the land at East Keynsham, to boost the supply of housing in the plan period.

63. It has been put to me that the explanatory text of the adopted plan says that Policy KE3B safeguards land at East of Keynsham for development beyond the end of the plan period. Whilst this is the case, in line with paragraph 17 of the 2004 Act, I must resolve this conflict in favour of the Policy. I have no soundness issues in principle with the deletion of Policy KE3b and the allocation of the safeguarded land through this Plan to boost the supply of housing for the remaining years of the plan period. To be effective however, paragraph 96 of the Plan should be amended to reflect that the necessary review of the Local Plan has been undertaken and the decision taken by the Council to propose that the safeguarded land is allocated for development (**MM32**).

Policy KE3c East of Keynsham

64. Policy KE3c proposes to allocate land sufficient to accommodate around 210 dwellings and sets out development management criteria for the proposed development. In order to create sufficient headroom capacity on the highway network, a number of sustainable transport measures are set out to create modal shift, as considered in the Sustainable Transport Strategy for Safeguarded Land at Keynsham (CD-TRN002). To be effective, the Policy and explanatory text should be amended to make clear that the various transport requirements set out are for investigation and are to be provided as necessary, consistent with the legal tests for planning obligations (**MM33**). The Policy should also be amended so that the requirement for the protection of ancient woodland through provision of an appropriate buffer would be effective (**MM33**). The Council's decision to resolve to grant outline planning permission for the delivery of 213 homes at the site underlines its deliverability.

Policy KE3d East of Keynsham

65. Policy KE3d is concerned with the allocation of land for 70 dwellings on the safeguarded land. As per Policy KE3c, the Policy should be amended to make clear that the various transport requirements set out are for investigation and are to be provided as necessary, consistent with the legal tests for planning obligations. In addition, the requirements for improving the footpath connection to Windrush Road should be clarified. These changes are set out in **MM34**. I have had regard to the extent of habitat buffer agreed for the site in a recent outline planning permission, which falls within the 10-15 metre range set out in the Policy and do not see it necessary to amend the Policy further for soundness in this regard.

Policy SSV4: Former Welton Manufacturing Site

66. Land is allocated at the Former Welton Manufacturing Site in adopted Policy SSV4 for mixed use redevelopment of an area of previously developed land. It is proposed in the submitted Plan that the Policy is amended to allow for the provision of a larger element of retail use with improved linkages to the town centre. Based on the evidence before me, I find the amended allocation sound.
67. The promoter of the redevelopment of the former Welton Manufacturing site made a number of representations at the Regulation 19 stage regarding Policy SSV4. They did not however make representations at that stage regarding criterion 5 of adopted Policy SSV4 which is not proposed to be changed. This sets out a development requirement and a design principle that the Wellow Brook through the site is de-culverted to provide continued natural sections through the site, and provide habitat creation/enhancement which will be part of the west-east strategic green infrastructure route. This matter was subsequently raised in response to my matters, issues and questions. Given the potential implications of criterion 5 on the soundness of the proposed Policy SSV4, I decided to hear evidence on it, despite there being no specific duly made representation in this regard, and to assist me in this, the Environment Agency attended the hearing at my request.
68. From what I have read and heard, I am satisfied that the proposed de-culverting of the Wellow Brook would provide biodiversity and potential flood risk mitigation benefits. Whilst the proposed changes to Policy SSV4 are not insignificant, I nevertheless consider that such potential benefits of de-culverting remain. I am satisfied that it is feasible to redevelop the site including the de-culverting of the Wellow Brook, and consider that it is an appropriate design principle. Although no changes are proposed in this respect in the MMs, the site promotor has explained in their MM consultation response that technical assessments are under preparation relating to the site which will no doubt inform the preparation of their detailed proposals. This information is of course, not before me, but could be available for the Council to take into account when considering schemes against Policy SSV4 as a whole, and in applying S38(6) of the 2004 Act if a scheme was found to conflict with the development plan.
69. Consequently, I do not consider that the retention of the de-culverting provision in the Policy would render it unsound. Equally, I do not consider that it is necessary for soundness to make the Policy requirement more flexible, in that I find it justified. However, the development management stage provides the opportunity for detailed technical considerations to be assessed as this becomes available. I find the retention of the provision sound and make no recommended changes in respect of this matter.

Policy SSV9 Old Mills Industrial Estate

70. The proposed allocation is a reallocation of land to provide a long-term supply of new employment land and to boost jobs in the area. It falls within the Somer Valley Enterprise Zone and a Local Development Order is being prepared for the area. The Policy should be amended to delete the reference to the provision of 'some retail' units as that is not justified nor consistent with the NPPF in respect of safeguarding the vitality and viability of the town centre and to be consistent with the revised Use Classes Order (**MM35**).

Conclusion

71. Subject to the recommended MMs, the proposed allocations are justified, effective and consistent with national policy.

Issue 5 – Are the development management policies clear, justified and consistent with national policy, and will they be effective?

72. A number of the Policies of the submitted Plan refer to Supplementary Planning Documents or other guidance and are worded in such a way as to effectively afford the documents development plan document status, when they are not part of the development plan. This is addressed in MMs to specific policies as indicated and to be effective, paragraph 88 of the Plan should also be amended to clarify the status of such documents (**MM3**).

Policy CP3 Renewable Energy

73. The Council through the revised Policy CP3 is seeking to boost the provision of renewable energy in the district and to have a positive strategy to promote energy from renewable and low carbon sources. Policy CP3, amongst other things, includes that proposals for wind and solar energy would be supported where they fall within areas being identified as being potentially suitable for such development from a landscape perspective. The Policy as submitted however, is not justified in seeking to afford development plan status to the Landscape Sensitivity Assessment (LSA) for Renewable Energy Development documents (CD-RCC006) as it is not a development plan document.
74. To be effective and justified, the Policy and text should be amended so that the basis for the identification of the landscape areas being identified as potentially suitable for wind and solar energy development in the Plan is clear, bringing parts of the LSA document into the Plan. Concern was expressed at the MM stage that people had not had an adequate opportunity to comment on the proposed amendments. However, the MM consultation provided the opportunity for people to comment in a similar way to the Regulation 19 stage.

75. The submitted Policy and text are also unclear in how the elements of the policy would be applied to different types of renewable energy development and should therefore be amended through the addition of more detailed explanation, to make it effective. This includes detailing the typologies for solar and wind energy development, and by what is meant by the different areas of 'potential'. To be effective and to be consistent with national policy as set out in paragraph 177 of the NPPF, the Policy should be amended to address renewable energy proposals in the AONBs. To be effective, the Policy should also be amended so that it is clear as to how community benefits would be considered in the development management process.
76. In addition, Policy CP3 should be amended so that it sets out clear criteria for the assessment of wind energy schemes, in terms of potential effects on the living conditions of nearby residents, aviation and telecoms interests, and in respect of grid connections and construction matters.
77. The explanatory text should be amended to be effective to clarify that biomass/fuel schemes are expected to use sustainably sourced feedstocks, and to clarify how the policy would be applied in responses by the Council to proposals for nationally significant infrastructure schemes. Further suggestions for text changes were made at the MM stage, but I do not find those necessary for soundness. The various changes recommended to the Policy are set out in **MM4**.

Policy CP4 District Heating

78. Policy CP4 is concerned with the use of district heating schemes and to be effective, should be amended to allow for the use of alternative zero carbon heat sources, where connection to existing systems is not feasible, and to delete the reference to Keynsham High Street as that is not justified (**MM8**).

Policy SCR6 Sustainable Construction Policy for New Build Residential Development

79. Policy SCR6 is concerned with sustainable construction for new residential buildings, aiming to achieve zero operational emissions by reducing heat and power demand and supplying all energy demand through onsite renewables. The Policy includes limits on space heating and total energy use, taking an energy based approach, rather than being based upon carbon reduction as per the Building Regulations. The approach taken in the Plan to energy usage applies to both regulated and non-regulated energy use, which is a further difference to that taken in the Building Regulations which are concerned only with regulated energy use.

80. The Planning and Energy Act 2008 includes provisions for local planning authorities to exceed the minimum energy efficiency requirements of the Building Regulations where they are not inconsistent with relevant national policies for England. The Written Ministerial Statement of 25 March 2015 (WMS 2015) sets out that for the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill. Whilst there are such provisions in the Deregulation Act 2015, they have not been enacted, and the Government has confirmed that they will not so amend the Planning and Energy Act 2008, which means that local authorities retain powers to set local energy efficiency standards for new homes.
81. One of the tests of soundness is that local plans are consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.
82. The WMS 2015 sets out the government's expectation that plan policies should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes. The Government amended Part L of the Building Regulations in 2021 (now in force) in respect of energy efficiency standards, to a level which exceeds that in Level 4 of the Code for Sustainable Homes (Part L 2021 is a 31% reduction over Part L 2013 and Code for Sustainable Homes Level 4 is a 19% reduction over Part L 2013).
83. The change in Part L of the Building Regulations is an interim measure in the implementation of the Future Homes Standard, with which the Government has stated from 2025, will deliver homes that are zero-carbon ready. The change in the Building Regulations is part of Government action to meet its legal commitment to bring all greenhouse gas emissions to net zero by 2050 (The Climate Change Act 2008 (2050 Target Amendment) Order 2019).
84. The WMS 2015 has clearly been overtaken by events and does not reflect Part L of the Building Regulations, the Future Homes Standard, or the legally binding commitment to bring all greenhouse gas emissions to net zero by 2050.
85. I therefore consider that the relevance of the WMS 2015 to assessing the soundness of the Policy has been reduced significantly, along with the relevant parts of the PPG on Climate Change, given national policy on climate change. The NPPF is clear that mitigating and adapting to climate change, including moving to a low carbon economy, is one of the key elements of sustainable development, and that the planning system should support the transition to a

low carbon future in a changing climate. Whilst NPPF154b sets out that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards, for the reasons set out, that whilst I give the WMS 2015 some weight, any inconsistency with it, given that it has been overtaken by events, does not lead me to conclude that Policy SCR6 is unsound, nor inconsistent with relevant national policies.

86. I am satisfied that the energy efficiency standards set out in Policy SCR6 are justified and that they would not threaten deliverability or viability of housing development. Policy SCR6 should be amended so that the requirements for energy assessments are clear and that offsetting contributions would be sought where consistent with the legal tests for planning obligations.
87. The Written Ministerial Statement of 15 December 2021 sets out that the new overheating standard is a part of the Building Regulations and is therefore mandatory, so there will be no need for policies in development plans to duplicate this. The Policy as submitted is not consistent with national policy in this regard. The final paragraph of Policy SCR6 which is concerned with the overheating of buildings should be deleted and to be effective, the explanatory text amended to refer to the optional use of tools such as CIBSE TM 59 to assess the overheating of buildings.
88. To be effective, the explanatory text should be amended to clarify offsetting requirements, make clear the status of the Sustainable Construction Checklist SPD as it is not part of the development plan and the incorrect references to BREEAM should be deleted. The explanatory text should also be amended to clarify that Policy SCR6 applies to all forms of residential development. These changes to Policy and the explanatory text are set out in **MM5**.

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

89. Policy SCR7 is concerned with sustainable construction of non-residential buildings. To be effective, the Policy should be amended to make clear the status of the Sustainable Construction Checklist SPD as it is not part of the development plan, and to refer to low or zero carbon heat networks (**MM6**).

Policy SCR8 Embodied Carbon

90. Policy SCR8 seeks embodied carbon assessments in large scale development. To be effective, the Policy should be amended so that the requirement for a score of less than 900kgCO²e/m² is clear and the explanatory text amended to clarify what is meant by embodied carbon assessments in the context of the Plan (**MM7**).

New Policy SCR9 Electric vehicles charging infrastructure

91. Some concern was expressed that the submitted Policy SCR9 duplicated the provisions of the Building Regulations in respect of vehicle charging infrastructure. I am satisfied however, that its limited scope does serve a clear purpose and that it does not unnecessarily duplicate the Building Regulations. Policy SCR9 and the explanatory text as submitted are not clearly written and unambiguous however, so it is evident how a decision maker should react to development proposals. The Plan should be amended so that it is clear that it applies to the provision of charging infrastructure on streets within new development schemes, and the Policy and explanatory text altered to be consistent with the provisions of the Building Regulations in regard to the definition of 'abnormally high costs' of providing the necessary capacity in the local electric grid infrastructure connections (**MM9**).

Policy NE3 Sites, Habitats and Species

92. Policy NE3 is concerned with safeguarding biodiversity. The policy as submitted should be amended so that it is consistent with paragraph 179 of the NPPF through setting criteria in regard to protected species (**MM10**).

New Policy NE3a Biodiversity Net Gain

93. Policy NE3a seeks to introduce provisions to secure biodiversity net gain from major development for the period before the requirement becomes mandatory through the provisions of the Environment Act 2021. I am satisfied that the Policy is justified in this regard. However, the requirement to seek 'at least' 10% is not clear and should be amended accordingly so that the requirement is consistent with that set out in the Environment Act. The explanatory text should be amended so that it reflects the present position in regard to the Environment Act 2021 and clarifies exemptions to the requirement for biodiversity net gain, refer to the Council's Biodiversity Net Gain Guidance Note and Planning Obligations SPD for effectiveness. The submitted Plan expressed a future intention to introduce a 15% biodiversity net gain requirement. This is not justified and prejudices the outcome of a future local plan review. The Plan should be amended accordingly. The changes to the policy and text are set out in **MM11**.

Policy H2: Houses in multiple occupation

94. Policy H2 is concerned with managing the development of houses in multiple occupation (HMO) to support balanced communities. To be effective, the Policy should be amended to properly reflect the status of the Houses in Multiple Occupation SPD which is not part of the development plan, and to clearly set

out the exemptions to the requirement for a HMO property achieving an Energy Performance Rating "C". These changes are set out in **MM13**.

Policy H2A: Purpose Built Student Accommodation

95. Through adopted Policies B5 Strategic Policy for Bath's Universities and proposed Policy H2A, the approach to the provision of PBSA is that as a first priority, it would be delivered on campus. The dwelling requirement set out in the adopted Local Plan excludes the provision of student housing. Consequently, I consider that the campus first approach is justified so as to avoid the unnecessary loss of housing development sites which are necessary to boost the supply of housing in the plan area. In principle, the approach set out in the Plan does not however prevent off campus accommodation where need is evidenced.
96. The forecasting of student accommodation needs is subject to a number of variables, which can give rise to changing outputs over time as inputs change. However, whilst the forecast need may change over time, the forecast of need by the Council before me is robust and valid currently.
97. Policy H2A as submitted includes a requirement that proposals for PBSA are required to demonstrate that there is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider, for the supply of bed spaces created by the development. Whilst a formal agreement may be helpful, say in ensuring provision for 2nd and 3rd year students rather than additional 1st year students, which would help to reduce pressure for additional HMOs, a requirement for such an agreement in all cases is not justified nor effective, given that it is dependent upon the agreement of a third party, and may not be achievable.
98. To provide greater flexibility to meet needs, Policy H2A and the explanatory text should be amended so that it is clear that proposals for PBSA would be approved either, where the need for the type of accommodation, in the location proposed is evidenced by a formal agreement between the developer and a relevant education provider, or where the proposed development meets the needs of second and third year university students. This would allow for the provision of accommodation for all students where justified by a formal accommodation agreement, and in the absence of an agreement, for second and third year students which would help to reduce pressure for HMOs.
99. Having regard to the comments received at the MM stage, I have amended the text of paragraph 370h of the MM to clarify the source of the tables which show average rental costs and to explain that the costs shown are illustrative in that they do not reflect the differences between what is included in the costs

between the different types of accommodation listed. I have also removed the reference to the cost of accommodation from paragraph 370i, so that the explanatory text is consistent with the amended Policy as set out in the MM. A number of other suggested changes to the MMs have been put to me but I do not find them necessary for soundness. I am satisfied that no interests have been prejudiced by these minor changes to the explanatory text.

100. The Policy should also be amended to make clear the status of the Waste Planning Guidance and the Transport and Development SPD as these are not part of the development plan. The various changes are set out in **MM14**.

Policy H7: Housing accessibility

101. I find that the housing accessibility standards set out in Policy H7 to be justified in the application of the optional Building Regulations standards for accessible housing and propose no changes to the Policy. However, to be effective, paragraph 387e should be amended to make clear that Policy H7 applies to all forms of residential accommodation where Building Regulations under Approved Document M: Volume 1 (dwellings) apply (**MM15**).

Policy RE1: Employment uses in the countryside

102. Policy RE1 sets development management criteria for the development of employment uses in the countryside. To be effective, Policy RE1 should be amended so that it refers to functionally linked land to a European site as recommended in the Habitats Regulations Assessment (**MM17**).

Policy ED1B: Change of use & redevelopment of Office to residential use

103. The submitted policy is concerned with the change of use and redevelopment of offices to residential use. It is inconsistent with national policy for the historic environment in not reflecting the balancing exercise in paragraph 201 of the NPPF. Policy ED1B should be amended accordingly (**MM16**).

Policy ST2: Sustainable Transport Routes

104. The submitted Plan sought to amend Policy ST2 which is concerned with the use of safeguarded land for transport purposes. Given the lack of robust evidence for this proposed change, this is not however justified and is inconsistent with paragraph 106 of the NPPF. The proposed changes to the Policy should be deleted and the Policy revert back to the adopted wording (**MM18**).

Policy ST2A: Active Travel Routes

105. To be effective, Policy ST2A should be amended to properly reflect the status of the Transport and Development SPD which is not part of the development plan. (**MM19**). As part of that modification, I have amended criterion 2 of the Policy by adding a requirement that provision of active travel routes is made as necessary, consistent with NPPF 57 and the legal requirement for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Given the tests for planning obligations and conditions, this change would not give rise to prejudice to any party.

Policy ST3: Transport Infrastructure

106. Policy ST3 is concerned with the provision of transport infrastructure. To be effective, criterion 5 should be amended so that appropriate improvements to the sustainable transport network are sought (**MM20**).

Policy ST7: Transport Requirements for Managing Development

107. Policy ST7 sets development management criteria for the transport requirements for managing development. To be effective, Policy ST7 should be amended to properly reflect the status of the Transport and Development SPD which is not part of the development plan (**MM21**).

Conclusion

108. Subject to the MMs described above, the development management policies in the Plan are effective, justified and consistent with national policy.

Issue 6 – Is the Plan consistent with national policy in regard to the setting of housing requirements for designated neighbourhood areas?

109. The submitted Plan is inconsistent with the NPPF in that it does not set out in a strategic policy a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations. This is addressed in **MM2** through the confirmation of minimum housing requirements for the designated neighbourhood areas in Policy DW1. The minimum requirement figures reflect the allocations of the Plan, and those set out in the Core Strategy and Placemaking Plan, and are therefore justified.

Conclusion

110. The Plan (as amended) would be consistent with national policy in regard to the setting of housing requirements for designated neighbourhood areas.

Issue 7 – Whether there are exceptional circumstances which justify altering Green Belt boundaries to develop multi-modal transport interchanges, and whether the Plan's Green Belt policy is effective and consistent with national policy?

Alterations to the Green Belt

111. Much of Bath and North East Somerset falls within the Bristol and Bath Green Belt, which is drawn tightly around the existing urban area of Bath. The submitted Plan proposes that the Green Belt boundaries are altered to remove the existing Lansdown, Newbridge and Odd Down Park and Ride Sites from the Green Belt to facilitate the development of the sites for use as multi-modal transport interchanges. These would incorporate the continued use of the sites for general park and ride purposes. The NPPF sets out that Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified.

112. The Council, through the preparation of the Plan, undertook an assessment of the potential harm to the Green Belt associated with the intensification of development at the three Park and Ride sites, for use as multi-modal transport interchanges. The assessment drew upon the Green Belt study which was commissioned to inform the adopted Core Strategy.

The need for multi-modal transport interchanges

113. The multi-modal transport interchanges aim to co-locate sustainable transport opportunities in close proximity, including bicycle and e-bike hire, bicycle lockers and cycle hubs including bicycle repair kits and pumps, e-car sharing, ridesharing, electric vehicle charging, enhanced bus and Metrobus links, with a possible use for freight consolidation and / or parcel lockers. This is to reduce car dependency related traffic congestion, reduce greenhouse gas emissions, and provide opportunities for improved health and well-being.

114. The Council has declared Climate and Ecological Emergencies and has identified three immediate priorities for action for Bath and North East Somerset, including 'a major shift to mass transport, walking and cycling to reduce transport emissions.' The Council are targeting a 25% reduction in vehicle mileage per person and a shift in the types of vehicles used in the District away from those powered by internal combustion engines. Using the Park and Ride sites as multi-modal transport interchanges, providing a choice of sustainable

transport modes, plays a significant role in meeting Council targets, and contributing to achieving national targets, whilst also helping to address air quality issues.

The supply and availability of land suitable for sustainable transport

115. The three existing Park and Ride sites are situated at the edge of the City and are already developed with transport infrastructure, buildings, access roads and car parking areas. The Council has not identified any reasonable alternative options for the provision of multi-modal transport interchanges and there is no convincing evidence that reasonable alternative options are available.
116. The alterations of the Green Belt boundaries proposed would enable the sites to be developed with a more diverse range of transport options and facilities, which would otherwise be considered as being inappropriate development in the Green Belt, in that intensification of use of the sites in the ways proposed would not typically preserve openness, despite much of the sites being previously developed.

The Odd Down Park and Ride Site

117. The Odd Down Park and Ride site sits between the A367 Roman Road and Combe Hay Lane, with the proposed Green Belt Boundary drawn along the roads, and the existing parking area to the southwest. The Council's Green Belt assessment concludes that the removal of the Odd Down Site would have a low-moderate harm to two of the Green Belt purposes: the checking of unrestricted sprawl and the prevention of encroachment on the countryside.
118. A new Green Belt boundary would be formed along the A367 Roman Road and Combe Hay Lane, which have established landscape planting, and the existing parking area to the southwest. The new boundary would be readily recognisable and is likely to be permanent, preventing further encroachment into the countryside. Policy SB26 (as amended) includes a criterion to provide for compensatory improvements to the Green Belt land adjoining the site. I am satisfied that given the need for sustainable transport provision which cannot be accommodated within the existing urban area and potential for compensatory improvements to the Green Belt, exceptional circumstances exist to remove this site from the Green Belt for development as a multi-modal transport interchange.

Lansdown Park and Ride Site

119. The Lansdown Park and Ride Site does not adjoin the urban area. It is adjacent to agricultural land, residential property and land used for recreational purposes.

The boundaries of the site are well defined with landscape planting. The Council's Green Belt assessment indicates that release and further development of the area occupied by the Park and Ride site would result in low-moderate harm overall to Green Belt purposes.

120. The boundaries of the Green Belt would be readily recognisable and are likely to be permanent, preventing further encroachment into the countryside. Policy SB26 (as amended) includes provision for compensatory improvements to the Green Belt land adjoining the site. I am satisfied that given the need for sustainable transport provision which cannot be accommodated within the existing urban area, and potential for compensatory improvements to the Green Belt, exceptional circumstances exist to remove this site from the Green Belt for development as a multi-modal transport interchange.

Newbridge Park and Ride Site

121. The Newbridge Park and Ride Site adjoins the existing urban area and consists of buildings, parking areas and roadways, with boundaries marked by landscape planting. The Green Belt assessment indicates that release and further development of the area occupied by the Park and Ride site would result in low harm to the Green Belt purposes. The boundaries of the Green Belt would be readily recognisable and are likely to be permanent, preventing further encroachment into the countryside. Policy SB26 (as amended) includes provision for compensatory improvements to the Green Belt land adjoining the site. I am satisfied that given the need for sustainable transport provision, which cannot be accommodated within the existing urban area, and potential for compensatory improvements to the Green Belt, exceptional circumstances exist to remove this site from the Green Belt for development as a multi-modal transport interchange.

122. Policy SB26 however, is not clearly written and should be amended so that the appropriate uses for the multi-modal interchanges are defined. The Policy should also be amended so that it is clear that the interchanges would be developed within the areas removed from the Green Belt, and as to the requirements for compensatory improvements to the Green Belt. These changes which are necessary for effectiveness and to be consistent with national policy are set out in **MM30**. As a consequential change of Policy SB26, an amendment is needed to Policy DW1 for effectiveness to include these changes in the list of alterations to the Green Belt boundaries (**MM2**).

Consequential changes re multi-modal transport interchanges

123. To be effective, the concept diagrams included in Annex 1 should be amended as a consequence of the changes to the policy requirements described above (**MM42**).

Policy GB2 Development in Green Belt Villages

124. The NPPF in paragraph 149 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt and sets out a number of exceptions to this. One of these is limited infilling in villages. Adopted Policy GB2 Development in Green Belt Villages, sets out that development in villages in the Green Belt will not be permitted unless it is limited to infilling, and in the case of residential development, the proposal is within the defined Housing Development Boundary. It is proposed that the Policy is altered so that new buildings in villages in the Green Belt will not be permitted unless limited to infilling and the proposal is located within a defined Infill Boundary.
125. The Council has defined Infill Boundaries for a number of settlements, by reviewing and redefining existing Housing Development Boundaries as Infill Boundaries and for other villages without existing Housing Development Boundaries, assessing and defining an Infill Boundary where considered appropriate. This is explained in the document; Topic Paper: Policy GB2 Development in Green Belt villages (CD-SD037). I find the methodology and approach to identifying what constitutes a village and in defining these Infill Boundaries to be robust. Consultation has been undertaken on the proposed boundaries as indicated on the Policies Map.
126. Policy GB2 as submitted however is inconsistent with national policy as set out in paragraph 149 of the NPPF in that it would restrict the construction of new buildings in villages in the Green Belt to limited infilling only. It also does not deal with the question of what is considered to constitute 'limited', which is, for the purposes of the methodology for the Council's assessment, set out in paragraph 2.6 of CD-SD037.
127. Policy GB2 should be amended so that it is clear that it is concerned with limited infilling in villages only, and that forms of development which fall within the other exceptions set out in NPPF paragraph 149 would be dealt with consistent with national policy as set out in the NPPF. The Policy should also be amended so that it is clear what is meant by 'limited infilling' in respect of housing development, taking the key elements of the methodology in CD-SD037 into the Plan. I have made a minor amendment to the MM for clarity to paragraph 302 to confirm that the stated definition relates to housing development. Additionally, the explanatory text should be clear that the decision maker would still have to conclude whether a development proposal constitutes inappropriate development, and if so, should not be approved except in very special circumstances. These changes are set out in **MM12**.

Conclusion

128. I am satisfied that there are exceptional circumstances which justify altering Green Belt boundaries to develop multi-modal transport interchanges, and

subject to amendment, the Plan's Green Belt policy would be effective and consistent with national policy.

Overall Conclusion and Recommendation

129. The Plan has a number of deficiencies in respect of soundness 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 explained in the main issues set out above.

130. The Council has requested that I recommend MMs to make the Plan sound and capable of adoption. I conclude that the duty to cooperate has been met and that with the recommended main modifications set out in the Appendix the Local Plan (Core Strategy and Placemaking Plan) Partial Update satisfies the requirements referred to in Section 20(5)(a) of the 2004 Act and is sound.

Philip Lewis

Inspector

This report is accompanied by an Appendix containing the Main Modifications.