



The Planning Inspectorate

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Mr Everitt
Chief Executive
Bath and North East Somerset Council
Guildhall
High Street
Bath
BA1 5AW

Dear Mr Everitt

Report on objections to the Bath and North East Somerset Local Plan Including Minerals and Waste Policies 1996 - 2011.

As you know, I was appointed by the First Secretary of State to hold a public inquiry into objections to the above mentioned plan. My colleague Mr Roy Foster was also appointed to assist me in holding the inquiry, and Mr Simon Emerson was later appointed to assist in the writing of the report. The inquiry was held between the 8 February and the 6 May 2005; it sat on 33 days; and was formally closed by letter dated 27 May 2005.

The Bath and North East Somerset Local Plan was placed on deposit for a period of six weeks ending 29 February 2002. The revised deposit plan was placed on deposit for a period of six weeks ending on the 11 December 2003. A first set of Pre-inquiry Changes (PICs) to the Local Plan were placed on deposit for a six week period ending 30 September 2004, and a set of Further Pre-inquiry Changes (FPICs) were placed on deposit for a six week period ending 20 January 2005. Some 22 minor changes were put forward as Inquiry Changes (ICs) under delegated authority and as agreed with the Executive Member for Sustainability and the Environment and some comments on these were received during the inquiry. I have had regard to all these changes in the consideration of the objections. A complete set can be found in the Local Plan library.

At the opening of the inquiry, there were:

2379 outstanding duly made objections and 663 outstanding duly made supports to the Deposit Draft Local Plan (DDLDP)

1607 outstanding duly made objections and 1125 outstanding duly made supports to the Revised Deposit Draft Local Plan (RDDLP)

175 outstanding duly made objections and 86 outstanding duly made supports to the PICs

133 outstanding duly made objections and 12 outstanding duly made supports to the FPICs

In total there were some 176 conditional withdrawals of representations.

A Pre Inquiry Meeting (PIM) was held on the 19 October 2004. Prior to, during and after the inquiry I carried out visits, mostly unaccompanied, to view those sites the subject of objection.

Format of the Report

The template for the report was prepared by the Programme Officer on behalf of the Council. It largely follows the order of the plan itself, although I have made some amendments where it makes for more logical and efficient reporting. The representations considered are those listed by the Council in the template. As agreed with the Council, the draft Sections on housing and shopping were submitted to the Council officers in draft, followed by the remaining sections of the report. Where appropriate I have dealt with any factual matters raised by the Council in my final report.

For each item in my report I list the policy and/or the paragraphs, or objection site. This is generally followed by a list of objections and supporting representations. However, where the number of representations is significant, they are listed separately in Appendix 1 to the report. A full list of representations, both supporting and objecting, is deposited in the Local Plan library together with complete lists of inquiry documents and inquiry appearances produced by the Programme Officer.

All references in the report are to the consolidated version of the Local Plan March 2005 (inquiry document A2.1.28). Under each heading within the report I list the main issues arising from the objections, then set out my reasoning on those issues and my consequent recommendations. I do not summarise the arguments for the parties, and mainly respond to the generality of the issue rather than the specific points raised by each representation. My recommendations relate to the consolidated version of the plan. This means that where I recommend no change, I am endorsing any pre-inquiry change which is included in that document. Changes put forward during the inquiry (ICs) are not included in the consolidated plan and therefore are highlighted where appropriate in my recommendations.

The scope of the recommendations

In my recommendations I have concentrated on the policies themselves, suggesting their rewording where appropriate, and in places the rewording of the supporting text. I generally found the plan to contain an unnecessary level

of detailed narrative which in places I have recommended to be deleted or substantially edited. The text should set out the reasoned justification for the particular policy which it supports. It is unnecessary to explain in detail the existing circumstances or history behind the approach adopted in the plan. However, it has not been feasible to carry out the comprehensive job of editing the text which I consider would be required in order to achieve a succinct and focussed plan. I have therefore concentrated my recommendations for deletions and changes to the text where these are straightforward or where they are of importance to the strategy of the plan.

There are a number of areas within the plan where the policies overlap or are repetitive. Where appropriate I have recommended the deletion or amalgamation of policies, but as for the editing of the text, it has not been feasible to recommend all the changes which I consider would be necessary to deliver a comprehensive but well directed set of policies. I have concentrated on those policies where a change is straightforward or where the policy is critical to the strategy of the plan, and there may be places where the council will need to redraft the wording of the supporting text to reflect the revisions made to a policy.

In general terms I have supported the overall strategy of the plan, but have concerns as to the Council's proposals for its implementation. In particular I find insufficient evidence to support the Council's view that the Bath Western Riverside would deliver the high level of residential development during the plan period to enable the deletion of the proposals for the release of land from the Green Belt at Keynsham which would accord with the policies of the Joint Replacement Structure Plan. In addition, I recommend against the level of retail development proposed for the Western Riverside site. I consider that a large scale retail development on this out of centre site would constitute a risk to the proposals for Southgate and to the vitality and viability of retailing within the historic city centre as it readjusts following the redevelopment of Southgate. Furthermore there are other sequentially preferable sites for city centre type retail development which should be investigated as part of the development of a city centre shopping strategy. In view of my conclusions regarding Western Riverside the Council may wish to pursue a less ambitious but potentially more readily deliverable scheme for the redevelopment of this important site in the Local Plan.

My conclusions in relation to the strategic housing land requirement are also significant. Whilst the plan is clearly based on the policies of the JRSP, that only runs to 2011. The context to 2016 as set out in RPG10 is an important consideration in order to ensure that the approach taken in this plan does not prejudice the long term provision of housing land in the District. I therefore recommend that the housing requirement in Policy HG.1 be revised from 6,200 dwellings to 6,855 dwellings by 2011 to take the RPG10 provision into account.

In terms of individual housing allocations, the most significant changes which I recommend are the reduction in the contribution to housing land supply from the development of Western Riverside and the deletion of the MoD Foxhill allocation. With other amendments I recommend to the level of provision to be expected from allocated sites, I calculate a shortfall in provision of some 1190 dwellings.

Having considered all the sites proposed in the DDLP and put forward by objectors, I identify sites for the Council's further consideration which could be released to make up the shortfall having regard to national and JRSP policy.

As you are aware, Government published draft PPS3 on housing after the close of the inquiry, and as a result I do not base my reasoning or my recommendations on the emerging statement of national policy. However, by taking a pragmatic approach to the availability of housing sites and recommending the higher rate of housing land supply implied by RPG10, my recommendations aim to ensure the plan provides at least a five year supply of developable land which is suitable, viable and available. With these changes in place, I consider that the policies of the plan would accord with the direction of travel set out in emerging Government policy.

I recommend substantial changes to the employment policies of the plan, which link them firmly to the findings of the Business Location Requirements Study (BLRS) prepared for the Council by Roger Tym & Partners/Cluttons and published in an updated final version in October 2003. The brief set for the BLRS is recognised as a "good practice example" in the recent national guidance on undertaking reviews of the adequacy of employment land. The changes I recommend provide a clear and realistic policy context for the future of employment land provision in the District, based on a commercially informed study.

As regards the Green Belt, I take the view that apart from the change to the boundary at Keynsham to provide for housing land, there is no remit in the JRSP for further changes to its extent or detailed boundary. The approach to Green Belt set out in RPG10 does not in my view support the ad hoc release of Green Belt land in this plan, but provides for a wider review as part of the next round of development plan preparation. I do find exceptional circumstances to justify a release of land for the expansion of the University, but I recommend against the release of land at Newbridge for a new park & ride, transport interchange and waste transfer facility.

Adoption of the Plan

I am very aware of the pressures on the Council to adopt the Plan prior to the 21 July SEA deadline, and the delay which could be incurred in the event of a Modifications Inquiry being held. The consolidated version of the Plan incorporates the PICs and FPICs which were subject to public consultation, and the responses to the public consultation have been considered through the Local Plan Inquiry. Therefore where I recommend no change to the consolidated version of the plan, it is unlikely to be necessary for the Council to take that part of the plan to a Modifications Inquiry.

Similarly, where I have recommended a change which reinstates a proposal included in the First Deposit Local Plan, such as the release of the land at Keynsham, those proposals have been subject to public consultation and whilst some objections were withdrawn, I have considered those which were not, or which were conditionally withdrawn. Clearly the Council will need to give careful thought to each of these recommendations and whether there would be

prejudice to any party if they were to be adopted without a Modifications Inquiry, but there should be opportunities for the Council to do so in a number of instances.

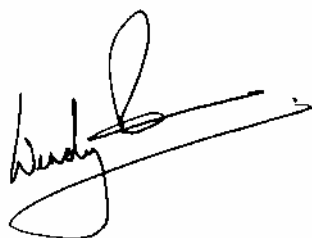
It is where I have recommended changes which have not been through public consultation that a Modifications Inquiry might be required. In order to avoid the consequent delay to the adoption of the full plan following a possible Modifications Inquiry, the Council may wish to consider the option of adopting only those parts of the plan which, if my recommendations are accepted, it would not be necessary to take through the modifications procedures. Whilst it is not entirely satisfactory to have a plan which does not cover all the matters set out in the consolidated plan, it would ensure that housing sites excluded from the First Deposit Draft can be brought forward in accordance with an adopted plan policy. Thus the supply of housing land in the District would be maintained whilst the Council progress the work on the new LDF. Those parts of the plan which are not adopted, together with the recommendations which I make on them, would then inform the work on your emerging LDF, bearing in mind the level of public consultation to which they have been subject.

Other matters

I wish to place on record my appreciation of the very hard work carried out by the Council's advocates and all their witnesses together with the Programme Officer Christine Self in ensuring the smooth running of what was a challenging timetable for the completion of the inquiry. All the participants adapted readily to the varying formality and procedures which I adopted in hearing the evidence at the inquiry. I would also like to record my thanks to my colleague Roy Foster who held some important inquiry sessions and drafted the relevant parts of the report, and to Simon Emerson who stepped in to speed the delivery of the report when I had been indisposed.

A copy of this letter has been sent for information to the Government Office for the South West and to the Office of the Deputy Prime Minister.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Wendy J Burden', with a large, stylized flourish extending from the bottom.

Wendy J Burden BA Dip TP MRTPI

Inspector