

SECTION 1 - Chapters A1 – A5

General Objections

88/B19	William & Pauline Houghton	A1
461/B11	Hinton Blewett Parish Council	GENERAL
502/B20	Camerton Parish Council	GENERAL
564/B40	London Road Area Residents Association	GENERAL
578/B88	Norton Radstock Town Council	GENERAL
1904/B2	Ms B Cohn	GENERAL
3067/B1	Mr M A Seymour & Mrs E A McMartin	GENERAL
3186/B5	Chew Magna Parish Council	GENERAL
3257/B14	Somer Valley Friends of the Earth	GENERAL
3273/B1	Bath & District Community Health Council	GENERAL
3298/B1	Cam Valley Wildlife Group	GENERAL
3298/B20	Cam Valley Wildlife Group	GENERAL
3310/B2	Ms A Harding	GENERAL
743/C32	Combe Hay Parish Council	GENERAL/A
3533/C6	Network Rail Infrastructures Ltd	GENERAL/A

Supporting Statement

1867/B1	Mr C R Hackett	GENERAL
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Issues

- i) Whether the Plan should address existing problems that affect local residents such as flooding, disruption of electricity and water supplies, overgrowing roadside hedges, lack of facilities for local children and indiscriminate parking.
- ii) Is the Proposals Map readily understandable by the public, does it adequately explain proposals and is it on an accurate base map?
- iii) Should the plan highlight Networks Rail's operational and safety requirements?
- iv) Does the plan give sufficient priority to the conservation and enhancement of biodiversity?
- v) Should a more comprehensive Index be included?
- vi) Should places such as Twerton on Avon be distinguished from the City Centre?

Inspector's Reasoning

Issue i)

- 1.1 The Local Plan deals with matters which can be controlled under the Town and Country Planning Acts, normally as a result of proposals for new development. It can have little influence on many existing environmental and social problems. The provision of play space for children and of car parking are relevant matters in relation to the demands generated by new

development. I am satisfied that the plan addresses all matters which legitimately come within the scope of a Local Plan.

Issue ii)

- 1.2 I have some sympathy with objectors who find the different notations on the Proposals Maps difficult to pick out and understand. This is primarily due to the multiplicity of notations and designations generated by the policies in the plan. The Proposals Map in the adopted plan will, however, be simpler as a result of changes made in the RDDLP (such as the deletion of the landscape character areas) and the implementation of recommendations in this report to remove other designations from the Proposals Map. I have no specific recommendations to make on presentation, which is primarily a matter for cartographic expertise.
- 1.3 The Proposals Map needs to be read in conjunction with specific policies and proposals of the Local Plan. It is not the place for additional explanation, which would only add to its visual complexity. I consider that no additional information is necessary. The Proposals Map uses an OS base map. A number of objectors highlight where this base map is out of date. The Council indicate that the OS is updating the survey information for the District and it would be helpful if the Council were able to use a more up to date base for the Proposals Map when the Plan is adopted. But in my view, nothing material turns on the accuracy of the base map and I find no significant fault with the approach taken.

Issue iii)

- 1.4 There are allocations in the plan which adjoin operational railway land. I recognise the importance of safety on the rail network and of Network Rail being able to undertake its necessary operational works, but I see no reason why these matters need to be flagged in the plan. Allocations in the plan do not override landownership and Network Rail would normally be consulted on any planning application on land adjoining a railway. They would then have the opportunity to comment on matters such as security and tree planting.

Issue iv)

- 1.5 The plan has a Chapter on the Natural Environment which contains a number of policies to achieve the protection of biodiversity. The plan must be considered as a whole (as stated in paragraph A1.14). It is not necessary for the aims of the policies for the protection of the natural environment to be repeated in other policies for them to remain relevant. This approach is not undermined by the use of the phrase "development will be permitted" in many policies. It is self evident that such a permissive approach is applicable only to the criteria in that particular policy. Nor do I attach any significance to the frequency with which particular issues are mentioned in the plan. The significance of an issue is not determined by the number of references made to it, especially when, in my view, there is considerable unnecessary repetition. There needs to

be less repetition not more. I note that Key Objective E.3 is "to secure the effective stewardship of the area's biodiversity (wildlife and habitats), and geology". I consider that this provides a clear and adequate aim for the protection of biodiversity on which the detailed policies effectively build.

Issue v)

- 1.6 There is a list of contents at the beginning of the plan, and the Council proposes to add an index with chapters and paragraph headings to the final plan. The format and presentation of the document is essentially a matter for the Council and not one on which I intend to make any recommendation.

Issue vi)

- 1.7 I can understand the desire of some objectors who wish to distinguish their parts of the built-up area of Bath from the city centre, but I see no need to do so in relation to the policies of the plan. Where there is a need for regeneration and improvement, the new system of LDFs will provide the opportunity for Action Area Plans to be developed to deal with the particular issues in parts of a city. But I have no evidence to conclude that there is a need for further policies in this plan to deal with particular neighbourhoods within the wider area of Bath.

Recommendation: no change

A1 - Introduction - Paragraphs A1.1-A1.26

686/B27	Bath Preservation Trust	A1.1
686/B28	Bath Preservation Trust	A1.10
878/B38	The Bath Society	A1.19
578/B20	Norton Radstock Town Council	A1.20
578/B81	Norton Radstock Town Council	A1.20
3257/B17	Somer Valley Friends of the Earth	A1.20

Supporting Statement

505/B23	Bathampton Parish Council	A1.25
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Issues

- i) Should paragraph A1.1 refer to the development plan, including the Structure Plan?
- ii) Should paragraph A1.10 include reference to the World Heritage Site (WHS) Management Plan?
- iii) Does the reference to "strategies of the Council and other organisations" need clarification?

- iv) Should reference be made to growth during the Regency Period?
- v) Is the population figure for Norton-Radstock up to date?
- vi) Should this section of the plan highlight biodiversity and the area's wealth of wildlife?

Inspector's Reasoning

Issue i)

- 1.8 When adopted the Local Plan will form part of the Development Plan together with the regional spatial strategy and the structure plan. Section 38(6) of the 2004 Planning and Compulsory Purchase Act refers to regard being had to the development plan, and any determination being made in accordance with the plan unless material considerations indicate otherwise. Thus on its own the Local Plan cannot necessarily be the single most important consideration in the determination of planning applications. The final sentence of A1.1 is misleading, but I do not consider that the change put forward by the objector improves the wording. In my view the content of this entire paragraph is very generalised and adds nothing of value to the plan. The local plan would benefit from having less text. I recommend that A1.1 is deleted.

Issue ii)

- 1.9 Section A contains several references to the WHS. Chapter C3 includes much detail on the WHS. Reference to the WHS Management Plan in paragraph A1.10 would not add to the understanding of the plan and its policies.

Issue iii)

- 1.10 Paragraph A1.10 contains a cross reference to paragraphs A2.1 to A2.4. This cross-reference is helpful. The text in Section A2 provides the clarification sought by the objectors. It is not clear, however, why the cross reference refers only to paragraphs A2.1 to A2.4. All of Section A2 is relevant and should be included in the cross-reference, if paragraph A1.10 is retained.
- 1.11 This paragraph is followed by the first of a number of "Quick Guides". These raise the question: what are they quick guides to? A number of the Quick Guides amplify matters in the main text. In that sense they are not something which add to an understanding of the plan, but are an invitation to the reader to explore a topic in more detail. In my view, picking out this material and putting it in a box gives the material more prominence than it warrants and confusingly draws the reader's attention to matters that make more sense when read in context rather than in isolation. I therefore consider it easier for users of the plan to absorb this material when it is presented as a coherent part of the narrative. In my view, these guides should be deleted and where any part of their content is relevant to the reasoned justification for the plan's policies it should be

incorporated in the main text. Succinctness in a Local Plan is an advantage to all users.

- 1.12 In relation to Quick Guide 1, it shows the timetable for the preparation of the Local Plan. The process is also referred to in the Foreword. But once the plan is adopted this background will be of little relevance and only a brief reference in the Forward would be sufficient. More generally, the whole of section A1.5- A1.11 would become redundant on adoption. The Council should review whether there is need for this section at all.

Issue iv)

- 1.13 The Council contend that the Regency period was not as significant as the Georgian era for the growth of the City and therefore has not been highlighted. The historic description in paragraph A1.19 is of little relevance to the policies and proposals in the plan and not a matter on which I need make any recommendation.

Issue v)

- 1.14 The Council state that the population figure for Norton-Radstock is based on the 1991 Census, but that it will be up-dated once the results of the 2001 Census are published. It is clearly beneficial for the population of the district and of the main towns to be accurately noted in the plan. There is no point in me recommending the insertion of an estimate made by the Town Council if a census figure is, or will be, available. The Council should update this figure if more accurate figures are available.

Issue vi)

- 1.15 This section of the plan provides a brief outline of the settlements in the plan area. More information on ecology and biodiversity is provided elsewhere in the plan, in particular in Chapter C2. Additional reference here would neither be appropriate in the context of this section nor necessary given that the issue is covered elsewhere. No change is therefore recommended.

Recommendations:

R1.1 Modify the plan by deleting paragraph A1.1 and Quick Guide 1.

R1.2 The Council to consider whether there is any need to retain sections A1.5- A1.11. If paragraph A1.10 is retained, the cross-reference at the end of the final sentence should be replaced with "(see Section A2)".

R1.3 The Council to update population figures (such as in paragraph A1.20).

Chapter A2, Paragraphs A2.1-A2.16, Diagram 2

564/B39	London Road Area Residents Association	Diagram 2
686/B32	Bath Preservation Trust	A2
686/B33	Bath Preservation Trust	A2.3
732/B12	Swainswick Parish Council	A2.3
686/C135	Bath Preservation Trust	A2.3/B
3570/C10	Bath Spa University College	A2.3/B
3570/C8	Bath Spa University College	A2.5A/A
88/B20	William & Pauline Houghton	A2.8
3264/C16	Landscape Estates Ltd	A2.10A/A
686/B35	Bath Preservation Trust	A2.13
689/B9	British Horse Society	A2.14
110/B2	Sport England South West	A2.15
1427/B17	Environment Agency	A2.15

Supporting Statements

1427/B16	Environment Agency	A2
3251/B58	Prospect Land Ltd	A2.2
3298/B19	Cam Valley Wildlife Group	A2.4
3116/C47	Bath & North East Somerset Allotment Association	A2.5A/A
686/B34	Bath Preservation Trust	A2.8
878/B4	The Bath Society	A2.8
3251/B57	Prospect Land Ltd	A2.12

Issues

- i) Should this section include a reference to the WHS?
- ii) Does paragraph A2.3 adequately explain how conflicting priorities will be resolved?
- iii) Should a reference be made in paragraph A2.5A to the Universities?
- iv) Is sufficient priority given to tackling Bath's traffic problems and should 'horse riding' be highlighted?
- v) Whether the Structure Plan objectives in QG 3 should be amended?

Inspector's Reasoning

1.16 The RDDLP makes a correction to Diagram Two to show the Lambrook/Avon confluence; an omission highlighted by an objector. The RDDLP deletes the list of PPGs and MPGs. It is not necessary to list this national guidance and the removal of the list obviates any concerns about its comprehensiveness.

Issue i)

1.17 I recognise that the WHS status of Bath is a very important consideration, but it is not necessary to include further reference to it in this section of the plan. The WHS Management Plan does not have the same planning status or over-arching relevance to the Local Plan as the other documents highlighted in this section.

Issue ii)

- 1.18 Objectors have a variety of concerns about the wording of paragraph A2.3. In my view, the paragraph does not explain how conflicting priorities will be addressed. Anticipating having to make trade-offs between competing objectives undermines the principle of sustainable development set out in paragraph A2.2. In my view, the plan aims to set out policies to achieve sustainable development and does not give guidance as to how trade-offs between conflicting policies will be resolved. Where such conflicts arise it will be for the decision-maker to assess the overall balance of considerations. I consider that paragraph 2.3 should be deleted. Its omission would not lessen the public's understanding of how the plan will be used and would avoid the need to add any of the caveats sought by objectors.
- 1.19 This paragraph follows QG 2. I have already commented on the use of this device which I consider detracts from the flow of the plan. I recommend that this is deleted and that if reference is to be made to the National Sustainable Development Objectives it is done in the text of paragraph A2.2.

Issue iii)

- 1.20 Paragraph A2.5A identifies the role of the Community Strategy in setting the long term vision for the area. A reference to particular institutions, such as the Universities, would introduce an inappropriate level of detail to this section of the plan. It is not necessary to insert the word 'education' into the second sentence of the paragraph. This is covered by the broader categories of 'social' and 'economic'. Since the publication of the RDDLP paragraph A2.5A has been updated to acknowledge that the Community Strategy has now been adopted.

Issue iv)

- 1.21 This section of the plan is essentially setting the scene rather than seeking to highlight particular policies or projects. Paragraphs A2.6 to A2.10A of the plan outlines the main policy considerations for the District contained in Regional Planning Guidance (RPG). It is not the place to set out the Council's own priorities. Paragraph A2.8 summarises the RPG's guidance for Bath and refers to the need to give high priority to reducing road traffic and congestion affecting the City. The Council's policies and priorities for addressing this issue are set out in other chapters of the plan and I comment on specific objections to those policies in due course. No additional wording about traffic and transport should be introduced here.
- 1.22 In the same way that paragraphs A2.6 to A2.10A outline the context of the RPG, paragraphs A2.13 to A2.14 highlight themes from the Local Transport Plan (LTP) in order to provide a context for the remainder of the plan. Thus a change to this text which introduces a different policy stance or the inclusion of specific proposals/measures would be inconsistent with

the general context of this section of the Local Plan and with what the LTP actually says.

- 1.23 For the above reasons, it would be inappropriate to include a reference to "horse riding" under the second bullet point of paragraph A2.14 since this would not then accurately reflect the themes of the LTP.

Recommendations:

R1.4 Modify the plan by deleting Quick Guide 2 and, if reference to the National Sustainable Development Objectives is to be retained, incorporate in paragraph A2.2;

R1.5 Modify the plan by deleting paragraph A2.3.

Chapter A3, Paragraphs A3.1-A3.8 and Key Objectives OS1-OS4

686/B37	Bath Preservation Trust	Quick Guide 3
732/B13	Swainswick Parish Council	Quick Guide 3
3299/B37	Bovis Homes (South West Region) Limited	Quick Guide 3
88/B21	William & Pauline Houghton	A3
3257/B13	Somer Valley Friends of the Earth	A3
745/B36	South Stoke Parish Council	A3.1
2118/B1	Mr S C Banks	A3.1
3266/B2	O A G Stephens Limited	A3.3
578/B21	Norton Radstock Town Council	A3.7
3570/C7	Bath Spa University College	A3.7BB
2303/B4	Wellow Residents Association	Key Objective OS.2
3099/B1	Barratt Bristol Limited (Mr A T P Joliffe)	Key Objective OS.3
3098/B1	George Wimpey Strategic Land	Key Objective OS.4

Supporting Statements

686/B36	Bath Preservation Trust	Quick Guide 3
878/B5	The Bath Society	Quick Guide 3
696/B6	South West RSL Planning Consortium	A3.3
120/C153	Ms Helen Woodley	A3.3/A
696/C40	South West RSL Planning Consortium	A3.3/A
3251/B49	Prospect Land Ltd	A3.4
696/C41	South West RSL Planning Consortium	A3.4/A
695/B22	Society of Merchant Venturers	A3.5
3251/B56	Prospect Land Ltd	Key Objective OS.2
696/B7	South West RSL Planning Consortium	A3.8

Issues

- i) Whether the Structure Plan objectives in QG 3 should be amended.
- ii) Does the plan set out a meaningful vision and is this reflected in the Key Objectives for the Overall Strategy?
- iii) Should the wording of the Key Objectives be changed?

- iv) Whether comprehensive monitoring is required to ensure the delivery of balanced communities.
- v) Whether the plan should explain how it meets the objectives set out in Section A.3.
- vi) Whether specific reference to the Universities should be included.

Inspector's Reasoning

Issue i)

- 1.24 QG 3 sets out the objectives for the plan as derived from the Joint Replacement Structure Plan (JRSP). Point (8) is taken directly from Policy 2(h) of the JRSP. In such circumstances, it would be inconsistent with the JRSP to amend the Quick Guide as sought by objectors. In my view, the summary of the objectives of the JRSP as set out in the RDDLP is reasonable. But for the reasons already given, I consider that all the QGs should be deleted. I see no need to set out in detail the key objectives of the JRSP since they can be readily found in that document.

Issues ii) and iii)

- 1.25 I find the opening part of this chapter (paragraphs A3.1-A3.7) to be confusing and unhelpful.
- 1.26 The 'vision' section does not contain a vision itself, but instead refers to the Local Agenda 21 vision which is set out in QG 4. Since the Local Agenda 21 vision is only one of the considerations outlined in paragraph A3.3 and in the earlier part of the plan, this does not represent a balanced vision. The vision set out in QG 4 is not focussed on the particular role of the Local Plan, is lengthy and wide ranging. It seems to me that the vision contained in the Local Agenda 21 process should inform the vision and objectives of the plan rather than simply be adopted as the vision of the plan. The plan does not explain why the vision in the Local Agenda 21 has been adopted and not other visions, such as that in the Community Strategy (highlighted in A2.5A).
- 1.27 The section following "vision" is entitled "balanced communities". Here the achievement of 'balanced communities' is put forward as the overriding objective for the local plan. But the explanation of what balanced communities means does not, in my view, encompass the protection of the natural environment and wise use of finite resources. The latter considerations are clearly important to the Council since they appear as a number of specific key objectives. Thus I find that that balanced communities is too narrow to be the logical overriding objective of this plan. I do not see how balanced communities directly flows from the vision.
- 1.28 I believe that the opening section of this Chapter should, if possible, set out a clear, succinct vision on which the objectives which follow can be based. There is no need for the plan to state that it takes into account

government guidance, or that the Council has been working with partners to produce a Local Agenda 21 vision, as the background to the plan has already been established.

- 1.29 Contrary to one suggestion by an objector, the vision statement in the plan will need take into account the reality of the planning system and other prevailing circumstances. The vision should concentrate on what the Council wish to achieve over the duration of the plan period. Inevitably such a vision will be a general statement and would not be measurable against specific outcomes.
- 1.30 The vision for the plan should be the Council's, not mine or that of particular objectors. I therefore do not suggest any particular form of words. If a clear, succinct vision cannot be expressed, then I recommend that paragraphs A3.1-A3.4 be deleted.
- 1.31 In accordance with my recommendations above, I also propose the deletion of QG 4. The Local Agenda 21 vision that this sets out should inform the vision for the Local Plan, but I see no value in reproducing it at length here.
- 1.32 Paragraph A3.7 follows the heading "Overall Strategy", but it is primarily concerned with public participation in the local plan process. Once the plan is adopted, this aim will no longer be relevant. The last sentence of the paragraph refers to quality in design. There then follows what are described as "Key Objectives - Overall Strategy" with objectives relating to high quality design, safe and accessible environments, and mixed use, high density developments. Whilst I accept that these are all important, they are surely the main means of achieving the other objectives of the plan, rather than an expression of an "overall strategy". These objectives are similar to some of the specific policies in the plan. In addition, they are closely related to national planning objectives and so add nothing specific to B&NES. Apart from the single sentence on design there is no explanation as to why these have been identified as the objectives of the overall strategy. Given the apparent priority attached to these objectives, I can understand objectors' concerns that they are too narrow in focus and prejudge other considerations.
- 1.33 In my view, these 3 objectives do not assist the flow of the plan from a (possible) vision, through broad objectives to specific policies. I see no real purpose in trying to define objectives for the overall strategy. The individual objectives in the sections that follow provide a comprehensive set of aims. (In its response to these objections, the Council appears to include objectives L, E and T within the "overall strategy" but this is not consistent with the structure of the headings used in the plan.) I therefore consider that the heading "Overall Strategy" paragraph A3.7 and the Key Objectives - Overall Strategy (OS1-OS3) should be deleted. This would contribute to making the introductory text more focussed and overcome a number of objectors' concerns about the scope of the first set of objectives.

Issue iv)

- 1.34 The issue of monitoring is addressed in Chapter A4 of the plan. This includes a number of targets and indicators relating to the key objectives set out in Chapter A3. No change is needed in response to this objection.

Issue v)

- 1.35 Chapter A4 of the plan sets out how the Council will seek to implement the objectives in Chapter A3. Additional text on this matter in Chapter A3 would lead to unnecessary duplication and I recommend no change.

Issue vi)

- 1.36 In my view, the Universities are included within the term "organisations" in paragraph A3.7. The inclusion of only one named body (such as a University) would lead others to believe that they had been excluded, when this was not the intention. In any event, I have concluded that this whole paragraph should be deleted.

Recommendations:

R1.6 Modify the plan by deleting paragraphs A3.1-A3.4 and, if possible, by inserting a clear, succinct vision relevant to the task of the Local Plan.

R1.7 Modify the plan by deleting heading "Overall Strategy", paragraph A3.7 and the Key Objectives – Overall Strategy (OS.1-OS.3).

R1.8 Modify the plan by deleting Quick Guide 4.

Chapter A3 - Key Objectives L.1-L.14

3299/B6	Bovis Homes (South West Region) Limited	Key Objective L.1
3098/B2	George Wimpey Strategic Land	Key Objective L.7
3299/B39	Bovis Homes (South West Region) Limited	Key Objective L.7
3299/B8	Bovis Homes (South West Region) Limited	Key Objective L.9
3098/B3	George Wimpey Strategic Land	Key Objective L.12
110/B3	Sport England South West	Key Objective L.14

Supporting Statements

3251/B55	Prospect Land Ltd	Key Objective L.2
1427/B18	Environment Agency	Key Objective L.3
3251/B54	Prospect Land Ltd	Key Objective L.7
3099/B2	Barratt Bristol Limited(Mr A T P Joliffe)	Key Objective L.11
3251/B53	Prospect Land Ltd	Key Objective L.12
3099/B3	Barratt Bristol Limited(Mr A T P Joliffe)	Key Objective L.14
120/C179	Ms Helen Woodley	Key Objective L.14/A

Issues

- i) Should the objectives highlight the importance of releasing greenfield sites in the event of brownfield sites not coming forward?

- ii) Should reference be made to planning beyond the life of this local plan?
- iii) Should greater emphasis be given to sustainability in objective L.7?
- iv) Should the existing provision of employment and business activities in Keynsham and Radstock be recognised in objective L.9?
- v) Should objective L.12 refer to housing development in rural areas?

Inspector's Reasoning

Issue i)

- 1.37 The additional objective proposed by the objector is not in itself an objective for the plan but a possible means of achieving an objective. The objective for housing development should be (and is in objective L.7) to provide sufficient housing to meet the needs of the District. Where this land is located and the nature of the development sites is a matter for the policies later in the plan.

Issue ii)

- 1.38 The objectives in the Local Plan are not time limited. Although the plan itself deals with a specific period, there is no reason why the objectives should not be ongoing, although subject to review as the new LDF is prepared. I find no reason to introduce a specific reference to planning for development in the longer term.

Issue iii)

- 1.39 The issue of sustainability is in my view addressed sufficiently through the objectives as a whole and does not require additional reference in objective L.7. The objectives come together to set the framework for the policies and proposals in the plan. Taking into account the content of all the objectives, I am satisfied that sustainability considerations will not be prejudiced by a lack of specific reference in objective L.7.

Issue iv)

- 1.40 The RDDLP now refers to both maintaining and enhancing opportunities for business and employment in Keynsham and Norton-Radstock, thus acknowledging that they are already centres for business. I see no need for further reference to their existing employment and business roles.

Issue v)

- 1.41 Each of the objectives provides a general statement on an issue relevant to the plan. Any greater level of detail would be unnecessary and result in cumbersome objectives which are not easily understood.
- 1.42 The over-arching objective for the rural areas is set out in L.12. The means by which this objective is achieved is set out in the plan through

policies and proposals. Additional reference to the role of housing development in rural areas is unnecessary. Objective L.7 seeks to meet the Districts housing needs in a sustainable way.

Recommendation: no change

Chapter A3 - Paragraph A3.11 and Key Objectives E1-E6

3265/B7	Mr D E Packman	A3.11
686/B42	Bath Preservation Trust	Key Objective E.1
1427/B19	Environment Agency	Key Objective E.3
1427/B20	Environment Agency	Key Objective E.5
1427/B21	Environment Agency	Key Objective E.6

Supporting Statements

3251/B52	Prospect Land Ltd	Key Objective E.2
3298/B11	Cam Valley Wildlife Group	Key Objective E.3
3251/B51	Prospect Land Ltd	Key Objective E.4

Issues

- i) Whether the environmental objectives should seek a reduction in noise pollution.
- ii) Whether the phrase "make positive use" in objective E.1 is appropriate.
- iii) Whether objective E.3 should refer to "no net loss" of biodiversity.
- iv) Whether objective E.6 should refer to the "quantity" as well as the "quality" of water resources.

Inspector's Reasoning

Issue i)

- 1.43 The issue of noise pollution is covered in objective L.5 and therefore I consider that no change is required.

Issue ii)

- 1.44 Making "positive use" of the historic environment is a legitimate and sound objective for the plan and I see no reason to delete this phrase.

Issue iii)

- 1.45 I consider that "effective stewardship" of the area's biodiversity is a suitably broad and positive objective. I see no reason to refer to "no net loss" of biodiversity. This should be achieved by effective stewardship.

Issue iv)

- 1.46 In my view, the quantity of water resources is as relevant as their quality to both human needs and the well being of the natural environment. Although E.5 refers to conserving and reducing the consumption of water, among other matters, this is not as all embracing as maintaining and improving the quantity of water resources. I recommend the addition of "quantity" to the objective.

Recommendation:

- R1.9 Modify objective E.6 by inserting "quantity and" after "improve the".

Chapter A3 - Paragraph A3.14 and Key Objective T.1 – T.4

708/B30	The Widcombe Association	A3.14
689/B10	British Horse Society	Key Objective T.2

Supporting Statements

2251/B10	Federation of Bath Residents Associations - Transport Group	A3.14
120/B34	Ms Helen Woodley	Key Objective T.1
1427/B22	Environment Agency	Key Objective T.1
120/B35	Ms Helen Woodley	Key Objective T.2
1427/B23	Environment Agency	Key Objective T.2
120/B36	Ms Helen Woodley	Key Objective T.3
1427/B24	Environment Agency	Key Objective T.4

Issue

- i) Should objective T.2 include reference to horse riding?

Inspector's Reasoning

- 1.47 In my view, a number of the objections to this section of the plan amount to comment on transport matters and the Council's priorities. They do not seek any specific changes to this part of the plan and I do not consider them further.
- 1.48 Objective T.2 identifies the most commonly used means of transport which provide alternatives to the private car. The reference to "public transport, cycling and walking" is not intended to be an exhaustive list. However, horse riding is most likely to be a leisure activity rather than a daily transport option and therefore I consider that a specific reference to horse riding would not be appropriate in objective T.2.

Recommendation: no change.

Chapter A3 - Paragraph A3.15 and Policy 1

3201/B1	South West Regional Development Agency	A3.15
3242/B1	Davies Street (Bathampton) Ltd	A3.15
120/B75	Ms Helen Woodley	Policy 1
578/B22	Norton Radstock Town Council	Policy 1
686/B46	Bath Preservation Trust	Policy 1
1269/B5	B&NES Allotments Association	Policy 1
2226/B8	ETSU	Policy 1
3007/B11	Grant Thornton	Policy 1
3098/B4	George Wimpey Strategic Land	Policy 1
3107/B8	English Nature	Policy 1
3257/B15	Somer Valley Friends of the Earth	Policy 1
3271/B6	Bellwish Limited	Policy 1
3295/B8	G L Hearn Planning	Policy 1
3298/B36	Cam Valley Wildlife Group	Policy 1
3299/B30	Bovis Homes (South West Region) Limited	Policy 1
3097/C17	Mr M Swinton	P.1/A
3098/C51	George Wimpey Strategic Land	P.1/A
3264/C17	Landscape Estates Ltd	P.1/A
3098/C50	George Wimpey Strategic Land	P.1/B
2641/C22	David Wilson Homes	P.1/C
3098/C49	George Wimpey Strategic Land	P.1/C
3116/C62	Bath & North East Somerset Allotment Association	P.1/F
3257/C23	Somer Valley Friends of the Earth	P.1/F
3298/C40	Cam Valley Wildlife Group	P.1/F
3098/C48	George Wimpey Strategic Land	P.1/G

Supporting Statements

696/C49	South West RSL Planning Consortium	A3.15A/A
376/B7	Mr I Wallis	Policy 1
696/B8	South West RSL Planning Consortium	Policy 1
1427/B25	Environment Agency	Policy 1
3251/B50	Prospect Land Ltd	Policy 1
696/C42	South West RSL Planning Consortium	P.1/A
3257/C21	Somer Valley Friends of the Earth	P.1/A
696/C43	South West RSL Planning Consortium	P.1/B
3257/C22	Somer Valley Friends of the Earth	P.1/B
696/C44	South West RSL Planning Consortium	P.1/C
696/C45	South West RSL Planning Consortium	P.1/D
696/C46	South West RSL Planning Consortium	P.1/E
696/C47	South West RSL Planning Consortium	P.1/F
696/C48	South West RSL Planning Consortium	P.1/G

Issue

- i) Whether the policy is necessary, too restrictive, should contain other criteria or should indicate priorities among the criteria.

Inspector's Reasoning

1.49 There are a large number of wide ranging objections to this policy. I can appreciate the Council's desire to try and set out one over-arching policy to foster sustainable development. The intention is laudable, but I consider that Policy 1 will be difficult to apply effectively.

1.50 The policy is wide-ranging in the matters it seeks to address. It implies a comprehensiveness, which is always difficult to achieve in a single policy,

hence the concerns of some objectors that matters are missing or not given enough emphasis.

- 1.51 The intention is that the policy applies to all development and that all the criteria should be met. But in responding to some of the objections, the Council accepts that there may well be material considerations which outweigh adherence to this policy, including other policies in the plan. For example, development in the smaller settlements in the District, which the plan intends to allow on a small scale would surely conflict with the first criterion on minimising the need to travel; many minor developments would be difficult to assess against the criteria in the policy. In my view, the Council would end up ignoring or implicitly contravening aspects of this policy so as to permit many developments which accord with the plan's other policies and this would undermine the creditability of Policy 1.
- 1.52 In many respects the criteria in the policy represent objectives rather than policy considerations. As objectives they are legitimate aims, but there are already objectives broadly covering each of the criteria in this policy and more detailed policies in the following chapters. This raises the question as to why the policy is required. In my view, the considerations in the policy would make more sense as an indication of the Council's priorities, or as the basis on which sites have been allocated for development in the plan, but it is not necessary to do so since these aspects are already implicit in the existing objectives.
- 1.53 To redraft the policy to avoid the shortcomings that I have identified would result in a policy which was complex and unwieldy. As a result of the above considerations I recommend that Policy 1 and paragraph A3.15 be deleted from the plan. In my view, this recommendation would not undermine the aim of securing sustainable development. Sustainability is a theme which runs through the objectives and detailed policies and proposals of the plan. The broad pattern of new development is established by the allocations made in the plan and the focus on the main urban areas. Broad generalisations in the policy such as "wherever possible (development) uses brownfield land" do not add meaningfully to national advice.
- 1.54 The deletion of the policy and supporting text overcomes or obviates the majority of objections. I deal briefly below with 2 objections that remain relevant. I have sympathy with the view that there is not a clear, logical flow explaining how the vision/objectives are translated into specific land use proposals for particular settlements. But restructuring the plan from its broad themes to one focussed on settlements would involve such additional work at this late stage as to not be justified. Furthermore, additional policy sections on each settlement would result in unnecessary repetition.
- 1.55 Objection is raised to the absence of an objective or policy in this section promoting the use of renewable energy. The environmental objectives seek to conserve non-renewable energy sources, amongst other considerations. I agree with the Council that the use of renewable energy

is one of the means by which non-renewable resources will be conserved and that specific reference in this section of the plan would represent an unnecessary level of detail.

Recommendation:

R1.10 Modify the plan by deleting the heading "Sustainable Development Policy", paragraph A3.15, and Policy 1.

Chapter A3 - Paragraph A3.16

120/B47 Ms Helen Woodley

A3.16

Issue

- i) Whether the car parking provision on the old allotment land at Newbridge should be reduced, with some reinstatement of the allotments.

Inspector's Reasoning

1.56 This part of the plan contains a brief statement regarding the overall approach to car parking in Bath and is not concerned with specific sites. No change is justified.

Recommendation: no change

Chapter A3 - Quick Guide 4

689/B11 British Horse Society

Quick Guide 4

Supporting Statement

2695/B9 The Springs Foundation

Quick Guide 4

Issue

- i) Whether the QG should include reference to "riding".

Inspector's Reasoning

1.57 For the reasons previously given, I have recommended the deletion of QG 4. I do not therefore comment on its content.

Chapter A3 - Paragraphs A3.17- A3.17A

There are large numbers of objections; details are listed at Appendix 1

Issues

- i) Should the paragraphs refer to other policies besides the Green Belt?
- ii) Is the release of Green Belt land at the University justified?
- iii) Does paragraph 17A accurately reflect circumstances at the University and in the higher education sector?
- iv) Should the possible need for changes to the Green Belt in the longer term be highlighted?

Inspector's Reasoning

- 1.58 Most of the objections made to this part of the plan relate to the removal of specific areas from the Green Belt. Details of the proposals in relation to the Green Belt at Newbridge and at the University are set out in Chapter C1 of the plan, and I deal with the issues raised by objectors in relation to these proposals in Sections 7 and 9 of my report. In order to avoid duplication I do not repeat the reasoning and conclusions here. In this section I deal exclusively with the content of paragraphs A3.17 and A3.17A. I have made recommendations elsewhere which will need to be reflected here.
- 1.59 I consider that paragraph 3.17A is unnecessarily detailed, given that these matters are covered elsewhere in the plan. It should be deleted with only a brief reference to changes to the Green Belt boundary in an amended paragraph A3.17. I recommend accordingly.
- 1.60 Paragraphs A3.16–A3.17A set out where development will be focussed in Bath. It is intended to serve as an introduction to the rest of the plan's policies for Bath and is not itself a statement of policy. The Green Belt is clearly the primary policy constraint on outward expansion and needs to be highlighted. Other policies in the plan are also important material considerations but there is no need to refer to them here. The plan should not speculate on changes to the Green Belt after 2011.

Recommendation:

R1.11 Modify the plan by deleting paragraphs A3.17 and A3.17A and substituting:

"In order to maintain the character and setting of the City, consistent with its status as a World Heritage site and with the objectives of the Bristol/Bath Green Belt, the focus for development and change will be the existing built up area. The plan makes one change to the Green Belt boundary to allow for the expansion of the University of Bath".

Chapter A3 - Paragraph A3.18

2975/B2	Crest Nicholson Properties Limited	A3.18
3098/B7	George Wimpey Strategic Land	A3.18
3299/B26	Bovis Homes (South West Region) Limited	A3.18
601/C26	House Builders Federation	A3.18/A
696/C50	South West RSL Planning Consortium	A3.18/A
2356/C21	The Hon W H M Jolliffe	A3.18/A
2601/C18	Linden Homes (Developments) Limited	A3.18/A
3257/C24	Somer Valley Friends of the Earth	A3.18/A
3299/C53	Bovis Homes (South West Region) Limited	A3.18/A
3446/C1	Taylor Woodrow Developments Ltd	A3.18/A
601/C27	House Builders Federation	A3.18A/A
696/C51	South West RSL Planning Consortium	A3.18A/A
3298/C84	Cam Valley Wildlife Group	A3.18A
3299/C54	Bovis Homes (South West Region) Limited	A3.18A/A

Supporting Statements

695/B21	Society of Merchant Venturers	A3.18
3098/B6	George Wimpey Strategic Land	A3.18
120/C154	Ms Helen Woodley	A3.18/A
120/C155	Ms Helen Woodley	A3.18A/A
1427/C140	Environment Agency	A3.18A/A

Issue

- i) Whether land should be released from the Green Belt at Keynsham and if so where.

Inspector's Reasoning

1.61 Issues raised by objectors in relation to the original paragraph in the DDLP and to the changes in the RDDLP relate to the principle of releasing land from the Green Belt at Keynsham and which site should be released. These matters are covered in detail in Section 5 of this report, and I do not repeat them here. I recommend that the original allocation at Keynsham be reinstated in the plan. As a result, paragraph A3.18 of the DDLP should be reinstated and new paragraphs A3.18 and A3.18A should be deleted.

Recommendation:

R1.12 Modify the Plan by deleting paragraphs A3.18 and A3.18A from the RDDLP and reinstating paragraph A3.18 from the DDLP.

Chapter A3 - Paragraph A3.19, A3.20 and A3.21

578/B24	Norton Radstock Town Council	A3.19
3047/B4	Mrs E W Styles	A3.19
3278/B11	Persimmon Homes (Wessex) Ltd	A3.19
3098/B8	George Wimpey Strategic Land	A3.20
3099/B4	Barratt Bristol Limited(Mr A T P Joliffe)	A3.20
3266/B3	O A G Stephens Limited	A3.20

3257/C25	Somer Valley Friends of the Earth	A3.21/C
3298/C76	Cam Valley Wildlife Group	A3.21/C

Issues

- i) Whether there should be a positive introduction to Norton-Radstock like there is for Bath.
- ii) Whether the need for improvements to the road network should be highlighted.
- iii) Should paragraph A3.19 refer to the provision of local leisure facilities and shops?
- iv) Does the text fairly reflect the area's tourism potential?
- v) Whether opportunities for residential development are unreasonably restricted?
- vi) Whether the emphasis on new employment development rather than housing is appropriate?

Inspector's Reasoning

Issue i)

- 1.62 I have some sympathy with the objector in respect of this issue. The plan provides a far more positive and descriptive introduction to Bath than it does for Norton-Radstock. But as this is a matter of background only and is not material to the policies in the plan I do not recommend any change.

Issue ii)

- 1.63 Some updating of the text in relation to roads is needed since, I assume, that the route studies referred to have been completed or others are under way. But the plan should refer only to highway improvements which are firm proposals likely to be implemented during the life of the plan. I am not aware that there are any such proposals to serve Norton-Radstock. The plan should not speculate on what might be desirable.
- 1.64 The text also refers to the proposed reopening of the railway between Radstock and Frome. Whilst I am aware that this is being strongly advocated by some, it is not a firm proposal likely to be implemented in the plan period and reference to it here seems misplaced.

Issue iii)

- 1.65 Paragraph A3.19 forms part of a section of the plan which outlines the general approach to the main settlements and rural areas in the District. It does not, nor does it need to, specify all proposals or aspirations for the different parts of the District. I see no reason to refer to the need for local leisure provision or shops.

Issue iv)

- 1.66 In response to this objection the Council made a change to paragraph A3.21 in order to acknowledge that the area has 'other assets' to support tourism. These paragraphs are not intended as a means of promoting tourism in the area and thus a more comprehensive description is not justified.

Issue v)

- 1.67 Whilst Norton-Radstock is of a similar scale to Keynsham it is not so well placed to meet the wider strategic housing needs of the District in a sustainable manner. Keynsham is located between Bristol and Bath and connected to both by good transport links. Norton-Radstock, in contrast, is more isolated from the larger employment, retail and leisure centres within and outside the District. It is for this reason that Policy 9 and Policy 16 of the Structure Plan propose the removal of land from the Green Belt and residential development at Keynsham. Paragraph 2.92 of the JRSP states that "these towns (including Norton Radstock) are not identified as locations for significant additional housing development beyond their existing commitments". Thus the reference in paragraph A3.20 to only "limited" further housing is reasonable
- 1.68 I recommend in Section 5 of my report the investigation of further sites for residential development within Norton-Radstock, but only if required to make up any shortfall in housing land provision if sites in Bath and Keynsham are not sufficient.

Issue vi)

- 1.69 The location of new employment development near to residential areas will not necessarily mean that those living in the area will wish to work nearby. However, new employment opportunities near to existing or future housing provide opportunities for people to live closer to their work.
- 1.70 In the case of Norton-Radstock there is currently a high level of out commuting and therefore every opportunity should be taken to increase employment opportunities within the settlement. However, the demand for new employment sites in the area is clearly restricted and I take the view that significant greenfield allocations would not be justified. I make a number of recommendations on employment land provision in Section 2 and these influence the recommendations which I make in Section 5 for the investigation of sites in Norton-Radstock for mixed use development. It is clearly desirable to address the current imbalance between the scale of the workforce and available jobs in the settlement but a realistic approach is needed to the viability of some of the older industrial sites within the area, and their potential for redevelopment. I recommend in Section 5 that development for a mix of housing and employment uses is more likely to lead to the provision of modern employment units and would be preferable to the long term stagnation of such sites. To reflect

this approach, I consider that a change is required to paragraph A3.20 and recommend accordingly.

Recommendation:

R1.13 Modify the plan by deleting the text of paragraph A3.20 and substituting:

"To create a sustainable pattern of development within Norton-Radstock, new residential development will be limited to that required to ensure the plan is able to provide an adequate supply of housing land within the plan period. Development will be mainly on brownfield sites, and will include mixed use schemes wherever appropriate in order to contribute to the provision of modern employment facilities."

Chapter A3 - Paragraphs A3.26 to A3.31

695/B20	Society of Merchant Venturers	A3.29
1427/B26	Environment Agency	A3.30

Supporting Statements

3251/B48	Prospect Land Ltd	A3.26
3251/B47	Prospect Land Ltd	A3.27
3251/B46	Prospect Land Ltd	A3.28
3251/B45	Prospect Land Ltd	A3.29
3251/B44	Prospect Land Ltd	A3.31

Issues

- i) Is the scale of development anticipated in the rural area clear?
- ii) Whether the reference to 'services' in paragraph A3.30 should highlight needed sewerage infrastructure.

Inspector's Reasoning

Issue i)

1.71 The need for limited development in rural areas is generally accepted, but some objectors are concerned to ensure that this is not at the expense of development in more sustainable locations. I support this view and believe this is also the aim of the plan. Reading the plan as a whole it is clear that the primary focus for development is the urban areas. No large scale development is proposed in the rural areas, but with the changes I recommend to the policies on windfall development, there will be scope for some infill development in scale with the size and function of the settlement. This approach is reflected in the wording of paragraph A3.29 and A3.30. I recommend no change.

Issue ii)

1.72 I recognise that there may be individual rural settlements which need a new sewage treatment works, but this level of detail is not relevant in the plan. Policy ES.5 would prevent development where there is inadequate sewerage infrastructure to support the proposal.

Recommendation: no change

Chapter A4 - General

3257/B18 Somer Valley Friends of the Earth A4

Issues

- i) Is the role and weight to be attached to SPG and other strategies clear?
- ii) Should the plan stipulate when the various assessments in paragraph A4.14 will be required?

Inspector's Reasoning

I deal with the first issue in my reasoning under objections to paragraphs A4.14 and A4.15 and the second issue under objections to paragraphs A4.9 and A4.20.

Recommendation: no change (in accordance with my recommendation following Paragraphs A4.16 - A4.20)

Chapter A4 - Paragraphs A4.8 and A4.9 and Policy IMP.1

110/B5	Sport England South West	A4.8
723/B34	Bath Chamber of Commerce	A4.9
578/B25	Norton Radstock Town Council	IMP.1
2975/B3	Crest Nicholson Properties Limited	IMP.1
3097/B13	Mr M Swinton	IMP.1
3098/B9	George Wimpey Strategic Land	IMP.1
3099/B5	Barratt Bristol Limited(Mr A T P Joliffe)	IMP.1
3257/B16	Somer Valley Friends of the Earth	IMP.1
3286/B1	BLCT (11680) Ltd	IMP.1
3287/B1	BLCT (11650) Ltd	IMP.1
2641/C23	David Wilson Homes	IMP.1/A
3257/C28	Somer Valley Friends of the Earth	IMP.1/A

Supporting Statements

3116/C55	Bath & North East Somerset Allotment Association	A4.11/A
3257/C27	Somer Valley Friends of the Earth	A4.11/A
3298/C73	Cam Valley Wildlife Group	A4.11/A
746/B7	NHS Executive South West	IMP.1
2985/B5	Bath & North East Somerset Primary Care Trust	IMP.1
3257/D301	Somer Valley Friends of the Earth	PIC/A/6 (IMP.1)
3298/B12	Cam Valley Wildlife Group	IMP.1
120/C178	Ms Helen Woodley	IMP.1/A

Issue

- i) Is the approach to the use of planning obligations too broad and contrary to national guidance?

Inspector's Reasoning

- 1.73 The RDDLP now includes a reference in paragraph A4.8 to the provision of sports facilities and therefore the objection on this point has been met.
- 1.74 At the time of the Local Plan Inquiry, Government policy on planning obligations was set out in Circular 1/97. That has now been replaced by Circular 05/2005 to which the Council needs to have regard.
- 1.75 National policy has consistently indicated that obligations can be used to make acceptable a development which would otherwise be unacceptable in planning terms. Obligations may be used to prescribe the nature of development; may be used to secure replacement facilities that would be lost or to mitigate a development's impact on existing facilities and services.
- 1.76 The RDDLP does not state explicitly that obligations should be sought only where a development would otherwise be unacceptable. Paragraph A4.6 refers to conditions "necessary to ensure conformity with planning policies thus enabling development to go ahead". Reference is made to this matter in paragraph A4.11, but the text refers to demonstrable need generated by a development, rather than a need which if not met would require planning permission to be refused. I consider that greater clarity is required here to ensure that the role of planning obligations is properly defined. I recommend changes to the text to secure this.
- 1.77 It is well established that planning permission should not be bought or sold, and that unacceptable development should not be permitted because of benefits or inducements offered by a developer which are not necessary to make the development acceptable in planning terms. These tests are accurately reflected in paragraph A4.8 of the Local Plan, and I consider that it is not necessary to include them in Policy IMP.1.
- 1.78 It is increasingly common practice for Council's to set out in SPG the financial cost per dwelling of contributions to particular facilities, such as additional school classrooms or open space. Such contributions should, of course, only be sought where the development would place unacceptable demands on existing facilities. Setting out in future SPD the likely level of contributions would increase certainty and transparency to the benefit of all involved in the development process. I thus find that the reference in paragraph A4.11 to the intended use of SPD is acceptable.
- 1.79 Turning to the wording of the policy itself, I consider that it should be clear that obligations are only to be sought where a development would otherwise be unacceptable *and* that what is sought is to overcome or mitigate the identified objection. An obligation which did not address the relevant matter of concern would not be consistent with national advice.

As currently worded, that requirement is not clear from the policy. I propose a new form of words which would ensure that it properly reflects national advice. Subject to the recommended modification, and given that the plan must be read as a whole, I am satisfied that the policy would not operate to the detriment of sustainable development and good planning.

Recommendations:

R1.14 Modify paragraph A4.7 by adding at the beginning:

"Where the use of planning conditions would not be appropriate, planning obligations may be sought in order to make acceptable development proposals which would otherwise not be granted planning permission.";

by deleting: "Another method of securing such improvements is by mean of Planning Obligations" inserting "Planning obligations are" and removing the brackets around the rest of the sentence.

R1.15 Modify Policy IMP.1 by deleting the text and substituting:

"In determining planning applications, Planning Obligations under section 106 of the Town and Country Planning Act 1990 may be sought:

- i) where a particular form of development is required to comply with policy;
or
- ii) to provide compensatory provision for what is lost or damaged as a result of the development; or
- iii) to mitigate an otherwise unacceptable impact of the development on local facilities and infrastructure; or
- iv) to overcome any other identified harm which would make the development otherwise unacceptable."

Chapter A4 - Paragraphs A4.14 and A4.15

564/B38	London Road Area Residents Association	A4.14
578/B26	Norton Radstock Town Council	A4.14
1427/B27	Environment Agency	A4.14
3298/B27	Cam Valley Wildlife Group	A4.14
3298/B8	Cam Valley Wildlife Group	A4.15

Supporting Statements

878/B6	The Bath Society	A4.14
2695/B10	The Springs Foundation	A4.14
3116/C129	Bath & North East Somerset Allotment Association	A4.14/A
3257/C26	Somer Valley Friends of the Earth	A4.14/B
3511/C1	British Waterways	A4.14/B

Issues

- i) Whether there should be more detail on the monitoring and review of air quality, including establishing a baseline.
- ii) Whether transport assessments should refer to traffic impact.
- iii) Whether there should be minimum development thresholds for the submission of nature conservation assessments.
- iv) Whether paragraph A4.15 should state that permission will always be refused if a required assessment is not submitted.

Inspector's Reasoning

Issues i) – iii)

- 1.80 Objectors generally seek more detail as to the content of the various assessments listed under paragraph A4.14 or when they will be required. This list serves only as a brief introduction to the possible need for various detailed assessments to accompany a planning application. It is not the place for stipulating when particular assessments are required. Nor is it realistic to set out here the scope and detail of each assessment, since what is required will vary depending on the circumstances of each case. If, when considering a planning application, the Council believe that the submitted assessment is inadequate, more information can be requested or the application can be refused if, because of inadequate information, an unacceptable impact seems likely.
- 1.81 The arrangements for the monitoring of air quality and establishing baseline information is beyond the scope of the Local Plan. The Council indicate that the monitoring of pollution is the responsibility of the Environmental Monitoring & Licensing service.
- 1.82 PPG13 contains policy guidance on the issue of transport. Paragraph 23 of this guidance states that "Transport Assessments" replace "Traffic Impact Assessments". It is intended to encompass all transport issues and would still include an assessment of the impact of traffic where necessary. No change to the wording is necessary.
- 1.83 Thresholds for the submission of any particular type of assessment (whether based on the size of the site or of the development) would be arbitrary and are not the right means of ensuring that assessments are undertaken when they are required.
- 1.84 The RDDLP now includes in the list "flood risk and drainage assessments". Although the reference is shorter than that suggested by the objector, I consider that it adequately addresses this topic here.

Issue iv)

1.85 A planning application should not be refused solely on the grounds that a relevant assessment has not been submitted, but that might often be the outcome provided that that assessment was essential to properly assess the impact of the development. The key test is whether or not there is likely to be an unacceptable impact. The absence of an adequate assessment would make that judgment more difficult, but the precautionary principle would give grounds for refusing an application where an adverse risk was possible. The last phrase of A4.15 should be more emphatic since, if the Council had concluded that there would be demonstrable harm, then refusal should normally follow. I make a recommendation for a small change to this effect.

Recommendation:

R1.16 Modify paragraph A4.15 by deleting "thus possibly refusing the application" and inserting "resulting in the refusal of the application".

Chapter A4 - Paragraphs A4.16 - A4.20

3286/B2	BLCT (11680) Ltd	A4.16
3287/B2	BLCT (11650) Ltd	A4.16
3264/B13	Landscape Estates Ltd	A4.17
1856/B1	Mr E Diaz	A4.19
88/B22	William & Pauline Houghton	A4.20
110/B6	Sport England South West	A4.20
696/B9	South West RSL Planning Consortium	A4.20
3186/B2	Chew Magna Parish Council	A4.20
3250/B4	Lattice Property Holdings	A4.20
2601/C12	Linden Homes (Developments) Limited	A4.20/A

Supporting Statement

3298/B13	Cam Valley Wildlife Group	A4.20
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Issues

- i) Does the plan adequately address the weight that can be given to SPG and its purpose?
- ii) Should the plan give guidance on the content of SPG and should other SPG be prepared?
- iii) Should SPGs be included on the Proposals Map?
- iv) Whether the plan should encourage the use of development briefs in villages.

Inspector's Reasoning

Issue i)

- 1.86 The weight to be attached to SPG/SPD will vary depending on whether its preparation and adoption accords with national guidance, particularly regarding public consultation. Paragraphs A4.17 and A4.18 outline the role of SPG consistent with national guidance and I see no reason to recommend any change.

Issue ii)

- 1.87 The content of SPG is not a matter before me. There is nothing in this section of the plan which indicates that the content of any particular SPG will be inappropriate and thus there is nothing which needs to be changed.
- 1.88 The list in A4.20 should include only those SPGs (now SPD) and Development Briefs which the Council intends to prepare and is thus a matter for the Council to determine in the light of its resources prior to finalising the plan for adoption. My recommendation elsewhere in this report to reinstate the residential allocation at Keynsham may trigger the reinstatement of a development brief for that site in the list, but I leave that to the Council and make no specific recommendation on the content of these lists.

Issue iii)

- 1.89 SPG is normally intended to supplement policies and proposals in the Local Plan. It is those policies and proposals which should be shown on the Proposals Map, not SPG. Some SPG prepared in the past may not directly relate to policies in this Local Plan, but that is not a reason for showing the extent of that SPG on the Proposals Map. It would imply a greater status to that SPG than was justified. I thus consider that neither the SPG for the Walcot Street Works nor any others should be shown.

Issue iv)

- 1.90 I appreciate the time commitment from local people required to produce village design statements, but I do not believe that any such difficulties justify a requirement for development briefs on all sites likely to have an impact on a particular community. In most cases, development in villages would not be of a scale or complexity which warrants the preparation of a development brief. I do not support the change proposed by the objector.

Recommendation: no change

Chapter A4 - Paragraphs A4.23 and A4.25

2601/B1 Linden Homes (Developments) Limited
1427/B28 Environment Agency

A4.23
A4.25

Issue

- i) Should the plan be reviewed every 2 years to ensure that policies are relevant and up to date?

Inspector's Reasoning

- 1.91 In response to the Environment Agency's objection, paragraph A4.25 was changed in the RDDLP to refer to their role and that of other organisations in the preparation of the plan. I consider that no further explanation is necessary.

Issue i)

- 1.92 As a result of the changes to the development plan system resulting from the Planning and Compulsory Purchase Act 2004, this Local Plan will have a lifespan of only three years from the date of adoption. The Council has published its Local Development Scheme which identifies the documents which will form the new Local Development Framework (LDF). Through the preparation of documents forming the LDF there will be the opportunity for the review of the Council's policies and proposals. I recommend that paragraph A4.23 be deleted and a new paragraph be inserted to refer to LDFs. If policies are out of date or are no longer relevant these may be material considerations indicating that an exception to the development plan should be made. This principle is established in statute and does not need to be duplicated in the plan.

Recommendation:

R1.17 Modify the plan by deleting paragraph A4.23 and substituting:

"A new system of development plans has been introduced by the Planning and Compulsory Purchase Act 2004. As a result, this "old style" Local Plan will be saved for only three years from adoption. The Council's Local Development Scheme sets out the timetable for the preparation of the documents forming the new Local Development Framework which will replace this Local Plan. The new system will provide greater flexibility for the review of policies and proposals as they become out of date."

Chapter A4 - Paragraph A4.26

3264/B12	Landscape Estates Ltd	A4.26
3276/B8	Temra of Bath	A4.26
686/C138	Bath Preservation Trust	A4.26A/A
2340/C21	Mr & Mrs S Wiseman	A4.26A/A
2356/C7	The Hon W H M Jolliffe	A4.26A/A
2478/C10	English Heritage	A4.26A/A
2601/C19	Linden Homes (Developments) Limited	A4.26A/A
2641/C24	David Wilson Homes	A4.26A/A
3219/C8	The Hon Andrew Jolliffe	A4.26A/A
3264/C26	Landscape Estates Ltd	A4.26A/A
3286/C9	BLCT (11680) Ltd	A4.26A/A

3511/C2	British Waterways	A4.26A/A
3611/C3	Homebase Group Ltd	A4.26A/A
601/C24	House Builders Federation	A4.26B/B
686/C178	Bath Preservation Trust	A4.26B/B
2340/C23	Mr & Mrs S Wiseman	A4.26B/B
2356/C6	The Hon W H M Jolliffe	A4.26B/B
2601/C20	Linden Homes (Developments) Limited	A4.26B/B
3219/C6	The Hon Andrew Jolliffe	A4.26B/B
3264/C24	Landscape Estates Ltd	A4.26B/B
3605/C13	Nicholson Estates	A4.26B/B
3004/D9	Renrod Limited	PIC/A/8 (A4.26C)

Supporting Statements

3201/B2	South West Regional Development Agency	A4.26
3264/B1	Landscape Estates Ltd	A4.26
3116/C49	Bath & North East Somerset Allotment Association	A4.26/D
3116/C50	Bath & North East Somerset Allotment Association	A4.26A/A
3605/C12	Nicholson Estates	A4.26A/A
3116/C51	Bath & North East Somerset Allotment Association	A4.26B/A
3116/C52	Bath & North East Somerset Allotment Association	A4.26B/B
3116/C53	Bath & North East Somerset Allotment Association	A4.26C/A

Issue

- i) Whether the text should be more or less prescriptive over the development of Western Riverside and the programme for its implementation.

Inspector's Reasoning

- 1.93 A wide range of concerns are raised by objectors with many detailed changes sought to highlight various aspects or to promote greater flexibility in the development of this area of the City. Chapter A4 is concerned with implementation and the site is listed under the sub-heading "Promoting Development Projects". I have no disagreement with the inclusion of a brief reference to each of the projects which the Council is promoting, but details of the individual developments and the policy approach to them should be contained solely in the relevant policy sections. Western Riverside is the first of the sites dealt with in Chapter B9 where the details of the site and its development requirements are set out. Many of the objections to Paragraph A4.26A arise because of objectors' impression that these paragraphs are setting out policy for the development of that site. This is not the place for any implicit policy content.
- 1.94 Paragraphs A4.26A - C contribute to the unwieldy form of the plan. I therefore recommend that most of the content of these paragraphs be deleted. The one or two short paragraphs concerning the site that remain in this section should focus on factual matters and include a cross reference to the relevant policy section. The text will also need to be updated. The Council may wish to consider whether any of the points listed under Paragraph A4.26A should be incorporated into Chapter B9 under the heading "Bath" as an introduction to Policy GDS.1/B1.

- 1.95 I deal with the all the site specific issues concerning the development of Western Riverside in Sections 5 and 7 of my report, including its likely capacity and the timescale for its development. I do not repeat those matters here. With the deletions I am recommending, objectors concerns will be met or are matters which go to the heart of this project and which I address in the main policy section. The content of the future SPD for this site is not a matter for me.
- 1.96 With the deletion of paragraphs A4.26A-C the reference to opportunities at Lower Bristol Road included as a pre-inquiry change will be removed. This site stands in its own right as a development site under GDS.1/B12, and I find there is little reason to refer to it here.
- 1.97 Paragraph A4.26 refers to this location providing for a significant part of the housing requirement of the District. This will need to be updated in the light of my recommendations and progress which has been made since the close of the Local Plan Inquiry on bringing the site forward. I deal with its anticipated contribution and the need for further housing land allocations in Section 5 of my report.
- 1.98 This section of the plan deals with development projects with which the Council have close involvement. No projects not already mentioned in this section have been highlighted to me of a comparable scale and concern to the Council and so I see no reason to refer to any other areas or projects.

Recommendations:

R1.18 Modify the Plan by deleting:

paragraph A4.26A;

paragraph A4.26B after the 2nd sentence;

paragraph A4.26C;

and by updating the remaining paragraphs as necessary.

R1.19 The Council to consider whether any of the points listed under Paragraph A4.26A should be incorporated into Chapter B9 under the heading "Bath" before Policy GDS.1/B1.

Chapter A4 - Paragraph A4.27

2965/B1

Morley Fund Management Limited

A4.27

Issue

- i) Should the paragraph acknowledge the Council's support for the redevelopment of Southgate?

Inspector's Reasoning

- 1.99 The status of the Southgate scheme has changed since this paragraph was drafted. Planning permission has been granted for the scheme and a Compulsory Purchase Order (CPO) has been confirmed by the Secretary of State. The paragraph should be updated to reflect this position. I recommend a suitable form of words.
- 1.100 The RDDLP replaced the reference to "housing /living over the shops" with "residential use" in response to an objection and no further change on this point is needed.

Recommendation:

R1.20 Modify paragraph A4.27 by:

deleting first sentence and substituting:

"Planning permission has been granted for the major redevelopment of the Southgate area of Bath city centre, and a Compulsory Purchase Order has been confirmed by the Secretary of State to enable the scheme to proceed." and

deleting final sentence.

Chapter A4 - Paragraph A4.29

3201/B3	South West Regional Development Agency	A4.29
3257/C31	Somer Valley Friends of the Earth	A4.29/A
3116/C133	Bath & North East Somerset Allotment Association	A4.29/B
3219/C17	The Hon Andrew Jolliffe	A4.29/B

Supporting Statements

1427/C144	Environment Agency	A4.29/A
3257/C29	Somer Valley Friends of the Earth	A4.29/A
3257/C30	Somer Valley Friends of the Earth	A4.29/B

Issues

- i) Should the linkages between the different regeneration initiatives for Norton-Radstock be better highlighted?
- ii) Is a reference to flood mitigation required?
- iii) Whether ecological constraints should limit the anticipated scale of development?

Inspector's Reasoning

Issue i)

1.101 It is not clear to me whether the new heading in the RDDLP "Norton-Radstock Regeneration Schemes" applies only to paragraph A4.29 or to A4.30 and A4.31 as well, which concern other projects in the Norton-Radstock. Clarification of the headings and sub-headings would enable all the initiatives in Norton-Radstock to be readily seen together. Many of the headings under "Promoting Development Projects" need reviewing given the inconsistent use of different fonts. Other than this point on layout, I do not see the need for additional text in these paragraphs to explain the linkages between these projects. This section outlines the actions undertaken by the Council and since each of these initiatives are separate actions, it is logical to include them under separate sub-headings. Some updating of paragraph A4.29 is now required.

Issue ii)

1.102 In its response to this objection the Council contends that flooding is not a significant enough constraint for a mention in paragraph A4.29. I have no evidence to justify taking a different view. It is not necessary for this introductory text to refer to all the planning issues that might be relevant. No change is required.

Issue iii)

1.103 The change to the RDDLP highlights the ecological interest of the Radstock Railway Land. I have dealt with the residential capacity of this site in Section 5 of the report. I do not duplicate my reasoning here and no change to this text is needed.

Recommendation:

R1.21 Council to clarify the headings/sub headings to paragraphs A4.29-A4.31 (and more generally all those under "Promoting Development Projects") and update text in A4.29.

Chapter A4 - Paragraph A4.32

3196/B1

Combe Down Stone Mines Community Association

A4.32

Issue

- i) Whether further explanation should be given of the Combe Down Stone Mines project.

Inspector's Reasoning

1.104 Paragraph A4.32 provides a brief summary/introduction to the Combe Down Stone Mines project. In my view, this is all that is required. Further detail should be avoided. No change is justified.

Recommendation: no change

Chapter A4 - Paragraph A4.33

88/B26 William & Pauline Houghton

A4.33

Issue

- i) Whether the DETR Indices of Local Deprivation (2000) should be used as a guide to where Council resources are used.

Inspector's Reasoning

1.105 I do not see the relevance of this objection for the Local Plan and recommend no change is made to the text.

Recommendation: no change

Chapter A4 - Paragraphs 4.38 - A4.40

689/B12	British Horse Society	A4.40
689/B13	British Horse Society	A4.40
3298/D85	Cam Valley Wildlife Group	PIC/A/10 (A4.40)

Supporting Statements

686/B53	Bath Preservation Trust	A4.38
3298/B14	Cam Valley Wildlife Group	A4.39

Issues

- i) Whether paragraph A4.40 should include reference to Ride UK Routes to link the Cotswolds AONB to the Mendip AONB.
- ii) Should the paragraph A4.40 include reference to a proposed Rights of Way Improvement Plan?

Inspector's Reasoning

1.106 Whilst I appreciate the Council's wish to include as much information as possible within the plan, paragraph A4.40 is another example of unnecessary, and partly repetitive, text. The specific objections would introduce further unnecessary detail to the plan. This paragraph and the list of strategies should be deleted.

Recommendation:

R1.22 Modify the plan by deleting paragraph A4.40 and the list of strategies.

Chapter A4 - Paragraphs A4.41 and A4.43

485/B3 Prowting Projects Ltd

A4.41

601/B8	House Builders Federation	A4.41
3299/B5	Bovis Homes (South West Region) Limited	A4.41
3299/B7	Bovis Homes (South West Region) Limited	A4.43

Issues

- i) Whether the monitoring arrangements are adequate.
- ii) Should the plan be reviewed every 5 years?
- iii) Should paragraph A4.42 identify the need to release greenfield sites where necessary to meet housing provision?

Inspector's Reasoning

Issue i)

1.107 The objectors assert that the monitoring arrangements in the plan should have regard to the requirements of the DTLR Good Practice Guidance, but do not provide any detail of how it should be changed. The Council states that it has taken into account the guidance in 'Monitoring Provision of Housing through the Planning System'. I do not have grounds to recommend any change to the overall approach to monitoring. I consider below the specific targets.

Issue ii)

1.108 I have dealt with the issue of the review of the plan earlier in this section of my report. The Council's new Local Development Framework will facilitate more regular review and updating of policies.

Issue iii)

1.109 This section of the plan deals with monitoring and not the consequences that might arise from monitoring. It would be inappropriate to set out possible policy implications here.

Recommendation: no change

Chapter A4 - Targets - General

120/B67	Ms Helen Woodley	Targets
120/B68	Ms Helen Woodley	Targets
120/B70	Ms Helen Woodley	Targets
120/B71	Ms Helen Woodley	Targets
578/B28	Norton Radstock Town Council	Targets
2226/B1	ETSU	Targets
3098/B40	George Wimpey Strategic Land	Targets
3257/B19	Somer Valley Friends of the Earth	Targets
3266/B7	O A G Stephens Limited	Targets

Supporting Statement

1427/B29 Environment Agency

Targets

Issues

- i) Whether the targets and indicators are measurable, relevant to the plan's policies and meaningful.
- ii) Should additional targets and indicators be included: for pedestrian safety, connectivity, reducing off-street parking spaces and traffic in Bath; renewable energy production and sustainable development?

Inspector's Reasoning

issue i)

1.110 Objectors raise various concerns over the choice and wording of the targets and indicators in the plan. In many cases I share these concerns. There are a number of shortcomings in the table of targets and indicators. I set out my overall reasoning here and address the issues raised in relation to the individual targets below.

1.111 My first concern is that many of the targets are more akin to objectives than targets as they do not provide a benchmark against which success or failure can be measured. Examples include: "enabling of farm diversification schemes" and "enabling of rural exception schemes for affordable housing". Whilst the number of farm diversification schemes or rural exceptions sites can be measured there is no indication in the target of what the Council consider to be a success. Without this it is not possible to determine whether the policy approach in the plan is successful or in need of review.

1.112 Secondly, in a number of instances where the targets do provide a 'level' against which success can be judged, the 'level' is not consistent with the related policy. For example, indicator number 5 measures the net change in playing fields and recreational open space against a 'target' of "no net loss" of such facilities. But Policy SR.1 of the plan permits development involving the loss of playing fields where there is no longer demand or the prospect of demand for the recreational use of the site. In such cases development would be consistent with the policies in the plan, but would result in the target being missed, giving the impression that the policy is failing.

1.113 The third general concern is that some of the indicators have been chosen because they are easy to measure rather than because they measure what is important. I accept that monitoring indicators should be clear and simply measured. Nevertheless, no matter how defined and measurable the indicators are, if they do not measure what is important they are of little value.

1.114 The Council should reconsider how best to monitor the achievement of the plan's objectives and policies. In reviewing the targets and indicators, attention should be given to the following:

- whether the target provides a measurable indication of success or failure;
- whether the target is consistent with the objective of the policy and therefore capable of measuring its effectiveness;
- whether the indicator will measure what needs measuring rather than what is easily measured;

1.115 Where objections have been raised to the individual targets I have addressed these briefly below, in the light of my overall comments, the Council may be able to identify more suitable targets and indicators.

Issue ii)

1.116 One objector recommends the addition of a number of new targets and indicators for inclusion in this section of the plan. Targets should only be included which are consistent with the stated objectives and where there are policies and proposals seeking to achieve any specific measures being monitored. The suggestion for the achievement of safe crossings on 40 key pedestrian routes and 40 significant connectivity improvements would be arbitrary, since there are no specific proposals for that number of improvements to be achieved. Similarly, I see no basis for suggesting that there should be a 20% reduction in the number of off-street car parking spaces by 2006. Monitoring and targets for the reduction of traffic growth are best addressed in the LTP.

1.117 There is no justification for transposing the RPG target of 11%-15% of electricity from renewable energy sources by 2010 into a district target. The generation of an increased proportion of electricity from renewable energy sources is a legitimate aim (facilitated by policy ES.1, as recommended to be modified). But there would need to be further work at a sub-regional level to derive a realistic and appropriate target for individual districts, based on what is actually achievable in each area.

1.118 The underlying purpose of planning policy is to achieve sustainable development and therefore the achievement of objectives and fulfilment of policies in the plan would in itself indicate that the objectives of sustainability were being achieved. I am not convinced that there are more suitable targets for sustainability, relevant to this Local Plan, than the ones included in the list.

1.119 I consider that monitoring arrangements and the monitoring required for the structure plan (which might have been agreed with adjoining authorities) do not need to be set out in the plan.

Recommendation:

R1.23 The Council reconsider the targets and indicators to ensure they are measurable; consistent with the objective of the policy the target is intended to measure; are based on indicators which will provide a clear indication of success or failure and measure what is important.

Chapter A4 - Targets 1, 2 and 2A

578/B29	Norton Radstock Town Council	Target 1
686/B51	Bath Preservation Trust	Target 2
2975/B4	Crest Nicholson Properties Limited	Target 2
3098/B41	George Wimpey Strategic Land	Target 2
3099/B6	Barratt Bristol Limited(Mr A T P Joliffe)	Target 2
3126/B36	Bath Friends of the Earth	Target 2

Supporting Statement

3116/C132	Bath & North East Somerset Allotment Association	Target 2/A
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Issues

- i) Whether the number of submitted Design Statements will measure good design.
- ii) Whether the density target should be: higher; different for urban and rural sites; or determined for individual development sites.

Inspector's Reasoning

1.120 I have recommended that Overall Objectives OS1-OS3 be deleted and so it would not be logical to have these targets related to these objectives. The objections made to the suitability of these targets and indicators reinforce that conclusion.

Recommendation :

R1.24 Delete Targets 1 and 2 and Indicators 1 and 2.

Chapter A4 - Target 3

578/B31	Norton Radstock Town Council	Target 3
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Issue

- i) Whether Target 3 should include reference to the efficient use of land, number and quality of jobs, and the design of buildings.

Inspector's Reasoning

1.121 The granting of planning permission for employment use does not guarantee the provision of new jobs, but is capable of easy monitoring by

the Council. However, if the objective is to measure the contribution of new development to the provision of jobs in the District, this target and its associated indicator is of no great value. Monitoring the implementation of permitted employment schemes would be better and I therefore recommend that the Council review this target and its associated indicator to reflect the rate of take up of new schemes for employment uses. Other aspects raised by the objector are outside the scope of this particular target. The quality of jobs is outside the scope of the plan.

Recommendation :

R1.25 Target 3 and its associated indicator be reviewed so as to relate to the development/implementation of permitted employment sites and buildings.

Chapter A4 - Target 4

578/B32

Norton Radstock Town Council

Target 4

Issue

- i) Whether Target 4 is sufficient to promote farm diversification.

Inspector's Reasoning

1.122 The target forms part of the monitoring process and is not itself intended to encourage farm diversification. Should the Council wish to encourage such schemes then this must be done through the policies in the plan, not the monitoring targets. Simply monitoring the number of such schemes is of no real value as an indicator of whether the target has been achieved. The indicator needs to be reviewed to better measure success or failure. (One indicator could be based on the percentage of applications for farm diversifications schemes which are permitted). I do not see this target as particularly important and thus if no better measure can be defined the target could be deleted.

Recommendation:

R1.25 Indicator 4 be reviewed to identify a clear measure of success or failure or, alternatively, delete the target.

Chapter A4 - Target 5

110/B7	Sport England South West	Target 5
110/B8	Sport England South West	Target 5
578/B33	Norton Radstock Town Council	Target 5
689/B14	British Horse Society	Target 5
3261/B11	Bath & North East Somerset Primary Care Trust	Target 5

Issues

- i) Whether the target should include the provision of indoor sports facilities.
- ii) Whether the target is relevant where there is a surplus of pitches available.

Inspector's Reasoning

1.123 As I have already indicated, Target 5 is not sufficiently matched to the policy for the protection of playing fields to properly indicate success or failure of the policy and is of little value. I see no benefit in monitoring the number of indoor sports facilities permitted or built since the plan does not propose any particular number of new facilities. In the absence of any better measure of the success or failure of the target, the target could be deleted.

Recommendation:

R1.26 Target 5 and the related Indicator be reviewed to more closely relate to policy or, alternatively, delete the target.

Chapter A4 - Targets 6 and 8

120/B77	Ms Helen Woodley	Target 6
120/B78	Ms Helen Woodley	Target 8

Issue

- i) Whether Targets 6 and 8 should be broadened to include local shopping centres.

Inspector's Reasoning

1.124 Target 9 relates to the loss of A1 units in local shopping centres and therefore there is no need to change Targets 6 or 8.

Recommendation: no change

Chapter A4 - Targets 10 and 11

2975/B5	Crest Nicholson Properties Limited	Target 10
3098/B42	George Wimpey Strategic Land	Target 10
3099/B7	Barratt Bristol Limited (Mr A T P Joliffe)	Target 10
696/B10	South West RSL Planning Consortium	Target 11
2965/B2	Morley Fund Management Limited	Target 11
2975/B6	Crest Nicholson Properties Limited	Target 11
3098/B43	George Wimpey Strategic Land	Target 11
3126/B37	Bath Friends of the Earth	Target 11

3299/B42 Bovis Homes (South West Region) Limited

Target 11

Issues

- i) Whether the Target 10 should be for a different number of completions.
- ii) Whether other indicators are needed to assess progress in reducing affordable housing needs.
- iii) Whether the Target 11 for affordable housing should be higher or lower than 30%.

Inspector's Reasoning

Issue i)

1.125 I deal with the required level of housing provision over the plan period in Section 5 and recommend a figure of 6,855. Target 10 should be amended to reflect this number and reworded to refer to "Make provision which will deliver 6,855 additional dwellings in the plan period" so as to emphasise the importance of realism in the provisions that are made. The indicator should refer to completions as the best indicator of the effectiveness of provision, even though completions will be affected by market conditions. Policy HG.3 was deleted from the RDDLP and I have not recommended its reinstatement; reference to HG.3 should therefore be deleted.

Issue ii)

1.126 I agree with the Council that the additional indicators sought by the objector are more directly related to the work of the Council's Housing Services rather than this Local Plan. The monitoring in the plan seeks to measure the overall success or failure of the policies, rather than the underlying justification for the policy. A percentage for affordable homes provided on development sites is a meaningful target because the policy seeks a percentage.

Issue iii)

1.127 In Section 5 I recommend that the overall average of affordable housing provision should be 35% and that this figure be incorporated into a revised Policy HG.8. I also recommend changes to the circumstances in which affordable housing is sought. Target 11 should be amended to reflect those changes.

Recommendations:

R1.27 Target 10 be modified by deleting the existing wording and substituting:

"Make provision which will deliver 6,855 additional dwellings within the plan period."

R1.28 Target 11 be modified to reflect Policy HG.8 as recommended to be modified.

Chapter A4 - Targets 13-16

3126/B38	Bath Friends of the Earth	Target 13
3126/B39	Bath Friends of the Earth	Target 14
3126/B42	Bath Friends of the Earth	Target 15
3126/B40	Bath Friends of the Earth	Target 16

Issues

- i) Should the targets be more ambitious?
- ii) Should the targets run until the end of the plan period?
- iii) Would Target 15 implicitly promote incineration and conflict with Policy 1(f)?

Inspector's Reasoning

Issue i)

1.128 The Council states that the targets are based on the Government's Waste Strategy 2000 and the Strategy provides the basis for Target 13 in paragraph 2.32, Target 15 in paragraph 2.35 and Target 16 in paragraph 1.7. However, Target 14 is more demanding than the National Strategy. Paragraph 2.38 of the Strategy sets targets for England and Wales of recycling or composting at least 25% of household waste by 2005, 30% by 2010 and 33% by 2015. Target 14 reflects the levels which the objector seeks. If the target for 2003/2004 has not proved achievable, then I recommend the Council modify the target to accord with the National Waste Strategy.

Issue ii)

1.129 It is desirable for a target in a local plan to relate to the duration of the plan period. But these targets are generally taken from the Waste Strategy 2000, and I have no basis on which to extrapolate them to the end of the plan period. There would be benefits in updating Targets 13 and 14 to reflect the Council's aspirations in the light of any revisions of the related national targets when available and I recommend accordingly.

Issue iii)

1.130 The term "recover value" is defined in the plan at paragraph B8.60 and the Waste Strategy 2000 at paragraph 2.36. Recovery can consist of recycling, composting, other forms of materials recovery such as anaerobic digestion and various methods of energy recovery. I accept that there is an overlap with some of the other targets, but this target is nonetheless another distinct measure of effective waste management. I

see no reason to narrow the scope of this target as the objector suggests. It thus encompasses the broad range of methods of recovery highlighted above and would not implicitly promote incineration or be inconsistent with Policy 1(f). The target for the recovery of municipal waste is the same as that set out in the Waste Strategy 2000 and I have no reason to recommend a change.

Recommendations:

R1.29 The Council to reassess Target 14 to ensure that it is realistic in the light of experience to date and roll-forward the timescale.

R1.30 Roll forward Target 13 if revised national targets for the period are available.

Chapter A4 - Targets 17-19

1427/B30	Environment Agency	Target 17
3298/B2	Cam Valley Wildlife Group	Target 17
689/B15	British Horse Society	Target 18
3299/B41	Bovis Homes (South West Region) Limited	Target 19

Issues

- i) Whether the Target 17 is too weak; should measure "net loss of biodiversity" rather than sites; or seek to increase the areas of nature conservation value.
- ii) Whether Target 18 should include the creation of new bridleways in the Forest of Avon.
- iii) Whether Target 19 ignores that fact that development on the best agricultural land may represent the most sustainable option.

Inspector's Reasoning

Issue i)

1.131 I agree with the Council that it would be unrealistic to define and measure the District's biodiversity and without such a baseline measure it would not be possible to monitor net loss. Target 17 is clear and measurable and directly related to objectives and policies in the plan. I therefore recommend no change.

1.132 Targets which sought to increase the area that meets the criteria for SNCI designation or the number of Local Nature Reserves would not, in my view, be monitoring the effectiveness of the plan's policies in controlling development but would relate more to wider land management issues.

Issue ii)

1.133 Targets in the Local Plan cannot encompass all that might be desirable, such as new bridleways. Target 18 highlights a likely beneficial outcome of new development in the Forest of Avon, namely additional tree planting and in my view this should not be expanded. However, the stated indicator has little value since it does not measure success or failure. The proportion of new planting schemes implemented out of those initially sought from applicants might form the basis of a useful indicator.

Issue iii)

1.134 Target 19 is one of those targets inconsistent with the policy most closely related to it, namely, Policy NE.16, especially as recommended to be modified. The policy recognises that development on the best and most versatile land can sometimes be the most sustainable option if the use of agricultural land is necessary. In such circumstances, the loss of best and most versatile land should not be counted as a failure of the plan. The target should either be deleted or recognise that such development is allowed for in Policy NE.16. However, I consider that the latter would make the indicator difficult to measure effectively and so I recommend its deletion.

Recommendations:

R1.31 Modify the plan by deleting Target 19 and the corresponding indicator.

R1.32 Modify the plan by identifying an indicator for Target 18 which better measures success in achieving the provision of additional planting.

Chapter A4 - Target 20

686/B54	Bath Preservation Trust	Target 20
723/B33	Bath Chamber of Commerce	Target 20
732/B14	Swainswick Parish Council	Target 20
3126/B43	Bath Friends of the Earth	Target 20
3298/B21	Cam Valley Wildlife Group	Target 20

Issues

- i) Should the target should be higher?
- ii) Would the target unfairly favour residential use on former employment land?
- iii) Should the target specify that development should only be on sites of low nature conservation value?

Inspector's Reasoning

Issue i)

1.135 I deal with the proportion of development that should take place on brownfield land in Section 5 and conclude that there is no justification for departing from the 50% figure in RPG10. I recommend that Target 20 be modified accordingly.

Issue ii)

1.136 Tapping the Potential, the companion guide to PPG3, identifies eleven sources of brownfield land, including the intensification of existing areas, subdivision of existing housing and the redevelopment of car parks. Land that was previously in employment use is only one source of brownfield land. The target of 50% represents a target against which development is to be monitored. It does not have the status of a policy in determining planning applications. Policies in the plan favour the retention for employment uses in some areas. In the context of the whole plan this target would not prejudice the retention of employment uses on former employment sites where such use was the best option in planning terms.

Issue iii)

1.137 The nature conservation value of a previously developed site is an issue that would be taken into account in determining a planning application for the development of that site. Relating the target to previously developed land of low nature conservation value would add unnecessary complication to the monitoring of this indicator and I therefore recommend no change.

Recommendation:

R1.33 Modify Target 20 by deleting "60%" and inserting "50%"

Chapter A4 - Target 23A; 23B

686/C168	Bath Preservation Trust	TGT23/A
2641/C27	David Wilson Homes	TGT23/A
686/C167	Bath Preservation Trust	TGT23/B

Issues

- i) Whether the target in the DDLP relating to the loss of listed buildings should be reinstated.
- ii) Whether the Target 23 attaches too much weight to Visually Important Open Spaces (VIOS).

Inspector's Reasoning

Issue i)

1.138 There are strict controls over the demolition of listed buildings/structures as a result of which few are lost. The Council confirms this to be the case in B&NES and I find little justification for a target measuring such loss.

Issue ii)

1.139 Target 23 is intended to monitor the effectiveness of Policy BH.15 for the protection of VIOS. However, in Section 11 of this report I recommend that the Council considerably rework this policy or delete it, along with VIOS designation on the Proposals Map. In these circumstances, I consider that it would be inappropriate to retain Target 23 and the related indicator.

Recommendation:

R1.34 Modify the plan by deleting Target 23 and the related indicator.

Chapter A4 - Target 25

3126/B41 Bath Friends of the Earth

Target 25

Issue

- i) Whether the figure in this target should be higher.

Inspector's Reasoning

1.140 The target is derived from the national target for the reuse of aggregates in paragraph 41 of MPG6. Selecting a higher target would be arbitrary and unrelated to the wider policy context. I recommend no change.

Recommendation: no change.

Chapter A4 - Targets 26 and 27; 27A

878/B7	The Bath Society	Target 26
3098/B44	George Wimpey Strategic Land	Target 26
3099/B9	Barratt Bristol Limited(Mr A T P Joliffe)	Target 26
3299/B40	Bovis Homes (South West Region) Limited	Target 26
3126/B28	Bath Friends of the Earth	Target 27
3257/C33	Somer Valley Friends of the Earth	Target 27/A

Issues

- i) Whether Target and Indicator 26 are unduly restrictive.

- ii) Whether two housing allocations at Bailbrook fail to meet this target.
- iii) Should the "reasonable bus service frequency" for Keynsham and Norton Radstock be 4 buses per hour?
- iv) Whether Target 27 should provide a baseline for the increase in travel plans, be more ambitious and longer-term.

Inspector's Reasoning

Issue i)

1.141 Target 26 is not an objective or a policy in the plan, but provides a benchmark against which access by means other than the car can be measured. Although the target/indicator is a crude measure of accessibility, it accords with RPG10 and provides an indicator as to whether the plan's policies are delivering a sustainable form of development. For this reason I support its retention in the plan. I have insufficient evidence to assess whether it is too restrictive or not. Given that the focus of residential development is on the built-up area of Bath and adjoining Keynsham, and the additional sites which I have identified to meet any housing land shortfall are within Norton Radstock, I consider this to be a realistic target to achieve.

Issue ii)

1.142 The target is for 80% of dwellings to fall within the specified distances of bus stops, food shops and primary schools. The Council indicate that the two sites identified by the objector at Bailbrook amounted to about 1.5% of total housing provision over the plan period and so even if these sites fail to meet the accessibility criteria the 80% target could still be met. The target is intended as a measure of the success in achieving more sustainable residential developments, and is not a policy requirement. I do not need to assess whether or not these sites meet the indicator. I consider objections to these sites in Section 7 of my report.

Issue iii)

1.143 The objector contends that PUAs such as Keynsham should be measured against the recommended public transport frequencies for a PUA as set out in RPG10 (i.e. every 15 minutes). The PUAs in the South West are defined and named in Policy SS.5 of the RPG. This policy does not identify Keynsham as a PUA. It is more accurate to include Keynsham in the 'other urban areas' grouping and thus the reasonable bus service in the indicator is in line with Table 3 of RPG10.

Issue iv)

1.144 Changes made in the RDDLP meet the first two concerns expressed by the objector by providing a baseline of 10 travel plans at 2000 and a target of 25 by 2006. However, a further objection was submitted on the basis that these targets were not sufficiently ambitious. Alternative targets of

20% of all schools and major employers by 2006 rising to 50% by 2010 are suggested.

1.145 I can see the merit in raising the target to a more ambitious level and incorporating a staggered increase in the targets at 2006 and 2010. But this target is focussed on existing schools and major employers and is thus not directly related to what the Local Plan can influence, namely travel plans associated with major new development. I am thus not minded to recommend any change which could be difficult to achieve.

Recommendation: no change

Chapter A5 - General; Urban Design Objectives and Paragraphs A5.4-A5.20

1427/B31	Environment Agency	A5
2226/B2	ETSU	A5
3273/B9	Bath & District Community Health Council	A5
3312/B4	Cllr G Dawson	A5
732/B15	Swainswick Parish Council	A5.4
3264/B11	Landscape Estates Ltd	A5.6
686/B55	Bath Preservation Trust	Urban Design Objectives
1427/B32	Environment Agency	Urban Design Objectives
2638/B2	High Littleton & Hallatrow Village Design Team	A5.18
686/B58	Bath Preservation Trust	A5.20

Supporting Statements

S581/B16	Batheaston Society	A5
S3251/B43	Prospect Land Ltd	Urban Design Objectives

Issues

- i) Whether these sections should refer to: the value of drainage/communication/environmental corridors; passive solar design; sustainable principles in construction, materials and energy efficiency; fire safety measures.
- ii) Does paragraph A5.40 set out the correct approach to evaluating the design of new schemes?

Inspector's Reasoning

1.146 Chapter A5 contains far too much text. Much of this text comments on design issues in a generalised way and is unnecessary, generally non-contentious background information. The important points the Council wants to make are easily lost in this lengthy text. I recognise the differences between "Character", "Public Realm" and "Townscape" and I accept that each is an important consideration in achieving good design, but I find the 3 lengthy sections based on these 3 headings rambling and unconvincing. There is considerable overlap between each section. The text and policy criteria in each of these 3 sections is not confined to the

respective headings. The meaning of Public Realm and Townscape are made too wide-ranging. In response to some objections the Council explains that Policy D.2 is concerned with functional aspects of design and Policy D.4 with the visual aspects, and this is suggested in paragraph A5.55. This could be the basis of a clear distinction between the 2 main policies in this section, but this reasoning is not brought out in the supporting text.

- 1.147 In my view, the Council should review the whole structure of this section with a view to making it much shorter and more focussed. Detail on design matters can be set out in SPD. But there are no objections seeking such radical changes and it is not for me to rewrite the plan. I have dealt with the specific objections below, but my recommendations on individual changes must be seen in the context of my considerable underlying concern with the lengthy and confusing nature of this section.
- 1.148 A number of the objections listed above include comments which do not seek particular changes or which do not warrant identification as a separate issue. The Urban Design Objectives are taken directly from those contained in the DETR publication "By Design" (2000). Thus it would be inappropriate to alter them by the inclusion of other considerations such as sustainability. I have no concerns about the use of the word "adaptability" in the context of Bath's historic buildings. Village Design Statements (VDS) should be listed in the plan only when they are complete and have been approved by the Council. I see no justification for highlighting the VDS for High Littleton and Hallatrow as "pending". SPG has been prepared for the Bath Western Riverside site, but does not need to be mentioned in this section.

Issue i)

- 1.149 The additional references in the text sought by objectors may all play a part in achieving good design, but in my view none justify specific reference or additional text in this section, especially given my comment above on its excessive length. Fire safety measures are a matter for the Building Regulations rather than the local plan.

Issue ii)

- 1.150 In the RDDLP "historical pastiche" has been replaced with "more traditional designs". I consider that this paragraph sets out an appropriate approach to the consideration of design in the context of existing character.

Recommendation: no change

Chapter 5 - Policy D.1 and Paragraphs A5.22-A5.42

2968/B1	Countryside Residential (SW) Ltd	D.1
2975/B7	Crest Nicholson Properties Limited	D.1
3098/B10	George Wimpey Strategic Land	D.1
3099/B10	Barratt Bristol Limited(Mr A T P Joliffe)	D.1
3233/B1	Mr & Mrs M Williams	D.1
3307/B1	Cllr R Symonds	A5.22
88/B51	William & Pauline Houghton	A5.23
1427/B33	Environment Agency	A5.24
3257/C34	Somer Valley Friends of the Earth	A5.27/A
3298/C77	Cam Valley Wildlife Group	A5.27/A
120/B33	Ms Helen Woodley	A5.28
2975/B8	Crest Nicholson Properties Limited	A5.39
2127/B2	Bath Pride	A5.41
578/C106	Norton Radstock Town Council	A5.41/A

Supporting Statements

2311/B1	Somer Community Housing Trust	A5.32
3251/B42	Prospect Land Ltd	A5.33
505/B41	Bathampton Parish Council	A5.34
3257/C35	Somer Valley Friends of the Earth	A5.41/A
505/B43	Bathampton Parish Council	A5.42

Issues

- i) Whether Policy D1 is too generalised, difficult to apply or should contain criteria to guide interpretation.
- ii) Whether use should be made of Twerton Railway Station.
- iii) Should vibrant street life and use of public open spaces be supported in A5.22?
- iv) Should A5.24 take account of topography, natural drainage patterns and existing natural landscape features?
- v) Whether biodiversity issues and measures to aid the movement of wildlife should be addressed in A5.27?
- vi) Should CPO powers be used to achieve better connectivity within existing developments?
- vii) Should A5.41 impose a ban on vehicles during the daytime; encourage the provision of underground parking and the reduction in on-street parking; and is the promotion of on-street parking and parking courts in paragraph A5.41 and A5.42 misguided?

Inspector's Reasoning

Issue i)

1.151 Policy D1 seeks to prevent development which does not maintain or enhance the character of an area. The Council describe this as an over-arching policy in which they have purposely avoided prescription and detail. Although succinct policies are generally to be commended, this

policy will be difficult to interpret, except where the character of an area has been clearly defined, such as in appraisals for conservation areas. (The character and appearance of conservation areas would be protected by other policies in the plan). I consider that Policy D1 adds nothing meaningful to the detailed criteria set out in Policies D.2 and D.4 (as recommended to be modified) and in other policies. In addition, the policy is at odds with what is clearly flagged in the text (paragraphs A5.16 and A5.20) namely that if the character of an area is poor or of no particular value, a policy requiring the maintenance of that character does not promote good design. I therefore recommend that Policy D1 be deleted.

Issue ii)

1.152 I see no need to refer in this section to the use of the Twerton Railway Station.

Issue iii)

1.153 The use of public open spaces and streets in the Bath City Centre to create a vibrant street life is primarily a matter for town centre management rather than the Local Plan and no additional text on this subject is justified. The plan places considerable importance on the public realm in new development.

Issue iv)

1.154 Topography, natural drainage patterns and existing natural landscape features all need to be taken into account in achieving good design, but are not the primary concerns in achieving good connectivity which is the focus of paragraph A5.24. No change is required.

Issue v)

1.155 I accept that there may be a need in some developments to accommodate the movement of wildlife, such as along existing wildlife corridors, but I am not convinced that such possibilities need to be flagged here. Inserting the words "for a variety of reasons" after "places and spaces" in paragraph A5.27, as suggested by the objector, would serve little purpose.

Issue vi)

1.156 The use of CPO powers as sought by the objector would be justified only where a particular access link, unrelated to other development, was proposed in the plan across existing development. I am not aware of any such proposals and I see no need to expand on the scope for the use of CPOs as suggested.

Issue vii)

1.157 Paragraphs A5.41 and A5.42 are primarily concerned with dealing with car parking in new development in order to achieve good design. It is not setting out wider considerations relating to traffic in Bath and is not the place for any such wider considerations.

1.158 I accept that on-street parking can detract from the street-scene, but such harm can be minimised by good design. On-street parking helps to make better use of land for development. Although this paragraph does not make specific reference to the provision of underground parking, I consider that the issue is covered adequately in paragraph D12.7.

1.159 I do not believe that the plan gives undue preference to courtyard parking and on-street parking over on-site parking. The references to on-street parking and parking courts in paragraphs A5.41 and A5.42 respectively, are examples of how parking may be incorporated into a development taking into account the need to maximise efficient use of land and achieve good design. The importance of safety in parking courts is acknowledged in the text and a sentence was added to paragraph A5.31 in the RDDLP to highlight the need for highway design to accommodate on-street parking safely. I consider that no changes to these paragraphs are necessary.

Recommendation:

R1.35 Modify the plan by deleting Policy D.1.

Chapter 5 - Policy D.2

120/B103	Ms Helen Woodley	D.2
578/B34	Norton Radstock Town Council	D.2
586/B2	Avon & Somerset Constabulary	D.2
686/B61	Bath Preservation Trust	D.2
696/B11	South West RSL Planning Consortium	D.2
2303/B5	Wellow Residents Association	D.2
2975/B9	Crest Nicholson Properties Limited	D.2
3007/B10	Grant Thornton	D.2
3097/B3	Mr M Swinton	D.2
3098/B11	George Wimpey Strategic Land	D.2
3098/B47	George Wimpey Strategic Land	D.2
3099/B11	Barratt Bristol Limited(Mr A T P Joliffe)	D.2
3240/B2	Westbury Homes	D.2
3241/B1	Edward Ware Homes Ltd	D.2
3242/B2	Davies Street (Bathampton) Ltd	D.2
3257/B12	Somer Valley Friends of the Earth	D.2
3265/B6	Mr D E Packman	D.2
3278/B10	Persimmon Homes (Wessex) Ltd	D.2
3295/B6	G L Hearn Planning	D.2

Supporting Statements

581/B17	Batheaston Society	D.2
3126/D68	Bath Friends of the Earth	PIC/A/15 (D.2)
3251/B41	Prospect Land Ltd	D.2

3257/D309
3257/C36

Somer Valley Friends of the Earth
Somer Valley Friends of the Earth

PIC/A/16 (D.2)
D.2/A

Issues

- i) Should the policy seek the provision of footpaths and cyclepaths within existing developments?
- ii) Should there be criteria to protect the City skyline; cut light pollution; improve public transport; and secure "urban clarity and safety";
- iii) Whether a more flexible approach to parking within affordable housing developments should be acknowledged?
- iv) Whether "well connected" is meaningful and clear?
- v) Whether criterion d) on density is arbitrary, contrary to national advice, or should have different requirements for urban and rural areas.
- vi) Whether criterion (e) on mixed-use is too simplistic and promotes mixed-uses too inflexibly.
- vii) Whether criterion (h) is poorly worded, too generalised or too restrictive?
- viii) Should the policy make reference to the integration of biodiversity and wildlife issues?
- ix) Is this policy in conflict with Policy D.4?

Inspector's Reasoning

Issue i)

1.160 This policy relates to criteria for new development and is not intended to deal with existing access problems or deficiencies in the provision of foot and cycle paths. The extension of routes for pedestrians and cyclists is an aim of Policies T.3 and T.4. No change is justified.

Issue ii)

1.161 Policy BH.22 seeks to prevent harm from new external lighting. It does not need to be referred to here. The effect of development on the skyline of Bath would be controlled by Policy D.4 as well as the policies for the conservation area and WHS. No reference to protecting the skyline is needed in Policy D.2.

1.162 The operation of public transport services is outside the scope of the Local Plan. The provision of facilities for public transport is referred to in Policy T.1. A reference to public transport would not relate well to Policy D2 which is intended to cover the design of the public realm.

1.163 I accept the importance of achieving developments which are understandable to users, free from physical hazards, and reduce opportunities for crime. These are all relevant considerations for the public realm. Whilst not perhaps as well expressed, I consider that criterion a) which refers to “schemes being easy and safe to move through” adequately covers the point, together with paragraphs A5.45-A5.47.

Issue iii)

1.164 I do not see the relevance of Policy D.2 to this objection which concerns parking provision in affordable housing developments. Parking standards are set out in Chapter D and are maximum standards; no minimum is specified for any type of housing development.

Issue iv)

1.165 I do not consider the objector's concerns over the clarity of the term “well connected” are justified. Paragraphs A5.22-A5.28 explain connectivity in some detail. In summary it is the network of spaces and routes which provide links between and access to developments and allow people to move through with ease. I consider that there is a sufficiently clear link between this text and the policy requirement of “well connected” to avoid any doubt as to what is sought.

Issue v)

1.166 Criterion d) seeks to maximise density whilst having regard to the character of an area. I do not understand why this density requirement is included in a policy supposedly on the design of the public realm. In addition, the plan has 2 policies – HG.7 and HG.7A - specifically on the density of development. In Section 5 of this report I recommend these are combined in one new policy. I see no need for a density criterion in Policy D.2 which cannot be as comprehensive as the new policy I am recommending. Criterion d) should be deleted.

Issue vi)

1.167 Objectors are concerned that criterion e) requiring a mix of uses is simplistic and would not allow for circumstances where a single-use may be the most appropriate development. The Council acknowledge that the promotion of a mix of uses may not be desirable in all circumstances. I recognise that national advice promotes mixed use as an important contribution to securing sustainable and accessible communities, but in my view this cannot be transposed into a requirement for all developments to incorporate a mix of uses; much will depend on the scale of the development, its location and the existing mix of uses in the area. I strongly support securing a mix of uses on a number of the larger development sites allocated in the plan or on those which I recommend for further consideration, but I do not see the justification for this inflexible criterion in this general design policy. It should be deleted.

Issue vii)

1.168 Criterion h) concerns the protection of residential amenity. Whilst the intentions behind the policy are generally supported, objectors consider that it is not clearly worded and is too simplistic. The Council has acknowledged that the wording in the consolidated version of the plan is badly expressed and should read "h) the amenities of the proposed development and existing or potential development in the area is not harmed". I consider that reference to the amenity of developments is too imprecise for a policy criterion. I do not know what it is intended to encompass. It should be specific such as by referring to the living conditions of residents with reference to daylight, sunlight, noise disturbance or other similar considerations.

1.169 The living conditions of existing residents and of the future residents of the proposed development under consideration should be taken into account, but consideration of the effect on "potential developments" would be incapable of objective assessment. Some aspects of what I think this criterion is intended to cover are addressed in other policies. The Council should reconsider the scope and wording of the criterion to be more specific.

Issue viii)

1.170 Whilst I agree that development should properly take into account biodiversity and wildlife, I do not see this as a matter for a policy concerned with the design of the public realm. Specific policies for the protection of biodiversity and wildlife are contained in Chapter C2 and duplication should be avoided.

Issue ix)

1.171 I do not consider that there is any direct conflict between the criteria in Policies D.2 and D.4 as suggested by the objector. Inevitably when considering a particular proposal, criteria in different policies may pull in different directions. It would be impossible to resolve all these tensions. No change is required in response to this objection.

Recommendations:

R1.36 Modify Policy D.2 by:

deleting criteria d) and e);

Reviewing the need for criterion h) and, if retained, specify more clearly what aspects of the living conditions of existing residents and the future residents of the proposed development are to be given consideration.

R1.37 Delete paragraph A5.32.

(See also my recommendation under Policy D3).

Chapter 5 - Policy D.3 & Paragraph A5.50/A

485/B5	Prowting Projects Ltd	D.3
601/B9	House Builders Federation	D.3
2975/B10	Crest Nicholson Properties Limited	D.3
3098/B12	George Wimpey Strategic Land	D.3
3099/B12	Barratt Bristol Limited (Mr A T P Joliffe)	D.3
3271/B5	Bellwish Limited	D.3

Supporting Statements

581/B18	Batheaston Society	D.3
3257/C37	Somer Valley Friends of the Earth	1A5.50/A

Issue

- i) Whether the policy lacks clarity; whether "significant development" should be defined and whether residential development should be exempt.

Inspector's Reasoning

1.172 Many objectors, whilst supporting the policy in principle, consider that it should clearly state what provision will be sought and on what basis, in particular seeking clarification of the size and nature of the development which might trigger public art being sought.

1.173 In my view, a separate policy simply seeking the provision of public art is not a very effective or imaginative way of addressing this issue. I recognise that public art has an important role in creating public places which are attractive and enjoyable and can contribute to a high quality public realm which is the focus of Policy D2, and it can take many forms including lighting, paving, planting and street furniture. Thus I do not consider that it is necessary to have a policy seeking public art, but that an additional criterion should be added to Policy D2 requiring all development to contribute to creating a public realm which is attractive, enjoyable and legible.

1.174 A residential development will include streets, roads and footpaths which are all examples of spaces frequented not just by residents but also by the general public. There will therefore be scope for public art assisting in the creation of high quality public realm in such developments. They should not be excluded from the scope of my recommended new criterion.

Recommendations:

R1.38 Modify the plan by deleting Policy D.3.

R1.39 Modify Policy D.2 by inserting the following additional criterion:

"it provides for public art or otherwise contributes to a public realm which is attractive, enjoyable and legible."

Chapter 5 - Policy D.4 and Paragraphs A5.59/A - A7.70

120/C226	Ms Helen Woodley	A5.60/A
686/C140	Bath Preservation Trust	A5.60/A
686/B62	Bath Preservation Trust	A5.66
686/B63	Bath Preservation Trust	A5.69
723/B29	Bath Chamber of Commerce	A5.69
686/B64	Bath Preservation Trust	A5.70
334/B12	Ms P Davis	D.4
686/B65	Bath Preservation Trust	D.4
687/B10	Peasedown St John Parish Council	D.4
2127/B1	Bath Pride	D.4
3097/B4	Mr M Swinton	D.4
3098/B13	George Wimpey Strategic Land	D.4
3099/B13	Barratt Bristol Limited (Mr A T P Joliffe)	D.4
3205/B3	Edward Nash Partnership	D.4
3233/B2	Mr & Mrs M Williams	D.4
3266/B6	O A G Stephens Limited	D.4
3278/B9	Persimmon Homes (Wessex) Ltd	D.4
3295/B7	G L Hearn Planning	D.4
3493/C1	Bath & Wells Diocesan Board of Finance	D.4/A

Supporting Statements

120/D286	Mrs H Woodley	PIC/A/17 (A5.59)
3257/D288	Somer Valley Friends of the Earth	PIC/A/17 (A5.59)
3257/C38	Somer Valley Friends of the Earth	A5.59/A
3298/C61	Cam Valley Wildlife Group	A5.59/A
3257/C39	Somer Valley Friends of the Earth	A5.59/B
3298/C62	Cam Valley Wildlife Group	A5.59/B
3257/C40	Somer Valley Friends of the Earth	A5.60/A
120/C223	Ms Helen Woodley	A5.66/A
3257/C41	Somer Valley Friends of the Earth	A5.66/A
120/C224	Ms Helen Woodley	A5.69/A
257/C43	Somer Valley Friends of the Earth	A5.69/B
3257/C42	Somer Valley Friends of the Earth	A5.69/A
120/C225	Ms Helen Woodley	A5.69/B
581/B19	Batheaston Society	D.4
3251/B39	Prospect Land Ltd	D.4

Issues

- i) Whether Policy D.4 is necessary, too vague or too prescriptive and would stifle innovative design and new development.
- ii) Whether the policy is unrealistic and unreasonable in its requirements.
- iii) Whether the meaning of words used in the policy and text needs to be clarified.

Inspector's Reasoning

1.175 I focus my reasoning firstly on the policy and its criteria. In doing so I also take into account objections to the supporting text. The supporting text should be amended to adequately justify the policy, without making unnecessary asides.

- 1.176 The government places great emphasis on the importance of good urban design as set out in paragraphs 33-39 of PPS1. If policy D.2 is intended, as the Council explain, to focus on the functional aspects of design, it is right to have another policy to address visual and aesthetic matters. Provided this distinction is consistently maintained in the policy criteria and text then this separate policy is justified.
- 1.177 In general, subject to the detailed recommendations on wording which follow, I consider that D.4 covers legitimate planning objectives consistent with national advice. It seeks to provide overall guidance whilst avoiding unnecessary prescription. Far from being too prescriptive, I consider that it states no more than some basic principles, which can be summarised as "respond to the local context". This is only one of a number of key objectives listed in PPS1. There is nothing in the policy that suggests to me that it might stifle innovation. The reference in the DDLP to responding to local context in an appropriately contemporary manner has been deleted in the RDDLP and the text in paragraph A5.69 has been correspondingly amended. I support this change since otherwise it would promote a particular style of design.
- 1.178 My main concern with wording of the policy is that it sets the standard for acceptable design too low. As I have already highlighted in relation to Policy D1, in areas where the local context - whether of the landscape or of the townscape - is poor and of no value, the criterion of "not adversely affecting" would make mediocre design acceptable. National advice seeks strongly to promote good design and improve the attractiveness of the environment. I therefore consider that some qualitative aspect needs to be introduced into the policy such as "complementing or reinforcing attractive qualities of local distinctiveness and improving areas of poor design and layout". The supporting text should explain where the attractive qualities and local distinctiveness of settlements is identified, such as conservation area appraisals and village design statements (and where existing documents are listed in the plan). The policy is unnecessarily lengthy because there is duplication and overlap between some of the criteria. My recommended wording seeks to combine all of those elements which I believe should respond to the local context. I consider that the general approach to design in paragraph A5.69 of the RDDLP is reasonable, but needs to be expanded to deal with the point I make above about those existing contexts which create a poor environment.
- 1.179 My recommended rewording will overcome or obviate a number of the objections to the detail of the wording. I deal with remaining points below. It is reasonable to require the landscaping of the development to enhance it, but I consider that it should also complement its surroundings. The various detailed considerations important in the design of a landscape scheme are set out in the additions made to paragraph A5.59 in the RDDLP. There is no need to elaborate these matters further in the text, but the policy should have a simple criterion which encompasses these wider considerations rather than solely the aesthetic value of the scheme in relation to the proposed development. In my view, the sentence added

at the end of paragraph A5.60 referring to offsetting CO₂ emissions is misplaced in this section and should be deleted.

- 1.180 It is unrealistic to expect the development of a site not to adversely affect some of its existing natural and man-made features. This is an inevitable consequence of change. What should be avoided is harm to features which are important. Policy NE.12 requires development to retain features of the landscape and lists many such features. It is not therefore necessary for this aspect to be repeated in Policy D.2, nor is it necessary to add further to the text by describing what is special about the landscape setting of Bath. This level of detail is more appropriate to SPG/SPD, such as a conservation area appraisal.
- 1.181 I consider that it is helpful to retain a specific criterion on extensions since they are such a frequent form of development. Paragraph A5.70 states that extensions should reflect the appearance of the existing building, but that would normally require the design to be similar, which is not always necessary or the best approach. Criterion g) states that extensions should respond appropriately to the appearance of the existing building, which is rather vague. I consider that "respect and complement" are clearer and more specific whilst allowing for imaginative solutions. I see no need for the plan to refer specifically to "mirror image extensions" which are of concern to one objector.
- 1.182 Whilst "morphology" is a recognised term within urban design, it is not widely used. The plan recognises the obscurity of the term by providing an explanation in the first sentence of paragraph A5.61. However, I consider that it should be deleted as a heading and from the text. In my view, "the pattern of streets, building and spaces" more clearly sums up what is being highlighted in paragraphs A5.61 and 5.62.
- 1.183 Adaptability over the life of building is mentioned in PPS1 and can play a part in achieving a more sustainable use of resources, but I consider that the reference in criterion e) and in paragraph A5.66 to "enabling extensions to be added when required and where appropriate" goes too far. It would be an unrealistic and unreasonable requirement since it might well require land to be left unused and hence result in an inefficient use of land, contrary to one of the underlying objectives of the plan. This requirement should be deleted from the text and from criterion e).

Recommendations:

R1.40 Modify Policy D.4 by deleting the existing text and substituting:

"Development will be permitted only where:

- a) it responds to the local context in terms of appearance, materials, siting, spacing and layout; reinforces or complements attractive qualities of local distinctiveness; or improves areas of poor design and layout;
- b) landscaping enhances the development and complements its surroundings;

- c) buildings and layouts are capable of adaptation;
- d) the appearance of extensions respect and complement their host building."

R1.41 Modify the supporting text to provide a reasoned justification for the policy by:

highlighting that the quality of the townscape and landscape varies and new development should complement what is attractive, but improve on what is poor;

referring to SPG/SPD where the attractive qualities and local distinctiveness of settlements is identified, such as conservation area appraisals and village design statements (and where such existing documents are listed);

deleting the last sentence of paragraph A5.60;

deleting the heading "Morphology" and the word in paragraphs A5.61 and 5.62 and amend the text to explain more straightforwardly what is being highlighted (such as "the pattern of streets, buildings and spaces")

deleting in paragraph A5.66 "without complete rebuilding" to the end of the sentence;

deleting paragraph A5.70 and adding at the end of paragraph A5.69: "Extensions should respect and complement their host building."

Chapter 5 - Policy D.5; Quick Guides 4A & 4B; Paragraphs A5.73/A and A5.74A

3097/C16	Mr M Swinton	A5.73/A
3257/C44	Somer Valley Friends of the Earth	A5.74/A
3257/C45	Somer Valley Friends of the Earth	A5.74/A
120/C138	Ms Helen Woodley	QG4A/A
3240/C12	Westbury Homes	A5.74A/A
3240/C11	Westbury Homes	A5.74B/A
3257/C47	Somer Valley Friends of the Earth	A5.74B/A
3257/C46	Somer Valley Friends of the Earth	QG4A/A
3298/C56	Cam Valley Wildlife Group	QG4A/A
120/C137	Ms Helen Woodley	QG4B/A
334/C13	Ms P Davis	QG4B/A
2356/C11	The Hon W H M Jolliffe	QG4B/A
3219/C15	The Hon Andrew Jolliffe	QG4B/A
3240/C10	Westbury Homes	QG4B/A
3257/C48	Somer Valley Friends of the Earth	QG4B/A
3298/C57	Cam Valley Wildlife Group	QG4B/A
3299/C60	Bovis Homes (South West Region) Limited	QG4B/A
3532/C2	Ms A Godfrey	QG4B/A
3604/C3	Mr S Bendle	QG4B/A
88/B23	William & Pauline Houghton	D.5
686/B66	Bath Preservation Trust	D.5
721/B16	Government Office for the South West	D.5

1427/B34	Environment Agency	D.5
2968/B4	Countryside Residential (South West) Ltd	D.5
3097/B6	Mr M Swinton	D.5
3098/B14	George Wimpey Strategic Land	D.5
3099/B14	Barratt Bristol Limited(Mr A T P Jolliffe)	D.5
3126/B3	Bath Friends of the Earth	D.5
3295/B5	G L Hearn Planning	D.5
3298/B32	Cam Valley Wildlife Group	D.5
721/C44	Government Office for the South West	D.5/A
3097/C15	Mr M Swinton	D.5/A
3219/C16	The Hon Andrew Jolliffe	D.5/A
3257/C49	Somer Valley Friends of the Earth	D.5/A
3298/C55	Cam Valley Wildlife Group	D.5/A

Supporting Statements

3511/C3	British Waterways	QG4A/A
120/C220	Ms Helen Woodley	A5.74A/A
120/C221	Ms Helen Woodley	A5.74B/A
120/D295	Mrs H Woodley	PIC/A/19 (Quick Guide 4B)
248/C1	Future Energy Solutions	QG4B/A
3257/D289	Somer Valley Friends of the Earth	PIC/A/19 (QG4B)
3511/C4	British Waterways	QG4B/A
581/B20	Batheaston Society	D.5
3205/B2	Edward Nash Partnership	D.5
3251/B40	Prospect Land Ltd	D.5
3298/B15	Cam Valley Wildlife Group	B1

Issues

QG4A

- i) Whether detailed additions or deletions should be made to the list of issues.

QG4B

- ii) Whether the quick guide repeats policies elsewhere in the plan and is unnecessary.
- iii) Whether it is too prescriptive and inflexible, or covers matters addressed (or best addressed) in other legalisation.
- iv) Whether detailed additions or deletions should be made to the bullet points and whether they should be re-ordered.
- v) Whether Council should encourage sustainable building through facilitating an advice service on sustainable building methods.

Policy D.5

- vi) Whether the policy should be deleted since it concerns the processing of applications rather than their determination.
- vii) Whether it is too weak or too onerous.

Inspector's Reasoning

Issues i) - v)

1.184 As I have previously stated, the status of the Quick Guides is unclear, as they appear to be neither supporting text nor policy. Both of these Quick Guides duplicate to some extent issues that are covered elsewhere. QGs 4A and 4B have the potential to be helpful checklists for development proposals, but this information should be included in SPD, for example the proposed "Design Guide" (paragraph A4.20) and not in the plan.

1.185 As I am recommending the deletion of QG 4A and 4B, it is for the Council to consider the extent to which the detailed points raised by objectors should be reflected in advice in SPD. For consistency, the reference to QG 4A in paragraph A5.74 should be deleted. Paragraphs A5.74A and B do not explain or support a policy in the plan and should therefore be deleted. None of the other matters advocated by objectors should be referred to in the text of the plan. The provision of an advice service on sustainable building methods is not a topic for the local plan.

Issues vi-vii)

1.186 Policy D.5 has been substantially altered in the RDDLP. It now requires the submission of a Design Statement with all planning applications. I acknowledge that the process of producing a Design Statement can assist in producing better design and in assessing the quality of a development. But policies in the plan should be those which are used for determining planning applications. The submission of a design statement is a procedural matter and should not be the subject of a policy. In order to encourage the submission of design statements the reference in the reasoned justification should be retained.

1.187 Requiring a Design Statement for all developments is unduly onerous and unnecessary. Many planning applications will not engage the issues of design set out in this section of the plan. I consider that a design statement should be sought only for all new buildings and extensions.

Recommendations:

R1.42 Modify the plan by:

deleting Quick Guide 4A, Quick Guide 4B and paragraphs A5.74A and B;

deleting the reference to Quick Guide 4A in paragraph A5.74.

R1.43 Modify the plan by deleting Policy D5.

R1.44 Modify the plan by deleting the first sentence of paragraph A5.73 and substituting "Design statements should accompany all planning applications for new buildings and extensions."