

SECTION 3 - Chapters B3 and B4

Chapter B3

2683/B4 Diocese of Bath & Wells B3

Issue

- i) Whether the plan should allow for the provision of new parsonages on sites outside defined housing areas.

Inspector's Reasoning

- 3.1 I recognise the importance of providing a home for the Parish incumbent within the locality that they are serving. But I do not understand why such needs cannot normally be met by the acquisition of an existing property, even if that subsequently needs to be altered or extended. Given that in the smallest villages one minister may serve several parishes, I cannot envisage that the choice of suitable properties would be unduly restricted. Where there is a specific need which cannot otherwise be met, this could be weighed against any conflict with planning policy, including Green Belt policy. In my view, the objector's concerns do not warrant any additional policy or acknowledgment in the plan.

Recommendation: no change

Chapter B3 - Policy CF.1

120/B97	Ms Helen Woodley	CF.1
1899/B3	Trustees of Bath Congregations of Jehovah's Witnesses	CF.1
2306/B2	Mr T W Evans	CF.1
2310/B3	Beechcroft Developments	CF.1
2310/B12	Beechcroft Developments	CF.1
2448/B1	Mr J Sewart	CF.1
2597/B4	Dr R C Rafferty	CF.1
2683/B5	Diocese of Bath & Wells	CF.1
2986/B2	Avon & Wiltshire Mental Health Partnership NHS Trust	CF.1
2987/B4	Royal United Hospital Bath NHS Trust	CF.1
3146/B2	Ms E O'Donnell & Mr P McKendry	CF.1
3261/B5	Bath & North East Somerset Primary Care Trust	CF.1
3493/C3	Bath & Wells Diocesan Board of Finance	CF.1/B

Supporting Statements

376/B13	Mr I Wallis	CF.1
2997/B2	London Road & Snowhill Partnership	CF.1

Issues

- i) Is the policy too restrictive and inflexible?
- ii) Should the policy require that the loss of community facilities should proceed only with community support?

- iii) Should surplus school buildings/land be exempt from this policy or should schools be specifically highlighted for protection?
- iv) Should community facilities be defined in the plan and should the definition exclude health care facilities?
- v) Whether the policy should allocate land for the provision of an extension or relocation of the library at Moorland Road.

Inspector's Reasoning

Issue i)

- 3.2 This policy sets a presumption in favour of the retention of land and buildings for community use. Some objectors are concerned that the policy would unduly restrict opportunities for change and new provision of public or other essential services. The wording in the RDDLP means that even if the change would not seriously affect the availability of community facilities it is still necessary to demonstrate that no suitable alternative community use can be found.
- 3.3 The assumption underlying the policy is that keeping an existing community site in community use is always preferable to its loss, unless the development provides an alternative equivalent provision. But in my view, this does not recognise the wide variety of circumstances in which this policy may operate. Some long established sites in community use may not be well located to serve local people. Simply because there might be an alternative community use willing to occupy the premises does not mean that it is best suited to that use, that the new use represents a particular need of the local community, or that the alternative use is in the overall public interest. In my view, the consideration of alternative community uses should be limited to those where there is a local community *need*, where the site is *suitable* to serve that need in terms of size and accessibility/location and where there is a *realistic prospect* of the site being put to that needed alternative community use. As highlighted by objectors, there is no benefit in premises being left vacant for long periods.
- 3.4 The Local Plan can seek to influence the loss or provision of facilities, but it has no direct effect on the provision of services. Whilst it might prevent an existing community facility being redeveloped, it cannot ensure that it is available for community use or that any particular service is actually provided. The policy does not recognise that the on-going changes in the way that many public services are provided may mean that replacement facilities are not necessarily required if the service is going to be provided in a different way. The strict application of the policy could well work against the improvement of public services in the District.
- 3.5 I therefore conclude that the policy is too restrictive and my recommended new wording sets out a series of alternatives which, if any are met, would allow the loss of the community facility. In my view, this

wording strikes a better balance between the need to protect existing community facilities and inevitable change.

Issue ii)

- 3.6 The views of the public and local organisations should be taken into account by the local planning authority in all planning decisions. But public opinion should not be the sole arbiter of what is in the overall public interest. Local community support should not be a criterion of the policy.

Issue iii)

- 3.7 One objection seeks the exemption of education land and buildings from this policy on the basis that the Government is encouraging Councils to consider disposing of surplus education land and buildings. But consent for the sale of playing fields under the School Standards and Framework Act 1998 does not imply that planning permission will be forthcoming. This is a separate process and Policy CF.1 has an important role in safeguarding the community function of school sites. Another objection seeks a more restrictive policy to prevent development which would result in the loss of a school. Schools and colleges are included in the definition of community facilities used in the plan (subject to clarification in accordance with my recommendation below). I see no need for them to be specifically mentioned in the policy.

Issue iv)

- 3.8 Paragraph B3.5 refers to "community services" in wide ranging terms. It is not clear to me that these are the community "facilities" to which Policy CF.1 applies. I consider that a definitive list should be set out after paragraph B3.12. This could be based on paragraph B3.5 but it is important to refer to "facilities" not services. In addition, those public facilities and commercial enterprises covered by other policies in the plan (such as public houses, allotments, shops and playing fields) should not be included here. With this change, paragraphs B3.5-B3.10 would not be providing the reasoned justification for any particular policy and, in my view, amount to unnecessary background material. They should be deleted as part of the drive to produce a more succinct plan.
- 3.9 Whilst I have acknowledged above that the Health and Education Authorities have their own procedures for determining changes in the provision of facilities, that is not a reason to exclude health facilities from the embrace of Policy CF.1. As recommended to be modified, the policy should not serve to frustrate change that is in the wider public interest and it is legitimate that planning considerations are applied to changes in the use of sites for health purposes, as well as the particular requirements of the service providers.

Issue v)

- 3.10 This policy is intended to safeguard the provision of community facilities; it is not concerned with the allocation of particular sites. The Council

advises that there is no specific proposal to extend or relocate the library at Moorland Road. The plan should include only those schemes which are likely to be implemented in the plan period.

Recommendations:

R3.1 Modify the plan by deleting the heading "Community Facilities in Bath and North East Somerset" and paragraphs B3.5-B3.10.

R3.2 Modify the plan by deleting the wording of paragraph B3.12 and substituting:

"The Local Plan and its application in development control decisions can play only a limited role in ensuring the retention of needed community facilities and the services they provide. Whilst the plan can seek to prevent the loss of existing sites and premises from community use, it cannot ensure that any particular facility continues to be made available to the public or any particular service continues to be provided. The proposed loss of community facilities used for public services may be part of wider proposals to improve the provision of services. Health and Education Authorities have their own procedures for planning changes in the provision of facilities and consulting the public, often on a wider basis than any one local community. In the public interest, it is important to take into account changes that might have an overall, wider benefit. The policy thus sets out a variety of circumstances where the loss of a community facility would be acceptable."

R3.4 Modify the plan by inserting after paragraph 3.13 a list of community facilities to which the policy applies.

R3.5 Modify Policy CF.1 by deleting the existing wording and substituting:

"Development involving the loss of a site used, or last used, for community purposes will be permitted only where:

- i) there is adequate existing local provision of community facilities; or
- ii) there is a local need for additional community facilities, but the site is unsuitable to serve that need or there is no realistic prospect of it being used for that local need; or
- iii) alternative facilities of equivalent community benefit will be provided; or
- iv) the proposed loss is an integral part of changes by a public service provider which will improve the overall quality or accessibility of public services in the District. "

Chapter B3 - Policies CF.2 and CF.2/A and Paragraph B3.16

110/B9	Sport England South West	B3.16 (B3.68)
88/B27	William & Pauline Houghton	CF.2 (CF.4)
1856/B2	Mr E Diaz	CF.2 (CF.4)
1876/B1	Mrs N Rimmer	CF.2 (CF.4)
1899/B1	Trustees of Bath Congregations of Jehovah's Witnesses	CF.2 (CF.4)
2597/B5	Dr R C Rafferty	CF.2 (CF.4)
3394/C4	Cllr A Furse	CF.2/A
3570/C1	Bath Spa University College	CF.2/A

Supporting Statements

2985/B3	Bath & North East Somerset Primary Care Trust	CF.2 (CF.4)
2986/B1	Avon & Wiltshire Mental Health Partnership NHS Trust	CF.2 (CF.4)
2987/B3	Royal United Hospital Bath NHS Trust	CF.2 (CF.4)
2997/B3	London Road & Snowhill Partnership	CF.2 (CF.4)

Issues

- i) Should the text acknowledge that community buildings and halls often provide for indoor sports?
- ii) Should the plan allocate land for new community facilities?
- iii) Is there conflict between the first and second part of Policy CF.2 and between the policy and PPG13?
- iv) Should Policy CF.2 require buildings for educational uses to accommodate community facilities?
- v) Should Policy CF.2 make specific reference to the potential needs of the higher education sector?

Inspector's Reasoning

Issue i)

3.11 The use of community halls for indoor sports is mentioned in paragraph B4.26. That is descriptive text which I recommend be deleted. I see no value in inserting this unnecessary description here.

Issue ii)

3.12 Policy CF.2 is a general policy for guiding the development of new community facilities and is not the place for specific allocations of land. I consider objections seeking specific allocations under what is now Policy CF.4. In general unless there are firm proposals for new community facilities likely to be implemented within the plan period, it is not good practice to allocate sites.

Issue iii)

- 3.13 The requirement for the location of new or replacement community facilities to be "accessible" accords with PPS1 (paragraph 16). The wording in the RDDLP now requires facilities to be "accessible by a range of transport modes" rather than solely by public transport. This recognises the importance of access on foot and, particularly in rural areas, access by car. I do not see any conflict with PPG13 and consider that no change in relation to accessibility is required.

Issue iv)

- 3.14 The use of educational facilities by the community is recommended in the PPG17 companion guide ("Assessing Needs and Opportunities") as a way of providing community facilities and is encouraged in paragraph B3.57. It would be unreasonable however to make this a requirement of all new educational buildings. The Local Plan cannot influence the management of existing facilities.

Issue v)

- 3.15 This is a general policy which covers a wide range of community facilities, it would not be appropriate to make reference to any one particular type, such as education.

Recommendation: no change

Chapter B3 - Policy CF.3

578/B49	Norton Radstock Town Council	CF.3 (CF.6)
2601/B3	Linden Homes (Developments) Limited	CF.3 (CF.6)
2975/B11	Crest Nicholson Properties Limited	CF.3 (CF.6)
3098/B18	George Wimpey Strategic Land	CF.3 (CF.6)

Supporting Statements

746/B11	NHS Executive South West	CF.3 (CF.6)
2985/B2	Bath & North East Somerset Primary Care Trust	CF.3 (CF.6)
3257/B8	Somer Valley Friends of the Earth	CF.3 (CF.6)

Issues

- i) Should the policy reflect national advice more closely?
- ii) Should the policy take account of the cumulative effect of a number of small-scale developments?
- iii) Should the provision for health care facilities be deleted from this policy?

Inspector's Reasoning

Issue i)

- 3.16 Policy IMP.1 sets out the circumstances in which the Council will seek planning obligations to provide facilities arising from the impact of proposed developments. I have recommended a redrafting of that policy to make it more explicitly follow national advice.
- 3.17 Policy CF.3 overlaps to some extent with Policy IMP.1. In my view, Policy CF.3 should focus specifically on the adequacy of existing community facilities to accommodate the additional pressures arising from development, rather than the mechanisms by which any additional provision might be made, thus reducing the overlap between the 2 policies. My recommended rewording would be consistent with national advice. The key to the Council successfully negotiating for such facilities is being able to demonstrate: that any particular facility is needed to make the proposed development acceptable; the size of any such facility in relation to a particular size of development; and the level at which contributions should be made for any particular type of provision. Policy CF.1, as recommended to be modified, would establish the principle that community facilities must be able to accommodate the additional demands made upon them. It would be helpful if further advice relating to different types of community facilities was set out in SPD. But I leave that for the Council to consider.

Issue ii)

- 3.18 My recommended rewording of the Policy CF.3 should not weaken the Council's ability to negotiate pro rata contributions from a series of smaller developments where, cumulatively, they would result in the need for additional provision.

Issue iii)

- 3.19 I see no reason why health care facilities should be excluded from the ambit of Policy CF.3 (and Policy IMP.1) provided that the scale of the development and the lack of existing facilities would make the development without those facilities unacceptable.

Recommendation:

- R3.6 Modify Policy CF.3 by deleting the existing wording and substituting:

"Where existing community facilities are inadequate to meet the needs of future residents of new development, planning permission will be refused unless additional provision, related in scale and in kind to the proposed development, to meet those needs is, or will be, made."

Chapter B3 - Policy CF.4 and Paragraphs B3.22-B3.47

578/B45	Norton Radstock Town Council	B3.24 (B3.15)
578/B43	Norton Radstock Town Council	B3.22 (B3.13)
3114/B1	Mr E Kertzman	B3.23 (B3.14)
606/B9	Paulton Parish Council	B3.25 (B3.16)
578/B46	Norton Radstock Town Council	B3.35 (B3.26)
1899/B2	Trustees of Bath Congregations of Jehovah's Witnesses	B3.43 (B3.34)
578/C93	Norton Radstock Town Council	B3.41/A
3257/C69	Somer Valley Friends of the Earth	B3.41/A
3257/D290	Somer Valley Friends of the Earth	PIC/B/22 (B3.41)
578/B44	Norton Radstock Town Council	CF.4 (CF.2)
578/B86	Norton Radstock Town Council	CF.4 (CF.2)
670/B6	Keynsham Community Association	CF.4 (CF.2)
842/B9	Mr L W T Swift	CF.4 (CF.2)
462/C27	Gleeson Homes	CF.4/A

Supporting Statement

2997/B1	London Road & Snowhill Partnership	B3.29 (B3.20)
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Issues

- i) Whether the description of particular facilities is out of date.
- ii) Should reference be made to the use of the safeguarded land in Westfield for a shared church/community building?
- iii) Should a site be safeguarded for community facilities to serve parts of Norton-Radstock?
- iv) Whether the PIC B/22 is appropriate and necessary.
- v) Should the lack of a cinema in Norton-Radstock be highlighted?
- vi) Whether paragraph B3.34 should acknowledge the difficulties of identifying sites for places of worship.
- vii) Whether the community facility in Policy CF.4 (CF.2) should be part of a larger development at Charlton Park or whether the policy should refer to the use of the land at the rear.
- viii) Should the plan allocate a site for a community hall in Keynsham?

Inspector's Reasoning

Issues i) – vi)

3.20 I have already expressed my concern that the reasoned justification in the plan is often too detailed. Paragraphs B3.20 to B3.46 are lengthy and discursive. The descriptions of existing facilities are unnecessary and add little to the justification for the policies in this section of the report, since only one new community hall is proposed in Policy CF.4. These long descriptive passages obscure rather than clarify what the plan is actually proposing. I therefore recommend that these paragraphs, including

PIC/B/22 be deleted. In view of my recommendation, I do not deal explicitly with any of the suggestions made by objectors. None are sufficiently related to any particular policy or proposal to warrant inclusion in the plan and none justify the retention of any of this text.

Issue vii)

- 3.21 The allocation at Charlton Park (GDS/NR1) was deleted in the RDDLP and I have not recommended that it be reconsidered. In these circumstances there would be little opportunity for new community facilities to be provided. Policy CF.4 has been amended in the RDDLP to refer to open space and an equipped play area which I consider meets the objection concerning the use of the land to the rear of the proposed hall.

Issue viii)

- 3.22 Provision for a community centre has been negotiated as part of a retail development at St John's Court in Keynsham. I do not have the evidence to assess whether there is a need for further facilities, but there appears to be no other proposal likely to be implemented in the plan period and thus no specific allocation for a community centre can be made.

Recommendation:

- R3.7 Modify the plan by deleting paragraphs B3.20-B3.46, including PIC/B/22.

Chapter B3 - Policy CF.5 and Paragraphs B3.48-B3.62

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

Issues

- i) Should paragraph B3.53 make reference to the City of Bath College's future accommodation needs?
- ii) Whether the needs of the University of Bath justify a change to the Green Belt boundary and the impact on the AONB and whether greater recognition should be given to its role.
- iii) Whether land in Norton-Radstock should be allocated for new schools.
- iv) Should the allocation at Freshford Primary School be for a playing field only and is the land suitable?
- v) Whether land safeguarded for a playing field at East Harptree Primary School would be better suited to housing.

- vi) Whether the site allocated for Pensford Primary School should be deleted because of the likelihood of flooding.
- vii) Whether a larger school on the Stanton Drew site would cause traffic and parking problems.
- viii) Whether Timsbury Primary School should be made available for housing and the school resited.
- ix) Whether land at Oldfield Lane or Lymore Avenue should be allocated for the relocation of St John's Catholic Primary School.

Inspector's Reasoning

Issue i)

3.23 The RDDLP (paragraph B3.53A) refers in greater detail to the City of Bath College, setting out its status and indicating the potential for changes in its accommodation. In my view, further elaboration is unnecessary. I note the College's interest in the Avon Street Car Park site for further accommodation. This site is allocated in the plan (GDS/B17) for uses compatible with the city centre. I do not see that allocation as excluding some accommodation for the College as part of a mixed use scheme. But the development of this site is some way off as it will not be available until the completion of the Southgate scheme. Furthermore, in Section 7, I note that as this site is well related to the central shopping area the mix of uses to be accommodated should form part of the retail strategy which I recommend should be produced. It would thus be premature to recommend that the site should, in part, be used for College accommodation.

Issues ii)

3.24 I consider in detail the issues raised by the University of Bath, the change in the Green Belt boundary and the impact on the AONB in Section 9 of my report, where I recommend changes to paragraphs B3.54 and B3.54A.

Issue iii)

3.25 The RDDLP allocates a site at Woodborough Lane, Norton Radstock, for a new primary school. The Council confirms that planning permission has been granted for a new school on this site. This permission would seem to meet the need highlighted by objectors. I have no evidence on which to conclude that any alternative site or arrangement would be preferable in planning terms. There is thus no justification to modify the allocation made in the plan.

Issue iv)

3.26 The allocation at Freshford has been amended in the RDDLP to refer to provision of a playing field rather than an extension to the school. This meets the concerns of objectors that the site should not be used for any

new building. The Council accepts that the allocation has its constraints, but the alternative site suggested by one objector also has village green status and similar physical constraints. The alternative site does not appear to offer any material advantages over that allocated in the RDDLP. Therefore I recommend no change to this allocation.

Issue v)

- 3.27 A site at East Harptree has been allocated for a school playing field for some years. The present arrangement for the school to use a playing field some 0.5 km away is undesirable. The allocated site would provide a playing field adjoining the school. The site forms an open area within the village of East Harptree and provides views out of the village to the Chew Valley Lake and the slopes of the Mendips. I agree with the Inspector in his report on the Wansdyke Local Plan Inquiry that its openness contrasts with the surrounding housing and contributes to the character of this part of the village and to the setting of the adjoining Conservation Area. As proposed by the objectors, the development of part of the site for housing would facilitate the provision of a school playing field together with some public open space. But in my view, the loss of part of the open area would be harmful and not be outweighed by the early provision of the playing field and additional housing. The objector argues that the housing would meet local needs. I note that the Council is actively pursuing the provision of housing for local needs within the village and has identified a potentially suitable site. I recommend no change to the allocation.

Issue vi)

- 3.28 The Environment Agency highlights that the site allocated for Pensford Primary School is at risk from flooding. The Council indicates that this site is being reconsidered because of this risk. In my view, it is unacceptable to allocate a site for a new school or school extension that would be at risk from flooding. I do not know if the risk can be overcome. On the evidence before me, I recommend this allocation be deleted until there is more certainty over the suitability of the site.

Issue vii)

- 3.29 An objector is concerned about the poor access to the school at Stanton Drew and the increased traffic that would be generated by an extension. Parking, access and highway safety are all matters that would be subject to scrutiny if a planning application were submitted. I am not convinced that access and parking at this site are so constrained as to make this allocation unacceptable in principle. I recommend no change.

Issue viii)

- 3.30 The rebuilding of the primary school at Timsbury is under consideration, but no firm proposal has yet been agreed. It would be inappropriate to allocate the existing site for housing, or any other use, until it is clear that it would no longer be required for educational purposes. It is thus

premature to allocate the site as sought by the objector, even if such an allocation was otherwise acceptable.

Issue ix)

- 3.31 Inquiry change 6 deletes the alternative allocations of land at Oldfield Lane and Lymore Avenue for a new primary school. In November 2004 the Council's Executive Committee rejected the Lymore Avenue Playing Fields from a short list of 4 possible sites for a new school. The site at Oldfield Lane was not included on the short list. These circumstances have culminated in the Inquiry change to delete both sites from the plan. This change would thus meet those objections seeking the deletion of one or other of these sites.
- 3.32 Others object to the deletion of these allocations because one or both of the sites is considered suitable. There seems little dispute that a new school on a single site is needed, but the Council's decision not to pursue the allocations would undermine their credibility if they were to remain in the plan. The uncertainties over the suitability of the sites at Oldfield Lane and Lymore Avenue justify their deletion from the Plan as now proposed by the Council. I recommend accordingly.
- 3.33 Some objectors seek the designation of these sites as visually important open space (VIOS) under Policy BH.15. However, in Section 11 of this report I have recommended a fundamental reassessment of this policy by the Council or, in the absence of such a reassessment, its deletion. In these circumstances I am making no recommendations for any additions to the VIOS designations.

Recommendations:

R3.8 Modify paragraphs B3.54 and B3.54A in accordance with the recommendation in Section 9 concerning paragraphs C1.10F-C1.10K.

R3.9 Modify Policy CF.5 by:

deleting "2 St Johns RC Primary" and details of the allocations in accordance with IC6;

deleting "14 Pensford Primary" and details of the allocation.

R3.10 Modify the Proposals Map to reflect the above.

Chapter B3 - Paragraphs B3.63-B3.71

746/B8	NHS Executive South West	B3.63 (B3.57)
3273/B3	Bath & District Community Health Council	B3.63 (B3.57)
2987/B5	Royal United Hospital Bath NHS Trust	B3.64 (B3.58)
3261/B6	Bath & North East Somerset Primary Care Trust	B3.67 (B3.61)
3428/C1	Bathwick St Mary's Church of England V A Primary School	B3.62A/A
578/B48	Norton Radstock Town Council	B3.70 (B3.64)

746/B9	NHS Executive South West	B3.71 (B3.65)
2985/B4	Bath & North East Somerset Primary Care Trust	B3.71 (B3.65)
578/C94	Norton Radstock Town Council	B3.70/A

Issues

- i) Whether reference should be made to all the Trusts and organisations responsible for health care in the District, their particular responsibilities and future plans.
- ii) Does the plan make adequate provision for health care and accurately identify existing problems?
- iii) Should paragraph B3.62A make reference to a preferred site for a playing field at St Mary's Primary School, Bathwick?
- iv) Whether health care facilities should be exempt from Policy CF.1.

Inspector's Reasoning

Issues i) - ii)

3.34 Paragraphs 3.63-B3.71 are descriptive and, with the exception of paragraph B3.67 (St Martin's Hospital), do not relate to the policies of the plan. The reasoned justification should focus on the plan's policies and proposals. Several objections seek corrections or amplifications of this unnecessary text which would only make it longer. The allocation of St Martin's Hospital is now well advanced and planning permission has been agreed, subject to a Section 106 agreement. I comment on objections to this allocation in Section 7 of my report. There seems little purpose in retaining a single paragraph in this section relating to that allocation. I consider that the whole of this section should be deleted. I am not aware of any plans for additional health care provision which are sufficiently advanced and have particular land use implications which justify an allocation in the plan. Accordingly, there is no point in the text describing the adequacy of health care provision in the district.

Issue iii)

3.35 This issue belongs in the previous section but since the objection is listed here, I deal with it accordingly. The Council state that the site the objector wants allocated for a playing field is not yet available. In those circumstances there is little certainty that it could be provided within the plan period and it would be inappropriate to include the site as an allocation now. The text at paragraph B3.62A highlights the need at St Mary's School for a playing field.

Issue vi)

3.36 I deal with the definition of community facilities earlier in this section of my report. I find no reason to exclude the facilities for health care from the scope of Policy CF.1.

Recommendation:

R3.11 Modify the plan by deleting the heading "Health Facilities" and paragraphs B3.63 - B3.71.

Chapter B3 - Policy CF.7

578/B50	Norton Radstock Town Council	CF.7
581/B13	Batheaston Society	CF.7
721/B21	Government Office for the South West	CF.7
2604/B3	Emlor Homes Ltd	CF.7
3097/B2	Mr M Swinton	CF.7
3257/C72	Somer Valley Friends of the Earth	CF.7/A

Issues

- i) Whether the policy should also cover shops and Post Offices.
- ii) Whether the policy is realistic and reasonable.

Inspector's Reasoning

Issue i)

3.37 In its response to this objection the Council highlights Policy CF.1 as protecting shops. But this is not clear from the supporting text to that policy. Nor is that policy, either as expressed in the plan or as I recommend be modified, particularly suited to covering commercial enterprises such as shops. In my view, adequate protection is afforded to individual shops and any associated Post Offices under Policy S.9 (as recommended to be modified). Policy CF.7 does not need to encompass these uses.

Issue ii)

3.38 As I highlight in relation to Policy CF.1, planning decisions cannot ensure that a particular service or enterprise continues. It can only prevent certain changes to other uses or redevelopment. In the case of public houses, changes of use to some types of offices would be outside the Council's control, but in my view that does not so undermine the effectiveness of the policy as to justify its deletion. But the commercial realities of running a public house need to be recognised.

3.39 The way that the criteria are linked in the policy would mean that even if a public house was not viable and had been unsuccessfully marketed, permission for its loss would not be granted if it would seriously affect the availability of community facilities. But adherence to the policy in these circumstances would most likely result in premises being left vacant, which is not in the public interest. In addition, I consider that the owner/developer of a public house should have to provide evidence on marketing and viability *only* if the premises are of particular benefit to the

local community. Not all public houses represent such a benefit to the community. The criteria in the policy need to be reordered.

- 3.40 I consider that the aim of criterion (i) is clear, but I recommend some minor changes of wording. Viability would take into account the physical suitability of the premises, including any needed works and repairs. Criterion (ii) would allow loss or redevelopment where a facility of equivalent community benefit is provided (such as a new public house as part of a redevelopment or a public meeting room). I consider that "community benefit" is capable of reasonable interpretation and application. But it is important that the particular benefit (if any) of the existing premises is properly identified at the outset. The supporting text should more clearly set out the matters which will be taken into account in determining whether or not an existing public house serves an important community function. This analysis could then inform the assessment of whether any replacement was of equivalent benefit. I recommend some additional text for this purpose.
- 3.41 It is important that being the only public house in the locality is not the primary consideration since that would allow the loss of other public houses which might be better suited to meeting community needs and encourage owners to redevelop (or get permission to redevelop) to avoid being the last public house in the area. The marketing needs to be realistic and I recommend an addition to the text to highlight how this would be assessed.

Recommendations:

R3.12 Modify the plan by deleting in paragraph B3.75 all the text after "is not lost to another use(s)" and insert:

"The following factors will be taken into account to assess whether a public house provides a valuable community facility: its size, layout, and facilities and thus its actual or potential for providing a useful and attractive place for local people to meet; its location and accessibility to the local community; the availability of other community facilities in the village or locality, including any other public houses and their suitability for serving the community. There is no benefit in a public house being protected from redevelopment if there is no realistic prospect of a public house being successfully and attractively operated from the premises. The policy thus allows for viability to be taken into account. Unsuccessful marketing will be one consideration in assessing viability. When this criterion applies, applicants will be expected to demonstrate that the marketing was undertaken in accordance with expert advice and effectively targeted at potential operators."

R3.13 Modify Policy CF.7 by deleting the existing text and inserting:

"Planning permission will not be granted for the redevelopment or change of use of a public house which would result in the loss of premises which provide, or could provide, a needed community facility in that locality, unless:

- i) the operation of a public house serving the local community is not viable and the premises have been effectively marketed as a public house without success; or
- ii) the development or change of use would result in the provision of alternative facilities of equivalent or greater benefit to the local community."

Chapter B3 - Policy CF.8 and Paragraph B3.79

1950/C2	St Stephens Allotments Society	B3.79/A
3116/C68	Bath & North East Somerset Allotment Association	B3.79/A
3257/C73	Somer Valley Friends of the Earth	B3.79/A
120/B100	Ms Helen Woodley	CF.8
564/B37	London Road Area Residents Association	CF.8
580/B12	Hignett Brothers	CF.8
878/B8	The Bath Society	CF.8
1269/B4	B&NES Allotments Association	CF.8
3116/B1	Bath & North East Somerset Allotment Association	CF.8
3123/B1	Ms B Honeybone	CF.8
3235/B1	Mr I Betts & Mr A Perry	CF.8
3257/B9	Somer Valley Friends of the Earth	CF.8
3299/B19	Bovis Homes (South West Region) Limited	CF.8
3533/D23	Network Rail Infrastructure Ltd	PIC/B/27 (CF.8)
686/C146	Bath Preservation Trust	CF.8/A
1950/C3	St Stephens Allotments Society	CF.8/A
3116/C66	Bath & North East Somerset Allotment Association	CF.8/A
3257/C74	Somer Valley Friends of the Earth	CF.8/A
3378/C1	Mr & Mrs Frank – reference to a particular site King George's Rd?)	CF.8/C
3565/C1	Mrs D J Parsons	CF.8/C
3568/C1	Mr F Kenny	CF.8/C
3569/C1	Mr P Evans	CF.8/C

Supporting Statements

2997/B4	London Road & Snowhill Partnership	CF.8
3116/D135	Bath & North East Somerset Allotment Association	PIC/B/27 (Inset Map 31)
3257/C75	Somer Valley Friends of the Earth	CF.8/A
3567/C1	Mr M Hill	CF.8/C
3116/C92	Bath & North East Somerset Allotment Association	CF.8/D
3116/C93	Bath & North East Somerset Allotment Association	CF.8/E

Issues

- i) Does the plan adequately protect allotments?
- ii) Should replacement allotments be provided closer than 1000 metres of potential users and should the land be suitable for "horticultural use"?
- iii) Should criterion (ii) be deleted or clarified?
- iv) Should new allotments be required in all new residential development?

- v) Should the policy apply to vacant land "last used for allotments"?
- vi) Should all the land north of King George's Road, Bath be designated as allotments and should reference be made to the particular requirements of Network Rail at this location?

Inspector's Reasoning

Issues i) - vi)

- 3.42 Allotments are highly valued by those that use them and there is public interest in ensuring that allotments are easily accessible to all who want to work them. The plan should aim to satisfy demand. The Council accepts that the text in the plan concerning the demand for allotments is somewhat out of date. A full assessment of the local demand for and local provision of allotments is underway as part of the Green Space Strategy, but I do not know whether this has now been completed. Clearly this assessment will better inform decisions about the retention of allotments and any need for additional allotments. The text should be updated in the light of this work. I support the general protective thrust of the policy, but my recommendations will need to be reassessed if there is new evidence on demand and supply.
- 3.43 Assuming that there is evidence of continuing or increasing demand, then I consider that criterion i) is reasonable. It ensures that the amount of available allotment land is not reduced, whilst allowing, where justified, the loss of an existing site. In all cases, the criterion requires alternative, equivalent provision to be made. The plan should not assume that all allotment sites represent the optimum arrangements for provision of allotments in any particular area. Although I know that many allotment holders are very protective of their plot and sites, the policy should not exclude the possibility of the loss and replacement of sites. The policy regarding replacement sites would be clearer if "accessible" was added to the criteria applicable to replacement provision within criterion (i).
- 3.44 Criterion (ii) would allow for the loss of allotments where an alternative use is proposed in the Local Plan. This is a reasonable approach since allocation in the Local Plan allows for the proper assessment of the use of land in the public interest. I note that site GDS/K2 at Keynsham which I am recommending be reinstated in the plan would involve the loss of some allotment land. The criteria for that allocation in the DDLP required replacement provision. But for added clarity, I consider that criterion (ii) should require suitable replacement allotments in all cases where an allocation in the Local Plan involves the loss of allotment land for which there is a local need.
- 3.45 The text gives guidance on a reasonable distance from users for new allotments. A distance of 1000m would accord with the DTLR guidance on the provision of replacement allotments (Allotments: a plot holder's guide. DTLR, 2001). This requires alternative sites to be provided which are not more than three-quarters of a mile from the centre of demand.

Furthermore, the setting of a lower distance could unduly constrain the opportunity to identify suitable sites. Conversely, if access to an existing allotment is poor, then I see no reason why that should not be part of the considerations of whether the importance of any proposed development outweighs the retention of that particular site.

- 3.46 I see no reason why the reference in paragraph B3.79 to replacement land being suitable for "horticultural use" implies the use of high quality agricultural land. It is a reasonable requirement that land to be used for allotments should be capable of productive use. I consider that this is met by "suitable" in criterion (i).
- 3.47 The Council highlight an error in the consolidated version of the plan. The sentence beginning: "New or replacement allotments..." should have been within the policy box and not below it. Inclusion of a policy consideration for new allotments would meet the concerns of some objectors. I consider that it is preferable for all the criteria applicable to replacement allotments to be in criterion (i). New allotments should be both accessible to the community they are intended to serve and suitable for prospective allotment use. I recommend a modification to give emphasis to these aspects.
- 3.48 Policy CF.8 would apply to all allotments, statutory or non-statutory. The Local Plan cannot alter the legal status of allotment land.
- 3.49 A developer cannot be required to make up an existing deficiency in service provision, but if the likely demand for allotments arising from new residential development exceeds existing local, accessible provision, new allotments or a contribution to new allotments could be sought. This possibility does not need to be mentioned here, but I recommend that allotment land is included among the different types of recreational open space which can be secured from developers under the new policy which I recommend replaces Policies SR.3 and SR.6.
- 3.50 The policy applies to both land in use as allotments and vacant land, last used for allotments. In my view, it would be reasonable to apply the policy of restraint to former allotment land only where the existing and foreseeable demand for allotments cannot be met by existing local provision. It is not in the public interest to prevent the development of vacant urban land if there is no need or demand for its use as allotments or other recreational needs. I have therefore reworded the policy to make this consideration clear. The conclusions of the Council's Green Space strategy will be able to inform assessments of need or lead to allocations of further land whether there is a clear local deficiency, but I do not have sufficient evidence to make any recommendations for new sites.
- 3.51 PIC/B/27 reinstates the allotment designation of the western portion of land north of King George's Road, Bath (deleted in the RDDLP). My impression is that this land is unused. In Section 8 of my report, I highlight this site (as Lansdown View) as suitable for development, provided that the Council's Green Space Strategy does not identify a need

for more allotment land in this locality. The Proposals Map will need to reflect the conclusion of the Council on these matters. The land adjoins the railway line, but I see no reason why the plan should set out Network Rail's particular concerns about safety and security. The RDDLP corrects an error in the annotation of allotments at Hodshill, South Stoke on Inset Map 31C.

Recommendations:

R3.14 Modify paragraphs B3.76-B3.79 by editing and updating the text to reflect the assessment of allotment provision in the Council's Green Space Strategy.

R3.15 Modify the plan by deleting all of Policy CF.8 and substituting the following:

"Development resulting in the loss of land used for allotments will not be permitted unless:

- (i) the importance of the development outweighs the community value of the site as allotments and suitable, equivalent and accessible alternative provision is made; or
- (ii) the site is allocated for another use in the Local Plan and suitable, equivalent and accessible alternative provision is made.

Development resulting in the loss of vacant land last used for allotments will not be permitted unless the existing and foreseeable local demand for allotments can be met by existing suitable and accessible sites.

New allotments will be permitted provided that they are accessible to the area they are intended to serve and suitable for productive use".

Chapter B3 - Policy CF.9

322/B12	Greenvale Residents Association	CF.9
578/B52	Norton Radstock Town Council	CF.9
730/B18	Timsbury Parish Council	CF.9
2430/B1	St Nicholas Bathampton with St Mary the Virgin Claverton	CF.9

Issue

- i) Should the plan allocate additional land for new cemeteries or extensions to existing cemeteries?

Inspector's Reasoning

3.52 The Council has assessed the need for new cemeteries and the allocations in Policy CF.9 are intended to meet that need. In particular, the allocation at Haycombe cemetery is intended to meet the needs of Norton-Radstock and Timsbury. I find no reason to make further allocations to serve those communities.

3.53 An objector highlights that the available space in the cemetery at St. Mary's Church, Claverton is likely to be used up in the plan period and seeks the allocation of adjoining land. The Council comments that it would be premature to do so until the church has contacted the Home Office, when the cemetery is full. I do not understand this comment, since whatever separate procedures exist for the operation of churchyards, the local plan is the appropriate means of allocating land for new uses where there is a need. I do not have the evidence to come to any firm view on this objection and, in any case, the scale of any necessary extension to the churchyard may be too small to justify an allocation in the plan. But the Council should consider more carefully any need for an extension and whether an allocation should be made.

Recommendation:

R3.16 The Council to consider whether there is likely to be a need for additional burial space at St. Mary's Church, Claverton and whether an allocation to meet this need is required.

Chapter B4 - General and Paragraph B4.1

88/B30 William & Pauline Houghton
110/B10 Sport England South West

B4
B4.1

Issues

- i) Should the plan reflect the need for a skateboard park?
- ii) Whether the importance of sport should be given greater recognition.

Inspector's Reasoning

- 3.54 Before dealing with the specific issues identified under this heading, I would draw the Council's attention to the unnecessary level of narrative included in this Chapter. The text should support the policies of the plan, there is no need for much of the background detail here. I therefore recommend some deletions to the first part of the Chapter to reduce the length of text. But the chapter would benefit from substantial editing. With the insertion of the additional paragraphs concerning the playing pitch assessment there is now considerable overlap with B4.15- B4.26. The length of text confuses rather than helps the reader to understand why the plan contains the allocations and policies that it does.
- 3.55 For reasons given earlier in this report, I recommend the deletion of QG8 in this first part of the chapter (as well as the others). QG8 refers to a 1999 strategy with a 5 year horizon. Reference to it is now clearly out of date.

Issue i)

- 3.56 There is no specific proposal for a skateboard park to which reference should be made in the plan. Any future proposal would be considered against Policy SR.4. It would not be appropriate to include a reference to one particular facility in preference to any other.

Issue ii)

- 3.57 The dedication of a whole section of the Plan to the issue of Sport and Recreation as well the protection afforded to sport and recreational facilities by the SR policies provides sufficient recognition of the importance of sport.

Recommendation:

R3.17 Modify the plan by deleting paragraphs B4.1, B4.2, B4.4, B4.6, B4.8 and QG 8.

Chapter B4 – Policy SR.1A, Paragraphs B4.9/A-B4.13/A and Diagram 6A

There are large numbers of representations to this policy; details are listed at Appendix 1.

Issues

- i) Whether the plan contains sufficient justification for Policies SR.1A and SR.1B.
- ii) Whether Policy SR.1A is too restrictive or too weak.
- iii) Whether one policy should cover all forms of open space.
- iv) Whether the SR.1 notation on the Proposals Map has been applied consistently.
- v) Site specific issues.

Inspector's Reasoning

Issue i)

- 3.58 The summary results of the Council's Playing Pitch Assessment are set out in Diagram 6A. The assessment can usefully inform decisions on proposals resulting in the loss of a playing pitch, but it does not provide a complete picture of the needs of the community for all the types of open space and sport and recreation facilities covered by PPG17 (and defined in its Annex). Sport England (paragraph 4.14 of Towards a Level Playing Field) advises against considering the need for playing pitches in isolation from other forms of open space.

- 3.59 The Council indicates that it is currently undertaking a comprehensive assessment of all types of open space throughout the District as part of a Green Space Strategy and that the Playing Pitch Assessment will form an integral part of this Strategy. It is this comprehensive assessment and not just the Playing Pitch Assessment that is needed to properly assess criterion (i) of Policy SR.1A and SR.1B. The information contained in paragraphs B4.12, B4.12A and B and Diagram 6A is thus an incomplete basis for the subsequent policies. Although paragraph B4.12 refers to studies of other outdoor sports, neither this paragraph nor paragraph B4.13A refers to the overall Green Space Strategy and the proposed assessment of all types of open space.
- 3.60 I do not know what progress has been made on the Green Space Strategy. The conclusions of the full assessment should inform the policy approach. Although it would provide crucial justification for the policy it does not need to be set out in full in the plan, but could form part of an SPD. In the absence of this evidence base, it would be necessary for an independent assessment to be made on a case-by-case basis of whether any particular recreational site is surplus to requirements (PPG17, paragraph 10). It is not necessary for the plan to include details of which school playing fields are available for community use, but this information should be identifiable in the playing pitch assessment. Policy SR.1A has been applied to school playing fields on the Proposals Map.

Issue ii)

- 3.61 PPG17 (paragraph 10) states that an area of open space should not be built on unless an assessment has been undertaken which has clearly shown the open space to be surplus to requirements. The Council indicate they would not be seeking to retain recreational uses in all circumstances, but the wording of the last sentence of paragraph B4.13 is misleading. It gives the impression that even in circumstances where recreational land is surplus to requirements or where alternative facilities are to be provided, the Council would still consider the use of the site for other recreational purposes. I recommend the last sentence of B4.13 be deleted. The RDDLP deleted the suggestion that *special* circumstances would be required if recreational land was to be developed. There are a variety of circumstances where this might be acceptable and reference to *special* was misleading.
- 3.62 Following the advice in PPG17, I consider that there are broadly 4 main circumstances in which development resulting in the loss of recreational land is acceptable. These are: where a rigorous assessment has demonstrated that the land is no longer needed; where the land has no recreational value; where equivalent replacement provision is made elsewhere; and where a new recreational facility is provided outweighing the value of the facility to be lost. There is no justification for a policy to oppose the loss of recreational land in all circumstances. Policy SR.1A generally follows the above approach, but some changes are needed.

- 3.63 PPG17 requires replacement facilities to be "at least as accessible" to current and potential new users (paragraph 13). The effect of criterion (iii) might be to require replacement land that was more accessible than that to be lost. This would be unreasonable. The suggestion by one objector that replacement facilities should be within walking distance of the land to be lost is too prescriptive and could have the effect of precluding the provision of a facility which could be more widely accessible, simply because it is not within walking distance of the one it is replacing.
- 3.64 The policy should have regard to future needs as well as existing demand for recreational facilities. PPG17 requires local authorities to forecast the *future needs* (my emphasis) of their communities for open space, sports and recreational facilities. But the phrase "prospect of demand" in criterion i) is rather vague. It is the evidence of a future need for the space which should be taken into account and I recommend a change to the wording.
- 3.65 I recognise that there is a separate statutory procedure for the disposal of school playing fields (under Section 77 of the School Standards and Framework Act 1998). This procedure affords protection against indiscriminate disposal of a school playing field. However, consent for sale of the land under S.77 does not replace the need for planning permission and the assessment of any applications in accordance with development plan and other material considerations. I see no justification for the policy making an exception where consent has been granted for the disposal of school playing fields. The Secretary of State has given consent for the sale of part of the playing fields of Beechen Cliff School.
- 3.66 The intention behind criterion (iv) is to enable proposals for indoor or outdoor facilities to be considered for development on sites which are used for recreational purposes. This could allow for the development of a facility such as a swimming pool on the site of a football pitch. A replacement pitch would not be required under this criterion. Under criterion (iii) a replacement pitch might be proposed in the Green Belt as one objector fears, but Green Belt policies and the tests in PPG2 would still have to be met. The suitability in all respects of the proposed replacement site would be part of the assessment of the overall proposal.
- 3.67 To justify criterion iv) the Council refers to paragraph 15(iv) of PPG17 which requires an outdoor or indoor sports facility to be of "sufficient benefit to the development of sport to outweigh the loss of the playing field". Whilst criterion (iv) in the policy comes close to this, I consider the reference to "at least equal community benefit" could be more widely construed because it does not focus on the benefit to sport. I therefore recommend some rewording to align the criterion more closely to PPG17.
- 3.68 Subject to the rewording in my recommendation I consider that Policy SR.1A is neither too strict nor too weak.

Issue iii)

- 3.69 Objections to the DDLP highlighted the exclusion of informal open space and children's play space from Policy SR.1A. The RDDLP contains a separate policy on these matters – SR.1B. Its 2 criteria mirror 2 of the criteria in SR1.A. I see no reason why the policy for informal open space and children's playing space should not be the same as any other type of recreational open space. The terms "formal" and "informal" are not used in PPG17, by Sport England or the National Playing Fields Association, and I see no good reason for introducing them into this chapter of the plan. I consider that the main objective of both of the policies, which is to protect playing fields and recreational open space, could be achieved through the implementation of one policy that combines Policies SR.1A and SR.1B. I recommend accordingly.

Issue iv)

- 3.70 The Council acknowledge inconsistencies in the application of the SR.1 notation on the PM and has sought to amend it in accordance with the Sport England definition of playing fields. I agree that ancillary facilities such as pavilions, changing rooms and associated car parking can be covered by the notation and the policy. However, not all recreational open spaces which would be covered by Policy SR.1A are included on the Proposals Map. This could be misleading since sites without the SR.1A notation are not afforded any less protection under Policy SR.1A than recreational land with the notation. It may not be feasible to identify every area of recreational open space on the Proposals Map. Therefore either the notation should be deleted entirely, or the sites which have been identified should be given a different notation such as "Sites used as playing fields subject to Policy SR.1A". I leave this as a matter for the Council to decide.
- 3.71 The Council have deleted the SR.1 notation at Bath Recreation Ground to accord with the National Playing Fields Association definition (The Six Acre Standard, paragraph 3.18). I see no reason to take a different view.
- 3.72 The policy (as recommended to be modified) would apply to playing pitches and other open space whether or not it was subject to the SR.1A notation on the Proposals Map. Accordingly, I have not considered those site specific objections which seek the extension of the SR.1A notation to other sites.

Issue v)

- 3.73 A number of objectors refer to specific sites or proposals in the plan as part of their objections to Policy SR1.A. I deal with the allocations of land at Somerdale and Newbridge and the deleted allocation at Keynsham in Sections 5 and 7 of my report. Where allocations were, or are, made affecting existing playing fields the policy requirements for each allocation include replacement provision. I refer to Beechen Cliff playing fields in Sections 5 and 8 of my report. In my view, the plan should not anticipate

the sale and possible redevelopment of the Bath City Football Ground. The redevelopment of St Martin's Hospital is at an advanced stage. Planning permission has been approved subject to a S106 agreement requiring, among other matters, a replacement cricket pitch. PIC/B/28 removes the SR1.A designation from the site. I need not comment further.

- 3.74 Norton-Radstock is an area where the Council has found a high overall deficiency in the supply of sports pitches and therefore the land at Withies Lane should continue to be protected as playing fields. The Council's Green Space Strategy would provide the evidence to weigh the competing needs of any alternative recreational use, such as for allotments. I am not minded to specifically remove the SR1.A designation from this site.

Recommendations:

R3.18 Modify the plan by deleting paragraphs B4.12, B4.12A and B4.12B and Diagram 6A and inserting a summary of the conclusions of the Green Space Strategy.

R3.19 Modify paragraph B4.13 by deleting "formal" and "land" from the first sentence, inserting "open space" after "recreational" in the second line and by deleting the last sentence.

R3.20 Modify Policy SR.1A by:

deleting "formal" and "land" and inserting "open space" after "recreational";

deleting "prospect of demand" and inserting "evidence of future need";

deleting "community" in criterion iv) and inserting after "benefit" "to the development of sport".

R3.21 Council to reconsider the SR.1A designation on the Proposals Map: either the notation should be deleted entirely, or the sites which have been identified should be given a different notation such as "Sites used as playing fields subject to Policy SR.1A".

Chapter B4 - Policy SR.1B and Paragraph B4.13A

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Whether the policy should address the loss of a facility to a particular community.

- ii) Whether the policy should be supported by evidence and allow development when land is shown to be surplus to requirements.
- iii) Should developers be required to demonstrate that there is no longer a demand or prospect of demand *and/or* that a deficiency would not be created?

Inspector's Reasoning

3.75 My recommended modifications to SR.1A would provide the necessary protection for all recreational open space, whether "formal" or "informal". I see no value in duplicating this protection through Policy SR.1B and recommend its deletion. I have assessed the reasonableness of Policy SR.1A above and in view of my recommendation to delete SR.1B, I do not address the particular issues raised in relation to this policy.

Recommendations:

R3.22 Modify the plan by deleting the heading "Protection of Land Used for Informal Recreation and Play" and move paragraph B4.13A to before new policy SR.1A.

R3.23 Modify the plan by deleting Policy SR.1B.

Chapter B4 - Policy SR.2 and Paragraphs B4.15 - B4.38

110/B4	Sport England South West	B4.15
564/B36	London Road Area Residents Association	B4.16
1427/B46	Environment Agency	B4.18
3257/C80	Somer Valley Friends of the Earth	B4.18/B
578/B53	Norton Radstock Town Council	B4.19
578/C95	Norton Radstock Town Council	B4.19/A
3219/C35	The Hon Andrew Jolliffe	B4.19/A
3219/C34	The Hon Andrew Jolliffe	B4.21/A
564/B34	London Road Area Residents Association	B4.27
878/B10	The Bath Society	B4.27
689/B19	British Horse Society	B4.28
564/B33	London Road Area Residents Association	B4.29
878/B11	The Bath Society	B4.29
2997/B5	London Road & Snowhill Partnership	B4.29
578/B78	Norton Radstock Town Council	B4.31
88/B31	William & Pauline Houghton	SR.2
110/B18	Sport England South West	SR.2
566/B11	Clutton Parish Council	SR.2
578/B54	Norton Radstock Town Council	SR.2
578/B79	Norton Radstock Town Council	SR.2
589/B3	Bath City Football Club	SR.2
697/B4	Twerton Park Properties Ltd	SR.2
2031/B2	Mr J Toplis	SR.2
2031/B3	Mr J Toplis	SR.2
2448/B4	Mr J Sewart	SR.2
2997/B9	London Road & Snowhill Partnership	SR.2
3099/B17	Barratt Bristol Limited(Mr A T P Jolliffe)	SR.2
3218/B4	Portland (Radstock) Ltd	SR.2
3257/B5	Somer Valley Friends of the Earth	SR.2

3219/C31	The Hon Andrew Jolliffe	SR.2/A
3257/C81	Somer Valley Friends of the Earth	SR.2/A

Supporting Statements

1427/C152	Environment Agency	B4.18/A
1427/C194	Environment Agency	B4.18/A
3257/C79	Somer Valley Friends of the Earth	B4.18/A
3116/C104	Bath & North East Somerset Allotment Association	SR.2/C
447/B34	Wilcon Homes	B4.38

Issues

- i) Whether paragraphs B4.15 - B4.38 are supported by an audit of sports facilities.
- ii) Whether the description of existing provision should be amplified or needs correcting.
- iii) Whether clarification is required as to how the allocations in Policy SR.2 will be delivered.
- iv) Whether additional sites should be allocated for recreational use or the needs of other recreational activities highlighted.

Inspector's Reasoning

- 3.76 Whilst no objection is registered to QG9, I recommend its deletion for the reasons given earlier in this report. Since the information in the QG is publicly available (and applied in more detail in the Schedule to Policy SR.3), I consider it unnecessary to include it within the text of the plan.
- 3.77 The text in paragraphs B4.15 - B4.38 should be edited to highlight identified needs and allocations and to avoid description of existing provision. I recommend some deletions to assist this process.
- 3.78 A number of changes were made to the RDDLP to meet objections to the DDLP including: reference to no built development in the flood plain at Keynsham (B4.18); the deletion of references to Charlton Park (since the allocation was deleted); and reference to the provision of essential ancillary facilities at the allocation at Manor Road, Writhlington. I consider that the last addition is clear and necessary and does not need to be qualified, such as in relation to possible floodlighting.
- 3.79 Promoting the maintenance of the margins of recreational land for the benefit of wildlife is too detailed a matter for a local plan and is primarily a concern with land management rather than land use. This needs to be pursued with the owners/managers of each site.
- 3.80 I see no good reason why the recreational allocation at Somerdale (SR.2 3) should be deleted and incorporated as part of the allocation of land for development nearby (GDS/K1) since these are separate proposals.

Issue i)

- 3.81 Clearly the Council's Playing Pitch Assessment provides information on the extent to which playing pitches are publicly available and the results of the study are reflected in this section of the RDDLP, where additional needs are identified. But as I have highlighted in relation to Policy SR.1A, this assessment is only a part of the comprehensive assessment required of all types of open space. This part of the plan should be reconsidered when the Council's Green Space Strategy is available. That assessment may justify further allocations for new recreational space.

Issue ii)

- 3.82 The plan should avoid descriptive detail. This section of the plan should be reduced not expanded. I make no recommendations for additional descriptive text. The Council will need to ensure that whatever text remains is up to date and accurate. It is likely to need updating in the light of the conclusions of the Green Space Strategy.

Issue iii)

- 3.83 The Council indicates that there is no capital programme for the Town Park at Norton Radstock and the site for outdoor sports pitches at Manor Farm, Writhlington has been allocated for some years without any progress. These examples illustrate that there is uncertainty about the delivery of at least some of the allocations made in Policy SR.2. However, given the identified deficiencies in the area, I consider that these uncertainties do not undermine these allocations to such an extent that they should be deleted. Nor do these difficulties persuade me of the merits of making additional residential allocations in Norton-Radstock to bring forward the recreational allocations. Policies SR.3 and SR.6 (which I recommend be combined) would provide a mechanism for developers to contribute to recreational open space where provision is inadequate for future residents. In my view, there is nothing useful to be added about delivery of these allocations. I deal with the merits of alternative (omission) housing sites in Section 8 of my report.

Issue iii)

- 3.84 A number of objectors highlight what they regard as local deficiencies in open space provision. Some suggest specific alternative sites, but others do not. In the absence of a full open space assessment (the proposed Green Space Strategy) there is little evidence available to me to form a view on the need to allocate additional land in the areas identified by the objectors. It would also be difficult to know whether the objectors' suggestions were the best sites to meet any needs and whether any such proposals had any prospect of success, especially given the uncertainties relating to the allocations already made in Policy SR.2. There is therefore no purpose in me reviewing these individual objections, but I recommend that the Council review the need for further recreational provision and the identification of sites in the light of the Green Space Strategy.

- 3.85 An objection seeks the allocation of land at Newbridge for a sports stadium as a replacement for Teverton Park Football Ground. The detailed representations are set in the context of the allocation made in the RDDLP for a Park and Ride and other development here (GDS/B1A). I consider objections to that allocation in Section 7 where I conclude that there is insufficient justification for excluding this site from the Green Belt and allocating it for Park and Ride. I am not convinced that there needs to be a football stadium at Newbridge and there is no justification for excluding land from the Green Belt here primarily for the erection of a football stadium. A stadium is likely to have a considerable impact on the openness of the Green Belt and an allocation for such a use of land on a Green Belt site would undermine that designation. I therefore do not intend to recommend any modification to Policy SR.2 to meet this objection.
- 3.86 A need for more facilities for indoor bowls has been highlighted, but I have no evidence that a specific site should be allocated for such activities. I recognise that recreational riding is an important leisure pursuit, but I see no reason why it needs to be mentioned here unless there is some specific proposal relating to the development of land. None has been suggested.

Recommendations:

R3.24 Modify the plan by deleting Quick Guide 9.

R3.25 Modify paragraphs B4.15 - B4.38 by:

deleting paragraphs B4.15, B4.23, B4.24, B4.26, B4.29, B4.33 and B4.34 and editing the remaining text in the light of the conclusions of the Green Space Strategy;

deleting the first sentence of paragraph B4.30; and start the next sentence "In Keynsham";

deleting the first sentence of paragraph B4.31 and move the second sentence to end of paragraph B4.32.

Chapter B4 - Policies SR.3 and SR.6 and Paragraphs B4.42 and B4.43

3264/B10	Landscape Estates Ltd	B4.42
2965/B6	Morley Fund Management Limited	B4.43
3098/B19	George Wimpey Strategic Land	SR.3
3257/B6	Somer Valley Friends of the Earth	SR.3
3261/B12	Bath & North East Somerset Primary Care Trust	SR.3
578/C103	Norton Radstock Town Council	SR.3/A
601/C22	House Builders Federation	SR.3/A
3299/C79	Bovis Homes (South West Region) Limited	SR.3/A
578/C104	Norton Radstock Town Council	SR.3/B
578/C105	Norton Radstock Town Council	SR.3/C
3261/C15	Bath & North East Somerset Primary Care Trust	SR.3/D
120/B85	Ms Helen Woodley	SR.6

578/B55	Norton Radstock Town Council	SR.6
3098/B20	George Wimpey Strategic Land	SR.6
3261/B4	Bath & North East Somerset Primary Care Trust	SR.6
578/C96	Norton Radstock Town Council	SR.6/A
601/C21	House Builders Federation	SR.6/A
3295/C12	G L Hearn Planning	SR.6/A
3299/C80	Bovis Homes (South West Region) Limited	SR.6/A
578/C97	Norton Radstock Town Council	SR.6/B
3295/C13	G L Hearn Planning	SR.6/B

Supporting Statements

120/B95	Ms Helen Woodley	SR.3
3257/C82	Somer Valley Friends of the Earth	SR.3/A
110/B17	Sport England South West	SR.6
110/C23	Sport England South West	SR.6/A
3257/C85	Somer Valley Friends of the Earth	SR.6/A

Issues

- i) Whether the requirements for the provision of, or contribution towards, recreational facilities accords with Government policy.
- ii) Whether contributions should include provision of allotments and for wildlife around the margins of open space.
- iii) Whether the standards and occupancy rates in the Schedules to the policies are appropriate.
- iv) Whether separate policies are necessary.

Inspector's Reasoning

Issue i)

3.87 PPG17 (paragraphs 23 & 24) states that provision should be made for new open space and local sports and recreation facilities where planning permission is granted for new developments, especially housing. Policies SR.3 and SR.6 are in accord with the advice in PPG17 in seeking to achieve this. Where developer contributions are sought these will be secured through the use of planning obligations. Clearly any use of planning obligations is subject to policy and legal constraints. Policy IMP.1, as I recommend it to be modified, would accord with national advice. That policy sets out the circumstances where a planning obligation may be sought and the provision of recreational facilities would fall within the criteria.

3.88 In my view, it is not necessary for the tests set out in national policy to be repeated in this section of the plan, but clearly they would limit the level and type of requirement for open space or recreational facilities that could reasonably be sought. The modifications I recommend to Policy IMP.1 make it consistent with these tests. Both policies begin with "Where ...development generates *a need*" (my emphasis); thus making clear that it is the needs of the prospective development and not any existing needs

that is being addressed. I therefore consider there is no need to modify the general approach set out.

- 3.89 There is concern among objectors that there is no threshold below which the policies cease to apply. Policy SR.3 applies to all new residential development; Policy SR.6 applies to all new development. The National Playing Fields Association (NPFA) minimum standard on which both policies are based is designed to apply to sites of 0.4 ha or 15 units or more, but the NPFA guidance recognises that developers of smaller developments, such as infill plots, can still make a contribution (The Six Acre Standard, 2001, paragraph 5.4). Policies SR.3 and SR.6 accord with this advice.
- 3.90 In principle, I consider that the policy should enable provision to be sought for the cumulative effect of a number of small scale developments, even though each site would not generate sufficient need to provide even a small recreational facility. I do not underestimate the procedural and practical difficulties in fairly and reasonably seeking contributions from small scale developments. Clear and detailed arrangements would need to be set out, such as in an SPD, to justify any contribution sought and demonstrate how that would be spent to meet the needs of the development. But these difficulties do not persuade me that the overall policy approach in the plan should be modified. The Council intend to produce such guidance. If this will soon be available to support the implementation of these policies it should be highlighted in the text.
- 3.91 I therefore consider that the plan should not identify any particular scale or type of development which is exempt from the policies. It is not necessary for the plan to define in detail the way the off-site contributions for indoor or other sports facilities should be calculated or used. The overall level of provision is identified in the policies and Schedule 3. Policy IMP.1 and national advice provide adequate safeguards to ensure that any contribution is based on the particular circumstances of the proposal and is a fair and reasonable requirement. Contributions could be made for new or the improvement of existing facilities. The timing of the provision would depend very much on the circumstances of each case.

Issue ii)

- 3.92 Policy SR.6 refers to provision for recreational purposes, and while this term is widely understood, I agree with the objector that there would be some benefit in defining what the Council intend the term to include. The Council indicate that it is not appropriate to refer to allotments under a recreation policy, yet PPG17 includes allotments within its definition of open space and advises local authorities to use opportunities afforded by new development to improve open space provision. It seems to me that by limiting Policy SR.3 to children's playing space and referring specifically only to outdoor and indoor sport in Policy SR.6, the Council is taking too restricted an approach to the many different forms of recreational provision. Although Policy CF.8 relates to allotments, it does not enable provision to be sought for new sites. In my view, this section of the plan

should ensure that the need arising from new development for all forms of recreational facilities and open space are met.

- 3.93 Buffer zones around recreational open space are primarily required to protect the amenity of adjoining residents. I recognise that the margins of recreational space can be of benefit to wildlife. Policy NE.12 encourages the provision of new habitats and the retention of existing landscape features. I see no justification for repeating elements of that policy in this section of the plan. The wildlife value of open space margins is essentially a function of the management of the land and needs to be pursued outside of the local plan process.

Issue iii)

- 3.94 The Council's Playing Pitch Assessment provides the basis for the standards set out in Policy SR.6. Whilst this requirement differs from the national standard put forward by the NPFA, PPG17 advises local authorities to set their own local standards based on assessments of need and audits of existing facilities. I am satisfied that this exercise has been carried out to support the figure for playing pitches given in the Local Plan. Further work is required in order to assess the requirement for other forms of recreational open space provision.
- 3.95 The NPFA advises that its standards should be based on a national average occupancy rate of 2.36 people per dwelling, or a local rate specified in an adopted development plan. The RDDLP reduces occupancy rates from those set out in the DDLP. The Council has based occupancy rates on the 2000 Housing Needs Survey and has rounded the figures up. I note that this approach was accepted by the Inspector in relation to the Wansdyke Local Plan. Whilst this approach results in slightly higher occupancy rates than might actually occur, I consider that it is preferable to ensure that slightly more rather than slightly less open space is provided and, in practice, I consider that the approach would not result in unreasonable demands being made of developers.

Issue iv)

- 3.96 The policies of the plan and the supporting text should be succinct and clear with supporting detail on the application of the policy set out in SPD.
- 3.97 It is clear from the objections and the issues raised that there is significant overlap between Policies SR.3 and SR.6. I fail to see the value of having two policies to achieve one objective, namely, securing provision/contributions from a developer for recreational facilities and open space to meet the needs of that development. I therefore recommend that Policies SR.3 and SR.6 are combined and have set out modified wording below.
- 3.98 For the reasons set out earlier in my report, QG10 should be deleted, together with any reference to it in the text. The contents of the QG would be most appropriately included in SPD.

Recommendations:

R3.26 Modify the plan by deleting Quick Guide 10.

R3.27 Replace the heading "Children's Playing Space and New Residential Development" with the heading "Provision of recreational facilities to meet the needs of new development" and move paragraphs B4.51 to B4.53 to immediately after paragraph B4.45.

R3.28 Modify by editing and updating paragraphs B4.42 – B4.45 and B4.51 to B4.53 to reflect the provision of a single policy; to take account of the conclusions of the Council's Green Space Strategy, to define all the types of recreational open space encompassed by the policy (to include allotments), to refer to further detail in forthcoming SPD (*if it remains the Council's intention to produce such a document soon after the adoption of the plan*) and consider what explanatory detail (such as buffer zones) should be incorporated in the SPD.

R3.29 Delete Policies SR.3 and SR.6 and replace with the following new Policy:

"Where new development generates a need for recreational open space and facilities which cannot be met by existing provision, the developer will be required to either provide for, or to contribute financially to, the provision of recreational open space and/or facilities to meet the need arising from the new development.

Where the need is for children's play space, provision should be made on the basis of 0.8ha per 1,000 population in accordance with the standards set out in the accompanying schedule.

Where the need is for outdoor and indoor sport facilities, provision should be made on the basis of 1.6-1.8ha for outdoor sports (of which 1.24ha is for pitch sports) and 0.77ha for indoor sports, per 1000 population, as set out in the accompanying schedule.

The requirement for any other form of recreational open space or facilities will be assessed on a case by case basis (*or based on the evidence/ conclusions of the Green Space Strategy*).

Where the development site is too small to justify or accommodate the provision of a facility, contributions will be sought either:

- i) towards providing and securing new, conveniently located and safely accessible off-site provision; or
- ii) where the need is of a qualitative nature, towards the enhancement of existing facilities."

Chapter B4 - Policy SR.4 and Paragraph B4.47

110/B11	Sport England South West	B4.47
1427/B47	Environment Agency	SR.4
3257/B4	Somer Valley Friends of the Earth	SR.4

Supporting Statement

S120/B107	Ms Helen Woodley	SR.4
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Issues

- i) Whether the plan should have a policy on shared use facilities.
- ii) Is the deletion of criterion (ii) (accessibility) justified and are other criteria needed?

Inspector's Reasoning

Issue i)

3.99 I recognise that the dual use of school recreational facilities can provide an important community resource. The Council's support for dual use is referred to in paragraph B4.47 of the plan. The plan can have little influence on the use of existing facilities. In my view, it is not necessary for the plan to have a separate policy to encourage dual use. Whether dual use should be a requirement of any particular new school would depend on the circumstances of the case.

Issue ii)

3.100 Criterion ii) was deleted in the RDDLP because the Council considers that it duplicates other policies in the plan regarding accessibility. I accept that there is some duplication but this is also the case in respect of criteria iii) and iv). Either the policy should be deleted entirely or it should be comprehensive in highlighting the considerations which are of most importance. On balance, I consider that there is value in having one policy which sets out the criteria by which the location of new recreational facilities (in or adjoining settlements) will be judged. Therefore criterion ii) deleted in the DDLP should be reinstated. Consistent with the view I have expressed on other policies, Policy SR.4 does not need to repeat policies to protect the natural environment.

Recommendation:

R3.30 Modify Policy SR.4 by reinstating criterion ii) from the DDLP.

Chapter B4 - Policy SR.5

246/B11	SUSTRANS	SR.5
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Supporting Statements

120/B108	Ms Helen Woodley	SR.5
334/B11	Ms P Davis	SR.5
1427/B48	Environment Agency	SR.5
3257/C84	Somer Valley Friends of the Earth	SR.5/A
1427/C195	Environment Agency	SR.5/B

Issue

- i) Whether there should be a presumption in favour of locating facilities close to the attractions they are intended to serve.

Inspector's Reasoning

3.101 The change to the policy in the RDDLP meets this objection.

Recommendation: no change

Chapter B4 - Policy SR.7 and Paragraph B4.56

3126/E76	Bath Friends of the Earth	FPIC/B/01 (B4.56A)
3667/E2	Mr R Houghton	FPIC/B/01 (B4.56 B4.56A)
3670/E2	Action for Pensioners	FPIC/B/01 (B4.56A)
578/B56	Norton Radstock Town Council	SR.7
686/B83	Bath Preservation Trust	SR.7
686/B84	Bath Preservation Trust	SR.7
721/B22	Government Office for the South West	SR.7
2965/B7	Morley Fund Management Limited	SR.7
578/C98	Norton Radstock Town Council	SR.7/A
721/C50	Government Office for the South West	SR.7/A

Comments on Suggested Unadvertised Inquiry Change IC14

3126/G171-s	Bath Friends of the Earth	IC14 (B4.56A)
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Issues

- i) Whether the policy is too strict or too weak and consistent with national advice.
- ii) Whether the supporting text should be clarified.

Inspector's Reasoning

3.102 PPG6 referred to in paragraph B4.56 of the plan has been replaced by PPS6. This includes "leisure, entertainment facilities and the more intensive sport and recreation uses", as one of the main town centre uses to be located within town centres wherever possible. Where suitable sites are not available and a need is demonstrated, PPS6 requires a sequential approach to site selection. Policy SR.7 adopts a sequential approach indicating that the preferred locations for such uses are the main town centres. The wording in the RDDLP has overcome the anomalies in the

DDLDP and rightly refers to the town centres of Keynsham, Midsomer Norton and Radstock, as well as Bath's central shopping area.

- 3.103 The proper application of the policy would not encourage development out of centre (let alone outside the built up area), but provides some flexibility for development to be accommodated where there is a demonstrable need. The requirement for proposals out of centre to be well served by public transport and not prejudice the vitality and viability of those centres is consistent with the Government policy.
- 3.104 The 2004 City and Town Centre Study looked at the potential for such uses within Bath and concluded that there was "scope" for the range of commercial leisure uses to be improved. The Study did not consider whether there was a need for such uses. In response to the objection to the phrase "to meet this scope" in paragraph B4.56A, the Council proposes its deletion in IC14. I agree with this change which improves the flow of the text.
- 3.105 In the absence of a study of need there is little scope for the plan to provide more guidance on the level of provision or to allocate specific sites, including any for indoor bowls. In these circumstances, I consider that the approach taken by the Council to adopt a criteria based policy, is reasonable.
- 3.106 The transport issues arising from any commercial leisure proposal would need to be addressed in the context of the transport policies of the plan. They do not need to be repeated here. The promotion of town centres as the preferred location for such development ensures the maximum potential for travel by public transport and multi-purpose car journeys.
- 3.107 I therefore consider that the policy as set out in the consolidated version of the plan is clear and soundly based, and that there is no need for modification in response to the objections.

Recommendation:

R3.31 Modify paragraph B4.56A by deleting "to meet this scope" in accordance with Inquiry Change 14;

Chapter B4 - Policy SR.8 and Paragraph B4.57

2314/B1	Cllr A Melling	B4.57
3260/B1	Bath Rugby plc	B4.57
3260/D10	Bath Rugby plc	PIC/B/31b (B4.57)
3260/C8	Bath Rugby plc	B4.57/A
3394/C7	Cllr A Furse	B4.57/A
42/B6	CPRE	SR.8
88/B33	William & Pauline Houghton	SR.8
334/B10	Ms P Davis	SR.8
564/B11	London Road Area Residents Association	SR.8
686/B85	Bath Preservation Trust	SR.8
721/B23	Government Office for the South West - not in summary	SR.8

878/B12	The Bath Society	SR.8
1830/B10	Highways Agency	SR.8
2306/B6	Mr T W Evans	SR.8
3260/B6	Bath Rugby plc	SR.8
3260/C7	Bath Rugby plc	SR.8/A

Supporting Statements

120/D321	Mrs H Woodley	PIC/B/31b (B4.57)
686/D184	Bath Preservation Trust	PIC/B/31b (B4.57)

Issues

- i) Whether the text accurately reflects the current circumstances of Bath Rugby Club and Bath Football Club and their grounds.
- ii) Whether Policy SR.8 is too prescriptive or too vague.

Inspector's Reasoning

Issue i)

3.108 As the Council explain, paragraph B4.57 is intended to be descriptive, setting out the background circumstances of the 2 professional clubs in Bath. There have been several increases in the capacity of the Rugby Ground over the past few years as a result of temporary planning permission or safety reviews. The plan should seek to be accurate, but only the broad picture needs to be set out. I do not know what the capacity of either ground currently is, or is likely to be when the plan is adopted. If this paragraph remains in the plan it should be updated.

3.109 It is reasonable to flag the possibility of the clubs sharing a ground, but this does not seem to be an option being pursued by the clubs at present. I do not know how practical such an arrangement might be and any policy should not assume that this could occur. This paragraph is not intended to indicate where any new stadium might be located. The plan contains no proposal for such a development and the text should not speculate.

Issues ii)

3.110 The Council indicate that the inclusion of this policy in the plan follows Policy 44 of the JRSP which identifies a need for all-seater stadia within the structure plan area. The Council has decided that there should be only one such new stadium in B&NES, that the maximum capacity should be 15,000 and that it should be all-seater.

3.111 In my view, Policy SR.8 is unusual in that it is essentially a permissive policy for a very specific and substantial development, but which is unrelated to any site specific allocation or of the particular needs and aspirations of the only 2 organisations in the City that might want to develop or use such a facility. Given the constraints applying to Bath and its surroundings, I find it hard to envisage a site where all the criteria can

be fully met, yet the permissive nature of the policy implies that a stadium should be allowed.

3.112 A number of the criteria seem arbitrary. The Council explains that it has decided that the maximum capacity should be 15,000 in view of environmental constraints. I recognise that environmental impact is likely to be greater the larger the scheme, but without consideration of a particular proposal and location it is arbitrary to set 15,000 as the limit. But the criterion is worded such that 15,000 is a *requirement* not just a maximum. This is equally undesirable as it may be that such a stadium cannot be satisfactory accommodated, a concern of several objectors.

3.113 Criterion ii) requires the majority of sports facilities and all leisure facilities within the development to be available for community use. I accept that this is desirable, but it is unreasonable as a requirement unless necessary to offset some particular harm to recreation. Criteria iii), iv) and v) overlap with other policies in the plan. In my view, criterion iv) should not anticipate retail uses as part of the development (other than purely ancillary) since such uses should be directed towards the town centre.

3.114 As a result of the above concerns, I consider that the policy is significantly flawed. The existing policies in the plan would enable any proposal for a new stadium, whether at an existing club ground or elsewhere to be properly evaluated, taking into account the needs of those who intend to use it. Policy SR.8 is not essential to any such evaluation. I consider that it would be preferable for the policy to be deleted. I cannot envisage that this change would result in the Local Plan being out of conformity with the structure plan since Policy SR.8 does very little to meaningfully advance Policy 44 of the JRSP.

Recommendation:

R3.32 Modify the plan by deleting the heading Major Sports Stadium, paragraphs B4.57-B4.59 and Policy SR.8.

Chapter B4 - Policy SR.9 and Paragraphs B4.61-B4.65

There are large numbers of representations to this policy; details are listed at Appendix 1

Issues

- i) Whether the Proposals Map accurately shows the routes of National Cycle routes and other named recreational routes.
- ii) Whether additional routes should be added to the list in Policy SR.9 or the Proposals Map.
- iii) Whether planned or desirable improvements to recreational routes should be highlighted.

- iv) Whether the proposed Riverside Walk, Bath would be harmful to the amenity of residents and the character of the river.
- v) Should more be done to promote access in the Chew Valley?

Inspector's Reasoning

Issues i)-ii)

3.115 There is no disagreement among objectors as to the objective behind Policy SR.9 which is to safeguard the recreational and amenity value of existing recreational rights of way and I agree that such a policy is appropriate within a Local Plan. But it is not necessary for the plan to list or show on the Proposals Map these routes. Most of the named routes listed in Policy SR.9 and the national cycle routes follow existing public rights of way or other public highways. Public rights of way are identified and their routes protected under other legislation. The local plan should focus on protecting the recreational and amenity value of all these rights of way, including any harm which might arise from development adjoining the route. Whether or not a particular right of way is part of a named route for walking, cycling or riding is secondary, but would be an indication of the importance or popularity of that route for public recreation when assessing the impact of any proposed development. It is not the purpose of a local plan or its Proposals Map to provide information on recreational routes for users, since this should be available in other documents more useful to the walker, rider or cyclist.

3.116 I recognise that short sections of named routes may not follow public rights of way, but use permissive paths. Any such sections can be encompassed by the policy if it refers to "public rights of way and other publicly accessible routes for walking, cycling and riding". I recommend accordingly. Adopting the above approach means that the objections relating to the accuracy of the routes shown do not need to be addressed.

3.117 Most of the routes listed as "proposed" in the DDLP follow former railway lines and have become Sustainable Transport Corridors in the RDDLP under Policy T.9. That policy has a different and wider purpose than SR.9 and it is logical that those routes should be shown on the Proposals Map. My understanding is that many are not public rights of way. I deal with objections to these routes in Section 13 of my report. In my view, that policy does not undermine the recreational value of these routes.

Issue iii)

3.118 The Local Plan may have a role in proposing specific infrastructure improvements to the network of recreational rights of way where there are land use proposals likely to be implemented during the life of the plan. This could include safeguarding an improvement route where development is likely to occur around it. But it is not the role of the Local Plan to resolve issues of management, maintenance, promote access to private land or influence highway signing, nor to promote any other named routes

that would use existing rights of way, such as the National Bridleroute Network (Ride UK) or paths alongside the Somerset Coal Canal. How recreational routes which are not public rights of way should be used (whether by walkers, cyclists or horse riders) is primarily a management issue and a matter for negotiation with land owners and managers rather than a policy in the Local Plan.

- 3.119 Two specific major improvements are highlighted by objectors: a foot/cycle bridge across the Avon between Victoria Bridge and Widcombe Bridge and a new bridge Freshford. I do not have the evidence to know whether these bridges are needed, feasible or likely to be implemented in the plan period, but they are the type of major improvement project which could be safeguarded in the plan where they are justified. The Council states that it was to undertake a study to inform the local plan inquiry on whether a footbridge at Freshford would be feasible. I do not know the results of that study. In my view, if these projects are likely to be taken forward then it would be prudent to ensure that the sites for such facilities are protected and allocated for that purpose. I consider that a specific policy would be required to achieve this, since Policy SR.9 is concerned with protecting the recreational and amenity value of routes and not securing the implementation of new projects. The Council should consider such a policy in the light of the studies undertaken on new infrastructure.
- 3.120 I can appreciate the desire of one objector for a rolling programme to improve footpath links within the urban area, but in the absence of specific schemes and of any commitment/budget from the Council to implement them it would not be appropriate for the plan to promote the concept.

Issue iv)

- 3.121 The implementation of a Riverside Walk between Pulteney Bridge and Cleveland Bridge has been a longstanding aim of the Council. I understand that the Council has secured provision for sections of such a path in redevelopment projects backing onto the river. Access to this section of the river frontage would be of considerable value to local residents and visitors, but there are major obstacles in implementing a scheme, including protecting the amenity of local residents and preserving the character of the river frontage, whilst creating a safe path.
- 3.122 The Council indicate that a feasibility study is to be commissioned to investigate the extent to which a path can be provided between Pulteney Bridge and Cleveland Bridge and that the Council would follow the conclusions of such a study. I do not know whether this has been completed. If the Council intend to pursue this path then I consider that it should be the subject of a separate policy (or included in the policy for new infrastructure I refer to above) which requires new development to facilitate and not to compromise the *provision* of a riverside path. Such a policy should preferably be supported by a SPD, illustrating the proposed route and nature of the path so as to achieve consistent application of the

policy. Policy SR.9 would be of use only when the path is available to the public. I therefore recommend that this proposed path be deleted from Policy SR.9.

Issue iv)

3.123 It is clear from the submissions of the objector that the Chew Valley Trail has potential to provide a valuable facility for walking both as a form of recreation and to improve links between villages. As a recreational route it is safeguarded by Policy SR.9 and does not need to be individually listed or shown on the Proposals Map for the reasons already given. I consider that the Local Plan is not the best mechanism to advance negotiations with landowners over improved access or provision of new links unless proposed routes require safeguarding from the potential adverse effects of development. This does not seem to be the case in this area.

Recommendations:

R3.33 Modify Policy SR.9 by deleting all of the text and substituting:

"Development which adversely affects the recreational value and amenity of, or access to, public rights of way and other publicly accessible routes for walking, cycling and riding will not be permitted."

R3.34 Consider the need for a new policy on the provision of new infrastructure for recreational routes and the safeguarding of sites/routes for such infrastructure in the light of the conclusions of studies being undertaken by the Council.

R3.35 Modify the Proposals Map by deleting all the recreational routes.

Chapter B4 - Policy SR.10 and Paragraphs B4.71 - B4.81

2460/B2	Phoenix Marine	B4.72
689/B24	British Horse Society	B4.79
1427/B51	Environment Agency	B4.80
564/B31	London Road Area Residents Association	SR.10
2460/B4	Phoenix Marine	SR.10
2460/B5	Phoenix Marine	SR.10
2893/B1	Avon County Rowing Club	SR.10
3068/B1	Mr M Bendel	SR.10

Supporting Statements

1427/B50	Environment Agency	B4.71
1427/B52	Environment Agency	B4.81

Issues

- i) Whether additional moorings need to be provided on the River Avon and whether a new mooring basin should be proposed at Broadmead Lane Industrial Estate, Keynsham.

- ii) Whether the Avon County Rowing Club site should be designated as a Waterside Recreational Activity Area.

Inspector's Reasoning

3.124 The management and use of the grass verges around the Chew Valley Lake and the management of existing moorings are not matters for the Local Plan.

Issue i)

3.125 The Council's policy for the River Avon is based on the careful control of development within the existing Waterside Recreational Activity Areas and the restriction of development outside those areas in order to protect landscape and nature conservation interests, and the character and amenity value of the area. The issue of residential moorings is addressed in Chapter B7 on Housing, Paragraphs B7.120 to B7.122 where the Plan states that residential moorings would be subject to the same considerations as other forms of residential development. Any proposal coming forward for residential moorings would be considered under the housing policies, for example Policies HG.4 and HG.6, (which I recommend be modified). In my view, this generally restrictive approach is justified by the sensitive nature of the waterside in the District.

3.126 The Broadmead Lane Industrial Estate is not within a designated Activity Area. The site is within the Green Belt and a mooring basin with associated development would be likely to conflict with Green Belt objectives. I have insufficient evidence to demonstrate that the need referred to by the objectors is such as to amount to the very special circumstances to justify an allocation for a new marina in this location.

Issue ii)

3.127 The designation of land at the Shallows, Saltford as a Waterside Recreational Activity Area was recommended for deletion from the Wansdyke Local Plan by the Inspector in 2000, because any intensification of existing uses or the provision of additional facilities would have considerable impact on the character of the surrounding area and the amenity of local residents and visitors. Policy SR.10 is intended to concentrate new recreational development in the designated areas. There are clearly considerable constraints in this locality and therefore I do not recommend the designation of the Avon County Rowing Club as a Waterside Recreational Activity Area.

Recommendation: no change

Chapter B4 - Policy SR.12

233/B6 Compton Dando Parish Council
233/B7 Compton Dando Parish Council

SR.12
SR.12

Supporting Statement

1427/B53 Environment Agency

SR.12

Issue

- i) Is an additional policy on non-commercial stables necessary, and should an additional criterion be added concerning vehicular access?

Inspector's Reasoning

3.128 Commercial riding establishments are most likely to raise the sort of issues covered by the criteria in Policy SR.12. In my view, it would be too onerous to apply them to private equestrian facilities which are smaller in scale and, in many cases, associated with an existing dwelling. Issues of highway access for commercial and private equestrian facilities would be assessed against Policy T.1 and there is no reason to add to the criteria listed in the policy.

Recommendation: no change
