

SECTION 4 - Chapters B5 and B6

Chapter B5 - Introduction, Policy S.1 and Paragraphs B5.6-B5.8 Hierarchy of Shopping Centres

721/B24	Government Office for the South West	B5
3667/E3	Mr R Houghton	FPIC/B/02 (B5.06)
2965/B8	Morley Fund Management Limited	B5.8
3006/B1	Ms N G Zuckerman	B5.8
3545/C1	Cllr D Bellotti	B5.8/A
564/B12	London Road Area Residents Association	S.1
564/B30	London Road Area Residents Association	S.1
2686/B1	Norton Radstock Regeneration Company	S.1
3208/B2	Gammon Plant Hire	S.1
3265/B5	Mr D E Packman	S.1
3521/C1	Enhance 7	S.1/H

Supporting Statements

2686/C13	Norton Radstock Regeneration Company	S.1/A
3257/C87	Somer Valley Friends of the Earth	S.1/A
2686/C14	Norton Radstock Regeneration Company	S.1/F
2962/C8	Wm Morrison Supermarkets plc	S.1/F

Issues

- i) Does Policy S1 identify an appropriate retail hierarchy for planning purposes?
- ii) Does the plan provide an adequate policy framework for Radstock?
- iii) Should Widcombe be identified as a District Centre?

Inspector's Reasoning

Issue i)

- 4.1 The policy and accompanying paragraphs attracted a number of objections concerning the classification, description and definition of certain centres within the hierarchy. However, in my view the changes made by the Council to Policy S1 and these general introductory paragraphs respond positively and to the appropriate extent to the objectors' comments.
- 4.2 Although the Sainsbury's store near Green Street Station includes some facilities of the types found in local centres I do not agree with the view of Bath Friends of the Earth that the store's overall role and character meet the criteria for its definition as a local centre. Nor do I agree with the operator's suggestion that the store should be defined as being within or forming an extension to the city centre shopping area. My reasons for this will be clear from my views on the BWR allocation as discussed under Policies S2-S4 below.

- 4.3 Gammon Plant Hire argue that the local centre at Combe Down should be deleted, however, I agree with the Council that the small selection of shops around Combe Road and The Avenue provide a reasonable range to serve the local community and therefore the designation is appropriate. Furthermore, the change of use of the Plant Hire site should not be affected by this designation which is intended to protect A1 uses.
- 4.4 I deal with the objection from Cllr Bellotti under Policies S5-6, and consider any modification to the introductory part of this Chapter in response to his concerns would not be justified.

Issue ii)

- 4.5 The Norton Radstock Regeneration Company suggests that the plan fails to take a sufficiently positive approach towards Radstock town centre; it should identify opportunities and amend town centre boundaries to define a centre that does not simply reflect its present stage of evolution. I note that the plan has been amended in certain respects in response to this objection and consider that this is about as far as things can be taken at present. However, the new PPS6 supports the concept of Local Authorities playing a more proactive role in planning town centres in partnership with stakeholders and it will be important for those charged with regenerating Radstock to consider whether further work needs to be done in the context of the future LDF.

Issue iii)

- 4.6 I accept that there is considerable variation in the scale and function of the various centres which are defined in Policy S.1 as "local". In particular their function appears to be influenced to some extent by the relationship of the centre to the main city centre, and transport routes through the urban area which might lead to the attraction of trade from a wider customer base than merely local residents. Widcombe Parade has a number of shops of a specialist character which no doubt attract customers from beyond the local area, and I accept that it has a function beyond "local". Nevertheless, it is not of the scale of the Moorland Road centre which is the only one falling within the definition of a District Centre, and does not provide the range of convenience and other shops which would make this a District Centre. I therefore find no reason to change the definition in the plan.

Recommendation: no change

Chapter B5 - Policies S2-S4, Paragraphs B5.23-B5.40 and Tables 1, 1B and IC21

There are large numbers of representations to these policies; details are listed at Appendix 1

Issues

- i) Is there a reliable evidential base for tables 1 and 1B in the FPICs?
- ii) Is it appropriate to make firm allocations for comparison goods retailing based upon tables 1 & 1B and do the selected sites reflect the search sequence outlined in PPS6 in a way likely to sustain the vitality and viability of Bath city centre?
- iii) Should the plan make any specific provision for "bulky goods" retailing?
- iv) Should the plan make any allocations for convenience goods retailing?
- v) Does the plan make appropriate provision for retail development in the District's other town centres?

Inspector's Reasoning

- 4.7 The FPICs respond to objections (including those by the GOSW) that the plan takes an excessively short-term view: extensive changes are made to Policies S2-S4 and the accompanying text and new allocations are made, based on the findings of the revised retail capacity study undertaken by Nathaniel Lichfield and Partners, dated 2004. These FPICs themselves gave rise to many objections.

Issue i)

- 4.8 Dealing with the evidential base, there was little dispute about the broad methodology followed in the Lichfield report but issues were raised about a number of the report's assumptions. Littman Robeson considered the future population in the catchment area to be higher than estimated by Lichfield but it appears to me that the report projects 2001 Census data on a reasonable basis in relation to future housing commitments.
- 4.9 A major reservation expressed by some objectors such as the Chamber of Commerce, Morley Fund Management and King Sturge's clients was the assumption that some 42% of the identified "surplus comparison goods expenditure" to 2011 (additional to that absorbed by Southgate) would arise from a reduction of overtrading (as compared with 51% from growth in available expenditure in the Bath area and 7% from increased market share by claw-back of leaked expenditure). These objectors felt that the allowance for reduced over-trading (based on the assumption that existing comparison floorspace trades on average at 25% above benchmark levels and can support a significant average reduction of 16% in existing trading levels) was unjustifiably over-optimistic. In their view this would have a severe adverse effect on the viability of existing floorspace in the City, a factor noted in the Lichfield report as requiring careful consideration.

- 4.10 I have sympathy with this view. I accept the point made by the Council in TP6.1 (para 3.21) that existing comparison floorspace in the city centre may be *"constrained by listed/period buildings which do not provide modern or spacious floor plates (restricting) customer circulation and navigation"* and have *"physical deficiencies (which) may also cause operational difficulties for retailers....which affect the ability of these shops to trade at high densities"*. I also accept (para 3.23) that Bath has a *"higher proportion of tourist visitors...(who) are likely to spend less per head than traditional customers....and exacerbate congestion levels within retail premises"*. However, the physical nature of these buildings at the heart of the city is a fundamental part of what gives it its unique character and makes it a WHS attractive to so many visitors. Consequently every effort must be made to retain a careful balance between adding modern floorspace to increase the quality of the city's retail offer and avoiding any risk of undermining the retail vitality, viability and unique character of the existing main shopping streets. As was pointed out by objectors there is nothing in the shoppers' survey to suggest that customers are aware of any disbenefits arising from "overtrading" and in any case a certain level of overtrading may be desirable in an historic City Centre where overheads are higher and unit sizes and floorspace layouts are less attractive than in other locations.
- 4.11 Turning to the report's market share assumptions some objectors felt it unrealistic to expect Bath to achieve such a significant increase in its market share within the geographical area covered by the study, given the proximity and increasing attractions of Bristol. Others considered it appropriate to strive to make Bath as self-contained as possible in expenditure terms. In my view the aim adopted in the study is not unreasonable as an aspiration although it will not be easy to counteract the pull of the nearby regional capital across these overlapping catchment areas and increasing floorspace in Bath regardless of other considerations will not of itself achieve this aim. Bearing in mind the plans for new development elsewhere such as Broadmead in Bristol, I consider that a conservative approach should be taken and it should not be too readily assumed or relied upon that increased market share will be achieved.
- 4.12 Issue was also taken with the study's assumption of a 1% increase in floorspace turnover efficiency. Some objectors suggested a potential for higher increases and referred to Experian's recommendation of a growth rate of 2.0 to 2.5% based on work undertaken in 2004. It seems to me that there will be inexorable pressure on retailers to make more efficient use of expensive floorspace but, having regard to the factors discussed in the Council's rebuttal evidence at TP6.1, I am not convinced that the suggested alternative assumptions are necessarily more reliable or that they make a material overall difference to the overall scale of the "surplus expenditure" to 2011.
- 4.13 Some objectors were also concerned about the possible impact on floorspace needs of future internet sales. While this factor may have had limited effect in the past this may not necessarily be the case in the future

and in my view this is another reason to exercise caution in acting upon the findings of the report.

- 4.14 I will neither attempt to arbitrate between all the different views put to me about the Lichfield report nor seek to derive some alternative calculation of retail capacity. My overall conclusion on the findings of the Lichfield report is that its methodology is sound and that it presents a useful but rather bullish picture of the potential quantitative retail capacity of Bath obtained at the end of a long period of steady growth and optimism in retail markets. In any case, the results of a quantitative study of this kind can only provide guidance and should not be seen as a target for the amount of floorspace which needs to be provided over a planned period. Retail expenditure is itself subject to significant fluctuations as evidenced by the well-publicised downturn in retail performance and confidence in recent months. As I have indicated above, there are many other issues to take into account in planning the future of an historic city centre of this importance. In particular, the effect on commercial confidence of promoting more than one major shopping scheme at once, the relative attractions of modern units against the costs and floorspace constraints of older shops within the historic core; and the potential harm to the historic core if there were to be a significant increase in numbers of empty or underused shops.
- 4.15 In my view the Council has compounded the bullish approach of the Lichfield report by basing the allocations in Policy S.3 on the upper end of the report's maximum and minimum floorspace need projections, leaving no room for adjustment if one or more of the assumptions in the report are too generous and the impact of new floorspace turns out to be still greater than the already considerable ones allowed for. I accept that (although the evidence varied as to amounts) retail development in Bath in recent years has been modest, that there is relatively little 'managed' floorspace for a centre of this size, that the retail vacancy rate is low, that Zone A rents are currently just above the PROMIS average for regional centres (although not greatly different from some other historic tourist towns), and that the city's position in some retail rankings has fallen in comparison with centres that have been able to incorporate more expansion. In combination these factors indicate a centre under some pressure. However, the Southgate scheme will substantially address some of the local lack of opportunities for traders of the type identified as seeking larger units in the city. Thus overall, as I discuss in more detail below, I consider that present circumstances call for a more modest short-term response to the Lichfield projections of need in terms of firm additional commitments.

Issue ii)

- 4.16 This is concerned with whether it is appropriate to make firm retail allocations based on tables 1 & 1B and the extent to which the sites in Policy S.3 reflect the search sequence outlined in PPS6 in a way likely to either (a) sustain the vitality and viability of Bath city centre or (b) prejudice the Southgate scheme or the achievement of development on

other possible retail sites identified by objectors as better candidates than the S.3 allocations.

- 4.17 In my view great caution needs to be exercised in translating the conclusions of the Lichfield study into retail allocations in Bath. As I have pointed out, the quantitative assessment of future capacity represents only one of the factors which need to be taken into account when planning for further retail allocations. If the total comparison and convenience floorspace potential identified for Bath in table 1B is added to that in the Southgate scheme the plan is seen to be built upon the suggestion that total commitments of about 58,000sq.m can be absorbed in little more than a decade. Yet this very large scale of efficient modern retail floorspace would represent an increase of about 61% in the total existing (and often much less efficient) retail floorspace of about 93,500sq.m within the defined city centre and the adjoining or nearby local centres such as Walcot Street and Monmouth Street. Even allowing for the relatively modest amount of new retail development built in recent years I consider that it would lead to dangerous commercial and physical pressures and strains on the WHS if the city were to commit to increasing the quantity of modern, more efficient retail floorspace on this very large scale over such a comparatively short timescale.
- 4.18 Now that the First Secretary of State has confirmed the CPO for Southgate, Bath's pre-eminent retail priority during the remaining timescale of the plan must be to secure the successful implementation of that scheme and the absorption of the new floorspace into the trading patterns of the City. This presently unattractive environment (comprising a dated retail area and an unpleasant bus station and multi-storey car park) occupies a strategic location providing the link between the railway and bus stations to the south and the core of the historic city centre and retail area to the north. The current approved plans would transform the appearance and functioning of Southgate by significantly extending and enhancing the quality and quantity of Bath's retail offer, introducing a richer development mix, remodelling and greatly upgrading the transport interchange and much improving the sense of arrival at the city centre's primary gateway. In view of the importance of this scheme to the future of the city centre and the work undertaken to get this scheme to the starting blocks, including the progressing of the CPO, I regard it as fundamentally important to ensure that commitments are not made within the plan that could undermine commercial confidence in funding and executing the scheme, and securing its full occupation.
- 4.19 The importance of Southgate is emphasised by its higher-order sequential preference as compared with all the other possible retail options including those identified in Policy S.3 and the others suggested during the inquiry process. The site at The Podium/Cattlemarket (allocated in Policy S.3) is effectively another town-centre site, albeit that the car park is just outside the central area as now defined in the plan. This area is certainly capable of providing an increased amount of retail floorspace although its centrality and strategic importance are less crucial to the city centre than the need to transform Southgate and its vital connections with the public

transport network. I recognise the difficulties in redeveloping this site due to factors such as the current variety of retail occupiers and the presence of a library, an important hotel, a well-used car park and certain archaeological constraints. However, redevelopment could bring substantial benefits to the city centre and there appears to be commercial interest in the redevelopment. Therefore at the present stage of progress indicated by the Council I find no reason to conclude that development cannot be achieved by about 2009 or that it is unrealistic to identify the site as a firm allocation in the plan.

- 4.20 The allocated site at Avon Street Car Park can be considered edge-of-centre in PPS6 terms. As discussed in the Retail Opportunities Appraisal (ROA), appropriate mixed use development of this under-used area, together with some of the nearby vacant and under-used buildings to the west and in Ambury and other roads, would be highly advantageous to the city provided care were taken to alter and reduce traffic routes and improve pedestrian interconnections with the existing central area including the redeveloped Southgate area. However, in my view it would be premature to commit this area to a major retailing future at this stage by making a definite allocation in the plan. In any case the intention is that Avon Street will accept the main burden of car parking displaced from Southgate and the new car park there will not open before 2009. There is therefore little prospect of any retail trading commencing at Avon Street much before the end of the plan timeframe in 2011.
- 4.21 Turning to Bath Western Riverside (BWR), I broadly agree with the general conclusions of the analysis presented by IMA. In my view this area is largely out-of-centre in PPS6 terms. The entrance to Green Park Station may be within 300m of the nearest part of the defined city centre shopping zone but most parts of the BWR site where significant new or relocated retail development would occur are further away. Green Park Station is also on the "wrong" side of the busy A367 Charles Street, requiring walkers to wait for what is said to be an average of 30 seconds for the programmed pedestrian phase. East of the crossing a walk along James Street West to the city centre shopping area takes potential shoppers along a route not featuring many buildings of visual or retail-related interest and requiring them to cross both Avon Street and James Street West. Even on arrival at the edge of the defined city centre shopping area at the corner of James Street West/Avon Street pedestrians are presented with few visual clues about the presence of any significant nearby shopping frontages.
- 4.22 From my visits to this area of the city I reached the strong conclusion that the location of BWR and its relationship with the core shopping area would not encourage a significant proportion of linked shopping trips between the two areas. In this connection I note that the BWR area is completely excluded from the Bath City Centre inset section of the Proposals Map. In my view this is an interesting indication of how far the site is removed from a "mental map" of the city centre: the exclusion cannot have arisen simply from lack of space available on the inset map because the city centre could simply have been offset to the east to omit other areas

clearly not within it. Furthermore, the introduction of the proposed rapid transit to BWR would in my view do little to reduce the separateness of BWR. Rather, if retail development is provided at the scale proposed in the FPICS, the presence of the rapid transit would reinforce the attraction of BWR as an alternative shopping destination and provide it with a competitive advantage to shops in the historic core of the city. Thus it would add to the potential for harmful impact not only on the success of Southgate but on the future health of older city centre shopping.

- 4.23 The 60-unit Southgate scheme will not be fully completed until about 2010. At about that time there will be a period of significant rebalancing as some retailers re-locate into Southgate, especially into some of the larger or modern units that will be available there and others move into the space thus vacated within the wider city centre core area. I therefore find the promoters of Southgate justified in their concern that firm allocation of BWR at this time could undermine the objective of securing full completion and successful occupation of the Southgate scheme, especially bearing in mind its high development costs. In addition, BWR would be an attractive alternative to vacant units in the core area, with the consequent risk of long-term vacant or underused units in the city centre. In order to address this point the Council suggested a number of impact criteria for addition to Policy GDS1/B1 with the aim of counteracting the potential for BWR to become a retail destination competing directly with the city centre or prejudicing the development of sequentially preferable alternatives. However, in my view some of these criteria are imprecise and their practical robustness, efficacy and/or enforceability would be highly questionable both at the outset and increasingly so with time. The allocation of BWR would create a substantial presumption that its release through the grant of planning permission is just a matter of timing and that it will occur at some time within the next 5-6 years or so, ie by 2011. In my view this would bring real danger of commercial pressure building to reinforce the attraction and viability of the BWR development by making it a strong retailing destination in its own right (assisted both by cheaper development costs and rents and by "better" access and car parking) rather than a complementary and fully integrated part of the city centre. I am concerned that such pressures could be hard for the Council to resist once allocation was in place.
- 4.24 As objectors pointed out, Policy S.3 makes no distinction between the allocated sites, so the potential threat to city centre vitality posed by BWR would be exacerbated if new floorspace became available here before or at much the same time as at the other sequentially preferable retail allocations. In my view this could well turn out to be so because it is unclear how fast progress can be made at The Podium/Cattlemarket and development of the Avon Street Car Park area is unlikely to start much before completion of Southgate. In that case not only could there be a risk to delivery and full occupation of Southgate (and the older city centre shops) but the longer-term commercial potential for securing better use of these and other potentially preferable sites would be reduced and their opportunities perhaps lost for the foreseeable future.

- 4.25 In addition to these risks I agree with objectors that formal retail allocations at any of the above sites at this time would undermine the opportunity to further investigate and exploit the potential for retail development on other city centre or edge-of-centre sites. Objectors referred to a number of sites discussed in general terms in the B&NES ROA such as the Milsom Street/Broad Street backlands, Sawclose/Westgate Street, Manvers Street, two areas on opposite sides of James St West and Bath College. Further evidence on some of these sites was somewhat limited. I accept that some may not prove realistic options for one reason or another, including some of those suggested by the Council, but it seemed to me that the potential of these sites should not be totally discounted in the way that the ROA does so. I consider that a positive and constructive approach to them could well produce some candidates with a genuine prospect of successful integration with the main shopping area towards the end of the plan period. Overall, my visits to the city centre shopping area and its fringes led me to the conclusion that that there is a real possibility that a more concerted and determined search for areas for organic consolidation and/or natural expansion of the city centre shopping area would identify some better candidates than BWR especially if a creative, proactive and commercially engaged approach were to be taken. In view of all this I consider that the particular current circumstances of Bath require a precautionary approach to be taken to the proposed formal retail allocations over the short remaining time-scale of this plan during which the enormous process of transition and change that will result from Southgate is under way.
- 4.26 I support the identification of The Podium/Cattlemarket as an allocation in the plan but, that aside, I consider it necessary for the Council to prepare a long-term strategy for the growth of the city centre founded much more clearly on the sequential test and providing for commitments to be made in a series of well-defined steps, subject to (and preceded by) regular monitoring and review. The principal aim would be to thoroughly explore opportunities for securing the best use of under-used central sites which have the most to offer both to the city's retail offer and to the image, repair and conservation of the urban fabric at the heart of the WHS. At an appropriate stage it should also aim to make the most of any retail potential of edge-of-centre sites such as Avon Street Car Park, ensuring that they are truly knitted into the historic city. As PPS6 indicates, such a strategy could be devised by preparing an Area Action Plan backed by concerted and clearly identified measures to drive through and secure implementation, including the use of compulsory purchase powers to assemble sites if necessary.
- 4.27 Based on the figures in the ROA (B5.1.3) at table 1 on p85, the already-identified city centre sites (mainly at The Podium/Cattlemarket) could add an additional 5,000sq.m of comparison goods floorspace to what is planned at Southgate. In view of my conclusions on the over-optimistic nature of the Lichfield projections and the current primary importance of completing and occupying Southgate I consider it unsafe in the present circumstances to make firm allocations in this plan without undermining the potential for orderly future expansion of the city centre's retailing

pattern. This approach would broadly satisfy the requirement of PPS6 to make allocations for at least the first 5 years from adoption while also providing a firmer foundation for work to develop a longer-term, more sequentially compliant strategy.

Issue iii)

- 4.28 There is a range of views on the topic of “bulky goods” retailing. Some objectors consider that the allocation of floorspace specifically for “bulky goods” is contrary to PPS6 which advocates a cautious approach in which consideration should be given to the degree to which proposed constituent units of developments in non-central locations could be accommodated on more centrally located sites. For instance Morley Fund Management considers there to be no reason to identify a separate bulky goods element and argues that on that basis the total comparison goods potential should be no more than just over 29,000sq.m.
- 4.29 The C&TCS study suggests separate identification of retail warehouses/large format stores (not “bulky goods” stores) on the basis that since spending on DIY, hardware, furniture, floor coverings, carpets and electrical goods accounts for 35-40% of total national comparison goods expenditure (and about half of the national spending in those categories occurs in retail warehouses) up to 20% of total surplus comparison goods expenditure in B&NES could be accommodated in large format stores. However, it is not clear that this is necessarily an appropriate assumption in the light of PPS6. This is a matter that needs to be further explored as part of the retail strategy discussed below.
- 4.30 In any case it is difficult to identify suitable edge-of-centre or out-of-centre sites for retail warehouses in Bath as this form of development is generally incompatible with the image, character and appearance of the WHS. While BWR represents a major brownfield opportunity, I agree with those objectors who consider that a large area of retail warehouse sheds surrounded by open car parking would not be an appropriate use for a site which should form an exemplary high-density, high-quality urban development area enhancing the unique character and status of the WHS. There is already some retail warehouse development in the Lower Bristol Road area at the Weston Lock Retail Park and if further development of this kind is justified in terms of the sequential approach and the impact test it may be more appropriate to consolidate provision there.
- 4.31 This appears to be an outcome which would be welcomed by one objector (Castlemore Securities) since in their view there is inadequate justification for Policy GDS1/B1 which directs much the greater part of the allocated “bulky goods” floorspace to BWR, leaving only a much smaller part to the Lower Bristol Road area. In my view there is insufficient evidential basis for making firm allocations for large format stores at this time since it is unclear whether the requirements of para 3.17 of PPS6 would be met and how or where they would be accommodated without damaging the potential of BWR for major enhancement of the townscape of the WHS. However, I consider that the availability of some suitable sites for large

format stores should be examined in the course of future master-planning for the Lower Bristol Road area. I reflect this in my recommendation.

- 4.32 Bath Chamber of Commerce suggests that the types of "class of goods" restrictions envisaged in paragraph B5.40 (now B5.32X) are inappropriate. I do not agree with that view. PPS6 reinforces the need to ensure that formats capable of being accommodated in sequentially preferable locations should be so. This would make it entirely appropriate to impose conditions restricting many classes of goods. My recommendations reflect this conclusion.

Issue iv)

- 4.33 Having regard to the nature and pattern of spending on convenience goods there was generally more agreement or acceptance about the extent to which allocations should be made to meet the potential for additional floorspace in Bath. Littman Robeson consider that the Lichfield report underestimates the quantitative need for convenience floorspace and that it could be in the region of 4500-5500sq.m in Bath. However, from the Council's response I find no reason to believe that the C&TCS assumptions are too modest.
- 4.34 The plan responds to the Lichfield report by allowing for enlargement of the Waitrose store at The Podium/Cattlemarket and the replacement of Sainsbury's at Green Park by a much larger unit at BWR. The Council does not see these allocations as meeting the full quantitative capacity but makes no other allocations because in its view it is unclear whether there would be sufficient residual capacity to support a further medium to large food store. In any case, in its view no other suitable city centre or edge-of-centre site has been identified.
- 4.35 Sainsbury's Ltd seeks more definite recognition in the text of the plan for the proposals for the relocation and expansion of its store to 9500sq.m gross (as emerging in the master-planning exercise for BWR). In their estimation the present store generates "42% of main city shopping trips" and trades well above the company average. It is therefore too small to stock a range of goods compatible with its role or to provide for the expectations of customers. However, I do not support the allocation of BWR for retailing and without this there is no clear context for Sainsbury's proposal.
- 4.36 Nevertheless, I consider that the need for additional floorspace for convenience shopping is one that the plan should seek to meet. Expenditure on non-food items is discretionary and shopping trips will vary in their regularity, often with a wide range of destinations. Food shopping on the other hand is an essential activity for all households, often undertaken on a weekly basis to the nearest convenient retailer. The capacity for additional convenience floorspace identified by the Lichfield report is supported by the evidence of overtrading at Sainsbury's. I therefore consider that there is scope for the identification of a site for a new foodstore to serve Bath. In the particular circumstances of the City,

and in the absence of a sequentially preferable location, consideration should be given to any benefits which may arise from an out of centre location.

- 4.37 The Council has accepted that South Bath is an area where qualitative needs may need to be addressed as a priority if an additional out-of-centre store is shown to be required. Indeed I find merit in the allocation of a site to serve this part of the City. A new foodstore in this area would relieve pressure on the Sainsbury's store while also reducing the need for the residents in a densely developed part of the city to travel into town for convenience shopping. Hayesfield School suggest that their site at Odd Down could be an appropriate location for allocating land for development for further convenience floorspace. In my view early development at Odd Down has the potential to provide a number of benefits and the potential of this site should be considered in detail by the Council. An important consideration will be any need to retain the playing fields in the light of the overall conclusions of the Council's Green Space Strategy (not available to the Inquiry). If they are not required, or if adequate alternative provisions can be made, then a positive allocation for retail use should be made in the plan.
- 4.38 Littman Robeson consider that South Bath is not necessarily the only sector of the city suffering deficiency in provision. However, any need for additional convenience goods retail development elsewhere in Bath would require demonstration through further studies. Whilst I recommend changes to Policy S.4 it would allow for such proposals to come forward to be assessed against established criteria outside the S.1 shopping centres and allocated sites.

Issue v)

- 4.39 King Sturge's clients consider that greater provision should be made for the possibility of increasing the amount of development in Keynsham and Norton Radstock to ensure that larger centres such as Bristol and Bath are not unduly dominant. Similarly, Norton Radstock Town Council considers that more should be done to increase the attraction of Midsomer Norton and Radstock in order to encourage improved trading levels. In particular it suggests that these towns (rather than BWR) should receive a greater part of the allocation for "bulky goods" floorspace because the population of the towns can support this and it is unsatisfactory for residents to have to travel to Bath for such facilities.
- 4.40 I consider that there could be some merit in this argument as this would help to increase the self-sufficiency of these towns and retain more of the expenditure that (from the evidence of the C&TCS) currently occurs in towns some distance away such as Bath, Frome and Trowbridge. It could also reduce the need to travel. However, I am not convinced that the plan should be amended to that effect at the present stage. As indicated at paragraph 4.4 above the Council may wish to consider the future of these town centres (and the scope for any such action) in the context of the new advice in PPS6.

Recommendations

R4.1 Modify Policy S.2 by deleting the existing wording and substituting:

"Retail development within the shopping centres listed in policy S.1 and defined on the Proposals Map will be permitted where it is (i) of a scale and type consistent with the existing retail function of the centre and (ii) well integrated into the existing pattern of the centre."

R4.2 Modify Policy S.3 by deleting the existing wording and substituting:

"Land is allocated for retail development (use class A1) at the following sites:

In Bath: Southgate

The Podium/Cattlemarket

For convenience shopping only:

Hayesfield School *Subject to detailed assessment by the Council, especially of local recreational needs.*

In Keynsham: Land between St Johns Court & Charlton Rd".

R4.3 Modify Policy S.4 by deleting the existing wording and substituting:

"Subject to policy S.9, retail development (including extensions to existing retail units) outside the shopping centres identified in policy S.1 and defined on the Proposals Map will only be permitted where:

- i) there is a demonstrable quantitative and qualitative need for the development;
- ii) the scale of the development relates to and complements the role and function of the centre;
- iii) the proposal is located in accordance with the sequential approach such that:

an appropriate site cannot be made available within the city or town centre under policy S.2; or

as a first preference alternative, the site is within an edge-of centre location forming a natural, well-connected extension to the town centre; or

as a second preference alternative, the site is within an out-of-centre location, is well-connected with it and provides for a high likelihood of linked shopping trips;

- iv) in the case of proposed developments within edge-of-centre and out-of-centre locations, there would be no unacceptable impact on the vitality and viability of other centres; and
- v) in all cases, the site is or will be accessible by a choice of means of transport (especially public transport, walking and cycling) and will not unacceptably rely on private transport or add unacceptably to traffic and congestion."

R4.4 Modify paragraphs B5.23 to B5.32X by deleting the existing text and substituting:

"NEW RETAIL DEVELOPMENT

The C&TCS, as reviewed in 2004, identified a significant projected quantitative capacity for additional retail floorspace to 2011. That growth could accommodate the levels of additional retail floorspace shown in tables 1 and 1B below, in addition to the floorspace gains arising from the redevelopment of Southgate in Bath, the proposed foodstore at Charlton Road, Keynsham and the proposed extension to Tesco at Old Mills, Paulton. However, the projections were made at the end of a long period of steady growth and optimism in retail markets and expenditure on retailing is subject to significant fluctuations as evidenced by the well-publicised downturn in retail performance and confidence after the spring of 2005. Moreover, the projections represent maximum capacity figures rather than a "needs" target which the plan should necessarily aim to meet because the impact of any scheme outside the city centre shopping area will need to be carefully assessed.

The projections also separately identify "large format/retail warehouse" stores. This division of the comparison shopping element is based on the assumption made in the C&TCS that spending on DIY, hardware, furniture, floor coverings, carpets and electrical goods accounts for 35-40% of total national comparison goods expenditure. The report further assumes that as about half of the national spending in these categories takes place in retail warehouses up to 20% of total surplus comparison goods expenditure in B&NES could be accommodated in large format stores. However, it is not clear that this is necessarily an appropriate assumption as PPS6 requires consideration of whether there are constituent units on any proposed retail park on an edge-of-centre or out-of-centre site which could be accommodated on a sequentially preferable site. This is a matter that needs to be further explored in the course of the retail strategy discussed at paragraph.....below.

[Insert tables 1 and 1B as in the corrected consolidated version of the plan but alter the title of 1B so that it uses the same terms as table 1 and replace "bulky goods" with "large format/retail warehouse" stores.]

Comparison shopping: Bath

The majority of the forecast growth is focussed on Bath. However, in considering the extent to which new shopping floorspace should be allocated to meet this potential growth in expenditure to 2011 it is important to have regard to the unique characteristics of the core shopping centre, the contribution which will be made to the city centre by the Southgate redevelopment and its effect, and the timescale for the implementation of Southgate.

Located as it is within the World Heritage Site, the city centre relies to a large extent on the success of its retail function to provide economic support to its historic buildings. Many of the shops in the historic centre are far from ideal to support modern retailing and therefore to ensure that its attraction to retailers is maintained, new development outside the core which could divert shoppers and therefore reduce the attraction of the core area should be avoided. The redevelopment of Southgate will provide modern shopping units within the core shopping area and therefore support the retail function of the city centre. It will be a development of high quality and its success will depend upon the attraction of retailers confident of a secure economic return. The forecast levels of retail expenditure will help to attract retailers to the new scheme but any competing scheme which is outside the main shopping centre could dilute the attraction of Southgate to retailers and put the implementation of the scheme at risk.

Furthermore, with the completion of the Southgate scheme there will inevitably be some change within the historic core as retailers relocate into new units and older shops are left vacant. It is essential to the future health of the historic core that such units are quickly taken up by new occupants to safeguard the fabric of the buildings.

The plan therefore takes a precautionary approach to the firm allocation of additional retail floorspace in the city centre during the period to 2011. Other than Southgate only the potential redevelopment of the city centre site at The Podium/Cattlemarket is identified for retail development during the plan period. This is likely to be a mixed use scheme providing for an increase in the quantity of comparison and convenience goods floorspace and a mix of other city centre uses including a replacement library and hotel as described in more detail in policy GDS1/B16. No other sites are firmly identified at this time but any further proposals for retail consolidation within the defined city centre shopping area will be supported in principle and determined on their site-specific merits.

The precautionary approach will also apply to the development of retail warehouses/large format stores in Bath. There may be some potential outside the city centre shopping area for retail warehouse developments of certain kinds but it is not expected that planning permission will be granted for large format stores selling clothing, fashion or sports goods, or variety goods of the kind typically found in the city centre. It is difficult to identify suitable edge-of-centre or out-of-centre sites for retail

warehouses as this form of development is generally incompatible with the image, character and appearance of the WHS. While BWR represents a major brownfield opportunity, retail warehouse development surrounded by open car parking would not be appropriate for a site which should form an exemplary high-density, high-quality development area enhancing the character and status of the WHS. There is already some retail warehouse development along Lower Bristol Road and if further development of this kind is justified in terms of the sequential approach and the impact test it may be more appropriate to consolidate provision there. Suitable sites for this purpose will be examined in the course of future master-planning for the Lower Bristol Road area.

After the adoption of the local plan the Council will commence work on a retail strategy for Bath to show how it will be developed to provide new shopping floorspace for the city following the completion of Southgate and a period of consolidation for the centre as a whole. This will be in the form of a Development Plan Document (DPD). The DPD will be firmly based on the sequential approach set out in PPS6 and will thoroughly explore opportunities for securing the best use of under-used central sites with the most to contribute to the city's retail offer and to the image, repair and conservation of the urban fabric at the heart of the World Heritage Site. At an appropriate date it may also aim to make the most of the retail potential of any suitable edge-of-centre sites such as Avon Street Car Park, provided that such sites form a natural extension of the city centre shopping area, can be truly integrated into it and do not have an adverse impact on its vitality and viability. The DPD will provide for commitments to be made in a series of well-defined steps, subject to (and preceded by) regular monitoring and review. It will also be backed by concerted and clearly identified measures to drive through and secure implementation, including the use of compulsory purchase powers to assemble sites if necessary.

Comparison shopping: Keynsham, Midsomer Norton and Radstock

Table 1B, taken from the C&TCS study, assesses that it is appropriate to distribute only a limited part of the projected quantitative capacity to these second tier town centres within the District's retail hierarchy. There are several opportunities within the defined town centres where this provision could be made and such development would contribute to the self sufficiency of these towns. However, it is not considered appropriate to allocate these sites. Proposals that come forward would be determined within the context of policies S2 which is supportive of development in such locations.

Convenience shopping

The C&TCS assessments found substantial scope for the development of new convenience floorspace in Bath and this is supported by the pressure commonly agreed to be experienced by the Sainsbury's store at Green Park. Some of this pressure and scope will be absorbed by the replacement convenience store at Southgate and by extension of the

Waitrose store at The Podium. It would also be assisted by take-up of the allocation at Keynsham which would help to reduce the existing high level of convenience expenditure outflow from Keynsham to Bristol and increase the attractiveness of the town.

Despite reservations about using the C&TCS projections as a basis for firm comparison retail allocations the above developments are unlikely to absorb even the minimum figure for the potential capacity for convenience shopping development to 2011. No other suitable sites have been identified within Bath city centre or at edge-of-centre sites *subject to Council's detailed assessment*: "and although PPS6 advises against out-of-centre shopping the particular circumstances of Bath justify the provision of a food store in the southern part of the densely-developed southern sector of the city where there is very little alternative provision at present. A site is therefore allocated for that purpose at Hayesfield School. This will take pressure off Sainsbury's and the congested road network around the city centre and provide good opportunities for travel to the store by bus, by cycle or on foot as well as by car."

No firm allocations are made for further convenience floorspace in Midsomer Norton and Radstock but the projections suggest that there is scope for a small level of additional development of this kind during the plan period. Any proposals that come forward will be determined against policies S.2 and S.4 as appropriate."

R4.5 Develop retail policy beyond the plan as follows:

1. Work up a shopping strategy for Bath City Centre in the form of an Area Action Plan, including clear measures for phased implementation. Based firmly on the sequential test, this would aim to (i) make the most of any under-used central sites with potential for adding to the city's retail offer and the image and conservation of the fabric of the WHS and (ii) to the extent justified, integrate into the city any edge-of-centre sites which can be closely incorporated into the pedestrian networks of the city.
2. Consider work on DPDs for Keynsham, Midsomer Norton and Radstock town centres with the aim of securing, consolidating and strengthening their roles in retailing and other matters.

Chapter B5 - Policies S.5-S.7 and Paragraphs B5.41-B5.52 Uses Appropriate in Town and City Centres

3226/B1	Coffee Republic plc	S.5
721/B26	Government Office for the South West	S.6
3007/B6	Grant Thornton	S.6
3226/B2	Coffee Republic plc	S.6
704/C1	Mr T Hamilton	S.6/B
721/C52	Government Office for the South West	S.6/B
3295/C14	G L Hearn Planning	S.6/B

Supporting Statements

3257/C94	Somer Valley Friends of the Earth	B5.41/A
3623/C1	Cllr S Webb	B5.50/A
564/B28	London Road Area Residents Association	S.6
3257/C95	Somer Valley Friends of the Earth	S.7/A

Issue

- i) Are Policies S.5 and S.6 too restrictive?

Inspector's Reasoning

- 4.41 These policies pre-date the amendments to the Town and Country Planning (Use Classes) Order which took effect in April 2005, creating two new use classes (A4 for pubs and bars and A5 for hot food take-aways) and requiring planning permission to be obtained for changes to A4 or A5 uses but not from A4 or A5 to A1, A2 or A3. I have not made recommendations about the implications of these changes as it will be important for the Council to consider how they may affect Bath and the District's other centres, either as part of the modifications process or (as far as Bath is concerned) as part of the City Centre Area Action Plan referred to in my recommendation above.
- 4.42 There is only one outstanding objection to Policy S.5, seeking its deletion on the grounds that A3 uses can contribute towards the vibrancy of the city centre. Such uses are primarily dealt with under Policy S.6 so I consider policies S.5 and S.6 together.
- 4.43 Some objectors consider S.6 unnecessary in that it deals with issues covered by Policy BH.6 and reflects a negative approach to the contribution that can be made by the wide range of premises that can fall within the A3 use class. Others feel that it underestimates the noise and disturbance that can be caused by late-night opening licensed A3 establishments.
- 4.44 In my view there is some value in retaining Policies S.5 and S.6 and their accompanying sections of text as they draw attention to the contribution of appropriately located A3 uses to overall city centre vitality while also pointing to the issues of character and amenity that need to be considered in judging new proposals. I consider that the changes in the RDDLP generally meet some of the objections and provide a better reflection of the practical limits of planning policy. It is the application of Policy S.6 on a case-by-case basis, rather than the general terms of the policy, that will determine whether or not planning control plays an appropriate part in the regulatory system.
- 4.45 However, I agree that S.6 should be worded more positively and also consider there to be a certain amount of ambiguity about the geographical coverage of Policy S.6 as it is not completely clear whether it relates to the city centre shopping area defined on the Proposals Map. In addition, Policy S.5 is not cross-referenced to S.6, making it less clear how they operate together. It is possible that such uncertainties contributed to some aspects of the objections. My recommendation for these policies

seeks to improve their clarity and incorporate the changes made in the RDDLP.

Recommendations:

R4.6 Modify paragraph B5.43 by inserting "too many" before "non-shop uses".

R4.7 Modify Policy S.5 by inserting at the start "Subject to policy S.6....."

R4.8 Modify Policy S.6 by deleting the existing text and substituting:

"Proposals for A3 uses within and adjoining the city centre shopping area defined on the Proposals Map will be permitted, provided that (either singly or in cumulatively with other similar existing uses) they preserve or enhance the character or appearance of the relevant part of the Conservation Area and do not have an unacceptable impact on the retail viability and vitality of the centre or the amenity of local residents. This policy also covers proposals to vary existing consents."

Chapter B5 - Policy S.8 and Paragraph B5.57 - Local Convenience Shopping

88/B36	William & Pauline Houghton	S.8
120/B59	Ms Helen Woodley	S.8
322/B14	Greenvale Residents Association	S.8
687/B9	Peasedown St John Parish Council	S.8
723/B26	Bath Chamber of Commerce	S.8
730/B19	Timsbury Parish Council	S.8
3181/B2	Bath & District Consumer Group	S.8

Supporting Statements

120/C128	Ms Helen Woodley	B5.57/A
3257/C96	Somer Valley Friends of the Earth	B5.57/A
3257/C97	Somer Valley Friends of the Earth	B5.61/A
581/B12	Batheaston Society	S.8

Issue

- i) Is the policy realistic?

Inspector's Reasoning

4.46 The objections to this policy are varied. Some consider it restrictive and counter-productive to try to stem the loss of unviable units in small centres and parades: others generally wish it to be stronger (or more determinedly implemented), so as to offer more protection, especially to particular types of shops, such as post offices.

4.47 Some point to other ways in which the policy could be framed but in my view the Council's approach is generally appropriate in that it centres on seeking to retain the vitality and viability of the centre as a whole. This

provides some flexibility in considering proposals for individual premises and does not prevent particular site-specific issues being examined on their merits against the overall policy aim.

Recommendation: no change

Chapter B5 - Policy S.9 and Paragraph B5.62 - Dispersed Local Shops

723/B27	Bath Chamber of Commerce	S.9
3206/B2	London & Argyll Developments Ltd	S.9

Supporting Statements

120/C129	Ms Helen Woodley	B5.62/A
3257/C98	Somer Valley Friends of the Earth	B5.62/A

Issue

- i) Is the policy unduly restrictive?

Inspector's Reasoning

- 4.48 This policy is aimed at existing shops at any urban, village or rural site outside the centres in the retail hierarchy identified in Policy S.1. There must be a substantial number of very varied kinds of premises to which this policy would apply and it is hard to believe that they are all physically suitable and/or viably located for sustained retail trading in modern circumstances. Former shops in such locations have commonly been adapted to a wide range of other uses including residential.
- 4.49 Policy S9 is more strictly worded than S8 and in my view no planning purpose would be served by seeking to impose wholesale resistance to this kind of natural evolution outside defined centres unless the physical nature of a particular building, and its location, would enable it to perform a key retail function in maintaining the sustainability credentials of a local community. Examples could be a well-located village shop or a shop serving a residential area on the edge of a town. I therefore recommend modification of the policy to that effect.

Recommendations:

- R4.9 Modify the plan by deleting paragraphs B5.62 and B5.63 and inserting:

"Outside the centres identified in policy S1 and on the Proposals Map there are many small shops spread throughout the District both within the urban areas and in villages. These can often serve day to day needs and offer valuable social and community benefits but a wide range of factors has contributed to a gradual reduction in the number of such units. While most of these factors are beyond the scope of planning powers the Council will seek to encourage the provision of new small shops in suitable cases and will resist the change of use of units with the potential to provide

continuing key retail services to their local residential communities. Examples could be a well-located village shop or a unit capable of serving a large residential area on the edge of a town."

R4.10 Modify Policy S.9 by deleting the existing wording and substituting:

"Outside the shopping centres defined on the Proposals Map the Council will:

- a. grant planning permission for the development of appropriately located small-scale local shops within the settlements defined in policy SC.1 provided that there is no adverse effect on residential amenity; and
- b. refuse planning permission for the change of use of existing buildings in A1 use in cases where these have a realistic potential to perform a continuing key role in meeting the retail needs of the local area in a sustainable manner."

Chapter B6 - Policy ES.1 and Paragraphs B6.3 - B6.6A

732/B17	Swainswick Parish Council	B6.3
3126/B2	Bath Friends of the Earth	B6.4
3604/C1	Mr S Bendle	B6.6A/A
42/B11	CPRE	ES.1
120/B66	Ms Helen Woodley	ES.1
721/B27	Government Office for the South West	ES.1
1427/B54	Environment Agency	ES.1
2226/B4	ETSU	ES.1
2323/B2	Read Renewable Resource	ES.1

Supporting Statements

3257/C99	Somer Valley Friends of the Earth	B6.3/A
248/C2	Future Energy Solutions	B6.6A/A

Issues

- i) Should reference be made to reducing CO₂ emissions from vehicles, construction, and completed development?
- ii) Does the policy provide adequate criteria against which to assess both possible harm and the potential benefits of renewable energy?
- iii) Should specific sites or locations for renewable developments be identified or safeguarded?
- iv) Should the policy clarify who would be responsible for the dismantling of the development and restoration of the site?

Inspector's Reasoning

Issue i)

- 4.50 The Plan can exercise no control over CO₂ emitted from particular vehicles. However, reducing the need to travel, especially by car, is one of the main aims underlying the policies of the plan and will influence CO₂ levels. This is expressed in several objectives, e.g. OS.3, L5, L.7 and T.1.
- 4.51 The plan has a limited role in influencing the CO₂ emissions from construction activities and completed developments, but the overall strategy of the plan to focus most development within existing built up areas will contribute to limiting increases in CO₂ emissions. There is no need for an additional policy or explanation in the text on CO₂ emissions.

Issue ii)

- 4.52 Objectors are concerned that the plan does not set out clear criteria against which the different types of renewable energy proposals would be assessed. PPS22 seeks the use of criteria based policies in local plans. This is the intention in Policy ES.1, but the criteria are narrow in their application, being limited to the consideration of some harmful impacts. In view of the contribution that may be made to targets for renewable energy and for reducing greenhouse gas emissions, as well as other benefits, I consider that the policy should reflect these matters in the criteria, so that the benefits are explicitly weighed against any harm and measures taken to mitigate the harm.
- 4.53 Since the plan stands to be considered as a whole, Policy ES.1 would not be applied in isolation. For example, a windfarm proposed within an AONB would be assessed against Policy NE.2. This would ensure that the effects of the proposal on the AONB would be given adequate consideration. It would be unnecessarily repetitious to include a reference to all the various protected sites and areas. Furthermore, a wide range of policies may be applicable to a proposal for renewable energy and the policy should not pick out only one or two matters, since that might imply that only those matters are material.
- 4.54 Some renewable energy proposals may not result in any harm and can be permitted without any balancing of other material considerations. Some small scale proposals might result in only minor conflict with other policies, in part because such proposals will often involve innovative forms of development which do not directly relate to conventional policies. In order to encourage renewable energy provision, I consider that Policy ES.1 should refer only to significant harm or conflict with policy. I thus consider that the first criteria in the policy should be whether there is significant conflict with other policies in the plan. The second consideration should be ensuring that, for all projects, the design and siting minimises any harm.

- 4.55 Where there is conflict with the first criterion, the potential benefits should be a significant material consideration. Local authorities have an important role to play in the attainment of the target in RPG10 (Policy RE 6), and the RDDLP makes reference to this regional target. Although there is no requirement for district level targets, the extent to which any proposal would contribute to the regional target should be taken into account. I therefore include an appropriate criterion in my recommended new policy to cover this point. Even if the contribution to the regional target is modest or (in the future) if that regional target is met, consideration should be given to the wider social and environmental benefits of the renewable energy project.
- 4.56 I consider that the cumulative impact can be taken into account in assessing harm and does not need to be specifically highlighted. The new policy that I am recommending would reflect the positive approach to renewable energy set out in PPS22. The supporting text will need to be amended to reflect the more comprehensive policy approach.

Issue iii)

- 4.57 PPS22 advises against allocating sites for renewable energy unless a developer has already indicated an interest in the site and confirmed that the site is viable and can be brought forward during the plan period (paragraph 6). Whilst it may be the case that the most suitable sites for water power developments would be old mill sites, the suitability of a particular location would be depend on an assessment of technical and commercial feasibility. No evidence of a potential site, or for funding for such a development, is put forward and therefore I am not in a position to recommend the safeguarding of any sites with potential for water power development. Similar considerations also mean that identifying any preferred locations for different renewable energy projects in the District would be premature.

Issue iv)

- 4.58 Planning permissions for permanent buildings and structures do not normally require their dismantling and removal if they cease to be used. In my view, it would be unreasonable to require all renewable energy projects to be removed if they cease to be used. This should apply only to those projects where there is conflict with other policies and thus significant harm and only so far as is necessary to remove that harm. This should be part of the consideration of whether a project has been designed to minimise harm.
- 4.59 Where there is a need to ensure the removal of all or part of a development this could be secured by a planning condition or a planning obligation. These are applicable to the land and not to a particular developer/operator. I see no need for the plan to clarify who might be responsible for dismantling the development, but where there are particular concerns about the practicality or enforceability of such a

requirement these should be addressed when the specific proposal is under consideration.

Recommendations:

R4.11 Modify paragraph B6.6 by deleting the remainder of the first sentence from "although".

R4.12 Modify paragraph B6.6A by inserting at the end:

"Where there is the potential for adverse impacts, the significance of these will be weighed against the contribution that will be made to the regional target for renewable energy and the potential economic, social and environmental benefits of the proposed development."

R4.13 Modify Policy ES.1 by deleting the existing text and substituting:

"Developments that generate energy from renewable sources, including any ancillary infrastructure or buildings, will be assessed against the following criteria.

- i) any significant conflict with other policies in the plan;
- ii) the extent to which the design and siting of the development minimises any adverse impacts and, where there is harm and conflict with other policies, whether that harm can be removed at the end of the economic life of the development or when it ceases to be used for energy production;
- iii) the contribution that will be made to the regional target for renewable energy;
- iv) any wider environmental, social and economic benefits."

Chapter B6 - Policy ES.2 and Paragraphs B6.8 and B6.9

3257/C100	Somer Valley Friends of the Earth	B6.8/A
442/B3	Campaign for Dark Skies	ES.2
2313/B5	Bryant Homes (Taylor Woodrow)	ES.2
2965/B9	Morley Fund Management Limited	ES.2
3098/B21	George Wimpey Strategic Land	ES.2
3099/B25	Barratt Bristol Limited(Mr A T P Joliffe)	ES.2
3126/B6	Bath Friends of the Earth	ES.2
3295/B3	G L Hearn Planning	ES.2

Supporting Statements

1427/B55	Environment Agency	B6.9
120/B54	Ms Helen Woodley	ES.2
1427/B56	Environment Agency	ES.2

Issues

- i) Whether the plan adequately addresses energy minimisation in new developments.
- ii) Whether the policy lacks clarity, is it too prescriptive or too weak.

Inspector's Reasoning

Issue i)

4.60 Energy efficiency is highlighted not only in this section of the plan, but also in Chapter A5 Design. Quick Guide 4B sets out a check list of considerations for sustainable new development, including minimising energy consumption in construction. I am recommending the deletion of all the Quick Guides in the plan and in Section 1 of my report I recommend that detailed issues relating to sustainable construction be incorporated in the proposed Design Guide SPD. It would be appropriate to deal with detailed matters such as the use of low-embodied-energy materials, in this SPD. The plan should set out the objectives and key policy considerations, but not attempt to address detailed matters. Subject to my recommendations, the plan will adequately address the key matters relating to energy minimisation.

Issue ii)

4.61 Whilst the planning system has no direct control over internal lighting, the extent to which lighting is needed within a development depends, in part, on its orientation and design. These are matters included within Policy ES.2. The issue of pollution from poorly designed and installed external lighting is covered by Policy BH.22 of the plan and the Council's External Lighting Guide (paragraph C3.98 of the plan). To address this issue in Policy ES.2 would therefore be unnecessary duplication.

Issue iii)

4.62 I share the concern of many objectors that Policy ES.2 lacks clarity as to how compliance will be measured. Ideally, the plan should be able to refer to specific measures for low energy use so that there is an objective test of whether the policy is met. Whilst there are a number of standards and emerging standards for the energy efficiency of homes and buildings, I am not aware of any such standards for the overall layout of developments and none have been suggested to me.

4.63 I consider that the objective of the policy - energy conservation - is clear. I expect more detailed guidance to be provided by the Council in the proposed SPD on Design. A reference to this should be made in this section of the plan (provided that the Council intend to produce such an SPD in the near future). But the phrase "protection of environmental resources" is too generalised and is more the aim of the overall plan than of a single policy. The policy should apply solely to new buildings since

the scope to achieve energy efficiency through the planning process in changes of use/refurbishment is limited.

- 4.64 The reasonable and achievable level of energy conservation will depend on the type and scale of the proposed development and the existing constraints on the site. This should be recognised in the policy. There may need to be some trade-off between energy efficiency and achieving other sustainability objectives and thus the policy should avoid being overly prescriptive. In the absence of specific indicators, I consider that the policy can require only that the development has taken into account the need for energy conservation over the lifetime of the development.
- 4.65 My recommended policy does not overcome issues of objectivity, but provided the policy is linked to guidance in SPD, I consider that it strikes the right balance between pursuing innovation and reasonableness.

Recommendations:

R4.14 Modify paragraph B6.8 by deleting the final sentence and substituting a reference to further guidance on energy efficiency in the design and layout of buildings being set out in the Design Guide SPD.

R4.15 Modify Policy ES.2 by deleting the existing text and substituting:

"Permission for new buildings will be granted only where, within the other constraints on the development, the design, orientation, and layout of the buildings and outside areas have taken into account the need to minimise energy consumption over the lifetime of the development."

Chapter B6 - Policy ES.3 and Paragraphs B6.14 and B6.15

3227/C3	Western Power Distribution	B6.14/B
3257/C101	Somer Valley Friends of the Earth	B6.14/B
2663/C2	Poets Corner Residents Association	ES.3/C
3257/C104	Somer Valley Friends of the Earth	ES.3/C
3227/C2	Western Power Distribution	ES.3/D
3257/C105	Somer Valley Friends of the Earth	ES.3/D

Supporting Statements

1984/C5	National Grid Transco	B6.14/B
1984/C9	National Grid Transco	B6.14/B
1984/C6	National Grid Transco	B6.15/A
1984/C10	National Grid Transco	B6.15/A
120/B55	Ms Helen Woodley	ES.3
3257/C102	Somer Valley Friends of the Earth	ES.3/A
3257/C103	Somer Valley Friends of the Earth	ES.3/B

Issues

- i) Whether health considerations should be addressed at all and if so whether the policy should be more stringent.

- ii) Is it reasonable to require the monitoring of microwave radiation?

Inspector's Reasoning

Issue i)

- 4.66 Whilst PPG8 is primarily concerned with telecommunications development, it refers to health considerations and to public concern arising from the effects on health of electromagnetic fields, including those associated with electricity power lines. PPG8 states that it is the Government's firm view that the planning system is not the place for determining health safeguards. The appendix to PPG8 addresses health considerations at some length. It refers to the role of the National Radiological Protection Board (NRPB) as the Government's statutory advisors on radiological protection matters and to other health and safety legislation. The appendix states that it is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime. The NRPB are able to advise local planning authorities and paragraph B6.14 of the plan indicates that the Council will seek such advice where necessary.
- 4.67 Paragraph B6.14 of the plan requires the submission of a Health Radiation Impact Assessment (HRIA). In my view, the Council is seeking to duplicate matters which are more appropriately considered under health and safety legislation. I recognise that health concerns may be a material consideration in particular cases, but in my view this should not be set out in the plan, other than ensuring compliance with established national guidelines (required by criterion iii). I therefore recommend the deletion from this paragraph of the reference to a HRIA. It would be equally inappropriate for any requirement for such an assessment to be included in the policy. Given this conclusion, there is no need to consider further the scope of HRIAs.
- 4.68 Criterion (iii) of the RDDLP requires development to comply with national and EU guidelines on public exposure to electromagnetic fields. There is no sound basis for the Council to seek to impose any other guidelines.
- 4.69 Criterion (i) of the policy seeks to protect the amenities of nearby residents, occupants and land users. This would enable potential interference from electromagnetic fields, such as with television reception, to be taken into consideration. Other policies of the plan seek to protect various species from the adverse effects of development; the plan must be read as a whole and there is no need for this section to refer to the effects on wildlife.

Issue ii)

- 4.70 The requirement for the monitoring of microwave radiation is inserted into a paragraph of the policy concerning the location of developments in proximity to *existing* gas and electricity infrastructure. The Council would have no control over the emissions from any existing infrastructure and

monitoring in such circumstances would serve no purpose. More generally, the attempt to require monitoring seeks to replicate controls under the health and safety regime. If there is any reason to suspect that an operator is not meeting its statutory responsibilities, it is for the Health and Safety Executive to take action. I therefore recommend that the reference to monitoring be deleted.

- 4.71 Concern has also been expressed about the interpretation of "close proximity" in the policy. I consider that the policy's aim can be adequately expressed without referring to close proximity, thus avoiding prejudging when considerations of safety should be taken into account.

Recommendations:

R4.16 Modify paragraph B6.14 by deleting all of the last 2 sentences.

R4.17 Modify Policy ES.3 by:

deleting the last paragraph; and

inserting: "The potential dangers from existing gas and electricity infrastructure will be taken into account in determining applications for other developments. Development will not be permitted where it would increase the number of people exposed to unacceptable risks".

Chapter B6 - Policy ES.4 and Paragraph B6.16

1427/B57	Environment Agency	B6.16
1427/B58	Environment Agency	ES.4
120/C130	Ms Helen Woodley	ES.4/B
3257/C108	Somer Valley Friends of the Earth	ES.4/B

Supporting Statements

120/C173	Ms Helen Woodley	B6.16/A
3257/C106	Somer Valley Friends of the Earth	B6.16/A
3511/C8	British Waterways	B6.16/A
3257/C107	Somer Valley Friends of the Earth	ES.4/A
1427/C196	Environment Agency	ES.4/B
2585/C10	Wessex Water	ES.4/B

Issue

- i) Whether the policy should require various water conservation measures?

Inspector's Reasoning

- 4.72 The policy was amended in the RDDLP to require the incorporation of water conservation measures. The aim of this requirement is clear, but the type of water conservation measures which could reasonably be required would depend on the type and scale of the proposed

development and its location. Normally these measures would be provided on the development site, but there may be circumstances where a contribution to off-site works was reasonable and necessary. The policy provides an adequate basis for negotiating necessary provision.

Recommendation: no change

Chapter B6 - Policy ES.5 and Paragraph B6.19

1427/B59	Environment Agency	B6.19
564/B27	London Road Area Residents Association	ES.5
1427/B60	Environment Agency	ES.5

Supporting Statements

120/C161	Ms Helen Woodley	B6.19/A
1427/C156	Environment Agency	B6.19/A
120/B53	Ms Helen Woodley	ES.5
2585/B3	Wessex Water	ES.5
120/C162	Ms Helen Woodley	ES.5/A
1427/C197	Environment Agency	ES.5/A
2585/C11	Wessex Water	ES.5/A
3257/C109	Somer Valley Friends of the Earth	ES.5/A
1427/C198	Environment Agency	ES.5/B
3257/C110	Somer Valley Friends of the Earth	ES.5/B

Issue

- i) Should the plan say more about Sustainable Drainage Systems (SUDs)?

Inspector's Reasoning

4.73 The addition of the word "sustainable" in Policy ES.4 and reference to SUDs in paragraph B6.19 goes some way to meet the objector's concern. In my view, the twin benefits of SUDs in flood prevention (reducing the rate of run-off) and pollution control need to be flagged so that the aim of the policy is clear. These objectives were explained in the text suggested by the Environment Agency, but paragraph B6.19 highlights only pollution control. I recommend a revised text based on the EA's suggestion. Further detail on the design of SUDs can be addressed in the Council's proposed Design Guide SPD.

Recommendation:

R4.18 Modify paragraph B6.19 by deleting the 2nd sentence and substituting:

"SUDs are designed to reduce the quantity and improve the quality of surface water at or close to source, prior to discharge. This minimises pollution discharged into watercourses, and reduces the volume of water discharged to sewers or outfalls, whilst increasing water infiltration to the

ground and underlying aquifers. Such systems can thus control pollution, reduce flood risk and provide other benefits".

Chapter B6 - Policy ES.6

120/B52	Ms Helen Woodley	ES.6
1427/B61	Environment Agency	ES.6
120/C160	Ms Helen Woodley	ES.6/A

Supporting Statements

2585/B4	Wessex Water	ES.6
3257/C111	Somer Valley Friends of the Earth	ES.6/A

Issues

- i) Whether the policy should cover other potential adverse effects.
- ii) Should developers be required to demonstrate the need for new infrastructure?
- iii) Whether the potential conflict with flooding should be highlighted.

Inspector's Reasoning

Issue i)-iii)

- 4.74 To respond to the issues raised and decide whether the policy should encompass other considerations raises the question of the purpose of the policy. The policy sets out 2 very general criteria for the assessment of new water and sewerage infrastructure – general amenities and the water environment. Such considerations are covered by other policies in the plan and the paragraph B6.20 highlights that policies in 3 other sections of the plan will also be relevant. Policy ES.6 does not introduce any considerations unique to this type of development. I see no purpose in having a separate policy; its existence would tend to lessen the attention given to other policies which are likely to be equally important.
- 4.75 For the reasons already set out in relation to electricity and gas infrastructure, the Local Plan is not the place to set out detailed health and safety considerations. Odour from new sewerage works and its effect on residential amenity is likely to be a material consideration, but this is covered by Policy ES.10.
- 4.76 Where new infrastructure causes harm and conflicts with policies in the plan, the need for the development would be one consideration to be taken into account in coming to a balanced decision. Need does not have to be highlighted in a policy to be a relevant consideration. I recognise that many existing sewage treatment works are in low-lying areas and some may be prone to flooding. Policy NE.14 seeks to prevent development that would be at risk from flooding. This policy and national

advice is sufficient to ensure that the flood risk to new infrastructure is properly taken into account.

4.77 I therefore consider that there is no need to modify the policy, but more fundamentally that there is no need for the policy. Paragraph B6.20 should also be deleted. I recommend accordingly.

Recommendation:

R4.19 Modify the plan by deleting the heading "Water and Sewerage Infrastructure", paragraph B6.20 and Policy ES.6.

Chapter B6 - Paragraphs B6.23 and B6.26, Policy ES.7 and Policy ES.8

3572/C1	Mobile Operators' Association	B6.23/D
120/C149	Ms Helen Woodley	B6.25/A
3257/C112	Somer Valley Friends of the Earth	B6.25B/A
3257/D307	Somer Valley Friends of the Earth	PIC/B/37 (B6.25B)
3257/C113	Somer Valley Friends of the Earth	B6.25C/A
3572/C5	Mobile Operators' Association	B6.25C/A
345/D43	Freshford Parish Council	PIC/B/39 (ES.7)
376/B15	Mr I Wallis	ES.7A
578/B62	Norton Radstock Town Council	ES.7A
2663/B1	Poets Corner Residents Association	ES.7A
3015/B1	Vodafone Ltd	ES.7A
3239/B1	Orange Personal Communication Services	ES.7A
3290/B1	One2One PCS Lyd	ES.7A
120/C147	Ms Helen Woodley	ES.7/B
578/C99	Norton Radstock Town Council	ES.7/B
3257/C115	Somer Valley Friends of the Earth	ES.7/B
120/C148	Ms Helen Woodley	ES.7/C
3572/C8	Mobile Operators' Association	ES.7/D
3606/C1	British Telecom plc	ES.7/D
720/B6	BT Group plc	ES.7B
3015/B2	Vodafone Ltd	ES.7B
3239/B2	Orange Personal Communication Services	ES.7B
3290/B2	One2One PCS Lyd	ES.7B
3290/B3	One2One PCS Lyd	ES.7B
3295/B2	G L Hearn Planning	ES.8

Supporting Statements

3126/D46	Bath Friends of the Earth	PIC/B/38 (B6.25)
3257/D299	Somer Valley Friends of the Earth	PIC/B/38 (B6.25)
3572/C2	Mobile Operators' Association	B6.25/A
3572/C3	Mobile Operators' Association	B6.25A/A
3572/C4	Mobile Operators' Association	B6.25B/A
120/B104	Ms Helen Woodley	ES.7A
686/B87	Bath Preservation Trust	ES.7A
686/D185	Bath Preservation Trust	PIC/B/39 (ES.7)
3126/D47	Bath Friends of the Earth	PIC/B/39 (ES.7)
3257/D280	Somer Valley Friends of the Earth	PIC/B/39 (ES.7)
3257/C114	Somer Valley Friends of the Earth	ES.7/A
3572/C6	Mobile Operators' Association	ES.7/B
3572/C7	Mobile Operators' Association	ES.7/C
120/B105	Ms Helen Woodley	ES.7B
120/B106	Ms Helen Woodley	ES.8

Issues

- i) Does the plan adequately address considerations relating to health, need, and environmental impact in respect of telecommunications development?
- ii) Is Policy ES.8 too vague?

Inspector's Reasoning

Issue i)

Health issues

- 4.78 I have already referred to the Government's views on health considerations and planning set out in PPG8. The Government takes the view that the planning system is not the place for determining health safeguards, although concerns about the effect of telecommunications development on health are capable of being a material consideration in relation to particular proposals. PPG8 indicates that provided a proposed mobile phone base station meets the International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines for public exposure to radio waves, it should not be necessary for a local planning authority to consider further the health aspects of the proposal. In the light of this advice, paragraph B6.25B and criterion iii) in Policy ES.7 provide a reasonable and focussed basis for the consideration of health concerns about telecommunications developments. There is no justification for the Council to impose any other health guidelines and no specific alternative emissions limits have been suggested. The policy would, however, be simpler and clearer if criterion iii) specifically indicated compliance was required with the ICNIRP public exposure levels, since these are much lower than national standards. Paragraph B6.25B contains a duplication of text as a result of PIC/B/37 and needs amending. I recommend accordingly.
- 4.79 I recognise that public perceptions of health risks can be material to specific decisions. It is not necessary for the policy to explicitly refer to public perception for such a factor to be taken into account. I consider that it would be misleading for the policy to make public perception a factor in determining applications since it would be given little weight unless supported by substantial evidence and it would rarely be decisive.
- 4.80 Telecommunications systems operators have responsibilities under health and safety legislation and PPG8 states that it is not for the local planning authority to seek to replicate through the planning system controls under the health and safety regime. By requiring in paragraph B6.25C the submission of a HRIA the Council is straying into matters which are more appropriately considered under health and safety legislation. There would also be little purpose in requiring a HRIA given that the policy seeks only compliance with ICNIRP standards.

- 4.81 The policy requirement for regular monitoring is unnecessary and unreasonable where the operator has provided a certificate of compliance with the ICNIRP standard. In my experience, most telecommunications masts emit only a tiny fraction of the ICNIRP exposure levels. Adherence to the ICNIRP standard and the general low level of emissions have been demonstrated by base station monitoring undertaken by the NRPB. If a particular proposal raises uncertainty about its ability to comply with ICNIRP it either should not be allowed or conditions should be imposed to undertake monitoring. Dealing with such individual cases in this way does not need a blanket requirement for monitoring. I therefore recommend the deletion of paragraph B6.25C and the last sentence of Policy ES.7.

Need for the development

- 4.82 It is Government policy to facilitate the growth of new and existing telecommunications systems, whilst keeping the environmental impact to a minimum. In considering proposals for telecommunications development, planning authorities should have regard to the need for a development to be sited in a particular location. This may be due to technical constraints, including those affecting alternative locations and the relationship to the operator's national network. The changes set out in the consolidated version of the RDDLP to paragraph B6.25 and to criterion i) of Policy ES.7 require the applicants to demonstrate the need for the installation. I consider that assessing need in relation to the individual proposal is necessary and consistent with national advice. But to widen the scope of the assessment of need would be unreasonable.

Environmental impact

- 4.83 PPG8 makes clear that the environmental impact of telecommunications development should be minimised. If operators are to complete their national networks as required by their licence conditions it is inevitable that some developments will cause some harm. It would be unreasonable and unrealistic for the policy to require such developments not to have any adverse impact upon the natural or built environment. I thus support the change made to criterion i) in the RDDLP, subject to my further comments below.
- 4.84 As the Council has often stated, the plan must be read as a whole and other policies in the plan will be relevant to a particular development even where there is a specific policy concerned with that type of proposal. Thus the last sentence of paragraph B6.23 is unnecessary; but including such a sentence here weakens the general principle that the plan should be read as a whole. It should thus be deleted. Policy ES.7 clearly sets out the special considerations which apply to telecommunications development. It would be misleading to imply that the existence of such a policy weakens the relevance of other policies. Some objectors are particularly concerned about the protection of the AONBs and the Green Belt. These designations are protected by Policy NE.2 and Policies GB.1 and GB.2 respectively and such protection does not need to be reaffirmed in Policy ES.7. It would be unreasonable to rule out the location of

telecommunications development in such areas. The range of policies that might apply to telecommunications development will ensure that need is properly balanced against any environmental impact.

- 4.85 To avoid the harmful proliferation of telecommunications development, operators should fully explore alternatives, such as mast sharing or the use of existing buildings. This is now a requirement of criterion i), but “fully exploring” alternatives is only the process, the criterion does not indicate how alternatives will be compared. In my view, the policy should refer to there being no alternative means of meeting the identified need which would have materially less environmental impact and which is available to the operator. A reference to sites being available is necessary since there may be genuine reasons why the operator is not able to acquire its use, such that alternatives which would be less environmentally damaging have no prospect of being realised.
- 4.86 Criterion ii) of the policy requires that the development is sited and designed to minimise its impact. This enables a wide range of matters to be taken into account, including that the size and height of the mast is no more than is necessary to meet the identified need. But it would be unreasonable to impose a maximum height on masts, since the height required is determined by technical considerations such as topography and the area to be served. Limiting the height of all masts would result in a greater number of masts being required to create a network.
- 4.87 My understanding is that telecommunications systems operators are required by a condition on their operating licence to remove equipment that becomes obsolete. Accordingly, the general requirement in Policy ES.7 to remove equipment no longer in use is unnecessary duplication. The absence of a policy criterion on this matter would not preclude the imposition of a condition requiring removal where there was a site specific planning justification.
- 4.88 The Local Plan cannot change matters set out in statutory regulations, such as when a planning application or a prior approval notification is required or when an Environmental Impact Assessment should be made. I thus do not comment further on objections seeking such changes.

Issue ii)

- 4.89 Whilst I accept that PPG8 (paragraph 32) requires consideration to be given to the telecommunication needs of the occupiers of proposed development, Policy ES.8 fails the tests of PPG12 (paragraph 3.1) in terms of clarity. I share the objector's concern that it fails to provide any certainty on how “adequate provision” is to be determined and over what period of time. I therefore recommend Policy ES.8 be deleted.

Recommendation

- R4.20 Modify paragraph B6.23 by deleting the last sentence.

R4.21 Modify paragraph 6.25B by deleting the sentence beginning "The only material consideration. "

R4.22 Modify the plan by deleting the whole of paragraph B6.25C.

R4.23 Modify Policy ES.7 by deleting the existing text and inserting:

"Telecommunications development which requires planning permission or prior approval will be permitted provided that:

- i) the applicant has demonstrated a need for the development;
- ii) the installation has been sited and designed to minimise its environmental impact;
- iii) the application is accompanied by a certificate confirming that the proposed installation meets the emission guidelines of the International Commission on Non-Ionizing Radiation Protection;
- iv) where the development would result in harm or conflict with other policies, the applicant has demonstrated that there are no available alternatives which would be materially less harmful (to include consideration of mast or site sharing, the use of existing buildings or structures and streetworks installations).

R4.24 Modify the plan by deleting Policy ES.8.

Chapter B6 – Policy ES.9

Supporting Statement

1427/B62	Environment Agency	ES.9
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Chapter B6 - Policy ES.10 and Paragraph B6.31

878/B16	The Bath Society	ES.10
2997/B7	London Road & Snowhill Partnership	ES.10

Supporting Statements

120/C145	Ms Helen Woodley	B6.31A/A
120/C146	Ms Helen Woodley	B6.31B/A

Issues

- i) Whether noise and vibration should be highlighted.
- ii) Should specific reference be made to reducing air pollution on London Road?

Inspector's Reasoning

Issue i)

4.90 This issue is covered by Policy ES.12 and duplication should be avoided.

Issue ii)

4.91 To refer to one particular location within the Local Plan would introduce a greater level of detail than is necessary or appropriate. The Bath and North East Somerset Air Quality Strategy addresses specific areas within the District suffering from the effects of poor air quality, including London Road, which has been declared an Air Quality Management Area. The Strategy rather than the Local Plan is the appropriate tool to set out measures to tackle existing air pollution in a particular locality.

Recommendation: no change

Chapter B6 - Policy ES.11

120/B56	Ms Helen Woodley	ES.11
2891/B2	Mr R L McDougall	ES.11
3278/B7	Persimmon Homes (Wessex) Ltd	ES.11

Supporting Statement

2585/B5	Wessex Water	ES.11
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Issues

- i) Whether the policy should afford protection to watercress beds.
- ii) Are the "Sewage Treatment Works Development Restraint Areas" appropriate and necessary?

Inspector's Reasoning

Issue i)

4.92 The aim of Policy ES.11 is to avoid developments which are sensitive to noise and odour, such as housing, being sited too close to existing sewage treatment works. It is not a policy concerned with the location of such developments. It is therefore not the place to seek to impose criteria protecting features of the water environment. Watercourses are protected by other policies in the plan, albeit none refer specifically to watercress beds.

Issue ii)

4.93 The aim of the policy is to ensure that new development such as housing is not sited too close to sewage works which may (but not all do) generate

noise and odours. Such an aim has two benefits, it minimises the likelihood of harm to the living conditions of potential future residents from existing plants and ensures that there are no additional constraints imposed on further development at existing sewage treatment plants as a result of new incompatible development nearby. Maximising the use of existing plant and infrastructure is normally a more sustainable option than building new plants. The aim of the policy is consistent with national advice on reducing conflict between potentially polluting activities and other land uses.

4.94 In my view, Policy ES.11 does not materially add to the policy framework provided by Policies ES.9, ES.10 and ES.12 which all seek to avoid sensitive development being sited close to existing sources of pollution, including odour and noise. Policy ES.11 refers to the "development restraint areas" around sewage treatment plants shown on the Proposals Map, but it rightly does not seek to preclude development within such areas unless that development would suffer unacceptable nuisance. This is the same test as set out in the other generally applicable policies. Thus Policy ES.11 adds nothing unique.

4.95 The restraint areas shown on the Proposals Map do not appear to take into account the environmental factors identified by an objector which might affect the area at risk from pollution such as topography and the prevailing wind direction. Some sewage treatment works may not generate any harmful noise or odour. Clearly site specific assessments will need to be made as to whether new development would be likely to be adversely affected by existing sewage treatment plants. I consider that these restraint areas are more suited to triggering consultation with plant operators where development is proposed nearby rather than being the basis of a particular policy. Since there may well be other types of plant around which sensitive development should not be allowed I see no reason for the Plan to highlight one particular type of facility. I thus consider that Policy ES.11 is unnecessary. The "restraint areas" do not need to be shown on the plan to trigger necessary consultation, which is a procedural matter which the Council needs to ensure is in place irrespective of what is shown on the Proposals Map. I recommend that Policy ES.11 and the "Development Restraint Areas" on the Proposals Map be deleted.

Recommendation:

R4.25 Modify the plan by deleting the heading "Sewage Treatment Works"; paragraph B6.32; Policy ES.11; and the "Development Restraint Areas" on the Proposals Map.

Chapter B6 - Policy ES.12 and Paragraphs B6.33 and B6.34

120/B57 Ms Helen Woodley
3126/B4 Bath Friends of the Earth

ES.12
ES.12

Supporting Statements

120/C144	Ms Helen Woodley	B6.33/A
3257/C116	Somer Valley Friends of the Earth	B6.33/A
3257/C117	Somer Valley Friends of the Earth	B6.34A/A

Issues

- i) Should the Policy wording be strengthened?
- ii) Should the policy acknowledge that noise may be from "one or more" existing sources?

Inspector's Reasoning

Issue i)

4.96 The objector is concerned that the policy might encourage businesses to propose noisy uses to protect their potential future business interests, and that the policy wording should be strengthened to protect against this. However, the first paragraph of the policy would afford protection from proposals which would be potential sources of noise. The requirement to protect noise-sensitive development from existing or potential sources of noise is in accordance with PPG24 (paragraph 12).

Issue ii)

4.97 I agree with the Council that the policy as worded can take account of noise generated from more than one source.

Recommendation: no change

Chapter B6 - Policy ES.13 and Paragraph B6.37

3126/B5	Bath Friends of the Earth	ES.13
3227/B1	Western Power Distribution	ES.13
1464/C4	Health & Safety Executive	ES.13/A

Supporting Statements

1984/C8	National Grid Transco	B6.37/A
1984/C11	National Grid Transco	B6.37/A
120/B58	Ms Helen Woodley	ES.13
2695/B6	The Springs Foundation	ES.13
120/C140	Ms Helen Woodley	ES.13/A
120/C141	Ms Helen Woodley	ES.13/B
1464/C5	Health & Safety Executive	ES.13/B
1984/C7	National Grid Transco	ES.13/B
1984/C12	National Grid Transco	ES.13/B
120/C142	Ms Helen Woodley	ES.13/C
1464/C6	Health & Safety Executive	ES.13/C
120/C143	Ms Helen Woodley	ES.13/D
1464/C7	Health & Safety Executive	ES.13/D

Issue

- i) Whether high pressure gas pipelines and major hazard sites should be marked on the Proposals Map?

Inspector's Reasoning

4.98 There were several objections to references to electromagnetic fields in paragraph B6.37 which have been met by the deletion of this paragraph in the RDDLP.

4.99 I appreciate the importance of being aware of the locations of hazardous installations, including high pressures pipelines, but to include such information on the Proposals Map would result in an even more confusing level of detail. There is also the risk of the Proposals Map becoming out of date during the life of the Plan. Information on hazardous installations should be held on the constraints database of the Council to ensure appropriate consultations are triggered when applications near such installations are submitted.

Recommendation: no change

Chapter B6 - Policy ES.14

687/B8

Peasedown St John Parish Council

ES.14

Issue

- i) Whether the Policy should require proposals to take into account the proximity of high pressure gas mains?

Inspector's Reasoning

4.100 This issue would be covered by the last paragraph of Policy ES.13 and by Policy ES.3, and would be addressed at the development control stage through consultation with the Health and Safety Executive. The proximity of high pressure gas mains does not need to be referred to in Policy ES.14.

Recommendation: no change

Chapter B6 - Policy ES.15 and Paragraph B6.43

Supporting Statements

1427/B63	Environment Agency – these were listed as objections but are in support	B6.43
1427/B64	Environment Agency	ES.15
2585/B6	Wessex Water	ES.15
120/C150	Ms Helen Woodley	ES.15/A

1427/C199	Environment Agency	ES.15/A
3257/C118	Somer Valley Friends of the Earth	ES.15/A
3511/C9	British Waterways	ES.15/A
