

ANNEX 2: CHANGES TO POLICIES B1(8), CP.4, CP.9, CP.11 (REF ID/29)

- 1.0 The schedule in Annex 3 sets out all the changes proposed to the Core Strategy. IN ID/29 the Inspector highlights the need to review a number of other policies in the Core Strategy and these are addressed below.
- 2.0 POLICY B1(8): RECREATION GROUND IN BATH**
- 2.1 The Inspector requested that the Council provide clarity on the policy approach towards the Rec
- 2.2 In June 2011, the Trust consulted on a proposal which allowed the Rugby Club to remain at the Recreation Ground. It would be granted a new lease that would enable it to redevelop its stadium. This would include a temporary east stand and the rugby pitch would be available to the Trust during the summer months. The Club would pass its Lambridge training ground to the Trust as replacement land for the area that it occupied at the Recreation Ground. The consultation exercise showed there was strong support for this proposal.
- 2.3 The Charity Commission has now published a draft Scheme which confers certain powers on the Trust. The Scheme permits the Trust to grant a new lease to the Rugby Club and receive the Lambridge site as replacement land. It also brings indoor recreation on the Leisure Centre land within the objects of the trust.
- 2.4 It will be for a new trustee body to take the decisions involved in implementing the proposal. These will include determining the terms of the property transactions with the Rugby Club and agreeing to the details of any new stadium. Any new development will be subject to the planning process, entirely separately from the Trust.
- 2.5 The Council can give in-principal planning policy support to the improvement and expansion of the existing stadium, in manner that reflects the draft Scheme. The situation of a sporting arena close to a city centre and in good reach of public transport facilities accords with the NPPF. In the Bath situation – there are other issues in respect of companion land uses and unique design challenges to be addressed.

RECOMMENDED CHANGE TO POLICY B1(8): RECREATION GROUND IN BATH

Adjoining the Central Area, at the Recreation Ground, and subject to the resolution of any unique legal issues and constraints, enable the development of a sporting, cultural and leisure arena. Associated uses may be acceptable but will be considered on their merits.

3.0 POLICY CP4: DISTRICT HEATING

- 1.1 Policy CP4 is part of the Council's policy response to climate change. The policy as currently drafted states that within 15 identified areas development will be expected to incorporate infrastructure for district heating. However, the Inspector states that this wording is only appropriate for the 3 most promising locations identified in the Council's study – Bath Central, Bath Riverside (District Heating is already in place at Bath Western Riverside with potential for extension) and Keynsham High Street (the re-developed Keynsham Town centre scheme already incorporates potential connection to a future District Heating system).
- 1.2 In the other 12 smaller areas (Radstock, Midsomer Norton, Paulton, Bath Spa University, Twerton, Kingsway, Bathwick, Moorfields, Odd Down, Lansdown, RUH & Keynsham Somerdale) the Inspector states that the policy should be encouraging unless there is a system to connect to (or will be a system to connect to at the time of development). District Heating is already in the process of being delivered in some of the smaller areas e.g. Bath Spa University (as part of their Masterplan proposals) and RUH (as part of their energy strategy) and considered in others (e.g. Keynsham Somerdale). Therefore this policy does seem sufficiently enabling even as re-drafted.
- 1.3 It is accepted that Policy CP4 should be amended to reflect the Inspector's concerns. The policy still remains robust, and is unchanged for the 3 most promising locations. For the smaller clusters the policy change will not fundamentally effect delivery as shown by the existing clusters already being taken forward at Bath Spa University and the RUH, and further enabling work can support additional clusters being delivered.
- 1.4 An additional minor amendment to the hierarchy wording has been included to reflect the latest precedent. The amended wording is included below in bold (amendments to composite January 2012 version):

RECOMMENDED CHANGE TO POLICY CP.4 (DISTRICT HEATING)

POLICY CP4 District Heating

The use of combined heat and power (CHP), and/or combined cooling, heat and power (CCHP) and district heating will be encouraged. Within the **three** identified "district heating priority areas", shown on diagram 19 (**Bath Central, Bath Riverside and Keynsham High Street**), development will be expected to incorporate infrastructure for district heating, and will be expected to connect to existing systems where and when this is available, unless demonstrated that this would render development unviable.

Within the remaining 12 "district heating opportunity areas" shown on diagram 19, (Radstock, Midsomer Norton, Paulton, Bath Spa University, Twerton, Kingsway,

Bathwick, Moorfields, Odd Down, Lansdown, RUH & Keynsham Somerdale), development will be encouraged to incorporate infrastructure for district heating, and will be expected to connect to any existing suitable systems (including systems that will be in place at the time of construction), unless it is demonstrated that this would render development unviable.

Masterplanning and major development in the district should demonstrate a thermal masterplanning approach considering efficiency/opportunity issues such as mix of uses, anchor loads, density and heat load profiles to maximise opportunities for the use of district heating.

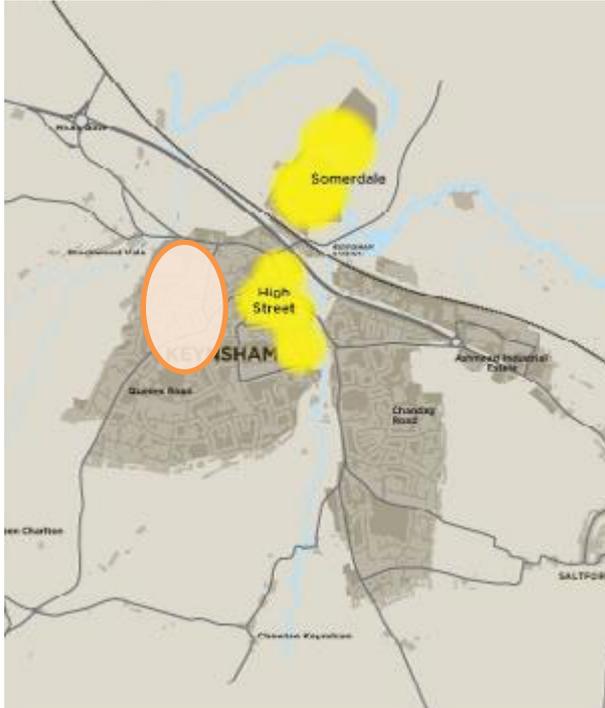
Where a district heating scheme is proposed as part of a major development the Council will expect the scheme all major developments to demonstrate that the proposed heating and cooling systems (CHP/CCHP) have been selected considering the heat hierarchy in line with the following order of preference:

1. Connection with existing CHP/CCHP distribution networks
2. Site wide CHP/CCHP fed by renewables
3. ~~Gas-fired CHP/CCHP or hydrogen fuel cells, both accompanied by renewables~~
4. **3.** Communal CHP/CCHP fuelled by renewable energy sources
5. **4.** Gas fired CHP/CCHP

Delivery

- 1 *This policy will provide a basis for Development Management to support the principle of CHP, CCHP and District Heating included in planning applications*
- 2 *Planning Applications within the DHPAs will need to demonstrate how they are incorporating district heating and to justify any alternative approach.*
- 3 *Planning Obligations or a Community Infrastructure Levy (CIL) may be able to be used to contribute towards the delivery of the delivery of strategic district heating infrastructure.*
- 4 *Further opportunities for interventions that will increase commercial viability of district heating ~~will be~~ **are** identified in the B&NES District Heating Feasibility Study and ~~will~~ include actions that the Council and the Private Sector ~~could~~ **can** initiate.*

Amend Diagrams



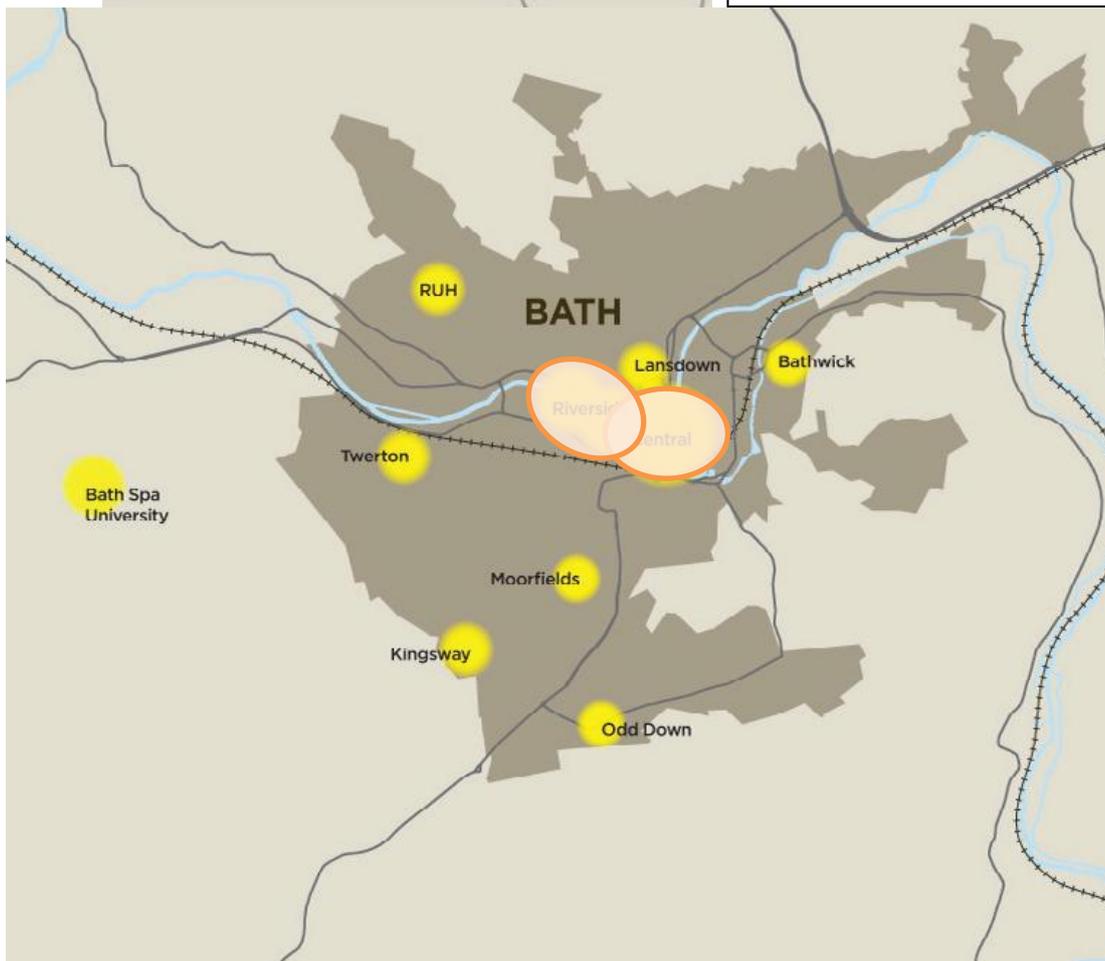
Amend key to:

Key
District heating priority areas – orange
District heating opportunity areas – yellow

change Keynsham high street symbol to orange

change Bath Riverside and Bath Central symbol orange

The key diagram on p21 will also need updating to only include the 3 “District Heating Priority Areas” – Bath Central, Bath Riverside and Keynsham Town Centre.



4.0 POLICY CP9: AFFORDABLE HOUSING

Inspector's concerns

4.1 Draft Core Strategy Affordable Housing Policy seeks an average affordable housing percentage of 35% on large sites (developments of 10 dwellings or more, or 0.5 ha or more in area) and 17.5 % on small sites (developments of 5 to 9 dwellings or an area of 0.25ha to 0.49 ha). The Inspector has concluded that the single 35% provision across the District is unsound and recommends setting different percentage requirements in different parts of the District to reflect the viability evidence.

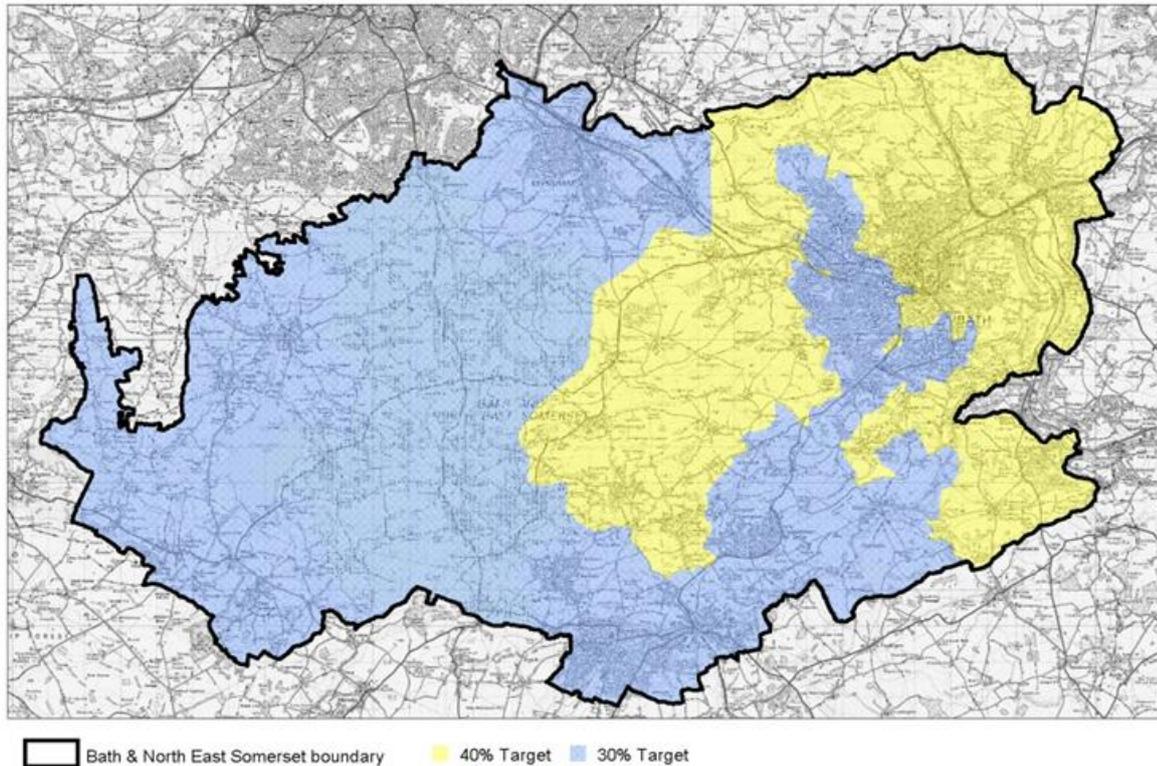
Council response

4.2 To respond to the Inspector's concerns, the viability assessment has been updated. The **B&NES Viability Assessment** provides information and recommendations on the level of affordable housing targets that are financially viable taking into account various development / mitigation costs, national/local standards and likely infrastructure requirements. The latest Viability Assessment takes into account:

- Any changes in the housing market since 2010 (as reflected by property prices);
- Changes in the policy position at the national and local level, with particular reference to tenure mix within the affordable housing element of schemes;
- Changes in development cost variables i.e. Code for Sustainable Homes;
- The finding of the CIL study

4.3 The Updated B&NES Viability Assessment shows that viability and associated proportion of affordable housing that can be provided varies geographically across the District and this is shown on the basis of zones derived from post code sectors. The Viability Assessment identifies three potential policy options, the first is the average 35% requirement across the whole District. The other two options are split target policy options, either a two-way 30% and 40% split (see table and map below) or a five-way split.

Targets	Sub-markets	Postcode
AH Area 1 40 %	Prime Bath	BA1 2, BA1 1, BA2 4
	Bath North and East	BA1 5, BA1 6, BA2 6, BA1 7, SN14 8 and SN13 8
	Bath Rural Hinterland	BA1 9, BA1 8, BA2 7, BA2 9, BA2 0, Ba152 and BS30 6
AH Area 2 30 %	Bath North and West	BA1 4 and BA1 3
	Bath South	BA2 3, BA2 2, BA2 1, BA2 5
	Keynsham and Salford	BS31 1, BS31 2, BS31 3, BS15 3, BS4 4 and BS14 8
	Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton	BS39 7, BA3 2, BA3 3, BA2 8,n BA3 4and BA3 5
	Chew Valley	BS40 6, BS40 8, BS39 4, BS39 5, BS39 6 and BS14 0



4.4 The recommended changes to the Policy set out below sets out a two-way split target. This ensures that local variation in viability can be reflected in a way that it is simpler to implement than the five-way split and is in line with the Inspector’s preliminary conclusions.

RECOMMENDED CHANGE TO POLICY CP.9 (AFFORDABLE HOUSING)

Large sites

Affordable housing will be required as on-site provision in developments of 10 dwellings or 0.5 hectare and above (~~whichever is~~ the lower threshold applies). The following percentage targets will be sought:

- AH area 1: 40% in Prime Bath, Bath North and East, Bath Rural Hinterland;
- AH area 2: 30% in Bath North and West, Bath South, Keynsham and Saltford, Midsomer Norton, Westfield, Radstock, Peasedown St John, Paulton and Chew Valley.

~~An average affordable housing percentage of 35% will be sought on these large development sites.~~
This is on a grant free basis with the presumption that on site provision is expected.

Small sites

Residential developments on small sites from 5 to 9 dwellings or from 0.25 up to 0.49 hectare (~~whichever is~~ the lower threshold applies) should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be 20% for AH area 1 and 15% for AH area 2 17.5%, half that of large sites, in order to encourage delivery.

In terms of the 17.5% affordable housing on small sites, the Council will first consider if on site provision is appropriate. In many instances, particularly in the urban areas of Bath, Keynsham,

Midsomer Norton and Radstock the Council will accept a commuted sum in lieu of on site provision. This should be agreed with housing and planning officers at an early stage.

Viability

For both large and small sites the viability of the proposed development should be taken into account, including:

- ~~Whether the site is likely to have market values materially above or below the average for the district~~
- Whether grant or other public subsidy is available
- Whether there are exceptional build or other development costs
- The achievement of other planning objectives
- The tenure and size mix of the affordable housing to be provided

A higher ~~(up to 45%)~~ proportion of affordable housing may be sought where supported by the assessment of viability of the proposed development. ~~or provision below the average of 35% may be accepted.~~

Sub-division and phasing

No change

Tenure

The tenure of the affordable housing will typically be based on a 75/25 split between social rent and intermediate housing.

The Council will only consider the provision of Affordable Rent or other affordable housing products in lieu of social rent ~~when where:~~

- it is proven necessary to improve viability in order to achieve policy position levels of affordable housing and where the housing need for affordable rent can be demonstrated.

Property Size and Mix

No change

Other

All affordable housing delivered through this policy should remain at an affordable price for future eligible households, in the event of any sales or staircasing affecting affordable housing unit(s) delivered through CP9 then an arrangement will be made to recycle the receipts/subsidy for the provision of new alternative affordable housing located elsewhere within Bath and North East Somerset. Affordable Housing should be integrated within a development and should not be distinguishable from market housing.

Delivery

Affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent.

The quantity, tenure balance and type/size mix of the affordable housing will be agreed with the Council's ~~Affordable Housing Development Enabling~~ Team, or equivalent, through the development management process. Applicants are recommended to hold early conversations with ~~Affordable~~

Housing-~~Development~~-Enabling Team in order to agree the affordable housing provision and in particular the likely availability of public subsidy.

In exceptional circumstances,---- no change.

5.0 POLICY CP11: GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE

- 5.1 The Inspector has requested that Policy CP11 and supporting text be amended to take account of the implications of national policy and that Policy CP11 should commit to making appropriate allocations in the Placemaking Plan DPD) to meet the assessed needs, whilst ensuring a five year supply of deliverable sites. 'Planning Policy for Traveller Sites', was published alongside the NPPF in March 2012 and requires that the accommodation needs for Gypsies, Travellers and Travelling Showpeople be assessed and a five year supply of deliverable sites identified. A further five year supply of developable site should also be identified, and where possible for years 11 - 15. The Inspector suggested that if evidence suggests sufficient sites cannot be found through the Site Allocations DPD the criteria in Policy CP11 will need to be more flexible.
- 5.2 The GTAA was updated for B&NES during 2012 and it recommends the following provision is required for Bath & North East Somerset now and over the next 15 years:
- 28 permanent pitches for Gypsies and Travellers
 - 5 transit pitches for Gypsies and Travellers
 - 40 plots for Travelling Showpeople
- 5.3 Policy CP11 and its supporting text are amended as proposed in the Schedule of Main Changes appended, to reflect the outcome of the GTAA review, address the Inspector's concerns and to be aligned with advice in 'Planning Policy for Traveller Sites'.

RECOMMENDED CHANGE TO UPDATE THE ACCOMMODATION REQUIREMENTS OF GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE (SEE ANNEX 3 FOR FULL POLICY)

Amend para before Policy CP11 as follows:

In March 2012 the Government published Planning Policy for Traveller Sites, alongside the NPPF, which seeks to align planning policy for Travellers with other housing. This requires the Council to demonstrate a five year supply of deliverable sites and a further five and where possible, ten year supply of developable sites. The Council has undertaken a refreshed assessment of need which updates the West of England Gypsy and Traveller Accommodation Assessment undertaken in 2007 for the Bath & North East Somerset area. This establishes the level of need for five, ten and fifteen year supply of sites in accordance with Planning Policy for Traveller Sites. The report has identified the need for 28 permanent and 5 transit pitches, and 40 Travelling Showmen's yards to be provided for the period 2012 - 2027. The Council will identify sites to respond to the established accommodation needs gypsies, travelers and travelling showpeople through separate Development Plan Documents (DPDs) for the period to 2011 for the travelling communities residing in or resorting to Bath & North East Somerset as required by national policy in a separate Development Plan Document. Planning Policy for Traveller Sites clarifies that for a site to be considered deliverable it must be available now and offer a suitable location for development now, and be achievable and viable with a realistic prospect it can be delivered within five years.