



South of Bath Alliance
Campaigning for our green spaces

South of Bath Alliance Objection to Planning Application 22/02169/EOUT

7th August 2022



Report agreed by SOBA Management Committee meeting on 2nd August 2022

Contents

1. Executive summary	3
2. Introduction	5
3. Policy B3a and the Placemaking Principles	6
4. The Development of the Plateau	7
4.1. Scale of the proposed development	7
4.2. Affordable housing	7
4.3. Comprehensive Masterplan	9
4.4. Public consultation	9
5. Provision of Green Infrastructure	10
5.1. Tree belts	10
5.2. The siting of allotments	12
6. Ecological impacts	13
6.1. The impact on the bat population	13
6.2. The impact on the breeding skylarks on the plateau	14
6.3. Loss of trees in Sulis Manor grounds	15
6.4. Biodiversity net gain	16
7. Landscape impacts	17
7.1. The Plateau Landscape	17
7.2. The Cotswold National Landscape or Area of Outstanding Natural Beauty	18
8. Cultural Heritage	19
8.1. Bath World Heritage Site	19
8.2. Wansdyke Scheduled Ancient Monument	20
8.3. South Stoke Conservation Area	21
8.4. Sulis Manor	23
9. Traffic and travel	24
9.1. Assessment of the impact on the local road network	24
9.2. The Travel Plan	25
10. Community Infrastructure	27
10.1. The lack of community facilities within the site	27
10.2. Schools	28
10.3. Health provision	29
11. B&NES Climate and Ecological Emergency	30
11.1. Climate Emergency	30
11.2. Ecological Emergency	31
12. Conclusion	33
Appendices	
A. Policy B3a and the Placemaking Principles	34
B. Affordable Housing	39
C. Consultation undertaken by Framptons in February 2022	42
D. The impact of the development on bats	45
E. Skylarks on South Stoke Plateau	48
F. Biodiversity Off-Site Compensation and Net Gain/Loss	51
G. Submission from Cotswold Conservation Board to B&NES Local Plan Partial Update	54
H. Response to Historic Environment Setting Impact Assessment: West Wansdyke	56
I. Sulis Manor and Gardens	59
J. Traffic impact	62
K. Schools affected by the Sulis Down Development	65

1. Executive Summary

The South Stoke Plateau is a highly sensitive site that lies within the Cotswold AONB and is part of the landscape setting of the Bath World Heritage Site. It is joined to the South Stoke Conservation Area at its southern edge and has a Scheduled Ancient Monument, the Wansdyke, running along the northern boundary of the site. In 2014 a portion of the plateau land was removed from the Green Belt for development.

Policy B3a within the 2017 [B&NES Core Strategy and Placemaking Plan](#) specifies the principles that must be adhered to for any development on the South Stoke plateau to be approved. It allows for 'around 300' houses on the overall site as long as all the Placemaking Principles are met. It also states '*300 dwellings is not a cap on development if all the placemaking principles can be met*'.

In 2018 application 17/02588/EFUL to build 171 houses on the fields to the west of Sulis Manor (phase 1) was approved as a piecemeal development despite not having an approved Comprehensive Masterplan for the site and thereby not complying with Placemaking Principle 2.

In March 2022 because of the failure to agree a Comprehensive Masterplan an application 22/01370/FUL was submitted for the creation of new allotments including associated facilities and landscaping, including access and cycle parking, and access to adjacent soakaway in the Green Belt land known as Derrymans. There have been 78 objections to this proposal and a decision is still awaited.

The current application 22/02169/EOUT (phases 3 & 4) is for i) outline application to build 300 more houses on the fields to the east of Sulis Manor, ii) detailed application to build a road through the grounds of Sulis Manor and iii) Detailed application for allotments and other works in the Green Belt on the field known as Derrymans on the presumption that 22/01370/FUL is approved.

Application 22/02169/EOUT breaks many of the Placemaking Principles in Policy B3a as outlined below. The bracketed numbers referenced relate to the section of this report where this is evidenced in more detail.

- There are 171 houses now being built (phase 1). There is an estimate of 50 to be built in and around Sulis Manor (phase 2). The 300 more houses proposed in the application for phases 3 & 4 would bring the number to 521. This will far exceed the 'around 300' in Policy B3a. In addition, land occupied by the Odd Down Football Club is also part of allocated site with an unknown allocation of houses for future planning (4.1). Collectively this is a massive overdevelopment of the plateau.
- Alternative scales of development have not been considered despite a request from B&NES to do so (4.1).
- The Phase 1 development will not deliver the mix of affordable housing that B&NES requested and was only approved on the basis that any shortfall would be addressed in subsequent phases. This shortfall is not being addressed in the current application (4.2).
- There is no agreed Comprehensive Masterplan for the plateau. This is required by B&NES and is critical if an integrated holistic approach is to be made for this development (4.3).
- The February 2022 Framptons public consultation on behalf of the applicant was flawed with leading questions based on incomplete information and with only a two-week window for responses. The responses were overwhelmingly negative, and no account has been taken of them in the current proposal (4.4).

- The tree belts along the southern boundary have not been enhanced as required. Houses are being built in phase 1 and are planned to be built where the plan indicates there should be 'Additional Green Infrastructure' (5.1).
- The siting of allotments should be within the site allocated for development and not in the Green Belt at Derrymans as proposed (5.2).
- The site is recognised as exceptionally good for bats and the proposed development will destroy their roosting sites and drive them away from a regionally important foraging area (6.1).
- The proposal for phases 3 & 4 will prevent skylarks nesting anywhere on the plateau and the proposed site of Rowley Top will not provide adequate mitigation (6.2).
- The felling of 71 trees in Sulis Manor grounds will result in an unacceptable loss of biodiversity which a plantation of young trees will not replace (6.3).
- A biodiversity net gain is not achieved if the parameters in the model are set correctly (6.4).
- B&NES's own landscape officer objected to phase 1 based on the 'unacceptable harm' that it would cause to the landscape in this area. Phases 3 & 4 would cause greater harm (7.1).
- The proposed development on the plateau runs directly counter to the vision of the Cotswold National Landscape (AONB) and the UK's National Planning Policy Framework (7.2).
- The development puts at risk Bath's status as the UK's only World Heritage City (8.1).
- The developers impact study of the Wansdyke is flawed and understates the impact the development would have on this Scheduled Ancient Monument (8.2).
- The development would have a major impact on the South Stoke Conservation Area and threaten its '*exceptional landscape setting*' and '*peaceful rural atmosphere*' (8.3).
- The road across Sulis Manor grounds would ruin the setting of this important Arts and Crafts house and garden, and the framework of trees around it (8.4).
- The proposed development would have a severe impact on the already congested road network around Odd Down. The applicants traffic modelling is based on flawed assumptions (9.1).
- There are limited access points to the site for cyclists and the steep hills and congested roads make cycling difficult. Phases 3 & 4 are between 700 m and 1.25 km from Odd Down Park & Ride. This is likely to build in car dependency (9.2).
- There are no shops, cafés or meeting places in this application and it does not comply with [Building for a Healthy Life](#), the industry standard for the design of new housing developments (10.1).
- The proposal to include a school within the site has been removed by the applicant and additional houses have replaced this. This even though there is inadequate capacity in the local schools for a development on this scale and the school highlighted for expansion does not meet B&NES's own criteria for such expansion (10.2).
- Local medical facilities are under huge pressure which additional housing in this area will only exacerbate (10.3).
- The proposed development runs counter to B&NES's priority local actions for the Climate Emergency (11.1) and Ecological Emergency (11.2). Increased car dependency will increase carbon emissions and habitats will be destroyed that should be conserved.

In this report we demonstrate that multiple Placemaking Principles within Policy B3a have not been met, and on this basis application 22/02169/EOUT should be rejected.

2. Introduction

The South of Bath Alliance (SOBA) was formed in 2014 to oppose the southern urban expansion of Bath into the Green Belt and Area of Outstanding Natural Beauty adjacent to Odd Down, Bath. We represent all the surrounding communities who will be negatively affected by the proposed urban expansion.

The entire South Stoke plateau was all designated as Green Belt in 1990. The land clearly serves the purposes of the Green Belt by checking the unrestricted urban sprawl of Bath into the surrounding green landscape, preventing South Stoke being merged into Bath and protecting the historic character of both. It is a vital link in the green environs of the city.

The Hignett Family Trust who own most of the South Stoke plateau have undertaken a long running campaign lobbying B&NES to remove the plateau land from the Green Belt so that it is easier to develop. Regrettably, they have been partially successful. The adoption of the B&NES Core Strategy and Placemaking Plan in 2014 saw a portion of the plateau land removed from the Green Belt. Policy B3a (see Appendix A) set out strict conditions for any development on the site in the form of a series of 'placemaking principles'. It also stated that 'The figure of 300 dwellings is not a cap on development if all the placemaking principles can be met'.

Following the granting of planning permission in June 2018 to build 171 houses on fields to the west of Sulis Manor the land was sold by Hignett Family Trust for £19.8m to Countryside Properties (UK) Ltd on 1 April 2021.

The current application is for:

- (i) Outline planning for Phases 3 & 4 for up to 300 dwellings - this is in addition to the 171 that are already being built as part of Phase 1,
- (ii) Detailed application for a spine road from the Phase 1 site across Sulis Manor grounds to the eastern fields and including a branch to Sulis Manor
- (iii) Detailed application for allotments and other works in the Green Belt on the field known as Derrymans.

SOBA's objections to this application will be based on the evidence that the application does not meet the following criteria in multiple respects.

- Policy B3a and the Placemaking Principles within it.
- Other National and local policies
- Guidance given to the developers by B&NES planning

This document is structured to follow the Placemaking Principles set out in Policy B3a. Where Policy B3a is quoted directly, *the text will be in blue italics*. Supporting information is presented to the main case in a series of Appendices.

3. Policy B3a and the Placemaking Principles

The removal of a part of the South Stoke plateau from the Green Belt to enable housing development in 2014 was a controversial decision. The Placemaking Principles within Policy B3a have been put in place to direct any proposals for new houses and define conditions that need to be met. They are there to prevent overdevelopment of the site and provide a safeguard to the local community over the potential scale and form of housing to be built on the plateau. The current proposal represents an example of such an overdevelopment.

Either outline or full planning permission should **only** be granted if **all** the placemaking principles are met.

Policy B3a and the Placemaking Principles are detailed in Appendix A.

In summary they are:

1. Residential led mixed use development (40% affordable) or around 300 dwellings. 300 is not a cap if all the Placemaking Principles can be met.
2. A Comprehensive Masterplan must be produced, through public consultation and agreed with B&NES.
3. Provision of Green Infrastructure
4. New public rights of way
5. Landscape and Ecology mitigation including
 - Protection of dark skies
 - Safeguard skylark interest
 - New woodland planting along the southern boundary to strengthen bat foraging areas and provide visual screening
 - Protection of existing trees
 - The Cotswold AONB
 - The character of the Cam Brook valley, Sulis Manor plateau, South Stoke and Combe Hay Lanes.
6. Conservation of heritage assets including
 - Bath World Heritage Site
 - Wansdyke Scheduled Monument
 - South Stoke Conservation Area
 - Sulis Manor
7. Transport
 - Vehicular access from Combe Hay Lane
 - Additional cycle and pedestrian links
8. Contributions to St Martins Garden Primary school.
9. Additional employment at Manor Farm
10. Retain and or enhance Odd Down Football Club
11. Avoid areas of land instability.

In this document we demonstrate that many of the Placemaking Principles are not met and this application does not comply with national planning policies and specific guidance given to the developers by B&NES.

On this basis application 22/02169/EOUT should be rejected.

4. The Development of the Plateau

4.1. Scale of the proposed development

The scale of the proposed development is far in excess of the ‘around 300’ in Policy B3a and the applicants have not responded to the request from B&NES to consider alternatives as part of this application.

Policy B3a - Placemaking Principle 1 states:

Residential led mixed use development (to include 40% affordable housing) of around 300 dwellings, in the plan period. The site should be developed at an average density of 35-40dph. The figure of 300 dwellings is not a cap on development if all the placemaking principles can be met.

Housing numbers

The proposed housing number substantially exceeds ‘around 300’. 171 houses are currently being built for phase 1; it is estimated 50 houses will be built in and around Sulis Manor at some point in the future, and a further 300 are now proposed in phases 3 & 4. This would result in a total of 521 houses on the site. **521 is not ‘around 300’.** The Odd Down Football Club also lies within the area of land allocated for development by the 2014 Local Plan and if developed would increase this number still further.

All the Placemaking principles have to be met both for ‘around 300 houses’ and any number in excess of that.

Policy B3a asks for *residential led mixed use development*. The applicants [Land use Parameter Plan](#) shows only ‘Primarily residential’ development, to maximise house numbers at the expense of other community facilities (see section 10.1).

Consideration of alternative scale of development

Tessa Hampden, Senior Planning Officer at B&NES [wrote to the developers](#) in relation to how the Environmental Impact Assessment should be conducted : ‘*the assessment of alternative design proposals in respect to the evolution of scale, mass and quantum of development on the project site is considered appropriate.*’

The guidance to consider alternate ‘scale, mass and quantum of development’ was not followed. No alternatives to an additional 300 houses for phases 3 & 4 have been proposed by the applicant.

The proposed development far exceeds the ‘around 300’ in Placemaking Principle 1 and no alternate scale of development is considered within this application.

On this basis application 22/02169/EOUT should be rejected.

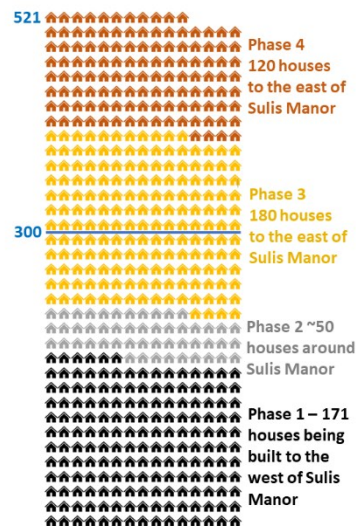
4.2. Affordable housing

The Phase 1 development is not delivering the mix of affordable housing that B&NES outlined, with far more one-bedroom flats and far fewer three-bedroom houses being built. The B&NES housing officer only approved phase 1 on the condition that the shortfall in larger affordable houses would be addressed in subsequent phases of the development. The current proposal makes no reference to the shortfall from phase 1.

Policy B3a - Placemaking Principle 1 states:

Residential led mixed use development (to include 40% affordable housing) of around 300 dwellings, in the plan period.

South of Bath Alliance objection to planning application 22/02169/EOUT 7th August 2022



The affordable housing mix currently being built for both phase 1, and that which is proposed for phases 3 & 4, does not meet the required housing mix that B&NES specified to the developers.

To be able to interpret the detail in the current application it is necessary to revisit phase 1. The Hignett Family Trust submitted a plan 16/05235/SCOPE in October 2016 which was titled a 'Request for scoping opinion for development at Land West of Sulis Manor' in preparation for the full planning application. In it they stated they would provide an Affordable Housing Statement.

The full application for Phase 1 17/02588/EFUL was submitted in May 2017 **without an Affordable Housing Statement**.

The B&NES Housing Development Officer Gary Ward stated in his consultation [response of 10 July 2017](#) to this application highlighting that the housing split does not comply proportionally with that agreed for the overall site.

The developers are underdelivering on two- and three-bedroom affordable rented accommodation and making up the overall '40% affordable' number by substituting these larger rented dwellings with one-bedroom flats (see Appendix B for details).

For example, for affordable rented accommodation:

- B&NES specified that only 25% of affordable rented dwellings should be one-bedroom flats – over half of them (55%) are.
- B&NES specified that 19% of affordable rented dwellings should be three-bedroom houses – the developers are only delivering 6%.

The B&NES Housing Development Officer only [approved the phase 1 application](#) on the basis that '*all subsequent phases will deliver an affordable housing contribution that proportionally rebalances the agreed affordable unit split across the whole masterplan site*'.

The phase 1 development (17/02588/EFUL) was approved at the B&NES Development Management Committee meetings on 6th June and 4th July 2018. Judging by the minutes from this meeting the issue that the developers had not complied with the affordable housing mix was neither raised by the B&NES planning department nor discussed by the committee. No reference appears to be made to the condition specified by the B&NES Housing Development Office that the balance should be redressed in the future.

Phases 3 & 4

In relation to the current application Planning Officer [Chris Griggs-Trevarthen's letter of 7th March 2022](#) specifies B&NES's proposed housing mix, which includes affordable rented four and five-bedroomed houses, but he makes no reference to the shortfall from phase 1 and the need to address this.

The developers have now produced an Affordable Housing Statement and their proposed housing mix has **no four- or five-bedroom affordable houses** and makes no reference to the need to address the shortfall from phase 1. Gary Ward's [consultation response of 25th July 2022](#) also does not refer to this shortfall.

Given the non-compliance by the Hignett Family Trust in phase 1 and their failure to acknowledge the requirement to address the shortfall from phase 1 in phases 3 & 4, there is no confidence that this development as proposed will have the required mix of affordable housing.

On this basis application 22/02169/EOUT should be rejected.

4.3. Comprehensive Masterplan

The developers have NOT produced a Comprehensive Masterplan which has been agreed by B&NES. The version consulted on in February 2022 was far from comprehensive, with for example no consideration of the impact on traffic or total housing number, and there are no substantive changes to this plan in the current application (18/5/22). The continued absence of a bona fide Comprehensive Masterplan is compromising the future development of this site.

Policy B3a – Placemaking Principle 2 states:

Preparation of a comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best practice as embodied in 'By Design' (or successor guidance), ensuring that it is well integrated with neighbouring areas.

In 2016 the Hignett Family Trust employed a QC to argue that *'the only means of agreeing a Comprehensive Masterplan is through the statutory planning application process'* and that *'the requirements of placemaking Principle 2 to produce a Comprehensive Masterplan should only be discharged through the submission of the required Masterplan as part of an appropriately supported planning application.'*

An 'Illustrative Comprehensive Masterplan' statement was produced in May 2017 for consultation, and this was submitted as part of the 2017 application to build 171 houses on the western plateau. The case officer for B&NES stated that the masterplan was inadequate and **'Accordingly it is considered that the masterplan should not be agreed at this stage'**. Surprisingly, the proposal for 171 houses was permitted despite the absence of a comprehensive masterplan thereby breaking B&NES's policy B3a Placemaking Principle 2 for the site.

The proposed 'Comprehensive Masterplan' produced as part of this application **is not comprehensive.**

- It gives no indication of the scale of the developments in and around Sulis Manor other than the Spine Road.
- No consideration is given to the development on the Odd Down Football Club site which is within the area allocated for development.
- The plan has not responded in any way to the feedback received from the consultation. The [updated plan submitted on 18 July 2022](#) only makes an amendment to a footpath west of Derrymans.

Unresolved issues from phase 1 such as where the allotments should be sited, and the affordable housing mix are a direct consequence of the absence of an agreed Comprehensive Masterplan.

It is essential that no further outline or full development proposals for this area are approved until Placemaking Principle 2 is fulfilled and a Comprehensive Masterplan, through a genuine public consultation process is agreed by B&NES Council.

On this basis application 22/02169/EOUT should be rejected.

4.4. Public consultation

The "consultation" by Framptons on behalf of the Hignett Family Trust in February 2022 on their Comprehensive Masterplan was flawed. It had a very short timescale for response and very limited and leading questions. The public response to the consultation was overwhelmingly negative and the developers appear to have made no adjustments to their plans following this feedback from the local community.

In February 2022 Framptons published their latest version of a Comprehensive Masterplan and, as required by Policy B3a as a precursor to the current application, undertook a public consultation on

these plans. This consultation was inadequate, and the process flawed (see Appendix C). It consisted solely of an online questionnaire with 6 questions and two comment boxes.

The consultation was only open for two weeks, one of which was the February half term when families may have been away. There was no provision for individuals who did not have internet access. The questions had clearly been designed to achieve responses that work in favour of the developers and lead to skewed data. There was not a single question relating to the impact on existing local communities, which is a major consideration for this development.

Chris Griggs-Trevarthen's [letter of 7th March 2022](#) states: '*I suggest that further engagement and consultation with the local community would be beneficial to any subsequent submission*'. No other public engagement activities were undertaken in relation to these proposals, which also does not comply with [B&NES guidelines](#) for a development of this scale.

The results of the consultation, which the developers omitted from their Design and Access Statement, were overwhelmingly negative (see Appendix C). The response by the developers to the concerns raised by the local community in the comments boxes of the questionnaire was simply to restate what was in their Comprehensive Masterplan, or say they would consider them at a later stage.

Chris Griggs-Trevarthen's [letter](#) goes on to say '*Any planning application will need to evidence how the public consultation has informed the masterplan and how it would result in a co-ordinated and managed approach to the development of the allocation site.*'

There appear to be no material changes between the Comprehensive Masterplan that was published as part of the February 2022 consultation and that which was submitted in the current May 2022 application.

The consultation process has been inadequate and flawed and it has not informed the current application.

On this basis application 22/02169/EOUT should be rejected.

5. Provision of Green infrastructure

5.1. The Tree belts

The tree belts form an important screen on the southern edge of the plateau. They are predominantly ash and suffering from dieback which will reduce their effectiveness in the future. These have not been enhanced as the Placemaking Principles require and currently in phase 1 there are houses being built where it has been specified there should be Green Infrastructure.

Policy B3a states Placemaking Principle 5 states:

- *Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night)*
- *New woodland planting along the southern boundary of the plateau, particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale*
- *Retention and cultivation of planting features and off-site habitat including the retention of hedgerows and tree belts, as indicated on the Concept Diagram*
- *Retention and protection of existing trees and significant hedgerows by inclusion within public open space and enhance hedgerows by provision of additional planting*
- *Protect the tree belt on the southern edge of the site and enhance with additional planting to ensure visual screening of the site from views to the south*

Policy B3a states Placemaking Principle 6 states:

World Heritage Site

- *The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan.*
- *The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan.*
- *Control light pollution to protect the visual screening of the site from views to the south.*

A number of tree belts have been planted across the plateau in the last twenty years. These are identified in Policy B3a as needing to be protected and enhanced to provide:

- Visual screening
- Minimising light spill from the development
- Improving bat foraging areas.

These tree belts are predominantly ash and have suffered badly from ash dieback. In October 2021 they were partially thinned, reducing their effectiveness as a screen. There remains a large proportion of ash and therefore likely to be significant further tree loss.

The Landscape & Mitigation Strategy & Management Plan for Phase 1 in the section entitled 'Planting & Management of Existing Southern Plantation' states:

- *The initial thinning and replanting of the southern tree belt is to be carried out in the first planting season following planning consent.*
- *A new buffer zone will be planted along the northern edge of the tree belt.*

Planning consent was granted in August 2019. Thinning took place two years after planning consent and there has been no new planting after three years on either the southern or northern tree belts. Meanwhile work has started without any mitigation for the bats foraging in the area (see Section 6.1).

The developers are failing to provide the level of Green Infrastructure that has been specified for this development. Diagram 22 in Policy B3a (see Appendix A) includes a line of large green asterisks along the southern and eastern boundary of the site to mark 'Additional Green Infrastructure' required within the area allocated for development.



The Phase 1 development plan (left) superimposed on Diagram 22 from Policy B3a.

The Phases 3 & 4 proposed development (right) superimposed on Diagram 22 from Policy B3a.

The green asterisks show where 'Additional Green Infrastructure' should be delivered.

The diagram above shows that the developers have failed to deliver the required infrastructure in Phase 1 with houses being built along the southern boundary of the site where there should be Green Infrastructure in the form of trees.

For phases 3 & 4 it also shows, judging by the plan they have included within their [Design and Access Statement](#) for application 22/02169/EOUT, the developers will deliver insufficient Green Infrastructure along the southern boundary and none at all on the eastern boundary. Both are explicitly required in Placemaking Principles 5 and 6 of Policy B3a.

The developers are failing to comply with the Placemaking Principles in relation to the provision of Green Infrastructure and new woodland planting on the southern boundary of the plateau.

On this basis application 22/02169/EOUT should be rejected.

5.2. The Siting of Allotments

The Allotments should be included within the land allocated for development. Placing allotments in Green Belt land clearly works to the advantage of the developers by allowing them to build a greater number of houses in the permitted area but does not comply with Placemaking Principle 3 or Green Belt policy.

Policy B3a states Placemaking Principle 3 states:

Provision of Green infrastructure including multifunctional green space (formal, natural and allotments)

The developers have not complied with Placemaking Principle 3 for phase 1 of the development of the plateau. How permission was granted for the phase 1 development in 2018 without the location of the allotments being agreed is seriously perplexing. Again, this is a consequence of the Phase 1 development having been approved without the agreement of a Comprehensive Masterplan.

In March 2020 the Hignett Family Trust applied to place Allotments on Derrymans field which was refused, as Derrymans is outside the area for development and remains part of the Green Belt. A second application 22/01370/FUL was submitted by Countryside PLC the new owners of Phase 1 land in March 2022 which is still 'pending consideration'.

This new Hignett Family Trust application presumes that 22/01370/FUL has been approved. It wants also to place allotments for phases 3 & 4 in Derrymans field combined with allotments for Phase 1. The developers stated as part of this application in response to the consultation that:
The Project Team identified several locations for the allotments. It was decided to locate the allotments in Derrymans, as the allotments for Phase 1 are located there. This is both untrue and misleading, the siting of the allotments for phase 1 has not been approved.

The allotments should not be in the Green Belt - Policy B3a requires that the developers provide allotments within the area of land allocated for development. In addition to the usual fencing, sheds, plastic water butts and hard landscaping, the plans include provision for cycle racks, street-lighting and a car-park (and therefore constitute built development). The allotments will also be in Combe Hay, a different parish to the rest of the development which is in South Stoke and Midford.

The proposed location will cause major harm to the openness of the Green Belt and this location would be "unsustainable" because it would be distant from Phases 2, 3 & 4.

On this basis application 22/02169/EOUT should be rejected.

6. Ecological impacts

6.1. The impact on the bat population

The South Stoke plateau is exceptionally good for bats with 11 of the 17 UK species found there. The proposed housing development and spine road threaten not only to destroy key roosting sites but also drive them away from a regionally important foraging area.

Policy B3a Placemaking principle 5 states:

Ecological Requirements

- *Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night)*
- *New woodland planting along the southern boundary of the plateau, particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale*

South Stoke plateau lies within the Bath and Bradford upon Avon Special Area of Conservation (SAC) for bats Conservation and has 15% of the UK population of the rare greater horseshoe bat. 11 of the 17 species of UK bats are found on the plateau (see Appendix D). Bats travel considerable distances to feed and the southern tree belt of the plateau is described as a 'regionally important' foraging site for bats.

Bats also roost on the plateau. Four different species of bats (common and soprano pipistrelles, serotine and brown long-eared bats) roost in the roof structure of Sulis Manor. The outbuildings to the north of Sulis Manor are a roosting site for both lesser and greater horseshoe bats. The 2022 [Ecology: Baseline Report and Assessment](#) produced for the developers by Kestrel Wildlife Consultants states that *'The concentration of bat roosting sites within Sulis Manor house and outbuildings is significant; in particular, the presence of a potential lesser horseshoe mating roost in the rear section of the old orchid greenhouse is an important feature.'*

Light emanating from the new development will affect the behaviour of bats, potentially delaying their emergence from roosting sites and driving them away from important foraging areas. The construction of the spine road will require the demolition of the outbuildings at Sulis Manor destroying the roosting sites of greater and lesser horseshoe bats.

A planning condition from the phase 1 was the provision of bat barns as alternate roosting sites. Two of these have been provided but they are close to the current and proposed developments and no evidence has been presented that they are currently being used.

To try to mitigate the impact on the regionally important foraging areas on the southern side of the plateau Placemaking Principle 5 requires *'new woodland planting along the southern boundary of the plateau'*. This has not been undertaken in phase 1 or appears to be included in the outline proposals for phases 3 & 4 (see section 5.1). The existing tree belt is predominantly ash and likely to become less effective with the ongoing impact of ash dieback.

Natural England [have provided feedback](#) on the current proposal highlighting the impact of the loss of tree belts from the north and centre of the plateau on the foraging area for bats, the insufficient mitigation for the loss of trees in Sulis Manor, and the impact of domestic and street lighting on the bat population that roosts and forages on the plateau.

Senior Planning Officer at B&NES [gave an opinion](#) to the developers at an earlier stage in the preparation of their proposal stating that: *'Information needs to demonstrate 'beyond reasonable*

scientific' doubt that there will be no significant adverse impacts on the bat SAC. Otherwise the application should be refused'.

The applicants have failed to show that there will not be harm caused to the population of bats within the Bath and Bradford on Avon Special Conservation Area.

On this basis application 22/02169/EOUT should be rejected.

6.2. The impact on the breeding skylarks on the plateau

The developers have failed to provide a credible proposal to safeguard the skylark population of the site.

Policy B3a Placemaking Principle 5 states:

- *Safeguard skylark interest, through adequate mitigation or off-site compensation*



Male Skylarks sparring over Little Broad Close. This field is phase 4 of the proposed housing development.

Skylarks are an iconic bird of the British landscape and prior to the commencement of any building work a survey in 2020 found that the South Stoke plateau supported around 8 breeding pairs. The population in the UK has declined sharply since the Second World War; in their preferred habitat of farmland, skylark numbers [fell by between 56% and 70% in England 1967 and 2016](#) (see Appendix E). The skylark is protected by law, and has a conservation classification of red based on the continuing decline in breeding numbers.

Skylarks need nesting sites such as the South Stoke plateau which have an open aspect. If phases 3 & 4 go ahead the developers acknowledge that skylarks will be lost from the entire plateau. In an attempt to comply with Policy B3a the developers are proposing Rowley Top as 'off-site compensation'. Rowley Top, a 6.7 ha field about half a kilometer south of the plateau also has an open aspect but on a very much smaller scale than the South Stoke plateau. In the 2020 survey it was found to support two pairs of skylarks. The developers are also trying to use the same field to provide biodiversity net gain by creating a 'calcareous species rich grassland' (see section 6.4), a process they say that will take 25 years.

Their aim for this site is to provide an adequate alternate nesting ground for skylarks. This would be impossible to achieve (see Appendix E for more details) because:

- The proven technique for increasing skylark nesting numbers through the creation of skylark plots is only suitable for use in arable crops.

- The creation of a species rich calcareous grassland will take many years. There is no discussion of where the skylarks are meant to nest in the interim.
- The site cannot support the number of nesting sites needed to compensate for the loss on the South Stoke Plateau. Two pairs currently nest on Rowley Top; to accommodate probably eight more displaced pairs would see a five-fold increase in the density of nesting sites. This would require a density of nests higher than has been observed in the UK.
- There is no provision in the application for the long-term maintenance of the site. B&NES's emerging policy is for biodiversity gain and says that it should be '*secured in perpetuity (at least 30 years)*'.

The last remaining option for the developers is 'Statutory Credits', a payment to B&NES for the lost biodiversity. This is unacceptable as it would not fulfill Placemaking Principle 5 to '*Safeguard skylark interest, through adequate mitigation or off-site compensation*'.

The scale of the development proposed and the lack of a viable alternate nesting site makes it impossible for this development to meet Placemaking Principle 5.

On this basis application 22/02169/EOUT should be rejected.

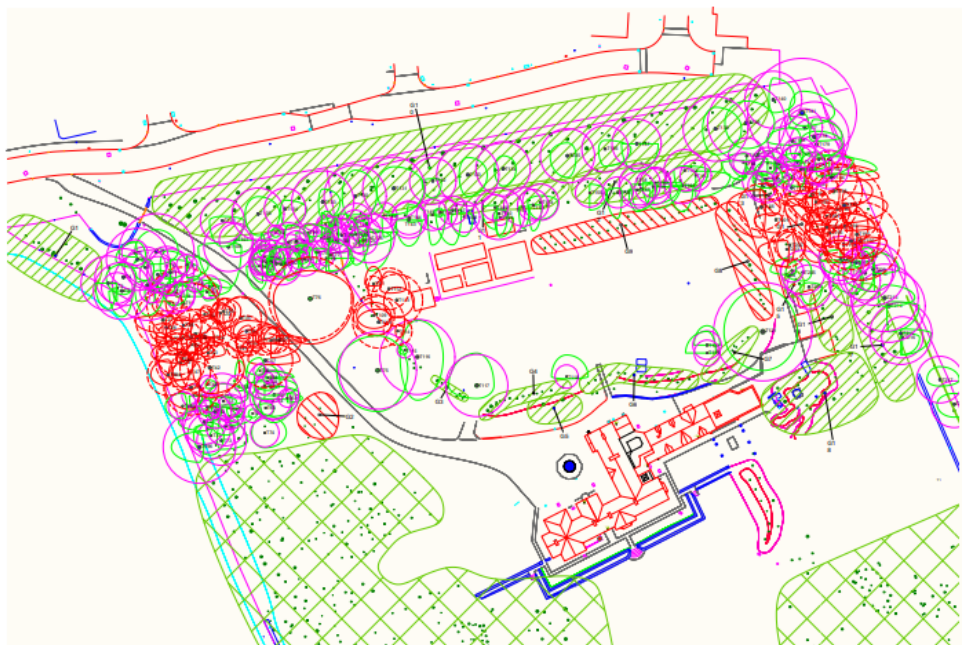
6.3. Loss of trees in Sulis Manor grounds

The removal of 69 trees and 4 tree groups all of which are protected by a Tree Preservation Order will result in an unacceptable loss of biodiversity and will destroy the setting of Sulis Manor and gardens.

Policy B3a – Placemaking Principle 6 states:

Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees

Sulis Manor grounds contains a mature mixed woodland and the whole site is protected by a Tree Preservation Order ([TPO number 500/306](#)). 69 trees and 4 tree groups would be cut down if permission were granted for a Spine Road across Sulis manor grounds.



Sulis manor grounds. The trees outlined in red represent those that would be felled if the Spine Road was constructed.

The felling will remove 41 beech trees, the majority over 20m tall, and also mature birch, elm, oak, cypress and sycamore trees. The 4 tree groups that will be removed include a 19m tall group of 10

black pine and a mixed understory of beech, ash and yew. It is proposed that this loss of mature trees is compensated for with the planting of 328 saplings on Derrymans field. There is no equivalence in terms of biodiversity lost between the complex ecosystem of an existing, mature mixed woodland and a new plantation. No value is placed on dead trees that would be felled under this proposal despite these being a vital habitat for insects and the associated wildlife that they support.

B&NES State that they make a Tree Preservation Order '*to protect trees which are an important part of the amenity, or public use and value, of a place*' and Sulis Manor is an excellent example where such protection is both appropriate and required. The removal of mature trees in this proposal runs both counter to that and contrary to the requirement of Placemaking Principle to 'protect the framework of trees' in Sulis Manor grounds.

On this basis application 22/02169/EOUT should be rejected.

6.4. Biodiversity Off-site compensation and Net Gain/Loss

The off-site mitigation site at Rowley Top is not viable and errors in the way the developers are calculating biodiversity net gain mean that the required 10% gain has not been demonstrated.

B&NES are introducing a new policy that: *Development will only be permitted where a Biodiversity Net Gain of at least 10% is demonstrated and secured in perpetuity (at least 30 years).*

The developers are hoping to achieve this by enhancing a site owned by the Hignett Family Trust called Rowley Top. This is a 6.7 ha field that they propose to enhance to become a species rich calcareous grassland and also a nesting site for skylarks. The proposals to enhance Rowley Top to provide nesting sites for the skylarks lost from the plateau is not viable as shown in section 6.2.

Natural England state in their submission that the proposed change to the habitat would likely be worse for foraging greater-horseshoe bats and therefore also potentially cause a biodiversity loss. In addition, there is no plan to maintain the site in the long term so it is not compliant with B&NES's policy that the site should be '*secured in perpetuity (at least 30 years)*'.

To calculate biodiversity net gain the developers use the DEFRA calculator (see Appendix F). This is a spreadsheet where a number of factors such as the area of each type of habitat, its quality and its significance (e.g. is it referred to in the local plan) are entered and the spreadsheet which then provides a numerical value relating to biodiversity. The impact on that value of the development with no mitigation and the development with mitigating actions is then calculated to see if a net gain of 10% is achieved.

The model is highly sensitive to how these parameters are set. Changing a single parameter can produce radically different results.

There are a number of issues with the way that the parameters in the calculator have been set by the developer.

- The model has been set up with four types of habitat: cereal crops, neutral grassland, woodland and developed land. No distinction is made between the different types of woodland so mature woodland such as that which would be lost in Sulis Manor grounds, 15-year-old shelter belts and new planting are all treated as having the same value, based solely on the area.
- No allowance is made for biodiversity loss outside the footprint of the development.
- They do not include the area of land lost from the phase 1 development.
- All four habitats are classified as 'not in local strategy'. For cropland and woodland this is incorrect. Both the skylark habitat (the cropland) and the woodland appear in Policy B3a of the B&NES local plan and should be classified as 'Formally identified in local strategy'. The impact of

changing either of these factors means that the biodiversity net gain with off-site compensation fails to achieve the 10% target. Changing both these factors means that there is a biodiversity loss (see Appendix F).

The developers have failed to provide a suitable mitigation site and failed to correctly show that the development will achieve a net biodiversity gain of 10%.

On this basis application 22/02169/EOUT should be rejected.

7. Landscape impacts

7.1. The plateau landscape

The proposed development would destroy the landscape of the South Stoke Plateau and cause unacceptable harm to the Cotswold AONB, the setting of the Bath World Heritage Site and the South Stoke Conservation Area.

Policy B3a Placemaking Principle 5 states:

Landscape Requirements

Avoid or minimise detrimental impacts on (and provide enhancements to important landscape features and significant views):

- *the Cotswolds AONB*
- *South Stoke Conservation area and its setting*
- *The character of the Cam Brook valley and Sulis Manor Plateau*
- *The character of South Stoke and Combe Hay Lanes*
- *Midford Road and the Cross Keys junction including maintaining open rural views over the plateau*
- *The Wansdyke Scheduled Monument*
- *Medium and long distance views such as Upper Twinhoe and Baggridge Hill.*

The Cotswold countryside is not uniform but consists of a mosaic of different types of landscape each with their own character. The open farmland divided by dry stone walls of the South Stoke plateau is a key part of this mosaic. The [Bathscape Landscape Character Assessment 2017](#) states that *'Walking within the open fields to the east of Sulis Manor, although close to the urban edge, there is a sense of peaceful countryside'*. It is this quality that attracts locals and visitors alike and provides a flat walking area which contrasts with the steep slopes from South Stoke down to the Cam Brook valley. The pandemic has highlighted just how important access to green space and being able to walk in the countryside is for our health and well-being.

Contextually for the city, the Avon Green Belt plays a critical part of Bath's designation as a World Heritage Site. One of the six 'Outstanding Universal Values' is the green setting of the City in the hollow of the hills (see section 8.1).

The innovative Bathscape group run from within B&NES states on its website: *'The Bathscape area is the stunning green landscape surrounding the city of Bath. Restoring and conserving it for the future is now a key aim of the Bathscape Scheme. We want to look after it and make sure it's enjoyed by many more generations to come. A unique area of outstanding natural beauty, with its hills, valleys, grasslands and woodlands, it has a close cultural connection with Bath and its people, one we want to help make even stronger. The Bathscape area's rich history and heritage, its amazing geology and wildlife needs us all to take care of it.'*

The passion dedicated by some 800 volunteers to preserving landscapes through some 25 Bath scape projects is testimony to how this aspect of our city and surroundings is valued by the community.

This landscape is under threat from the current development. In March 2018 the B&NES Landscape Officer Andrew Sharland [objected to the application](#) to build 171 houses on the fields to the west of Sulis Manor. His grounds for objection apply equally to the current proposal. In the summary he says:

I object to this application primarily because of the unacceptable harm it would cause to the Outstanding Universal Value of the City of Bath World Heritage Site and in particular the attribute of the 'The Green Setting of the City in a Hollow in the Hills' and because of the unacceptable harm to the Cotswolds Area of Outstanding Natural Beauty. The impact would result from wide ranging views of dense and suburban development on the skyline seen from the setting of the World Heritage Site and from the Area of Outstanding Natural Beauty across a large part of the view. I consider the proposals do not meet the Placemaking Principles contained in policy B3a for the site and that the proposals are therefore not in accordance with this policy or other policies in relation to the Cotswold Area of Outstanding Natural Beauty and the City of Bath World Heritage Site in particular.

The negative visual impact referred to above is exacerbated by the Arts and Crafts architectural design being proposed for this development. A style atypical to Bath, the steeply sloping roofs of these houses mean that they are of greater height and therefore increases the detrimental visual impact. The roofs of the phase 1 development are clearly visible above the tree line from across the valley to the south-east.

The developers in their submission [Appendix 12.03](#) conclude that the residual effects on the Fields to the east of Sulis Manor if the houses are built will be 'not significant'. It is incomprehensible how they arrived at this conclusion given that this application is to build 300 houses in the middle of these fields.

The impact of the proposed development on the landscape will cause unacceptable harm.
On this basis application 22/02169/EOUT should be rejected.

7.2. The Cotswold National Landscape or Area of Outstanding Natural Beauty

The proposed development on the plateau is directly counter to the vision of the Cotswold National Landscape and UK's National Planning Policy Framework.

Policy B3a – Placemaking Principle 5 states:

A Landscape and Ecological Mitigation Strategy and Management Plan is required, as part of the Masterplan, to ensure satisfactory mitigation and protection to include:

- *The Cotswold AONB*

The Cotswold National Landscape, also known as an Area of Outstanding Natural Beauty (AONB), has been designated because the exceptional landscape, distinctive character and natural beauty must be safeguarded in the national interest. The current phase 1 development and the current proposals all lie within the Cotswold National Landscape / AONB.

This development runs counter to the UK's National Planning Policy Framework which states that: 'Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues'.

In their submission of 29 May 2020 (see Appendix G) as part of the B&NES Local Plan Partial Update, the Cotswold Conservation Board argue that the allocation of housing development within the AONB should end, in light of changes that have come in to force as part of the National Planning Policy Framework. Specifically, these are that it:



- 'specifies that the scale and extent of development in AONBs should be limited'
- 'policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas'

This development runs counter to the current National Planning Policy Framework.

On this basis application 22/02169/EOUT should be rejected.

8. Cultural Heritage

8.1. Bath World Heritage Site

Development of the plateau risks Bath's status as the UK's only world heritage city and should be opposed

Policy B3a – Placemaking Principle 6 states:

Seek to conserve the significance of heritage assets. As part of the Masterplan the following should be addressed:

World Heritage Site

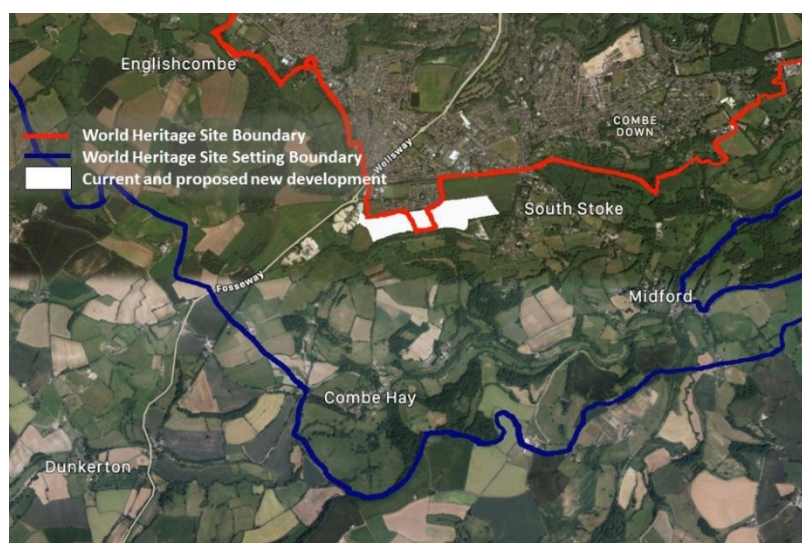
- *The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan.*
- *The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan.*
- *Control light pollution to protect the visual screening of the site from views to the south.*

One of the key designations for Bath as a World Heritage Site is 'the green setting of the city in a hollow in the hills'. The South Stoke plateau forms part of that setting.

Bath's Statement of Outstanding Universal Value states that: *'The relationship of the Georgian City to its setting of the surrounding hills remains clearly visible. As a modern city, Bath remains vulnerable to large-scale development and to transport pressures, both within the site and in its setting that could impact adversely on its garden city feel and on views across the property and to its green setting.'*

Policy B4 of the B&NES Core Strategy & Placemaking Plan relates to the World Heritage site and its setting and states that *'There is a strong presumption against development that would result in harm to the Outstanding Universal Value of the World Heritage Site, its authenticity or integrity'*.

Two boundaries have been specified to the World Heritage Site (WHS) – one relating to the site and the other relating to the setting. The existing and proposed development of the plateau lies within the setting of Bath WHS and Sulis Manor lies within the WHS itself.



This development would damage the World Heritage Site at Sulis Manor and the setting of the World Heritage Site with the rest of the development and risks Bath losing its World Heritage Status. (In 2012 UNESCO removed 'Liverpool - Maritime Mercantile City' from its list of World Heritage Sites because of concerns about the proposed development of Liverpool Waters.)

In relation to the World Heritage Site Placemaking Principle 6 specifies three specific requirements none of which the developers are meeting:

i. The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan.

There is no agreed Comprehensive Masterplan (see section 4.3).

The phase 1 development has gone right up to the southern boundary of the site with none of the additional green infrastructure specified in the concept diagram 22 in Policy B3a (see section 5.1)

ii. The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan.

The plan for housing presented by the developer for phase 4 shows no additional screening on the eastern end of the site with housing right up to the boundary with the Green Belt Land of field known as 30 acres (see section 5.1).

iii. Control light pollution to protect the visual screening of the site from views to the south.

The absence of additional screening on the southern edge of the development and the ongoing thinning of the ash trees along the southern boundary because of dieback means there is inadequate visual screening from the site (see section 5.1).

Historic England stipulate in their guidance on [The Protection & Management of World Heritage Sites in England](#) that 'World Heritage Sites are a key material consideration in the determination of planning applications'.

The developer has failed to meet any of the elements of the Placemaking Principle 6 that relate to the World Heritage Site.

On this basis application 22/02169/EOUT should be rejected.

8.2. Wansdyke Scheduled Ancient Monument

The impact of the development on the Wansdyke has been inadequately assessed and the developer's conclusion that the impact would only cause 'minor harm' is incorrect. To grant outline planning permission for Phases 3 & 4 on the basis of this assessment would be unsafe.

Policy B3a – Placemaking Principle 6 states:

Seek to conserve the significance of heritage assets. As part of the Masterplan the following should be addressed:

Wansdyke Scheduled Monument

- Within the allocation, avoid built development in the field immediately to the south of the Wansdyke. To mitigate impacts, tree planting should be retained as indicated on the Concept Diagram.*
- A Management Plan setting out a strategy for the long-term and effective management of the monument including detailed measures for its positive enhancement will be developed in consultation with English Heritage and form part of any development proposals. This should include a recreational and movement solution which serves the new community and minimises harm to the Scheduled Monument.*
- Limit development height and density in more prominent areas, such as higher ground and development edges.*
- Limit lighting column heights to that of the development to minimise vertical features within the view from the Wansdyke.*

The Wansdyke is a Scheduled Ancient Monument over 1,000 years old and runs along the northern boundary of the South Stoke plateau. The planned development would materially affect the setting of the Wansdyke and potentially the Wansdyke itself.

The '[Historic Environment Setting Impact Assessment](#)' submitted by the developer is flawed. Appendix H provides a detailed assessment by archaeologist and historian Dr Ian Leins.

In summary:

Date and scope of the assessment. The Impact Assessment was conducted in 2016 and does not reflect either the latest policy guidance (such as the 2019 National Planning Policy Framework) or the development that is being proposed. A Scheduled Ancient Monument warrants a comprehensive and up to date Impact Assessment.

Direct Impact on the Wansdyke. The Impact Assessment concludes that the '*proposed development would not directly harm*' the Wansdyke. This is clearly incorrect as the proposed development will construct a footpath that intersects the Scheduled Ancient Monument and requires a new crossing cut through the Wansdyke. It could result in '*Partial loss or alteration of the significance of a heritage asset*'.

Impact on the Wansdyke's setting. The Wansdyke's open setting is vital to understanding its historic functions as a boundary, whether military, social, political or economic. The area running alongside the current development is the only remaining point where the rural setting of this Scheduled Ancient Monument can be appreciated. The assessment makes no reference to the visual impact of the proposed development, reflecting the fact that it was written 6 years before the current planning application was submitted.

Conclusion. Considering both the direct and indirect impact of the proposed development on the Wansdyke the assessment by the applicant of '*minor harm*' is incorrect. Instead, it should be seen to constitute '*Less than Substantial – Moderate harm*'; that is to say, resulting in '*considerable change affecting the setting of a heritage asset, such that **the asset's significance would be materially affected/considerably devalued, but not totally or substantially lost***'.

The developers have not provided an adequate 'Historic Environment Setting Impact Assessment' for the Wansdyke. The proposed development would cause the Wansdyke's significance to be materially affected/considerably devalued.

On this basis application 22/02169/EOUT should be rejected.

8.3. South Stoke Conservations Area

The proposed development would have a major impact on the village of South Stoke. B&NES Council has the responsibility to protect the South Stoke Conservation Area.

Policy B3a – Placemaking Principle 6 states:

Seek to conserve the significance of heritage assets. As part of the Masterplan the following should be addressed:

South Stoke Conservation Area

- *Limit the height and/or density of development closest to South Stoke Conservation Area to avoid harm to its setting.*
- *Provide a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket.*

South Stoke was identified as being of special architectural and historic interest and was designated a Conservation Area 21 July 1982. This designation means that it is: *'...an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance'*.

B&NES has a duty to preserve and enhance the character and appearance of Conservation Areas in exercising its planning powers, and undertake periodic appraisals which will be a material consideration in the determination of planning applications.

The South Stoke Conservation Area appraisal conducted in 2011 found that: *Despite its close proximity to the suburban fringes of Bath the village feels entirely rural and distant from the city. There is a feeling of a settlement having developed organically within the landscape and fitting into, and working with, its contours, gradients and geomorphology.*

The developers state in their 'Planning Statement' in the relation to this development that *'The village of South Stoke lies approximately 0.75km to the east'*. This is incorrect. The proposed area of development directly abuts South Stoke Conservation Area.

The applicant's [Design and Access Statement](#) states that: *'Sensitive development required on eastern boundary to consider World Heritage Site setting, South Stoke and the listed Cross Keys public house'*. The outline plan presented show no additional screening on the eastern boundary or sufficient screening by the southern tree belts which is required in Policy B3a (see Section 5.1).



The South Stoke Conservation Area is outlined in yellow.

The 'exceptional landscape setting' and 'peaceful rural atmosphere' will be seriously impacted by the proposed development on the plateau.

On this basis application 22/02169/EOUT should be rejected.

8.4. Sulis Manor

The Spine Road across Sulis Manor will irrevocably ruin the setting of this important Arts and Crafts house, cut down 73 protected trees and destroy a roost for the rare greater and lesser horseshoe bats.

Policy B3a – Placemaking Principle 6 states:

Seek to conserve the significance of heritage assets. As part of the Masterplan the following should be addressed:

Sulis Manor

- *Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees, and considering the conversion/retention of the Manor House and/or a low density development*



Sulis Manor in 2017 and a montage of how it might look if 73 trees are removed and the spine road together with phase 3 are developed.

Sulis Manor (see Appendix I) is a substantial manor house built on the plateau land in 1930. It was built in a late Arts & Crafts domestic architectural style, is largely unaltered and regarded as having considerable architectural merit designed by notable Bath architect S S Reay. It sits within large grounds and was once known for the quality of its ornamental gardens. The site all lies within the Bath World Heritage site.

The mixed deciduous and evergreen trees in the grounds of Sulis Manor are protected by a tree preservation order (TPO number 500/306). 73 of these would have to be removed to make way for the spine road. The work will also destroy outbuildings which are roosts for the rare, and protected, greater and lesser horseshoe bats.

There is an application being considered for Sulis Manor to be classified as a local heritage asset. B&NES have confirmed that in the consideration of the planning application both the buildings and the setting of the building will be considered as a local heritage asset (see Appendix I).

The proposal for a spine road running close to Sulis Manor will remove 73 trees and is counter to Policy B3a to '*Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees*'.

On this basis application 22/02169/EOUT should be rejected.

9. Traffic and Travel

9.1. Assessment of the impact on the local road network

The proposed development would have a severe impact on the already congested road network around Odd Down. The applicants traffic modelling is based on flawed assumptions.

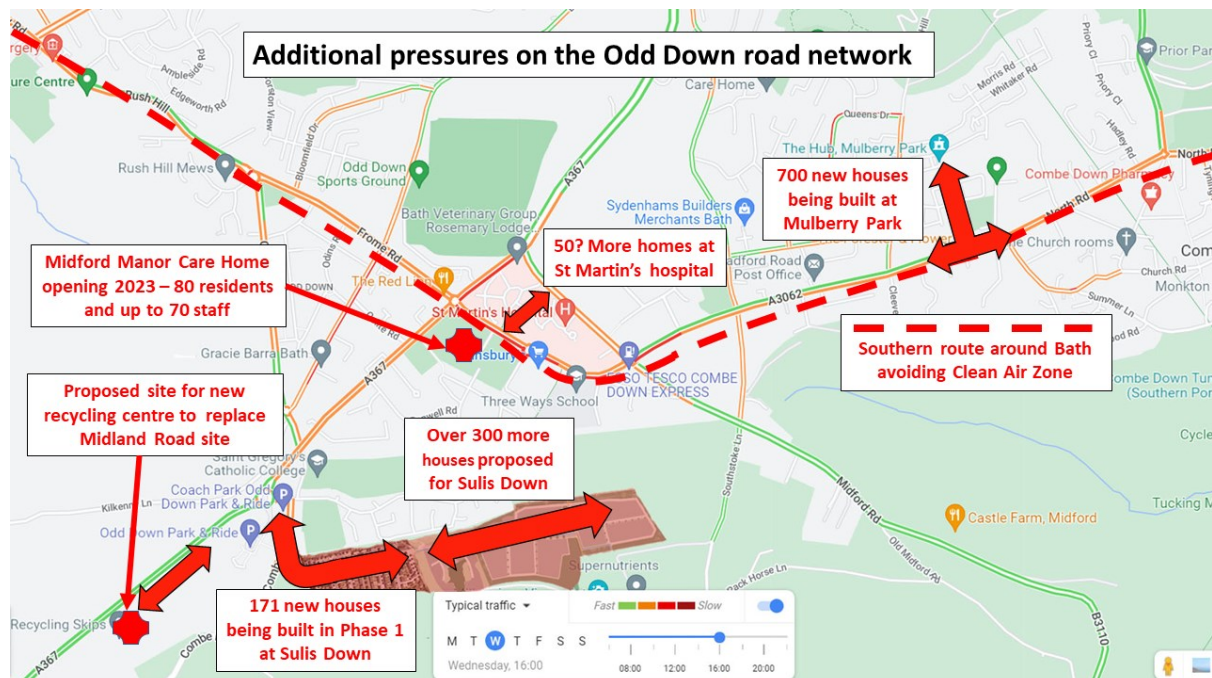
Policy B3a Placemaking Principle 7 states:

In relation to transport, the following apply:

- *Provide vehicular access, and junction enhancement, to facilitate access to the site from Combe Hay Lane.*
- *Provide an additional access for emergency vehicles.*
- *Ensure sufficient car parking in the vicinity of St Gregory's School to meet the school's needs*

The volume of traffic in the south of Bath is already a serious issue with congested roads and long tailbacks at junctions during the morning and evening rush hours. The only access to the Sulis Down site will be via Combe Hay Lane and the Park & Ride roundabout. Traffic going in the direction of Bath, Bristol or any of the local schools and shops will then join the top of the very busy Wellsway as it approaches the Red Lion roundabout is frequently congested with tailbacks in all directions. Inevitably drivers attempt to find alternate routes through the surrounding villages spreading the problem further.

This congestion is going to get worse. Existing developments in the area are going to increase the pressure on the road network as indicated in the figure below.



The map shows the current loading on the Odd Down road network using the Google 'Typical Traffic' function for 4pm on a Wednesday. The red text, arrows and lines shows the additional pressures on the road network in the next few years.

The [National Planning Policy Framework](#) (para 111) requires that 'Development should only be prevented or refused on highways grounds if... the residual cumulative impacts on the road network would be severe'.

South of Bath Alliance objection to planning application 22/02169/EOUT 7th August 2022

Evidence presented with the Phase 1 application in 2018 suggested that the impact of this development, and other committed development in this area, on the road network would be severe. In the four years since, the introduction of Bath's Clean Air Zone and further committed developments are expected to add further load to the road network resulting in an even more severe impact.

Chris Griggs-Trevarthen's [letter of 7th March 2022 states](#): 'The current information submitted in respect of the highways impact is inadequate. Baseline traffic surveys need to be updated, alongside additional modelling proposed by the Highways Officer'.

The applicant's Transport Assessment concludes that the impact would be limited, but this is based on assumptions that SOBA considers to be flawed (see Appendix K). These are:

- baseline traffic flows are unrepresentative and unreliable
- not all relevant committed development is included
- forecasted trip rates by car or van are unrealistically low.

It is essential that better and more accurate traffic modelling is provided, and that the modelling assumptions are explicit and agreed with B&NES.

Congested roads are also unhealthy. Air pollution is the largest environmental risk to public health in the UK, as long-term exposure to air pollution can cause chronic conditions such as cardiovascular and respiratory diseases as well as lung cancer, leading to reduced life expectancy. The [address pollution app](#) (which uses air quality data supplied by Imperial College) shows that where the Wellsway runs through Odd Down the levels of three key pollutants (PM2.5, PM10 and NO₂) exceed the safe limits specified by the World Health Organisation, in the case of PM2.5 and NO₂ being more than double.

The proposed development would have a severe impact on the already congested local road network and increase air pollution in the area. The applicant's traffic modelling is based on flawed assumptions.

On this basis application 22/02169/EOUT should be rejected.

9.2. Travel Plan

The proposed development is in the wrong location for sustainable transport with a steep hill to the centre of Bath and no cycle lanes on already heavily congested roads. The Wansdyke Scheduled Ancient Monument which runs for 1.3 km along the northern boundary of the site is a severe constraint on access, with no cycle crossing points and no new footpaths. The Odd Down Park & Ride facility is between 700 m and 1.25 km from Phases 3 & 4. The location of this development is likely to build in car dependency.

Policy B3a states Placemaking Principle 4 states:

Include new Public Rights of Way and provide enhanced public access within the site and connecting well to the surrounding area.

Policy B3a Placemaking Principle 7 states:

In relation to transport, the following apply:

- *Provide pedestrian and cycle links with Sulis Meadows Estate and Sulis Manor; limited vehicular access from the estate is acceptable (subject to detailed design and location) but is not a requirement.*
- *Links to the National Cycle Route 24 and Two Tunnels should be facilitated.*
- *Provide a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket.*
- *Provide a safe and attractive pedestrian/cycle link to the Odd Down Park and Ride from the site.*

The applicants in their [Travel Plan](#) present a 'Travel Plan Pyramid'. At the base of this is 'Location' underpinning all the other elements of the travel alternatives to the car. This development is in the wrong location for sustainable transport, being on the edge of Bath with heavily congested roads and a steep hill to the centre of the city. The site is constrained to the north by the Wansdyke, a linear scheduled ancient monument that is 1.3 km long so that all travel other than on foot has to go round it to the east or the west.

Despite the aspirations of the Travel Plan the development currently under construction as phase 1 is heavily car based. On average there are over two parking spaces per house and the plans for phases 3 & 4 look similar.

A recent report from Transport for new homes entitled '[Building Car Dependency](#)' found that: *'Rather than the walkable, green, and sustainable places that both the Government and developers envisage for future living, new greenfield housing has become even more car-based than before and the trend has extended to surrounding areas, with out-of-town retail, leisure, food outlets and employment orientated around new road systems.'*

All the indications are that Sulis Down will suffer a similar fate.



Cycling

If you are returning from central Bath to Sulis Down by bicycle, the climb from the bottom of Wells Road to the turning from the Wellsway on to the Midford Road is a 2.6km distance and ascent of 130m – a 5% climb. If this was in the Tour de France it would be [category 3 climb](#). It is no coincidence that the city in the UK (Cambridge) and the country in Europe (The Netherlands) with the highest cycle usage are also famed for being flat.

The [Travel Plan](#) makes the rather bizarre statement: *'Although the site is located at the top of the hill, it was consented through Application 17/02588/EFUL that a steep topography would not deter cycle movements, when the benefits of cycle commuting were considered against car movements.'* The Travel Plan submitted with application 17/02588/EFUL makes no reference to the topography or the steepness of the hills in relation to cycling and judging by the minutes the issue was not discussed at the planning meeting that made this decision.

There are no cycle routes across the Wansdyke and these are unlikely to ever be permitted because of the impact on this Scheduled Ancient Monument. The only exits to the site are therefore either Combe Hay Lane to the west or a proposed new cycle route to Southstoke Lane to the east.

The network of roads around Odd Down are heavily congested, and cars frequently parked on busy streets, leaving very little space for cars to pass cycles or cycles to pass cars. There are no cycle lanes, nor plans that we are aware of to install them, in the roads around Odd Down or the Wellsway to the centre of town.

Buses

Much is made in the application about the proximity of the development to Odd Down Park and Ride. The nearest point of Phase 3 is 700m from the Park and Ride and the furthest point of Phase 4 is 1.25 km away. The [Bus Services and New Residential Developments](#) report strongly recommends that all housing development be located within 400 metres of a bus stop and preferably closer.

Sulis Meadows is not currently served by a bus service and there is no indication that Sulis Down will be either. The Odd Down Park & Ride service is aimed at shoppers and commuters rather than people wanting to go in to Bath in the evening; the last bus back from the city centre is at 20:30. Also First Bus have seen a number of cut-backs recently with, for example, the 42 service from the Park South of Bath Alliance objection to planning application 22/02169/EOUT 7th August 2022

and Ride to the Royal United Hospital being halved from once every 30 minutes to one per hour. There is concern that there will be further cuts when the post Covid support provided by the government to bus operators ends in October 2022.

Pedestrian access and footpaths.

Walkers face similar constraints to cyclist because of the unsustainable nature of the site. Bounded as it is on the northern side by the Wansdyke, access points to the north are limited. There are important restrictions on what can be done to upgrade existing footpaths or provide new footpaths next to this Scheduled Ancient Monument. No new crossing points over the Wansdyke are proposed. To provide safe all-weather pedestrian routes for walking to school or shops a pathway should be both metaled and lit. Neither are likely to be acceptable to Historic England who are responsible for the designation and protection of Scheduled Ancient Monuments and their setting.

Routes from the site to the south into the Cam Brook Valley or north into Bath involve steep hills. The applicant's [Travel Plan](#) has very little reference to walking and no allowance for the topography of the area in calculating its travel times on foot.

A new path is proposed running north south along the western edge of Great Broad Close. It is unclear if this path will be metalled and lit but the Concept Diagram 22 in Policy B3a (see Appendix A) marks this field as '*Avoid built development on this field*'. No assessment of the impact of this path on the setting of the Wansdyke has been made in the applicant's '[Historic Environment Setting Impact Assessment](#)' which was undertaken in 2016 and is flawed (see Section 8.2).

The applicants have failed to provide an acceptable sustainable transport plan and the proposed development is likely to increase car dependency.

On this basis application 22/02169/EOUT should be rejected.

10. Community infrastructure

10.1. The lack of community facilities within the site

There are no shops, cafés or meeting places in this proposal. The developer expects to maximise house numbers on the site at the expense of providing community facilities.

[Building for a Healthy Life](#) (the replacement to Building for Life 12) provides the industry standard for the design of new housing developments. In it they look to provide: '*Places that offer social, leisure and recreational opportunities a short walk or cycle from their homes*'. Areas that they identify as needed include:

- *Developments that provide community facilities, such as shops, schools, workplaces, health facilities, co-working spaces, parks, play spaces, cafés and other meeting places that respond to local community needs.*
- *Create places where people can meet each other such as public spaces, leisure facilities, community buildings, cafes and restaurants to provide opportunities for social interaction – helping to improve public health by encouraging physical activity and helping to tackle those affected by loneliness and isolation.*

There is no provision for community facilities within the Phase 1 development. As part of the current consultation one new resident in the affordable accommodations in Sulis Down phase 1 has submitted an objection saying there is a lack adequate open space or play areas within the development and no community centre or shops.

If this application is approved and phase 3 & 4 are developed as outlined there could be 521 houses on the site (see section 4.1). Taken together with Sulis Meadows where there are about 350 houses

it would result in over 850 houses in the two adjoining developments with very few of the community facilities identified in 'Building for a Healthy Life' in either. There will be no shops, cafés or meeting places on the site. There will be a play area, but this is located in the south eastern corner of the development. Schools and Health provision are already under extreme pressure (see sections 10.2 and 10.3).

The focus of the proposal from Hignett Family Trust is to maximise the number of houses on the area allocated for possible development. Policy B3a asks for '*Residential led mixed use development*'. The [Land use Parameter Plan](#) submitted by the developer shows only 'Primarily residential' land without the mixed-use element through the provision of community facilities such as shops, cafés or meeting places.

Another example of maximising house number at the expense of the quality of the development is the placement of the allotments. These should be provided within the area allocated for development but this proposal is trying to place them outside the development in the Green Belt land at the western end of the plateau (see Section 5.2).

This development does not meet the requirements of Building for a Healthy Life.

On this basis application 22/02169/EOUT should be rejected.

10.2. Schools

There is inadequate capacity in the local schools for a development on this scale and the school highlighted for expansion does not meet B&NES's own criteria for such expansion.

Policy B3a Placemaking Principle 8 states:

Contributions will be required to facilitate the expansion of St Martin's Garden Primary School.

In the case of primary schools two of the four closest schools are at capacity. The closest primary school to this development, St Martin's, does indeed have capacity, however this school is the poorest performing of the local primary schools according to the government's school performance metrics (see Appendix K).

The proposal makes no reference to the current lack of capacity in secondary schools in the South of Bath. Appendix K provides data on local schools and their performance.

The closest secondary school is St Gregory's Roman Catholic college at the western end of the plateau. This school is over capacity. The school has a very large catchment from Chippenham to Wells and prioritises Roman Catholic children above those living close to the school. The closest alternatives are Ralph Allen School, Hayesfield for girls and Beechen Cliff for boys which are all over 2 miles from the site and all of which are currently over capacity. The nearest secondary school with capacity (St Marks) is over 4 miles away, but it also the poorest performing of these schools.

Three Ways Special School is relatively close to the development but is also over capacity.

To justify the change to their Comprehensive Masterplan the applicants state 'The removal of the site for a local primary school as capacity exists at St Martin's Gardens'. They are proposing making a contribution to St Martins Garden Primary School to facilitate expansion. The [B&NES School Organisation Plan 2019 – 2025](#) identifies criteria for expansion that St Martin's does not meet. These are:

- The school must have good educational standards (OFSTED good or outstanding)
 - St Martins is currently rated 'requires improvement'
- The school should be popular with parents and admitting pupils on or near its published admission numbers;

- St Martins admission numbers are 186/315 (41%).

The [B&NES School Organisation Plan 2019 – 2025](#) tries to address the issue of how housing developments will impact on admission numbers (see Appendix K). They recognise this challenge stating in the document that *'In general, the majority of existing primary and secondary schools in most areas are either already at capacity or projected to reach capacity within the near future and it is anticipated that there will be minimal or nil surplus capacity to accommodate children generated from future new housing development. Additional school places would therefore be required to accommodate these new pupils'*

There is therefore inadequate capacity in the local schools for a development of this scale, and the school highlighted for expansion does not meet B&NES's own requirements for such expansion.
On this basis application 22/02169/EOUT should be rejected.

10.3. Health provision

Local medical facilities are under huge pressure which additional housing in this area will only exacerbate.

The application does not include provision for additional GP surgeries as part of the development. Local medical professionals who have objected to the application have expressed grave concern over the impact that this development would have on services that are already under huge pressure and having difficulties recruiting staff.

The closest GP Surgery is Combe Down Surgery, which has a branch on Burnt House Lane. As at May 2022, 11,958 patients were registered at this practice which has 6.7 (full-time equivalent) General Practitioners. Combe Down Surgery is also the closest GP to the new Mulberry Park development where 700 new houses are being built, increasing the pressure on this practice in the next few years.

The Royal United Hospital is around 4 miles from the site through the centre of town, typically a 15 to 30 minute drive depending on the time of day.

Mr Harvey Sandhu, an orthopaedic consultant surgeon in Bath working at The Royal United Hospital, has noted in his objection: *'Presently the health and social care services in Central Bath in primary care are overwhelmed. There is a substantial shortage of manpower which cannot be resolved even with a very large injection of funding with the latter being required as well. The ambulance service in the area is overwhelmed and long waits at present even in extreme emergencies, with patients lying for hours with broken hips for example. The secondary care at The Royal United Hospital is also overwhelmed with the hospital unable to cope with present demand. Hence the level of demand will tip the health service over the edge with unsafe care for the inhabitants of Bath and the surrounding area.'*

There are no additional medical facilities associated with this development and insufficient capacity locally to support additional housing in this area.

On this basis application 22/02169/EOUT should be rejected.

11. B&NES Climate and Ecological Emergency

B&NES declaration of a climate and ecological emergency recognises the importance that the Council are giving to these global existential threats. It's also a B&NES declared policy to reach net zero at 2030. These declarations have occurred since the latest planning approvals for the South Stoke plateau and fundamentally shifts the approach that needs to be taken to housing development in B&NES.

New house building provides an opportunity to help address the climate and ecological emergency through improved energy efficiency, sustainability and renewable energy generation. However new builds can also represent a threat in terms of locating housing on greenfield sites which will increase car dependency and destroy natural habitat.

11.1 Climate Emergency

The proposed development runs counter of B&NES's priority local actions for the Climate Emergency. There are insufficient measures to reduce carbon emissions and development on this site is likely to increase car dependency.

In March 2019 B&NES declared a climate emergency and pledged to provide the leadership to enable B&NES to become carbon neutral by 2030. B&NES have identified the three priorities to address the climate emergency: buildings, transport and travel, and renewable energy.

Buildings – making buildings more environmentally friendly

In the applicants [environmental statement volume 1](#) they state (para 3.2.19) that their Site Energy Strategy will be included at a later stage of the development. They identify elements that **may** be part of the Phase 3 & 4 development such as buildings being 100% electric with air source heat pumps and roof-mounted photovoltaic (PV) solar systems.

In the absence of any building designs in the request for outline planning permission for phases 3 & 4 it is difficult to judge how environmentally friendly the building and the overall development will be. It is therefore instructive to look at what is currently being delivered for the 171 houses in phase 1.

[The sustainability statement for phase 1](#) identifies numerous ways that the new housing development could be adapted to achieve the 10% saving in carbon emissions required by B&NES. However, they conclude '*A fabric first approach has been adopted at Sulis Down. By constructing to the spec as detailed on Page 17, carbon emissions are reduced by 2.9%, compared with Part L 2013 Target Emission Rate. Utilising Air Source Heat Pump as the main heating method to 55 selected dwellings, will provide carbon reduction of 10.0%, therefore meeting the local target Requirement*'.

Therefore, it appears that Air Source Heat Pumps will only be fitted to 55 of the houses in phase 1 so that they can achieve the 10.0% saving required i.e. the bare minimum.

There will be:

- No Air Source Heat Pumps for the other 116 houses being built in phase 1
- No solar PV
- No solar hot water
- No electric vehicle charging points
- No re-use of grey water.

Transport and travel – enabling more sustainable transport and travel choices

The South Stoke plateau is not a sustainable development location and will increase car dependency and the pressure on the roads in the south of Bath (see Section 9.2 for more details). It is poorly

served by public transport with no bus service proposed to be routed within the site. Odd Down Park & Ride bus services is between 0.7 km and 1.25 km from the site. The local roads are heavily congested with no cycle lanes and cycling from the centre of town to the plateau is a very steep climb that would deter all but the most enthusiastic of cyclists.

Renewable energy – increasing local energy generation

[The English Housing Survey](#) reports that in 2020, there were around 1.2 million dwellings with solar photovoltaic panels and 230,000 dwellings with solar hot water. While this represents a significant amount of renewable energy it is still only a very small proportion and shows a great untapped potential.

No solar PV or solar water heating appears to be being delivered in phase 1. The applicants [environmental statement volume 1](#) for the phase 3 & 4 development says that solar PV **may** be part of the Phase 3 & 4 development. In their [Sustainability Statement](#) they say ‘10% renewable element of the development will be achieved through roof-mounted PV Solar systems’. If they follow through on this commitment will PV be fitted to all the houses or only the bare minimum to achieve 10% target as they have with the Air Source Heat Pumps in phase 1?

There are considerable cost saving to be achieved if roof mounted solar systems are fitted at the time the house is being built rather than retrofitted at a later stage.

Phase 1 has seen minimal carbon reduction measures and no renewable generation and it is unclear the extent to which this will be delivered in phases 3 & 4. The proposed development will increase car dependency with inadequate bus services and congested and steep roads that will deter cyclists. It runs counter of B&NES’s priority local actions for the Climate Emergency.

On this basis application 22/02169/EOUT should be rejected.

11.2 Ecological Emergency

The proposal runs counter to the priority actions set by B&NES in their response to the Ecological Emergency. It would destroy habitats that should be protected with inadequate mitigation and shows no credible gain in biodiversity.

In July 2020 B&NES declared an Ecological Emergency signaling their commitment to protect and enhance the B&NES’s natural environment and wildlife biodiversity. B&NES have identified four priorities for local action indicating how they will address this emergency: habitat protection, habitat restoration, education, and support for biodiversity.

Habitat protection - Using thoughtful planning and building to protect existing plant and animal habitats.

The destruction of habitat that will result from the proposed development does not just relate to the direct footprint of the development; it relates to the surrounding area as well. The development will destroy skylark nesting sites in the arable fields to the west of Sulis Manor (see section 6.2), but it will also enclose the neighbouring fields with houses preventing them from continuing to nest there.

The road that is proposed through Sulis manor grounds would destroy 69 mature trees and 4 tree groups together with the associated ecosystem. It will demolish buildings that are roosting sites for the rare greater and lesser horseshoe bats (see section 6.3). The development will also affect a regionally important foraging area for bats in the Bath and Bradford upon Avon Special Area of Conservation for bats along the southern tree belt (see section 6.1).



Swifts flying over South Stoke plateau

Habitat restoration - *Supporting community restoration of valuable natural habitats.*

It is proposed that new trees are planted in Derrymans field to compensate for the loss of the mature trees in the grounds of Sulis Manor (see section 6.3). This is based on an arboricultural calculation that only considers the tree, and not the wildlife it supports. As an example, a dead tree is considered to be of no 'value' yet is a vital habitat for fungi, insects and a diverse range of life.

The developers are proposing enhancing the habitat of a site called Rowley Top and proposing that the skylarks displaced from the plateau will nest there. The proposed site is inadequate compensation and will take many years to reach its 'target condition. It is also the antithesis of a 'community restoration'. The developers try to make a virtue of the fact that there is no public access to Rowley Top so it can remain 'undisturbed'.

Education - *Promoting a better understanding of the importance of our environment and why we should protect it.*

The plateau provides a great opportunity to educate the community about both the value of biodiversity as well as agriculture and food production, and how both can be successfully achieved in the same area. The area is on the edge of Bath, widely used by the local community and visitors alike and close to St Martins Garden Primary School and Three Ways School.

Support for biodiversity - *Encouraging plant and animal biodiversity throughout our district.*

As indicated in section 6 of this report there will be a major impact on biodiversity if this development is allowed to go ahead. The developer's calculation of a net biodiversity gain of 10% is not achieved if the parameters in the model are set correctly (see section 6.4).

The development will destroy habitats that should be protected with inadequate mitigation and runs counter of B&NES's priority local actions for the Ecological Emergency.

On this basis application 22/02169/EOUT should be rejected.

12. Conclusion

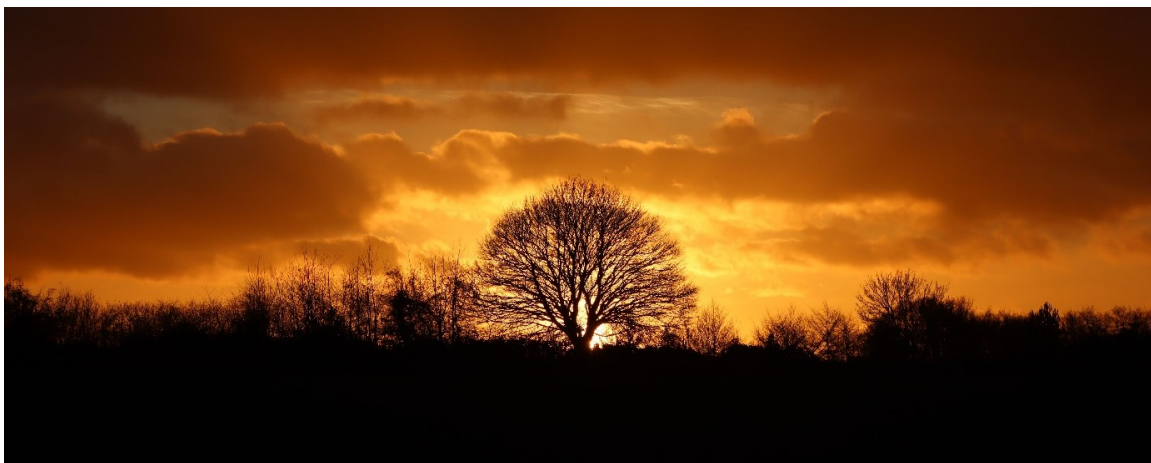
The South Stoke Plateau is a highly sensitive site that lies within the Cotswold AONB and is part of the landscape setting of the Bath World Heritage Site. It is joined to the South Stoke Conservation Area at its southern edge and has a Scheduled Ancient Monument running along the northern boundary of the site.

This site is also a huge asset to Bath providing green space and a flat area for walking which is much used and appreciated by the local community and visitors alike. There has been widespread opposition to the plans. As at 4th August over 700 objections have been raised on the B&NES website. These include [a letter from Wera Hobhouse](#), MP for Bath, writing '*on behalf of many of my constituents who will be directly and adversely affected by the construction of additional houses at Sulis Down*'. Objections have or will be raised by the Parish Councils of South Stoke, Combe Hay, Camerton, Wellow, Dunkerton & Tunley and Englishcombe. Such an overwhelming level of objections from voters, interest groups, Parish Councils, Bath and North-East Somerset Councillors, and the Member of Parliament for Bath must be a material consideration in the evaluation of this planning application.

Policy B3a specifies the Placemaking Principles that must be met if this development is to be approved on the South Stoke plateau. They provide the key details that ensure the protection of the values associated with the site.

In retrospect it is evident that not all the Placemaking Principles were met for Phase 1 in application 17/02588/EFUL. Critically approval was granted without an agreed Comprehensive Masterplan. The consequences of this erroneous decision are that key elements of the development such as the allotments and the affordable housing mix have been withheld for this later stage and definably compromise the principles in Policy B3a.

Overwhelmingly, as we demonstrate in this report, the application is at conflict with multiple Placemaking Principles within Policy B3a that have not been met, and on these collective bases application 22/02169/EOUT should be comprehensively rejected.



South of Bath Alliance objection to planning application 22/02169/EOUT

Appendix A – Policy B3a and the Placemaking Principles

The [B&NES Core Strategy & Placemaking Plan](#) was adopted in July 2017. Within it Policy B3a and the Placemaking Principles define the conditions for an acceptable development on the plateau. **All** the principles must be met for either outline or full planning permission to be granted.

Policy B3a is included in full below with comments alongside showing where planning application 22/02169/EOUT fails to meet these principles.

<p>Bath and North East Somerset Local Plan CORE STRATEGY & PLACEMAKING PLAN</p> <p>VOLUME: 2 Bath</p>	
<p>DEVELOPMENT ON THE EDGE OF BATH</p>	
<p>251. In order to meet the need for additional housing within the District during the Plan period development needs to take place at two locations on the edge of Bath: on land adjoining Odd Down and MoD, Ensleigh, Lansdown. At Odd Down, land is removed from the Green Belt. Policy B3A allocates land here for residential led development and a revised detailed Green Belt boundary is defined. Policy B3A also outlines the place-making principles to be met in delivering the development. The place-making principles are illustrated on a concept diagram for the site.</p> <p>252. National planning policy makes it clear that when altering Green Belt boundaries a long term view needs to be taken to ensure that boundaries endure beyond the plan period. Where necessary this can include plans identifying areas of safeguarded land to meet longer term development needs. At Odd Down environmental sensitivity and the need to minimise harm means that there is no scope to identify safeguarded land for the longer term.</p>	<p>The developers are applying to place allotments within the Green Belt boundary, in an attempt to extend the scope of the land to be developed (5.2).</p>
<p>POLICY B3a: Land Adjoining Odd Down, Bath Strategic Site Allocation</p>	
<p>Land is removed from the Green Belt as shown on the Key Diagram and Policies Map and allocated for residential development and associated infrastructure during the Plan period.</p> <p>The requirements that need to be met to enable development are set out in the Placemaking Principles, Core Policies and indicated on the Concept Diagram. The Placemaking Principles, being site specific, take priority over the Core Policies.</p>	<p>The application fails to meet many of the Placemaking Principles and on this basis application 22/02169/EOUT should be rejected</p>

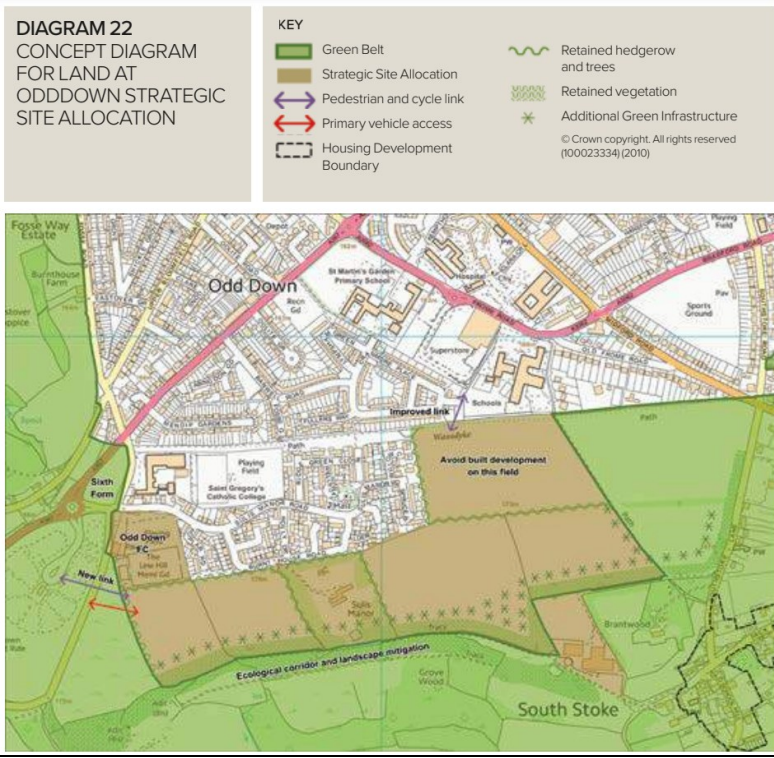
<p>Placemaking Principles</p> <ol style="list-style-type: none"> 1. Residential led mixed use development (to include 40% affordable housing) of around 300 dwellings, in the plan period. The site should be developed at an average density of 35-40dph. The figure of 300 dwellings is not a cap on development if all the placemaking principles can be met 2. Preparation of a Comprehensive Masterplan, through public consultation, and to be agreed by the Council, reflecting best practice as embodied in 'By Design' (or successor guidance), ensuring that it is well integrated with neighbouring areas. 3. Provision of Green infrastructure including multifunctional green space (formal, natural and allotments); well integrated Sustainable Urban Drainage Systems and habitat, pedestrian and cycle connectivity within the site and to the surrounding area. 4. Include new Public Rights of Way and provide enhanced public access within the site and connecting well to the surrounding area. 5. A Landscape and Ecological Mitigation Strategy and Management Plan is required, as part of the Masterplan, to ensure satisfactory mitigation and protection to include: <p>Ecological Requirements</p> <ul style="list-style-type: none"> o Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt and other ecological features retained or created within the site and in adjacent grazing lands. Light spill should be limited to no more than 1 lux (equivalent to a moonlit night) o Retention and cultivation of planting features and off-site habitat including the retention of hedgerows and tree belts, as indicated on the Concept Diagram o Safeguard skylark interest, through adequate mitigation or off-site compensation o New woodland planting along the southern boundary of the plateau, particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale o A recreational strategy to minimise harm to adjacent grazing regimes and habitats o Particular attention is to be given to ensure satisfactory mitigation and or compensation as appropriate of protected species and their habitat (including Priority Species). 	<p>Land use Parameter Plan shows only 'Primarily residential' land without the mixed use element.</p> <p>The scale of the proposed development is far in excess of 'around 300'</p> <p>The developers are not delivering the mix of affordable housing specified by B&NES (4.2)</p> <p>Phase 1 development has gone ahead with NO Comprehensive Masterplan (4.3)</p> <p>The Consultation for Phases 3 & 4 in February 2022 was deeply flawed (4.4).</p> <p>The Allotments have not been included within the area for development but placed on Green Belt land (5.2)</p> <p>The site is constrained by the Wansdyke to the north with no cycle and no new footpaths crossing this Scheduled Ancient Monument (9.2).</p> <p>The lack of enhancement to the southern tree belts (5.1) will adversely affect the plateau's bat population (6.1)</p> <p>The developers have failed to put forward a credible proposal to safeguard the skylark interest (6.2)</p> <p>There is inadequate provision in the proposal (5.2)</p> <p>The mitigation for the impact on the 11 species of bats (6.1) and skylarks (6.2), (all protected species) is inadequate. The applicant's calculations are flawed and a net biodiversity gain of 10% is not achieved (6.4)</p>
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<p>Landscape Requirements</p> <ul style="list-style-type: none"> ○ Retention and protection of existing trees and significant hedgerows by inclusion within public open space and enhance hedgerows by provision of additional planting ○ Protect the tree belt on the southern edge of the site and enhance with additional planting to ensure visual screening of the site from views to the south ○ Avoid or minimise detrimental impacts on (and provide enhancements to important landscape features and significant views): ○ the Cotswolds AONB ○ South Stoke Conservation area and its setting ○ The character of the Cam Brook valley and Sulis Manor Plateau ○ The character of South Stoke and Combe Hay Lanes ○ Midford Road and the Cross Keys junction including maintaining open rural views over the plateau ○ The Wansdyke Scheduled Monument ○ Medium and long distance views such as Upper Twinhoe and Baggridge Hill. <p>6. Seek to conserve the significance of heritage assets. As part of the Masterplan the following should be addressed:</p> <p>World Heritage Site</p> <ul style="list-style-type: none"> ○ The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views. An acceptable southerly extent of development and appropriate building heights will need to be established as part of the Masterplan. ○ The Easterly extent of development and appropriate Eastern boundary treatment should be established as part of the Masterplan. ○ Control light pollution to protect the visual screening of the site from views to the south. <p>Wansdyke Scheduled Monument</p> <ul style="list-style-type: none"> ○ Within the allocation, avoid built development in the field immediately to the south of the Wansdyke. To mitigate impacts, tree planting should be retained as indicated on the Concept Diagram. ○ A Management Plan setting out a strategy for the long-term and effective management of the monument including detailed measures for its positive enhancement will be developed in consultation with English Heritage and form part of any development proposals. This should include a recreational and movement solution which serves the new community and minimises harm to the Scheduled Monument. 	<p>There has been no additional planting in the southern tree belt and houses are being build in phase 1 which Diagram 22 in B3a has reserved for Green Infrastructure (5.1)</p> <p>In 2018 B&NES Landscape officer objected to the phase 1 application and considered it did not compliant with Policy B3a (7.1). It would cause unacceptable harm to the WHS and Cotswold AONB (7.2).</p> <p>There is no agreed Masterplan (4.3)</p> <p>The Phase 1 houses being built go right up to the southern boundary (5.1 & 8.1)</p> <p>There is no additional screening on the eastern end of the site in the outline plans for phase 4 (5.1 & 8.1)</p> <p>Inadequate screening in the plan (5.1)</p> <p>The impact of the development on the Wansdyke has been inadequately assessed and the developer’s conclusion that the impact would only cause ‘minor harm’ is incorrect (8.2)</p>
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<ul style="list-style-type: none"> ○ Limit development height and density in more prominent areas, such as higher ground and development edges. ○ Limit lighting column heights to that of the development to minimise vertical features within the view from the Wansdyke. <p>South Stoke Conservation Area</p> <ul style="list-style-type: none"> ○ Limit the height and/or density of development closest to South Stoke Conservation Area to avoid harm to its setting. ○ Provide a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket. <p>Sulis Manor</p> <ul style="list-style-type: none"> ○ Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees, and considering the conversion/retention of the Manor House and/or a low density development <p>7. In relation to transport, the following apply:</p> <ul style="list-style-type: none"> ○ Provide vehicular access, and junction enhancement, to facilitate access to the site from Combe Hay Lane. ○ Provide an additional access for emergency vehicles. ○ Provide pedestrian and cycle links with Sulis Meadows Estate and Sulis Manor; limited vehicular access from the estate is acceptable (subject to detailed design and location) but is not a requirement. ○ Links to the National Cycle Route 24 and Two Tunnels should be facilitated. ○ Provide a sensitively designed and improved pedestrian/cycle link, following the desire line to Cranmore Place/Frome Road to allow access to Threeways School and the Supermarket. ○ Provide a safe and attractive pedestrian/cycle link to the Odd Down Park and Ride from the site. ○ Ensure sufficient car parking in the vicinity of St Gregory's School to meet the school's needs <p>8. Contributions will be required to facilitate the expansion of St Martin's Garden Primary School.</p> <p>9. The provision of additional local employment will be supported at Manor Farm, through conversion and redevelopment.</p>	<p>The 'exceptional landscape setting' and 'peaceful rural atmosphere' of South Stoke Conservation Area will be seriously impacted by the proposed development on the plateau (8.3).</p> <p>The Spine Road across Sulis Manor would destroy the framework of trees (6.3) to the north of Sulis Manor and with it the setting of Sulis Manor (8.4)</p> <p>The proposed development would have a severe impact on the already congested road network around Odd Down. The applicants traffic modelling is based on flawed assumptions (9.1).</p> <p>There is inadequate capacity in the local schools for a development on this scale. St Martin's does not meet B&NES's own criteria for expansion (10.2).</p>
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10. Retain and/or enhance the Odd Down Football Club (Football Pitches, Clubhouse and changing facilities, play area, local market and car park) either:
- (i) in its current location; or
 - (ii) by re-providing the Football Club with an equivalent facility within the area
11. Localised areas of land instability must be either avoided or addressed with appropriate remediation.

The absence of a Comprehensive Masterplan means we do not know what the plans are for Odd Down Football Club and the potential impact this could have on the rest of the plateau (4.3).



Additional Green Infrastructure identified with green asterisks in concept diagram 22 on the southern and eastern side of the development. Houses are currently being built where this should be in phase 1 (5.1) For phases 3 & 4 there is insufficient Green Infrastructure along the southern boundary and none at all on the eastern boundary (5.1)

South of Bath Alliance objection to planning application 22/02169/EOUT

Appendix B – Affordable Housing

BANES's policy CP9 in its Core Strategy and Placemaking Plan defines that 40% of housing on new developments should be 'affordable'. It goes on to state that: *'The size and type of affordable units will be determined by the Council to reflect the identified housing needs and site suitability.'*

Note that within the documentation that has been submitted for the development of the plateau there are a number of terms that appear to be used interchangeably and appear to mean the same thing. Affordable is also referred to as Affordable Intermediate or Intermediate. Affordable Rented is also referred to as Social Rented.

Before considering the proposed provision of affordable housing for phases 3 & 4 it is necessary to understand what happened with phase 1.

Phase 1

The Hignett Family Trust's application 16/05235/SCOPE submitted in October 2016 was a *'Request for scoping opinion for development at Land West of Sulis Manor'*. They state within this application that: *'The planning application is to be submitted in full and will be accompanied by a range of detailed plans and supporting documentation. A list of the assessments and documents which will support the application is set out in Appendix 2'*. Appendix 2 includes an *'Affordable Housing Statement'*.

The full application for Phase 1 17/02588/EFUL was submitted in May 2017 without an Affordable Housing Statement.

The B&NES Housing Development Officer Gary Ward stated in [his consultation response](#) that: *'The proposed affordable housing unit split within this phase one application has also been previously agreed; however the split, as a percentage breakdown, does not correspond proportionally with that agreed for the overall masterplan site as it delivers a higher proportion of flatted accommodations.'*

Housing Services support the phase one affordable housing unit split only on the following basis;

- *That all subsequent phases will deliver an affordable housing contribution that proportionally rebalances the agreed affordable unit split (table one) across the whole masterplan site.*
- *Should phase one be agreed, this will necessitate an increase delivery of affordable house units against a reduction of affordable flats on the subsequent phase*

In a follow up the B&NES Enabling & Development Officer, Lizzie Cox said: *'An Affordable Housing Statement has not been provided and without such Housing Services is unable to confirm compliance with the Planning Obligations SPD April 2015'*.

The table below illustrates the mismatch for phase 1.

Requirement from B&NES	B&NES proposed split	Actual number of flats and houses being built	
Affordable Rented (75%)			
1 bedroom 2 person flats – min 46sqm	25%	28	54.9%
2 bedroom 3 person flats – min 61sqm	12%	5	9.8%
2 bedroom 4 person houses – min 75sqm	44%	15	29.4%
3 bedroom 5 person houses – min 85sqm	19%	3	5.9%
		51	
Affordable Housing (25%)			
2 bedroom 3 person flats – min 61sqm	25%	2	11.8%
2 bedroom 4 person houses – min 75sqm	50%	11	64.7%
3 bedroom 5 person houses – min 85sqm	25%	4	23.5%
		17	

The scale of the mismatch in the rented accommodation is huge. B&NES requested that only 25% were one-bedroom flats, for the current development it is 55%. B&NES requested that 19% of the rented accommodation should be three-bedroom houses, only 6% are.

This clearly matters because the developers are hitting the 40% target in terms of number of houses but providing significantly less capacity than B&NES requested. If you count the number of bedrooms across the whole phase 1 site only 25% are affordable.

The phase 1 development (17/02588/EFUL) was approved at the B&NES Development Management Committee 4th July 2018. The full minutes are available at <file:///C:/Plateau/2019%20application/Public%20reports%20pack%2004072018%201400%20Development%20Management%20Committee.pdf>).

It does not appear that the issue that the developers had not complied with the affordable housing mix was raised by the B&NES planning department or discussed by the committee. No reference appears to be made to the condition specified by the B&NES Housing Development Office that the balance should be redressed in the future.

Phases 3 & 4

Chris Griggs-[Trevarthen in his letter to the developers in March 2022](#) makes no reference to the fact that there has been a shortfall in larger affordable accommodation that needs to be made up in future phases.

He states that:

Based on 300 dwellings overall at a 40% ratio the affordable housing contribution will number 120 dwellings.

He goes on to propose that the provision should be:

To aid the applicant to deliver an appropriate affordable housing contribution the Council's HomeSearch Register 'at this moment in time' indicates the affordable housing contribution should be delivered to the following mix.

30 x one bed 2-person house type flats.

48 x two bed 4-person houses

32 x three bed 5-person houses.

5 x four bed 6-person house.

5 x five bed 7-person house.

As part of application 22/02169/EOUT there is a 'Sulis Down Phases 3 & 4 Affordable Housing Statement' submitted for phases 3 & 4.

No reference is made to making up the shortfall from phase 1 and the housing split that they propose does not even meet the requirements set out above in the letter from Chis Griggs-Trevarthen.

	Proposed by Hignett Family Trust				Requested by B&NES	
	Affordable Rented	Affordable	Total			
1 bed flat	32		32	26.7%	30	25.0%
2 bed flat	12	10	22	18.3%		0.0%
2 bed house	20	10	30	25.0%	48	40.0%
3 bed house	26	10	36	30.0%	32	26.7%
4 bed house					5	4.2%
5 bed house					5	4.2%
	90	30	120		120	

With the Phase 3 & 4 application there are **no four or five bedroom affordable houses**. The Hignett Family Trust do qualify their allocation with the statement: *'The Applicant has confirmed a willingness to consult further with the Council's housing department, during the planning application process, to ensure that the final affordable housing scheme addresses identified local housing needs.'*

Gary Ward, B&NES Housing Development Officer, in his [consultation response dated 25 July 2022](#) states that the applicants affordable housing statement provides *'An indicative affordable housing mix that is appropriate regards the B&NES Homeseach housing register'* despite the absence of 4 and 5 bedroom houses or refer to the shortfall in the affordable housing mix that he identified in phase 1.

Given the non-compliance by the Hignett Family Trust in phase 1 and their failure to acknowledge the requirement to address the shortfall from phase 1 in phases 3 & 4, there can be little confidence that this development will ever have the required mix of social housing. **On this basis proposal 22/02169/EOUT should be refused.**

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix C - Consultation undertaken by Framptons in February 2022

Background

The [National Planning Policy Framework](#) states in paragraph 39 that: 'Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality preapplication discussion enables better coordination between public and private resources and improved outcomes for the community.'

Policy B3a Placemaking Principle 2 requires the developer to consult on their proposal for a Comprehensive Masterplan. In February 2022 Framptons on behalf of the Hignett Family Trust undertook a [Public Consultation – Land at Odd Down, Bath](#). The proposals could be viewed on-line and either an on-line questionnaire completed or a form downloaded, printed, completed and then sent to Framptons.

The consultation process was flawed

The scope of consultation activities was very limited. B&NES's [Neighbourhood Planning Protocol](#) guidelines point to a wide range of community engagement activities that one would expect in a development of this scale and impact. There were no surgeries, workshops, other interactive events or a consultation panel. While caution was needed because of Covid-19, all Covid restriction in England had been lifted in July 2021 and no attempt appears to have been made to broaden the nature of the consultation beyond 6 leading questions and two comment boxes.

There was a very short window within which to respond. Letters sent to Ward councillors and other interested parties including South Stoke Parish Council who received their letter on 8th Feb, allowing just 3 days to inform and advise their parishioners. Framptons gave people only 2 weeks to respond, one of which was half term when many families would be away.








The consultation was not readily accessible. The distribution of the leaflet was patchy. SOBA publicised that the consultation was being undertaken to its supporters, many of whom were unaware of it. The information was only available online, so those without access to the internet were effectively excluded. No reference was made to alternate methods of undertaking the consultation for those without internet access.

The consultation was based on incomplete and incorrect information. The information presented in the consultation documents had for example no reference to the number of houses already being built in phase 1, no information about the potential impact on traffic and showed Sulis Manor as being outside the World Heritage Site.

The consultation questions were very limited, poorly worded and leading. The wording of the questionnaire was unacceptable as a research tool. The questions had clearly been designed to achieve responses that work in favour of the developers and lead to skewed data. There was not a single question relating to the impact on existing local communities which is a major consideration for this development. With the addition of this number of houses in the Odd Down area, the effect on traffic, safety and pollution levels is of enormous significance and needed to be included here. Also, the impact on the village of South Stoke and the World Heritage Site is undeniable and needed consideration and discussion.

The consultation results show strong opposition to the proposed development.

While devoting two pages of the Design and Access Statement to Consultation, Framptons fail to include the results of the questionnaire and relegate these to a separate document within the 2,300 pages that were submitted as part of this application. The results are outlined below.

Results of the Framptons Consultation questions from February 2022		
Survey questions (note the capitalisation of each word is as it appeared in the on-line form)	Survey results % responses to 	Comments
Q1. Do You Support Our Vision For Sulis Down?	 1	The vision for the site made no reference to the number of houses being built in phase 1.
Q2. Phases 3 & 4 Will Deliver About 120 New Affordable Homes, Which Are Much Needed In The Local Area. Do You Agree That This Is A Significant Benefit Of The Development?	 2	The question is structured such that if the respondent disagrees there is no understanding why. Is it because they think there are too many or too few affordable homes or are they just opposed to the development in general?
Q3. Do You Approve Of The Continuation Of The Arts And Crafts Architectural Design Used In Phase 1, To Be Used In Phases 3 And 4?	 3	This question is only relevant if you answered Yes to Q1.
Q4. We Propose Grouping The Allotments For Phase 3 And 4 On Derrymans With Those Provided For Phase 1. Do You Think This Is A Good Use Of Space?	 4	No reference is made to the fact that Derrymans is outside the area scheduled for development, still in the Green Belt and an application to put the allotments here was refused by B&NES in 2020.
Q5. The Layout Of The Site Has Been Landscape Led, Providing Substantial Landscape Screening To The Site And Public Open Space. Do You Agree With This Approach?	 5	Two more 'do you agree' questions relating to statements that are B&NES policy for the site and worded to elicit responses in favour of the development.
Q6. Working On The '15 Minute Walkability' Design Principles, New Pedestrian And Cycle Links Across The Site To Local Services (Shops, School, Employment) Will Contribute To Sustainable Development. Do You Agree With This Statement?	 6	What is the purpose of such questions? How will the answers affect their subsequent development plans?
Q7. Are There Any Factors That Might Influence How The Site Is Developed That We Have Not Identified? Q7. Additional Comments, Please Expand*		
Q8. Are There Any Features That You Would Wish To Be Incorporated Into The Proposals? Q8. Additional Comments, Please Expand*		

SOBA asked its followers if those who had submitted responses to the consultation could also email them to SOBA. This proved difficult as it was not possible to access your comments once they had been submitted and there was no confirmation email detailing what had been entered on the form. We had responses from 36 people who had submitted their comments. The two commonest grounds for objection were the impact on local traffic (81%) and the total number of houses in the development (78%). Neither of these key issues for the local community were addressed in the Comprehensive Masterplan submitted by the developers.

In the [Statement of Community Involvement](#) submitted with this application the developer states that there were '*just under 300 responses*' and summarises the objections raised in the comments box as:

- Quantum of development
- Transport impacts
- Open space
- Ecology
- Landscape
- Infrastructure
- Heritage

In their response to these concerns the developers simply restate what is in their Comprehensive Masterplan and does not acknowledge the issues raised by the community or show any indication that the proposals being put forward will be changed in any way as a result of the consultation exercise.

The consultation results have not informed the subsequent development

Chris Griggs-Trevarthen in [his letter of 7th March 2022](#) says to the developers:

It is unclear at the moment as to how the Comprehensive Masterplan has been informed by public consultation. Any planning application will need to evidence how the public consultation has informed the masterplan and how it would result in a co-ordinated and managed approach to the development of the allocation site.

He goes on to say: *Given that these proposals are likely to be locally controversial, I suggest that further engagement and consultation with the local community would be beneficial to any subsequent submission.*

There have been no further consultation activities undertaken by Framptons with the local community.

There are no material changes between the Comprehensive Masterplan that was published as part of the February 2022 consultation and that which was submitted in the current application.

In the conclusion of their [Statement of Community Involvement](#) the developers state that: '*The engagement process that has been undertaken has highlighted local concerns surrounding the Proposed Development to the Project Team. These concerns will be addressed through the design Process*'. To state that the local concerns will be addressed through the design process does not make the inadequate Comprehensive Masterplan become a compliant piece of evidence.

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix D - The impact of the development on bats

Introduction

The South Stoke plateau is exceptionally good for bats which both roost on the plateau and feed along the tree belts mostly on the southern side of the site. To minimise the impact of any development on the on bat population Placemaking Principle 5 includes provisions that there should be *'Protection of dark skies to the south and east of the location including zones of no artificial light adjacent to the protected tree belt'* and *'New woodland planting along the southern boundary of the plateau particularly to the east of Sulis Manor (i) within the site and (ii) off-site within the plateau in order to strengthen bat foraging and flight links with Horsecombe Vale'*.

Legal protection for bats in the UK

In Britain all bat species and their roosts are legally protected through the [Wildlife and Countryside Act \(1981\)](#) and the [Conservation of Habitats and Species Regulations \(2017\)](#). Under this legislation it is illegal to harm a wild bat or destruct, disturb or destroy a bat roost. Acts identified that could cause harm include:

- renovating, converting or demolishing a building
- cutting down or removing branches from a mature tree
- installing lighting in a roost, or outside if it lights up the entrance to the roost
- removing 'commuting habitats' like hedgerows, watercourses or woodland
- changing or removing bats' foraging areas

The work proposed in application 22/02169/EOUT will do all of the above. Therefore, any work and mitigation measures can only be undertaken with a licence from Natural England.

South Stoke plateau lies within the Bath and Bradford upon Avon Special Area of Conservation for bats. This designation is to protect the populations of greater horseshoe, lesser horseshoe and Bechstein's bat. The Bath and Bradford on Avon Special Area of Conservation has 15% of the UK population of greater horseshoe bats. The southern tree belt of South Stoke plateau is a 'regionally important' foraging route within the allocated site.

Bat population on the plateau

Surveys conducted in 2013, 2015 and 2020 recorded in this area 11 of the 17 species of bats that breed in the UK. The rarest of these is the [Greater horseshoe bat](#) which have been recorded along the length of the plateau. The other 10 species are [Barbastelle bat](#), [Brandt's bat](#), [Brown long-eared bat](#), [Common pipistrelle](#), [Lesser horseshoe bat](#), [Natterer's bat](#), [Noctule bat](#), [Serotine bat](#), [Soprano pipistrelle](#) and [Whiskered bat](#).

Most of the activity has been recorded along the southern tree belt and the grounds of Sulis Manor but walked transects done as part of the 2020 survey show recording of bat activity across the whole plateau.

In addition to being a regionally important foraging area, bats also roost on the plateau. Four species of bats (common and soprano pipistrelles, serotine and brown long-eared bats) roost in the roof structure of Sulis Manor. The outbuildings to the north of Sulis Manor are a roosting site for both lesser and greater horseshoe bats.

The 2022 [Ecology: Baseline Report and Assessment](#) produced for the developers by Kestrel Wildlife Consultants states that *'The concentration of bat roosting sites within Sulis Manor house and outbuildings is significant; in particular, the presence of a potential lesser horseshoe mating roost in the rear section of the old orchid greenhouse is an important feature.'*



Greater horseshoe bat (left) and lesser horseshoe bat (right) activity across the plateau, taken from [Technical Appendix 6.9 Sulis Down Ecology Survey Report](#) submitted for the phase 1 development application for the Hignett Family Trust and Bloor Homes Ltd (revised version January 2018) undertaken by Kestrel Wildlife Consultants Ltd

The impact of the proposed development

If the spine road through Sulis Manor is allowed to go ahead it will destroy a significant roosting site for greater and lesser horseshoe bats within the Bath and Bradford Special Conservation Area for Bats. The development of phase 1 has already compromised the regionally important foraging route along the southern boundary. The spine road will also be well lit which could affect those bats that roost in the Sulis Manor and sever the link for the bats to the northern tree belts.

The area is also a foraging area for bats that roost elsewhere within the Bath and Bradford upon Avon Special Area of Conservation for bats. The foraging range of greater horseshoe bat is typically 4km from their roosting site. There is a major roosting site in Combe Down Mines which is less than 4km from the entire South Stoke plateau.

English Nature (the precursor to Natural England) [produced a paper](#) on the protection of the greater horseshoe bat states that: *Although the protection of important roosts and hibernation sites is important, the effective conservation of the greater horseshoe bat depends on the management of the farmed landscape around maternity roosts and other sites used by the bats.*

The bat mitigation measures proposed by the developers

A planning requirement from phase 1 required the provision of additional roosting sites and the developers have provided two bat barns. One of these is in on the edge of the phase 1 development about 20 m from the housing development. The second is a conversion of the old cricket pavilion at Manor Farm next to the business park, which is about 40 m from the proposed phase 4 development and close to a break in the tree belt which allows farm machinery to access the field. No evidence is presented in the current application whether or not the two bat barns are currently being used. [Natural England in their response](#) to planning application 22/02169/EOUT have said that *'It would be desirable for additional night roosts to be provided on the southern edge of the southern boundary treeline to draw bats away from the built development'*.

It is a requirement from Policy B3a placemaking principle 5 that there is new woodland planting along the southern boundary to mitigate the impact of any new development and the light that

would be emitted from it. No new planting has yet been undertaken in Phase 1 and the area identified on the southern boundary for green infrastructure has been built on (see section 5.1).

The majority of the southern tree belt is ash that has been planted in the last 20 years. This has unfortunately suffered from ash dieback. The tree belt was extensively thinned in October 2021. This will have significantly reduced its effectiveness as a both screen for light from the development and a foraging area.

The developers state in their current Design and Access statement that:

Horseshoe bats are sensitive to light so there will be an extended buffer strip between the southern tree belt and the development. Lighting will be carefully designed to ensure a dark corridor is retained through the trees to protect the bat flyway along the southern edge of the plateau.

Given the failure to extend the buffer strip in phase 1 and the minimal buffer strip in the outline plans for phases 3 & 4 there must be concern about the extent to which these will be delivered.

Tessa Hampden (Senior Planning Officer at B&NES) [gave an opinion](#) on the earlier 2019 Report submitted by Framptons (20/00092/SCOPE) defining the scope of the Environmental Impact Assessment that Framptons were proposing to undertake as part of the current planning application. In it she says:

'The proposals are approximately 2.4km from component units of the Bath and Bradford-on-Avon Bats Special Area of Conservation. If horseshoe bats have been identified using the site, a Habitats Regulations Assessment Screening Assessment/Appropriate Assessment will also be required to meet Regulation 63 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019'. A Habitats Regulations Assessment has not been submitted as part of this application.

She goes on to say:

'Information needs to demonstrate 'beyond reasonable scientific' doubt that there will be no significant adverse impacts on the bat SAC. Otherwise the application should be refused'.

'Overall, sufficient information to demonstrate that the proposals will meet Core Strategy Policy B3a will need to be included within the EclA.'

[Natural England have provided feedback](#) on the current proposal highlighting these concerns:

- There is no Habitats Regulations Assessment which is a requirement of regulation 63 of the Conservation of Habitats and Species Regulations 2017.
- The loss of tree belts on the north and centre of the plateau which are a foraging site for bats
- The absence of a plan for habitat enhancement. There is no mitigation for the loss of trees that would result from the spine road across Sulis Manor. The road will sever commuting corridors to the woodland at the north of the plateau. *'Natural England advise that the proposal should provide a linear vegetated corridor on the northern boundary of the application site to maintain this corridor.'*
- The potential habitat change from the creation of skylark mitigation site (see section 6.2) could result in a reduction of foraging opportunities for horseshoe bats.
- For the residential properties a full lux contour plan has not been provided. They do not anticipate that the dimming of streetlighting will reduce light levels sufficiently to maintain the commuting corridor in this area.

The applicants have failed to show that there will not be harm caused to the population of bats within the Bath and Bradford on Avon Special Conservation Area, and **on this basis proposal 22/02169/EOUT should be refused.**

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix E Skylarks on South Stoke Plateau

Introduction.

Skylarks breed on the South Stoke plateau and the sight and sound of them are enjoyed by the many local people and visitors who walk there.

In the UK, skylark population halved during the 1990s, and is still declining. In their preferred habitat of farmland, skylarks [declined by 75% between 1972 and 1996](#). The skylark is a fully protected species under the Wildlife and Countryside Act 1981 and has a conservation classification of red based on the continuing decline in breeding numbers.



A skylark singing over the plateau

Policy B3a placemaking Principle 5 includes the statement:

Safeguard skylark interest, through adequate mitigation or off-site compensation

Current population on South Stoke plateau

An [Ecology: Baseline Report and Assessment](#) report has been submitted by the developer as part of their proposal 22/02169/EOUT. They undertook a breeding bird survey surveyed between April and June 2020 and found that there were probably 8 breeding pairs across the whole plateau (Table 13). This was before development work started on the fields to the west of Sulis Manor in 2021. Probably 8 breeding pairs across the whole plateau in 2020 is consistent with our observations in Spring 2022 of definitely 4 breeding territories possibly 5 on the fields to the east of Sulis Manor.

Skylarks need very specific conditions to nest which is the reason that they have become increasingly rare as agricultural practices change. Their choice of nesting site is influenced by the height and density of the crop - the ideal vegetation height is 20-50 cm. They also need the open aspect that the plateau provides, they do not breed in the neighbouring steep sided and partially wooded Cam Brook Valley. An exception is Rowley Top, a 6.7 ha field about half a kilometer south of the plateau which also has an open aspect but on a very much smaller scale than the South Stoke plateau. The 2020 survey found two pairs of skylarks breeding at Rowley Top.

Approaches to mitigating the loss of skylarks from the plateau

The developers propose in their [Biodiversity Strategy](#) three options for mitigating the loss of biodiversity such as the skylark from the site.

These are:

- **On-site provision:** *Where possible mitigation and enhancements will be delivered within the red line boundary of the development.*
- **Off-site provision:** *Where there is a shortfall in delivery on-site, biodiversity gains should be secured off-site.*
- **'Statutory' Credits:** *Where there is a shortfall in delivery on-site and there are no appropriate off-site delivery options, statutory credits (offsite contributions) will be negotiated with the Council.*

Impact of the proposed development and on-site provision

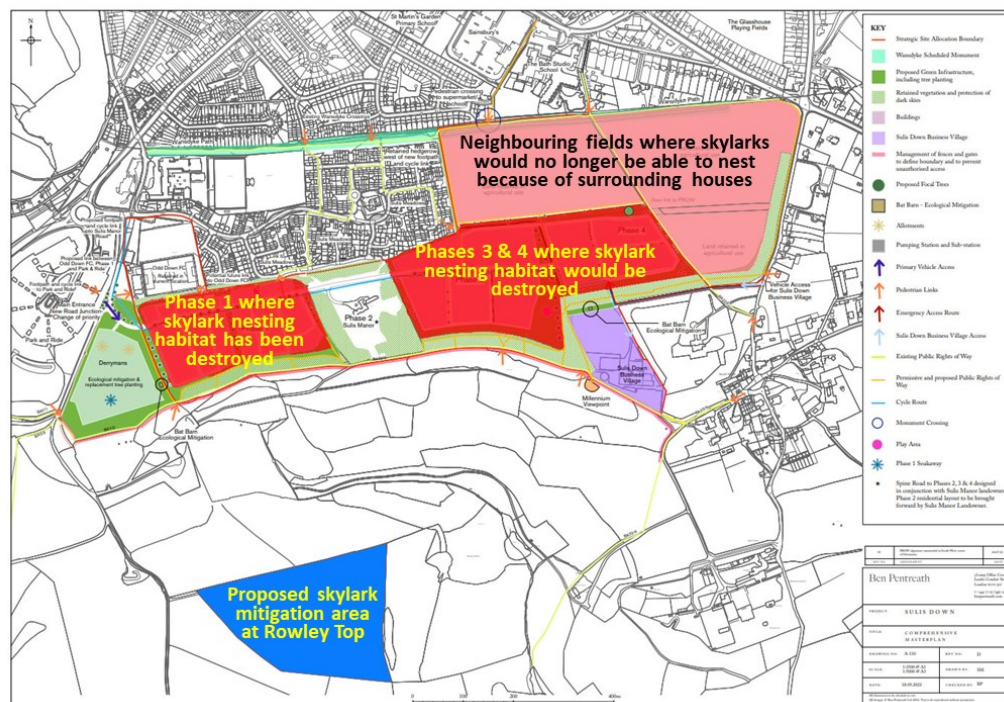
If the development of Phases 3 & 4 go ahead it will place housing development in the centre of the plateau. The fields that remain (Great Broad Close and 30 Acres) will be surrounded by houses and there will be no point on the plateau that will be more than 100 metres from a house. The plateau will lose its open aspect and with it the skylarks.

The [Ecology Report for Phase 1](#) submitted with application 17/02588/EFUL in 2017 stated in relation to the whole development that *'There are no effective measures to reduce actual and potential impacts in the short term due to construction work, and it is likely that skylarks will be deterred from breeding on the eastern fields.'*

On-site provision to make up for the loss of skylarks is therefore impossible.

Proposal for off-site provision

The Phase 1 submission 17/02588/EFUL in 2017 was to build 171 houses on the fields to the west of Sulis Manor. In it, Rowley Top was proposed as off-site compensation for the loss of skylarks both for Phase 1 and for future phases 3 & 4.



Site plan showing actual and potential losses of skylark habitat from the site and the proposed skylark mitigation field at Rowley Top.

The current submission proposes that Rowley Top should be used for two purposes:

- i. Create a calcareous species rich grassland which would offset the biodiversity losses from other parts of the development (see Appendix G of this submission for an explanation of why the developer’s calculations are flawed). The developers state in [Appendix 3 of the Biodiversity Strategy](#) that the *'Standard time to target condition'* for the calcareous grassland on Rowley Top is 25 years.
- ii. Provide off-site provision by creating an alternate nesting site for the 8 breeding pairs of skylarks that will be lost from the South Stoke plateau.

The second of these aims is impossible to achieve for the following reasons:

- i. **Creation of a suitable habitat.** The [evidence](#) that it is possible to increase the number of skylark nesting sites does not relate to calcareous grassland but arable fields¹. This is achieved by making small plots where seed is not sown thereby creating an open area where skylarks can nest and potentially raise multiple broods. This approach would not work on Rowley Top.
- ii. **Timescales.** The creation of a calcareous species rich grassland takes time, the developers suggest 25 years in [Appendix 3 of their Biodiversity Strategy](#). If a suitable habitat is ever created, the skylarks will have already been lost from this area.
- iii. **Density of nesting sites.** There are already two breeding pairs on Rowley Top. Therefore, the developers are expecting to create a habitat with ten pairs of skylarks in 6.7 ha. This would be a five-fold increase in the number of skylarks at Rowley Top and they would be at a breeding density higher than has ever been recorded in the UK².
- iv. **Long term maintenance of the site.** The developers submitted a [Landscape & Ecological Management Plan](#) the purpose of which is: *'to supply a management and monitoring framework for the establishment and maintenance of the Sites' environmental assets'*. It makes no reference to either Rowley Top or skylarks and therefore it appears there is no commitment to maintain the site in the long term. This does not comply with a [new policy](#) being proposed by B&NES as part of the Local Plan Partial Update that: *Development will only be permitted where a Biodiversity Net Gain of at least 10% is demonstrated and secured in perpetuity (at least 30 years)*.

The proposed off-site provision for skylarks at Rowley Top is therefore not viable.

Policy B3a Placemaking Principle 5 states that the developers must *Safeguard skylark interest* of the site. The skylarks singing over South Stoke plateau are greatly appreciated by those who walk on the plateau. Rowley Top has no public right of way that would enable the local community to listen to the song and enjoy the sight of skylarks.

Statutory credits

Within the developer's [Biodiversity Strategy](#) there is a third option: statutory credits; this is effectively paying B&NES for the loss in biodiversity. This would not comply with Placemaking Principle 5 that the developers should *'Safeguard skylark interest, through adequate mitigation or off-site compensation'*.

Conclusion

The developers have not put forward a credible plan to *'Safeguard skylark interest'*. It is not acceptable to put this off to a later stage in the development process and **on this basis proposal 22/02169/EOUT should be refused.**

¹ Dr Paul Donald of Birdlife International (and previously led the 5-year RSPB Skylark Research project) in an email exchange with Dr Ned Garnett has confirmed that he is unaware of skylark plots being used in anything other than cereal crops.

² Dr Paul Donald has also confirmed that the highest density of skylarks that he has recorded in the UK is about 1 pair per hectare in optimal habitat.

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix F Biodiversity Off-Site Compensation and Net Gain/Loss

Introduction

B&NES are proposing as part of Local Plan Partial Update that a [new policy](#) is introduced that: *Development will only be permitted where a Biodiversity Net Gain of at least 10% is demonstrated and secured in perpetuity (at least 30 years)*. This will be subject to certain conditions such as that the DEFRA metric is used to quantify the biodiversity before and after and a 30-year management plan is submitted detailing how the post-development biodiversity values of the site and any supporting off-site mitigation will be achieved.

Bat mitigation measures

As a result of a condition from the Phase 1 application two additional bat roosting sites have been provided on the southern edge of the plateau. Both of these are close to the current or proposed development. [Natural England in their response](#) to the current application highlighted that *'It would be desirable for additional night roosts to be provided on the southern edge of the southern boundary treeline to draw bats away from the built development'*.

Additional woodland planting is also required along the southern edge of the plateau to mitigate light spill from the new development but this has not been provided for phase 1 (see section 5.1).

Off-site compensation site at Rowley Top for skylarks

Framptons, on behalf of the Hignett Family Trust, have specified as part of their planning application a field on the estate as an off-site area that can be enhanced to compensate for the loss of biodiversity resulting from the development proposal 22/02169/EOUT. The site they have chosen is Rowley Top, a 6.7 ha field about half a kilometer south of the plateau. In their 2017 submission for phase 1 the site was solely to be used as mitigation for the loss of skylarks. In the current application they are proposing also creating *'a more open sward of calcareous grassland'*.

Natural England's response to this planning applications highlights a potential biodiversity loss that would result from the habitat change at Rowley Top. Their Wessex Officer Amelia Earley states: *'If this area is currently grazed it could form horseshoe bat foraging habitat and removal of grazers could result in a reduction of foraging opportunities for horseshoe bats.'*

In relation to skylarks, no detail is provided as to how they will radically increase their number on the site (this is discussed in more detail in Appendix F of this submission). The developers state in [Appendix 3 of the Biodiversity Strategy](#) that the *'Standard time to target condition'* for the Rowley Site is 25 years. This is very worrying, as once building starts the skylarks will disappear from their plateau nesting sites; they will be long gone by the time Rowley Top reaches its 'target condition'.

The [Ecology Report for Phase 1](#) submitted with application 17/02588/EFUL in 2017 stated: *'The field can support several breeding pairs and will be brought into appropriate management with the establishment of skylark plots in advance of site clearance for later phases of the development at Sulis Down.'* No work has yet been undertaken at Rowley Top to enhance the site. Skylark plots are used in arable fields to increase the number of potential breeding sites. This approach would not work in calcareous grassland. Any mention of skylark plots has been removed from the [Ecology: Baseline Report and Assessment](#) submitted with the current application.

The developers submitted a [Landscape & Ecological Management Plan](#) the purpose of which is: 'to supply a management and monitoring framework for the establishment and maintenance of the Sites' environmental assets'. It makes no reference to either Rowley Top or skylarks.

The suitability of Rowley Top both as off-site compensation and as a nesting site for skylarks (discussed further in Appendix F) is highly questionable as is any long-term commitment from the Hignett Family Trust to maintain it.

Calculation of biodiversity net gain.

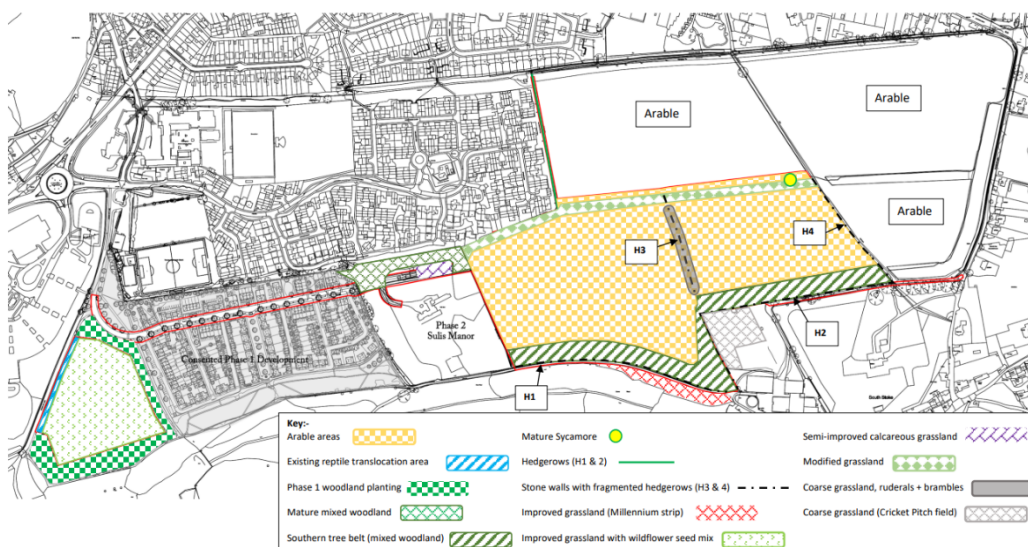
The biodiversity net gain calculation is undertaken using a spreadsheet provided by DEFRA. It does not take account of individual species but is based on the area of different types of habitat and the level of biodiversity they might support. It uses a number of factors to make the net biodiversity gain or loss including:

- Area of each different habitat type
- A standard factor relating to that habitat based on how much biodiversity it might support.
- A subjective score for the quality of each particular habitat
- Does the area have a strategic significance like being in the local plan? Habitats that are in the local plan are given a higher weighting than those that are not.
- For new habitats that are created there is a temporal and difficulty factor relating to that habitat.

The relatively simple nature of these calculations compared to the complexity of biodiversity means that changing a single factor can cause a radical difference in the result relating to net biodiversity loss or gain. Framptons have submitted these spreadsheets as Excel files so it is possible to look at the impact of changing certain factors. There appear to be a number of flaws relating to the way they have undertaken the calculation.

The whole site is classified as being of only four habitat types (see map below). These are:

- Cereal crops
- Other neutral grassland
- Other woodland; mixed
- Developed land; sealed surface



Habitat map taken from application 22/02169/EOUT

South of Bath Alliance objection to planning application 22/02169/EOUT 7th August 2022
Appendix F Biodiversity Off-Site Compensation and Net Gain/Loss

There are a number of flaws in the way that the developers have used the DEFRA model:

- i. In their submission they make no distinction between the different types of woodland. Mature woodland, 15-year-old shelter belts and new planting are all treated as having the same value, based solely on the area. Clearly the biodiversity that each support is very different. This proposal is putting forward plans to remove 73 mature trees in the grounds of Sulis Manor and compensate for this by planting trees in Derrymans field. Whilst the DEFRA model allows for distinct types of woodland to be valued differently, the developer has chosen not to do this.
- ii. They assume that the area of the impact of the development is the same as the footprint of the development. The developers acknowledge that the Phase 3 & 4 development will result in the loss of skylarks breeding from all the eastern fields – not just those the fields being built on. The impact of the development on the bat population extends far beyond the development site into the surrounding fields.
- iii. They do not include the area of land and the associated habitat loss from phase 1. As detailed above Rowley Top is intended to compensate for the loss of habitat in Phase 1 as well as Phases 3 & 4 and the Spine Road.
- iv. The spreadsheets classify all four habitats as ‘Area/compensation not in local strategy/ no local strategy’. For cropland and woodland this is incorrect. Both the skylark habitat (the cropland) and the woodland appear in Policy B3a of the B&NES local plan. They should be classified as ‘Formally identified in local strategy’. The impact of changing either of these factors means that the biodiversity net gain with off-site compensation fails to achieve the 10% target. Changing both these factors means that there is a biodiversity loss (see below).

Settings within Biodiversity Strategy Appendix 3 Spreadsheet Worksheet - A-1 Site Habitat Baseline Column – Strategic significance	Net change without off-site compensation	Net change with off-site compensation	10% Biodiversity net gain achieved?
Woodland and cropland classified as not in Local Strategy (the Framptons submission)	-22.04%	11.39%	Yes
Cropland classified as being in the Local Strategy	-28.34%	2.39%	No
Woodland classified as being in the Local Strategy	-24.89%	7.31%	No
Both Cropland and Woodland are classified as being in the Local Strategy	-30.76%	-1.07%	No

The impact of correctly classifying Woodland and Cropland as in the Local Plan on the Biodiversity Net Gain / Loss calculation.

Conclusion

Rowley Top is by analysis clearly not a suitable mitigation site. There is no submission of a long-term plan for its management. The required 10% biodiversity net gain is not achieved if the parameters in the DEFRA model are input correctly. **On this basis application 22/02169/EOUT should be refused.**

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix G Submission from Cotswold Conservation Board to Local Plan Partial Update

Below is an extract from a submission from the Cotswold Conservation Board in response to B&NES Local Plan Partial Update consultation sent on 29th May 2020. The full document can be seen here: <https://www.cotswoldsaonb.org.uk/wp-content/uploads/2020/06/CCB-response-BNES-Local-Plan-Partial-Update-consultation-29-May-2020.pdf>

29th May 2020

Bath & North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

By email only to local_plan2@bathnes.gov.uk



VOLUME 2 – BATH

PMP:B1: Bath Spatial Strategy (including the Odd Down allocation)

The Board recognises that *‘there is a need to identify sufficient housing sites to ensure a continuous housing land supply and sufficient supply to meet the overall Core Strategy requirement in accordance with the current spatial strategy’*, as stated in the consultation documents.

Although the Local Plan Partial Update consultation documents do not propose amending the current spatial strategy, the Board considers that there would be justification for reviewing the proposed housing allocation at Odd Down, in the Cotswolds AONB, as outlined below.

Based on this justification, the Board recommends that this allocation should be reviewed and that the proposed dwellings that have not yet been granted planning permission should be re-allocated outside the AONB in a location that would have a less significant impact on the purpose of AONB designation.

The Odd Down allocation and justification for reviewing it

The B&NES Local Plan (Policy B3a) currently includes an allocation of 300 dwellings, covering approximately 30 hectares, at Odd Down, which lies within the Cotswolds AONB on the southern edge of the city of Bath. Permission has already been granted for 171 dwellings on this allocation site, in August 2019. 129 dwellings out of this 300 dwelling allocation have not yet been granted planning permission.

Policy B3a specifies that *‘the figure of 300 dwellings is not a cap on development if all the placemaking principles can be met’*. Alarming, a request for an Environmental Impact Assessment (EIA) scoping opinion was submitted to B&NES Council, in January 2020, for a proposed development of 350 dwellings on this allocation site. The Board recognises that this proposed development won’t necessarily be granted planning permission. However, combined with the existing planning permission for 171 dwellings, it raises the prospect of

this allocation within the Cotswolds AONB potentially having more than 520 dwellings. This would be 220+ dwellings more than the 300 dwellings proposed in Policy B3a.

The Board is aware that the Odd Down allocation was considered to be major development, for which a presumption against allocation / planning permission should apply. The Board is also aware that B&NES Council and the Local Plan inspector took the view that the allocation was justified because they considered exceptional circumstances to apply.

However, since the B&NES Local Plan documents were adopted, there have been a number of significant changes to national and local planning policy and guidance, which add weight to the level of protection afforded to AONBs. These changes might well affect the planning balance for this allocation.

In particular, in the context of the AONBs, these changes include:

- the NPPF (paragraph 172), which now specifies that the scale and extent of development in AONBs should be limited;
- the NPPG (Natural Environment, paragraph 041), which now states that the NPPF's *'policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process, and they are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas'*;¹⁶
- the Cotswolds AONB Management Plan, which now specifies, in Policy CE12, that *'development in the Cotswolds AONB should be based on robust evidence of local need arising within the AONB'*.

The allocation of 300 dwellings on one allocation in the Cotswolds AONB (and the potential delivery of 520+ dwellings) is clearly not consistent with the NPPF requirement for the scale and extent of development in AONBs to be limited.

Prior to this site being allocated in the Local Plan (and prior to the 171 dwellings being granted planning permission), the AONB boundary in this location provided a clear demarcation between the urban area of Bath, outside the AONB, and the rural countryside within the AONB. The rural parishes of this section of the AONB, such as South Stoke, consist of very small settlements. Given the small size of these settlements, the (affordable) housing need in these parishes is also likely to be very small. The construction of the 171 dwellings that have been granted planning permission would more than address the housing need arising within this part of the AONB.

The Odd Down housing allocation is clearly intended to accommodate the housing needs of the urban area of Bath, outside the AONB, rather than the housing needs of the parishes within the AONB or the wider AONB sub-area within B&NES.

As such, the allocation is clearly at odds with: (i) the NPPG statement that AONBs are unlikely to be suitable areas for accommodating unmet needs from adjoining (non-designated) areas; and (ii) the AONB Management Plan policy that development in the AONB should be based on needs arising within the AONB.

¹⁶ Applied to the B&NES context, this means that the Cotswolds AONB around Bath is unlikely to be a suitable area for accommodating unmet needs arising from the adjoining urban area of Bath.

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix H - Response to *Historic Environment Setting Impact Assessment: West Wansdyke, Odd Down, Bath*

Date and scope of the Assessment

1. The [Historic Environment Setting Impact Assessment](#) (henceforth “the Assessment”) was written more than six years ago in February 2016 and needs updating to reflect current policy and guidance documentation, such as the National Planning Policy Framework (NPPF), which was revised in 2019.
2. The Assessment fails to address the *full* impact of the proposed development as described in planning application 22/02169/EOUT: It does not consider the new pathways that would intersect and cross the Wansdyke Scheduled Ancient Monument and makes no reference to building appearance and density, development visibility, or other key details that appear in the planning application.
3. NPPF para. 194 states that: “The level of detail [provided by the applicant] should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance”. As a Scheduled Ancient Monument (SAM), within the City of Bath World Heritage Site (WHS), the Wansdyke is an asset of the highest importance and clearly warrants a full and comprehensive impact assessment.

Direct impact on the Wansdyke

4. The Assessment considers the primary significance of Wansdyke SAM to derive “... from its physical earthwork remains and their potential to contain archaeological evidence which could contribute to a better understanding of the origin and development of the monument.” It states: “It is clear that proposed development would not directly harm this primary significance.” (Executive Summary, para. 3).
5. This statement is clearly *incorrect* as: (a) the application includes a pedestrian (and possible cycle) pathway running along the western edge of the field ‘Great Broad Close’, which crosses into the Wansdyke SAM area (see *Design and Access Statement, Pt 1, p.14*); and (b) the proposed development’s sustainability credentials are based on the construction of a new footpath (and in some earlier submissions a cycle way) across the Wansdyke SAM, linking the development to local amenities (see *Design and Access Statement, Pt 1, p.8*).
6. Although it is recognised that interventions of the type in para. 5 cannot proceed without a programme of archaeological evaluation and Scheduled Monument Consent (SMC), a comprehensive assessment of impact must acknowledge the risk of “direct harm” to the primary significance of the monument posed by such construction.
7. Using the criteria employed by the Assessment (Table 1, p.17) the level of harm should be considered “Less than Substantial – Moderate harm”; that is to say it could result in “Partial loss or alteration of the significance of a heritage asset”.

Impact on the Wansdyke’s setting

8. The Assessment (para. 5.3.2) states: “The overall setting of the Scheduled West Wansdyke is strongly related to its position on the high ground of the Cotswold Plateau, which provided a dominant position overlooking the Bath and Avon Valley. As a possible Prehistoric boundary and an Early Medieval military frontier, the West Wansdyke is likely to have acted as a

landscape feature. It is therefore considered that the monument also has a wider setting comprising the land to the north and south of the linear earthwork.”

9. This statement acknowledges that the Wansdyke’s open setting is vital to understanding its historic functions: It is likely that the Wansdyke was constructed to control or restrict movement through the landscape, for military, social, political or economic reasons (or a combination of these). It may also have stood as a visual manifestation of its builders’ power and the limit of their authority. To appreciate these possible functions, it is as important to gain some sense of the monument’s setting within the landscape as it is to see something of the upstanding remains of the earthwork (bank and ditch).
10. The Assessment considers the Wansdyke’s setting in terms of three ‘Character Areas’ (para. 5.3.5-7). The western and central sections of the SAM (Areas 1 and 2) are dismissed as they have already been subsumed within areas of urban development. Setting Area 3, which extends along the northern edge of the fields ‘Great Broad Close’ and ‘30 Acres North’, is the area at risk from the proposed development.
11. The Assessment described the setting of Area 3 as: “... related to its position on the edge of an open agricultural landscape, which stretches out to the south. Long views are evident to the far hills in the east, and some long distance views are evident to the north; however, the view to the north is largely dominated by residential, industrial and educational development.”
12. The Assessment dismisses the significance of this setting: “The late Post-Medieval/19th century character and layout of these fields cannot be seen to make more than a minor contribution to the archaeological significance Wansdyke [*sic.*].” (para. 5.4.5)
13. The argument appears to be that in the absence of preserved prehistoric or early medieval field boundaries adjacent to the earthwork, there is little value in protecting the last open setting of the monument, despite its importance in understanding the function of the Wansdyke.
14. The Assessment (para. 2.2.13) quotes NPPG: “When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its on-going conservation.”
15. The Assessment fails to do this. It does not acknowledge that ‘Area 3’ is the **last** point within the SAM where the rural setting can be appreciated. Furthermore, the proposed site of the new pedestrian crossing (adjacent to Cranmore Place) is the only place where the Wansdyke’s bank can still be viewed with any clarity from both the north and south side.
16. Development since the SAM was first listed in 1953, has destroyed much of its setting and, where private gardens have encroached on the Wansdyke’s bank and ditch, destroyed actual archaeology. Approving the proposed development will perpetuate the failure to recognise and protect the important open setting of the Wansdyke, which is key to its understanding.
17. The Monument is on Historic England’s ‘Heritage at Risk Register’. Its status is described as “generally unsatisfactory with major localised problems” and the trend in its long-term preservation as “declining”. The reasons for its condition are varied but include the impact of residential development. A comprehensive management plan is key to slowing the

deterioration of the SAM. This was a prerequisite of the Phase 1 development, yet there has been no improvement to the monument to date.

18. The assessment makes no reference to the visual impact of the proposed development, presumably reflecting the fact that it was written 6 years before the current planning application was submitted. The application 22/02169/EOUT includes in the Environmental Statement, Appendix 8, a 'Landscape and Visual Impact Assessment'. Photographs overlaid with computer generated images give an idea of the impact on the setting of the Wansdyke SAM. It should be noted, that they do not show windows, lighting columns or provide a realistic view of the footpath (which will presumably be lit and metallised), and thus downplay the visual impact of the proposed development.



Above: Before and after view from the footpath adjacent to the Wansdyke (close to the proposed site of the new crossing through the SAM).

Conclusion

19. Considering the impact of connecting pathways, the scale and proximity of built development to the monument, and cumulative damage to the open setting, the overall impact on the monument’s setting should not be labelled “minor harm”. Instead it should be seen to constitutes “Less than Substantial – Moderate harm”; that is to say, resulting in “considerable change affecting the setting of a heritage asset, such that the asset's significance would be materially affected/considerably devalued, but not totally or substantially lost”.

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix I Sulis Manor and Gardens



Planning application (ref [22/02169/EOUT](#)) for the development of the South Stoke plateau includes:

- **Detailed application for the construction of a road across the Sulis Manor grounds** to gain access to phases 3 and 4. This also defines the trees that will be removed.

This proposed road will run close to Sulis Manor and remove 73 trees is counter to Policy B3a to *'Incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees'*.

Sulis Manor and grounds are included in the Bath World Heritage Site and stand within the Cotswolds AONB. It is a substantial manor house constructed in 1930 in a late Arts & Crafts domestic architectural style. It was designed and built for Isaac Carr, head of a famous Bath family who owned a large woollen mill business in Bath, based at Twerton Mill. Carr was born in 1876 in Twerton and lived at Wood House in Twerton (now demolished). It is understood that Carr never moved into Sulis Manor, instead he moved to Totnes in Devon .In 1931 the family business was sold to Houstons of Frome.

The house was designed by Bath architect Samuel Sebastian Reay FRIBA . Reay joined T B Silcock as partner in 1896 and together as Silcock & Reay they produced some notable works including Marlborough Grammar School and Rainbow Wood House. Reay was a founding Executive Member of the Old Bath Preservation Society which was succeeded by the Bath Preservation Trust in 1934. Sulis Manor was his last work before he died in 1933.

The Manor was built by the building firm Hayward & Wooster who were specialist stone masons, and restored much of Bath including the Abbey after the First World war. It appears that Sulis Manor remains largely unaltered externally and locally is a rare example of a late Arts & Craft manor house.

[The Avon Gardens Trust](#) describes the gardens as: *'1930's gardens, informally planted and well timbered with an extensive kitchen garden and panoramic views'*. The mixed deciduous and evergreen trees in the grounds of Sulis Manor are protected by a Tree Preservation Order (TPO number 500/306).

In 2017 there was an application for the demolition of the Manor (17/03304/DEM), this was subsequently withdrawn. However, the current planning application (22/02169/EOUT) for a spine road to be built in the northern part of the grounds would include the removal of a substantial number of trees which have preservation orders on them. Several of the outbuildings are known roosting sites for Greater Horseshoe bats, a species under threat.

The application for listing Sulis Manor as a Local Heritage Asset states:

In summary; Sulis Manor has strong architectural interest as a good and individual, locally rare example of a late Arts & Crafts manor house at a transition point within architectural history. Internally it shows flourishes of internationally popular artistic expression. It was designed by the notable architect S.S Reay. It has significant historic associative interest as being built for a Bath industrial dynasty, the Carr family of Twerton, who employed hundreds of workers in Bath, and its subsequent owner, the flamboyant horticulturalist Sidney Pointing. It has illustrative value as being venue where Bath's high society gathered in the 1940's and 50's. It was built by notable civic minded builders Hayward & Wooster, who did much good work in Bath pre and post WWII. The building is intact, built to a high standard and largely unaltered; therefore it has very good evidential value as an example of building craft at this time, particularly of stone masonry and hand wood carving. In our view it is an example of its type that would clearly warrant serious assessment and consideration for listing as a significant heritage asset of local importance, together with the garden which have been mentioned by Avon Gardens Trust "it boasts a 1930's style garden"

B&NES have confirmed that in the consideration of the planning application both the buildings and the setting of the building will be considered as a local heritage asset as indicated in the email exchange below.

From: Simon De Beer

Date: 22 June 2022 at 09:52:01 BST

To: Joel Hirst (Cllr)

Cc: Steve Hedges (Cllr), Matt McCabe, Neil Butters, Joel Hirst, Tim Ball (Cllr)

Subject: RE: Sulis Manor - Local Listing

Dear Cllr Hirst.

Whilst we are in the process of setting up the Local Heritage Assets SPD, this does not preclude us being able to assess and identify an individual building as a local heritage asset when considering proposals for development. We have already assessed Sulis Manor and are of the view that Sulis Manor is a local heritage asset. This conclusion was endorsed by Historic England when they declined the request for formal listing – see extract from Historic England's response below. Therefore we will therefore take this into account in the consideration of the planning application.

"HISTORIC ENGLAND CONCLUSION: Sulis Manor, an Arts and Crafts-inspired detached house built in 1930 to designs by S S Reay, is not recommended for listing, as it falls short of the high level of special architectural interest needed for a house of this relatively late date to merit listing in the national context. However, it is of strong local interest as an unusual example of Arts and Crafts design in the Bath area, where the style was little used, and for its association with the Carr family, Bath clothiers, who ran one of the city's significant woollen mills in the C19 and early C20. It is included within the Bath World Heritage Site, which reflects its importance to the city"

Simon de Beer

Head of Planning

Bath & North East Somerset Council

From: Joel Hirst (Cllr)
Sent: 22 June 2022 13:55
To: Simon De Beer
Cc: Steve Hedges (Cllr); Matt McCabe; Neil Butters; Joel Hirst; Tim Ball (Cllr)
Subject: RE: Sulis Manor - Local Listing

Thanks Simon for this - really helpful
I understand the setting of the Manor is also important and should be preserved - is that your understanding too?

Joel Hirst
Liberal Democrat Councillor for Odd Down

From: Simon De Beer
Date: 22 June 2022 at 13:58:32 BST
To: Joel Hirst (Cllr)
Cc: Steve Hedges (Cllr), Matt McCabe, Neil Butters, Joel Hirst, Tim Ball (Cllr)
Subject: RE: Sulis Manor - Local Listing

Joel

Yes the setting is part of the building's interest. I spoke to the case officer and the conservation officer this morning and the setting will be considered in determining the application.

Simon de Beer
Head of Planning
Bath & North East Somerset Council

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix J – Traffic Impact

The [National Planning Policy Framework](#) requires that ‘Development should only be prevented or refused on highways grounds if... the residual cumulative impacts on the road network would be severe’ (paragraph 111).

This site was released from the Green Belt for residential development by B&NES' Core Strategy. After the Core Strategy Examination, the Inspector reported (24 June 2014) that ‘*whilst the development would be likely to add to congestion at nearby junctions, there is not the evidence to suggest that the cumulative impact on the local road network would be severe, the test set by the Framework*’.

Now, 8 years later, there IS evidence that the impact on the road network would be severe.

As part of the application (17/02588/EFUL) for Phase 1 of the development on this site, extensive modelling was done. As a result, the report (29 May 2018) to the Development Management Committee over the application for 171 houses currently being built included this paragraph: ‘*The applicant has submitted a masterplan for 450 dwellings and whilst consent is not being sought for the masterplan predicted additional queue length is in excess of 38 vehicles with the queue extending beyond the modelled area. It is clear that development of that scale would have a severe impact on the northbound approach to Odd Down Park & Ride roundabout.*’

The [Transport Assessment's](#) (TA) traffic impact assessment for this application refers to 350 additional houses (300 in Phase 3 & 4 and a notional 50 for Phase 2) bringing the total for the site to 521. This amounts to 71 houses more than the original masterplan that itself was expected to produce a severe impact on the road network.

So it is surprising to read that the applicant's Traffic Impact Assessment concludes that ‘*the development does not generate an adverse impact to local highway operation*’ ([Environmental Statement, Appendix 6.01](#), paragraph 7.120).

This conclusion is based on assumptions that SOBA considers flawed:

- baseline traffic flows are unrepresentative and unreliable
- not all relevant committed development is included
- forecasted trip rates by car or van are unrealistically low.

Baseline traffic flows are based on a survey conducted over a single day (Tuesday 5 April 2022), just three days before the start of the B&NES school Easter holidays. This is likely unrepresentative of traffic volumes in normal term time which we would expect to be higher.

Furthermore, the applicant asserts in their Transport Assessment Scoping Report of January 2022 that ‘*Given the exceptional circumstance generated by COVID-19 and the measures implement by the UK Government, it is inappropriate to survey the Bath Road network as travel behaviour has been significantly impacted by the COVID 19 pandemic*’. But then goes on to do just that to create their baseline traffic flows with no analysis of how the pandemic would affect the figures.

It is important to include all relevant **committed development** in assessing traffic impact. In this report, the applicant includes only 173 houses (sic) currently being built on the site as Phase 1. These additional commitments are certain to increase forecast traffic flows:

- In previous modelling exercises the development of 700 houses at Mulberry Park, just over a mile from the Red Lion roundabout, has been included. That development is still only partially built and occupied and so its traffic won't be reflected in the baseline traffic flows.
- Midford Manor Care Home next to Odd Down Sainsbury's and due to open in 2023 will have 80 residents and 70 staff.
- 50 more dwellings are planned on the St Martin's Hospital site.

In addition, SOBA understand that the introduction of Bath's Clean Air Zone may have displaced some traffic into the road network around this development. This effect should be included in any modelling.

Section 6 of the TA describes the assumptions used in **forecasting the number of vehicle movements** to and from the site. We can't comment on the use of the TRICS database to specify trip rates except to note that the survey sites selected from the database have not been itemised and so their suitability cannot be assessed. Given the tendency of other assumptions made by the applicant to suppress the impact of traffic, we would expect further clarification of these selections to be made before a planning decision is made. Given that affordable houses are assumed to generate fewer car movements, we would expect to see database selections made that accurately reflect the affordable / market rate mix on this site.

These trip rates are then allocated to different modes of transport according to estimates derived from 2011 Census data. We note that this data is 11 years old and would like to see more recent estimates or adjustments used, possibly based on survey data from Mulberry Park or Sulis Meadows. However, in this assessment, car driver trips are further reduced by 15% and reallocated to cycle trips or public transport (TA Table 6.3). Apparently, this is in agreement with B&NES but no explicit document is referenced so this is ambiguous. However, it appears to be in connection with the approval of Phase 1. Now Phase 1 is considerably closer to public transport (Park & Ride) than Phases 3 & 4. It seems self-evident to assume that the modal shift from car to other forms of transport will be different for Phases 3 & 4 and less favourable than Phase 1. To assume an unexplained 15% reduction in car movements seems unreasonable.

Also, the mode share of 3.5% by train looks odd here. There are no railway stations on the site so any movements to/from the site must be by some other mode. At least some of those movements will be by motor vehicle (taxi, for example). This is a relatively small percentage, but given all the other assumptions in this analysis, it seems reasonable to expect this obvious inconsistency to be fixed.

Given this, the assertion that *'figures provided at Table 6.3 are the worst-case scenario, given that they do not include any measures to reduce or change the modal trip share that would arise because of the implementation of a Travel Plan'* is misleading at best. The assumption of 15% reduction of car movements must surely rely on measures to change modal trip share. This needs a great deal more clarity.

Rat-running

In B&NES' response to their Transport Assessment Scoping Report, the applicant is asked to address the concerns of Combe Hay and Wellow residents over the issue of rat running through their villages. In the applicant's TA, these concerns are dismissed in a single paragraph essentially claiming that this issue was dealt with in the Phase 1 application (17/02588/FUL).

In fact, the volume of traffic generated by 450 houses on this site was explicitly not dealt with by the approval of that application, according to the report to the Development Management Committee. On this issue, the minutes of the Committee meeting (6 June 2018) report that Cllr Crossley stated

that *'More detail was required as there were still too many outstanding questions which needed to be resolved'*.

The communities surrounding this development deserve better.

Other Observations

Despite its flaws, there are some points worth drawing out of the applicant's TA.

First, the baseline traffic surveys show considerable traffic volumes in the period 15:00-17:00 as well as that chosen for the afternoon peak traffic of 17:00-18:00. In some cases, the volume in this earlier period is greater than that in the "peak" hour. There is evidence of this in the tables for the Red Lion roundabout "A - (North East) A367 Wellsway / B - A3062 Frome Road / C - (South West) A367 Wellsway / D - Frome Road" but likely at other junctions too.

This result is not entirely surprising given the number of primary and secondary schools in the area. We would like to see this spread of the peak reflected in the impact reporting. We would expect congestion at peak times to cause drivers to adjust the timing of their journeys, but those choices are limited if the off-peak times are already congested.

Secondly, the TA report singles out (at paragraph 7.111) both the Park & Ride and Red Lion roundabouts as approaching capacity at peak times, the Red Lion roundabout during the afternoon peak only. But this indicates the importance of the afternoon peak. There was a marked lack of comment on the afternoon peak in the review of the Phase 1 application but given the conclusions of the VISSIM modelling for Phase 1, this should not be overlooked.

South of Bath Alliance Objection to planning application 22/02169/EOUT

Appendix K –Schools affected by the Sulis Down Development

Outlined below is data relating to schools that will be affected by the Sulis Down Development.

Data on school capacity and current pupils is taken from the [B&NES web site](#) which links to the governments ‘get information about schools service’.

School performance data is taken from the government’s ‘[compare school performance service](#)’. The latest data relates to 2019.

Primary Schools

Name	Distance by car	Distance on foot	Capacity	Current pupils	Latest Ofsted	Notes on admission policy
St Martins Garden Primary School	1.0 miles	0.6 miles	315	186	Requires improvement 2019	
St Philip’s CofE Primary School	1.2 miles	1.2 miles	280	275	Good 2019	
Mulberry Park Educate Together Primary School	2.1 miles	1.6 miles	210*	72	No data available	*Opened Sept 2018 and admitting 30 children a year
Combe Down CofE Primary School	2.5 miles	1.8 miles	420	413	Good 2019	

Name	% of pupils meeting expected standard	Progress			% of pupils achieving a higher standard	Average score in reading	Average score in maths
		Reading	Writing	Maths			
St Martins Garden Primary School	36%	Average -1.1	Average -1.8	Well below average -3.2	4%	100	99
St Philip’s CofE Primary School	76%	Average 1	Average 1.1	Well above average 3.4	18%	104	104
Mulberry Park Educate Together Primary School	No data available or applicable for this school or college						
Combe Down CofE Primary School	75%	Well above average 3.7	Average 0.4	Average 1.5	29%	113	109

Secondary schools

Name	Distance by car	Distance on foot	Capacity	Current pupils	Latest Ofsted	Notes on admission policy
St Gregory's Roman Catholic School.	0.4 miles	0.4 miles	951	1,002	Outstanding 2013	Priority admission given to Roman Catholic children
Beechen Cliff School	2.4 miles	2.2 miles	1,146	1,273	Inadequate 2018	Lower school: Boys 6 th form mixed
Hayesfield Girls School	2.6 miles	2.5 miles	1,420	1,444	Good 2017	Lower school: Girls 6 th form mixed
Ralph Allen School	3.1 miles	2.5 miles	1,300	1,351	Good 2018	
Oldfield School	4.7 miles	3.7 miles	1,096	1,259	Good 2020	
St Mark's	5.0 miles	4.3 miles	513	258	Good 2022	

Name	Progress KS4 > KS8 Description & Score	% achieve grade 5 or above in English & Maths	Attainment score across 8 subjects	% entering English Baccalaureate	EBacc points score	% stay in education after 16
St Gregory's Roman Catholic School.	Average 0.17	46%	51.7	24%	4.43	96%
Beechen Cliff School	Average 0.12	63%	55.1	71%	5.26	99%
Hayesfield Girls School	Well above average 0.55	62%	57.7	81%	5.31	98%
Ralph Allen School	Average 0.04	50%	51.7	24%	4.43	92%
Oldfield School	Average -0.08	44%	45.2	52%	4.4	95%
St Mark's	Well below average -0.54	27%	38.4	14%	3.23	97%

Special Schools

Name	Distance by car	Distance on foot	Capacity	Current pupils	Latest Ofsted	Notes on admission policy
Three Ways School	1.2 miles	0.6 miles	220	225	Outstanding 2019	Primary, Secondary and 6 th form

The B&NES School Organisation Plan

The above data addresses the current numbers/capacity of both primary and secondary schools up to 2023/24 as an overview. It does not take account of the future demographic impact on school numbers beyond these dates in relation to housing developments. The [B&NES School Organisation Plan 2019 – 2025](#) tries to address the issue of how housing developments will impact on admission numbers, and the consequential legal responsibility of the authority to provide school places at primary and secondary level.

It is quite clear that almost every school relevant to this housing development catchment area is very over-subscribed already. The latest B&NES figures indicate that six of its secondary schools are “overcrowded” including Hayesfield, Beechen Cliff, St Gregory’s and Ralph Allen. These are the schools within the geographic location of the proposed development. The nearest school with capacity is St Marks - and travel will have inevitable consequence on carbon emissions. This option also denies pupils of secondary school age the Single Sex Option open to other Bath residents. Furthermore, even being optimistic, they will not create any future capacity, in fact they are forecast to become even more over-subscribed. B&NES recognise this challenge stating in the document that *‘In general, the majority of existing primary and secondary schools in most areas are either already at capacity or projected to reach capacity within the near future and it is anticipated that there will be minimal or nil surplus capacity to accommodate children generated from future new housing development. Additional school places would therefore be required to accommodate these new pupils’* (pages 29-30). Additionally on page 33 they reach the same conclusion. This is almost a ‘closed’ case with the secondary schools.

There is one other potential complication of secondary school provision which is relevant if the chosen school is Ralph Allen. B&NES have recently confirmed that Southstoke Lane is designated ‘road danger’ and as such any under 16 year old who needs to use this route as their main way to school is entitled to transport provided by the local authority. If the housing development opens this up as a viable walking path, then B&NES may well be liable for their transportation costs.

For Primary school provision the exception, in terms of spare capacity for pupil places, is St Martin’s Primary Garden School. The proximity of the school is easily the closest to the proposed housing development and is the only school with any capacity for taking the additional estimated 210 primary school children generated by the proposed development. It is an obvious target for those supporting it. However, simply either utilising existing capacity, or even building infrastructure to increase its potential future capacity is not an option as it fails on three counts to meet the B&NES criteria for educational provision (Pages 31-32)

- Point 1 requires a walking distance of around 0.5 miles. A 0.5 mile journey is only achievable for a few houses that might be built on the northern side of the phase 3 & 4 development.
- Point 2 requires the school have good educational standards (OFSTED good or outstanding) It does not and is currently rated ‘requires improvement’ St Martin’s last Ofsted report not only placed the school in the category of NEEDS IMPROVEMENT but also concluded that the school had failed to meet the required standard under all six headings as follows:
 - Overall effectiveness *Requires improvement*
 - Effectiveness of leadership and management *Requires improvement*
 - Quality of teaching, learning and assessment *Requires improvement*
 - Personal development, behaviour and welfare *Requires improvement*
 - Outcomes for pupils *Requires improvement*
 - Early years provision *Requires improvement*

- Point 3 requires that it should be popular with parents and admitting pupils on or near its published admission numbers; it is not popular and its admission numbers are 186/315 (41%). In this context St Martin's is the worst performing school in B&NES and is therefore the least appropriate choice for expansion of any school within the authority.

It is evident that the school cannot be considered in terms of meeting required provision for the proposed development. The way forward is to consider the development funding the building of a new Primary school which the applicant has ruled out in favour of more housing.

Link to BANES Planning Obligation Supplementary Planning Document that provides on P54 the basis for calculating increased primary numbers when developments occur as 31 per 100 dwellings. Interestingly there is no corresponding information about calculating secondary pupils.
<https://beta.bathnes.gov.uk/sites/default/files/2020-02/planningobligationsspdaugust2019.pdf>

Link to BANES Primary and Secondary Organisation Plan
https://beta.bathnes.gov.uk/sites/default/files/2020-09/sop_2017-2021_and_beyond_-_final.pdf
(calculated on the basis of BANES' criteria for evaluating increased numbers)

Link to Ofsted Report <https://reports.ofsted.gov.uk/provider/21/143108>
Link to article on overcrowding in secondary schools <https://www.mnrjournal.co.uk/news/number-of-overcrowded-secondary-schools-in-bath-and-north-east-somerset-revealed-543460>