

**South of Bath Alliance
Objection to Planning Application
26/01238/EOUT**

9th June 2026

Update to Section 6.6 and inclusion of Section 7.2 – 21st June 2026



Report agreed by SOBA Management Committee on 8th June 2026

The South of Bath Alliance (SOBA) was formed in 2014 to oppose the southern urban expansion of Bath into the Green Belt and the Cotswolds National Landscape or 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 and currently has over 750 active supporters.

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1. Executive Summary

The South of Bath Alliance **OBJECTS** to proposal 26/01238/EOUT. The applicant has failed to address the fundamental problems that caused B&NES Planning Committee to reject the application in April 2024 and the Planning Inspector to refuse the appeal in March 2025. It remains an excessive and harmful development in a highly sensitive site that lies within the Cotswolds National Landscape and the setting of both of Bath's World Heritage Sites. The site has the Wansdyke Scheduled Ancient Monument on its northern boundary, abuts the South Stoke Conservation Area and will have a major impact on Sulis Manor, a non-designated heritage asset. Reducing the scale of the scheme from 290 to 200 has had minimal impact on the harm it causes.

Note: The Section and page where further details can be found within this document are referenced to as (S# p#).

The principal reason that the Planning Inspector rejected the appeal by the Hignett Family Trust was because of the significant and inadequately mitigated harm that it would cause to the Cotswolds National Landscape (CNL). He found that the scheme would not provide effective visual screening, would not avoid or minimise harm, and would therefore conflict with Policy B3a, Policy NE2 and the National Planning Policy Framework (NPPF). (S3 p6)

Since Policy B3a was adopted in 2014 the protections afforded the National Landscapes in both National and Local Planning Policies have significantly strengthened to specify that: (S4.1 p7)

- The scale and extent of any such developments must be limited.
- Developments should be sensitively located and designed to minimise adverse impacts.
- Authorities such as B&NES have a duty to not only conserve but now also enhance the landscape, wildlife and cultural heritage in these areas.

B&NES undertook landscape assessments both when Policy B3a was being developed and for the Planning Appeal. These established that the southern part of the South Stoke plateau was not suitable for built development because of the landscape harm that it would cause. (S4.2 p9)

The NPPF also makes clear that the absence of a 5-year housing supply is not a reason to tilt the balance in favour of development within the National Landscapes if there are strong reasons to refuse the development. It is clear in this case that there are. (S4.3 p10)

Phase 1 of the Sulis Down development, which is now nearly complete, reinforces the concerns about this development and also leaves a legacy of unresolved issues.

- The Comprehensive Masterplan has still not been agreed in breach of Placemaking Principle 2 (PP2). This has resulted in an uncoordinated piecemeal approach to the development that the policy was designed to avoid. (S5.1 p11)
- Phase 1 delivered too few affordable family homes, replacing them with one-bedroom flats. This shortfall must be remedied and rebalanced as part of this application. (S5.2 p12)
- The Inspector viewed Phase 1 from the south. He noted *'its prominent and conspicuous location on the skyline'* and questioned whether it met the requirements of Policy B3a. (S5.3 p13)
- There is a clear mismatch between what was promised for Phase 1 and the quality, character and supporting infrastructure of what was delivered. There are still a large number of outstanding issues that the residents of Phase 1 are pushing to resolve. (S5.4 p15)

There are numerous issues with the current proposal that make it unacceptable.

- The application for Phases 3 and 4 is only an Outline Application meaning that it is attempting to set the scale of development while many significant issues that affect the impact are being put off until the 'reserved matters' stage. (S6.1 p17)
- The proposal has too many houses. With 171 dwellings already built in Phase 1, additional homes likely in Phase 2, and possible development at Odd Down Football Club, the total would rise to about 414–439 dwellings. That is not the 'around 300' in Policy B3a. (S6.2 p17)

- The southern extent of the built development in the current proposal is almost identical to what was submitted in 2022 and rejected. (S6.3 p18)
- There is only a minimal increase to the southern tree belt to screen this development. (S6.3 p20)
- The screening on the eastern boundary is wholly inadequate and breaches PP5. (S6.4 p21)
- The buildings are too high and are likely to be even more prominent than Phase 1. (S6.5 p22)
- Only a very limited range of scenarios for the height and extent of the built development have been tested. All of them have a significant development within the area identified by B&NES as having a high negative impact on the landscape. (S6.6 p24)
- There has been no testing of the impact of increasing the woodland buffer on the southern edge of the plateau. (S6.6 p25)
- The 2022 proposal is included as the first scenario but no mock ups of the impact are included.
- The difference between the visual impact of the current proposal and the closest match to the 2022 proposal is minimal. (S6.6 p26)
- The path across the centre of Great Broad Close will have a greater landscape impact than if it was along the western edge of the field. (S6.7 p27)
- The spine road through Sulis Manor grounds would take out over 120 trees and so fails to meet PP6's requirement to retain the framework of trees around Sulis Manor. (S6.8 p28)
- A credible Drainage Strategy is critical because of well-documented underlying ground stability issues. An expert report on the applicant's drainage strategy shows major omissions, inconsistencies and errors which must be resolved. (S6.9 p30)

In addition to the problems with the built development itself there are significant issues with the broader impact that it will have.

- The scheme would still harm heritage assets, including the World Heritage Site setting, the Wansdyke Scheduled Monument, South Stoke Conservation Area and Sulis Manor. The proposal's impact on heritage is little changed from the previous application and fails to meet the requirement of PP6 to conserve their significance. (S7.1 p33)
- Biodiversity losses are understated and gains overstated in the ecology reports. There are major issues with the mitigation plans for the loss of greater horseshoe bat roosts and skylark nesting sites. The biodiversity net gain calculations appear flawed and will not deliver a genuine gain in biodiversity. (S7.2 p36)
- No new traffic monitoring or modelling has been undertaken and the flaws within the previous application remain. B&NES are currently using a much better model (VISSIM) to predict impact and this should now be used here. The traffic impacts of major developments proposed in the next Local Plan Options document must also be included in any assessments. (S7.3 p40)
- The development would place additional pressure on already stretched local services, such as health and education. This proposal either promises nothing or relies on vague future commitments. (S7.4 p42)

The public engagement conducted by Welbeck Land has been wholly inadequate. Over 650 feedback forms were submitted by the community and not a single instance has been identified by the developers where the proposals have changed as a result of this feedback. (S8 p43)

This proposal still breaches the key safeguards in Policy B3a, still causes unacceptable harm to a nationally protected landscape and important heritage assets, and still fails to overcome the reasons why the earlier scheme was rejected. The Inspector has already established the essential planning principle: harm of this kind and scale is not justified in this location. That still remains true.

B&NES should therefore refuse application 26/01238/EOUT.

2. Introduction

The South Stoke plateau is a very sensitive site. It lies within the setting of both of Bath's World Heritage Site (WHS) designations, the Cotswolds National Landscape (CNL), and it adjoins South Stoke Conservation Area to the south-east. It has the Wansdyke, a Scheduled Ancient Monument along its northern boundary, and also contains Sulis Manor, a 1930s Arts and Crafts manor house, a non-designated heritage asset (NDHA).

The land was allocated as Green Belt in 1990. The principal landowners of the plateau, the Hignett Family Trust (HFT), have been pushing for many years to have the land removed from the Green Belt and sell it for housing development. In the 1990s Sulis Meadows was built on the north-western part of the plateau. In 2014 the [B&NES Local Plan](#) saw a further part of the plateau removed from the Green Belt and allocated for development.

This was a controversial decision and a number of placemaking principles (PPs) were put in place to ensure that any development did not have an unacceptable impact on the landscape, ecology, heritage assets and the surrounding communities. This formed Policy B3a within the Local Plan. This allows for 'around 300'

dwellings within the whole site, but also states: '300 is not a cap if all the placemaking principles can be met'. Policy B3a also has a concept diagram (right) which shows the extent of the allocation. This showed the potential areas for development which have subsequently been referred to as Phases 1 – 4, Odd Down Football Club and Sulis Down Business Village.



Annotated detail from the Concept Diagram within Policy B3a

Planning permission for Phase 1 was granted in 2018 and 171 houses have been built there. In 2022 the Hignett Family Trust submitted an application to build 300 additional houses, subsequently reduced to 290, as Phases 3 and 4. This provoked wide-spread opposition with not only over 1,500 individual objections, but also objections from all the local Parish Councils, B&NES Ward Councillors, Wera Hobhouse (MP for Bath), Cotswolds National Landscape, the Bath Preservation Trust, Avon Gardens Trust, and the Council for the Protection of Rural England.

The application was rejected by both B&NES Planning Committee in April 2024 and, following an appeal by HFT, the Planning Inspector in March 2025.

In April 2026 a revised application ([26/01238/EOUT](#)) was submitted for up to 200 houses in Phases 3 and 4. This document provides detailed explanation for our objection to this revised application, and shows how this proposal does not meet a number of the Placemaking Principles and fails to adequately address the fundamental issues that caused the 2022 application to be rejected.

3. Key Reasons for the Rejection of the Planning Appeal

The Hignett Family Trust's appeal to build 290 more houses on the South Stoke plateau was dismissed by the Inspector principally because of the unacceptable harm that it would cause the Cotswold National Landscape. The proposal also conflicted with other landscape and heritage policies. The issues that caused the last application to be rejected have not been resolved in the current proposal.

The Hignett Family Trust's application to build an additional 290 dwelling on the South Stoke plateau (22/02169/EOUT) was rejected by the B&NES Planning Committee in April 2024. The Hignett Family Trust subsequently appealed this decision to the Planning Inspector who held a Public Inquiry in January 2025. In March 2025 he published [his decision](#) to dismiss the appeal.

The principal reason for the dismissal of the appeal was the unacceptable harm that the proposed development would cause to the Cotswolds National Landscape (CNL).

The Inspector identified that the scale of this development was such that it could not be adequately mitigated and that the impact would be significant (our bold):

'Nevertheless, it is unlikely that any amount of suitable planting would be sufficient to visually screen the housing during the day or night. Therefore, there would be an adverse effect on the special qualities of the CNL in terms of views of the escarpment and high wolds landscape as well as dark skies.' (para 38)

'However, despite the various mitigation and enhancement measures, the overall adverse effects of the proposed development on the CNL would still be significant. It would not avoid a detrimental impact on the CNL.' (para 40)

The [Inspector concluded](#) in relation to the CNL that (our bold):

The proposed development would retain, protect and enhance vegetation as set out in the first landscape requirement and the first part of the second requirement in PP5 of CS Policy B3a. However, it would not ensure visual screening from views to the south as set out in the second part of the second requirement. It would also not avoid or minimise detrimental impacts on the CNL as set out in the third requirement. By association, it would not avoid or minimise detrimental impacts on the character of the Cam Brook valley and the Sulis Manor Plateau or on medium and long distance views. Therefore, the proposed development would conflict with PPS of CS Policy B3a. It would also conflict with PMP Policy NE2 as it would not avoid or adequately mitigate adverse effects on landscape character. There would also be conflict with NPPF paragraph 189 as the scale and extent of development would not be limited. (para 47)

He also identified that the development was excessive in the context of [Policy B3a](#) and concluded: *'the proposed development would also conflict with CS Policy B3a at PP1 by not representing around 300 dwellings in the plan period.'* (para 114)

He also made clear that the 300 figure was a material consideration in coming to his decision. *"This figure is a cap unless all the placemaking principles can be met.'* (para 114)

In his assessment of the Planning Balance the inspector concluded

'I have afforded substantial weight to the adverse effects on the CNL and the conflict with CS Policy B3a and other local and national policies relating to National Landscapes' (para 127).

'On balance, given that CS Policy B3a limits development within the site allocation to around 300 dwellings unless all the placemaking principles can be met, which is not the case here, my conclusion is that the adverse effects outweigh the benefits. The proposed development would be contrary to the development plan taken as a whole, and there are no material considerations to indicate that planning permission should otherwise be granted.' (para 128)

In relation to heritage the Inspector also identified that:

'The proposed development would cause less than substantial harm to the significance of the WHS, the Wansdyke Scheduled Monument, and South Stoke Conservation Area, as well as having an adverse effect on the NDHA at Sulis Manor' (para 70).

This was a factor in the Planning Balance, with the Inspector concluding that:

'The harm to heritage assets carries moderate weight' (para 127).

Overall, the Inspector's conclusion was that the public benefits, including new housing and affordable housing, did not outweigh the substantial policy conflict and significant landscape harm to the protected National Landscape.

The key issue is: have the significant issues with proposal 22/02169/EOUT that led both the B&NES Planning Committee and the Planning Inspector to conclude that it was unacceptable been resolved?

In our opinion it is very clear that they have not.

4. Planning Context

4.1. Changes to Planning Policy

Since Policy B3a was adopted National and Local policies have significantly strengthened to protect National Landscapes to limit the scale and extent of new developments and to avoid or minimise adverse impacts. There is also an explicit requirement for local authorities to not only conserve but also enhance both 'landscape and scenic beauty' and 'wildlife and cultural heritage'. These changes have been incorporated into B&NES Policies. Any application needs to be judged against these new and stronger policies.

The [Frampton's Planning Statement](#) references the [findings of the Local Planning Inspector in June 2014](#) that *'there were exceptional circumstances to justify the removal of the land from the Green Belt'* (para 5.8). The Planning Statement goes on to state *'that exceptional circumstances tests do not have to be revisited as there has been no material change in national planning policy relating to the consideration of major development in the National Landscape since the adoption of the Core Strategy'* (para 7.22).

This is **incorrect**. There have been a number of material changes to Planning Policies since 2014 and this application must be judged against the Planning Policies as they are now and not as they were over a decade ago. Appendix A provides details of the changes to national and local planning policies since 2014 with the key points outlined below:

Changes to the National Planning Policy Framework (NPPF):

The key changes to the NPPF in relation to National Landscape/AONBs have been:

In July 2018

- The inclusion of the phrase: *'The scale and extent of development within all these designated areas should be limited'*.
- Changing *'Conserving'* to *'Conserving and enhancing'* in relation to both *'landscape and scenic beauty'* and *'wildlife and cultural heritage'*.
- The addition of a footnote in relation to what is a *'Major development'*.

In July 2021

The sentence: *'The scale and extent of development within all these designated areas should be limited'*, which was introduced in 2018, was amended to add *'while development within their setting*

should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.'

All these points were introduced **AFTER** both the adoption of [Policy B3a](#) in July 2017 and the Planning Committee meeting where Phase 1 was agreed. They significantly strengthen the protections of the Cotswolds National Landscape and therefore also the South Stoke plateau which lies entirely within it.

The [Frampton's Planning Statement](#) makes no reference to any of these changes to the NPPF or considers how it strengthens the protections afforded to National Landscapes.

Changes to National Planning Guidance

The [Planning Guidance](#) issued by the UK government in relation to the NPPF and Natural Environment was also updated in July 2019 to strengthen the protection of AONBs (see Appendix A).

This guidance asks: *'What are the statutory duties of local planning authorities in relation to National Parks, the Broads and Areas of Outstanding Natural Beauty?'*

It includes the statement that *'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated.'*

This [Planning Guidance](#) also asks *How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?*

In relation to how the NPPF should be interpreted it says (our bold):

*'Its 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.'***

Therefore B&NES 'shall have regard' to the purposes for which the Cotswold National Landscape is designated. One of these purposes is *'to conserve and enhance the natural beauty of the Cotswolds'*. In addition, it is clearly aimed at meeting the *'unmet needs from adjoining (non-designated) areas'*. The construction of 171 houses within the National Landscape as part of Phase 1 more than meets the requirements for additional housing within the National Landscape, as the Cotswolds Conservation Board made clear in their [objection of 21 Sept 2023](#) to the previous application 22/02169/EOUT.

The [Frampton's Planning Statement](#) makes no reference to any new Planning Guidance issued by the Government since the adoption of the Local Plan in 2014.

Changes to B&NES's Local Planning Policies

B&NES have also strengthened their own policies in relation to protection of the AONB with the revised [Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update](#) adopted in January 2023. This reads:

Policy NE2: Conserving and Enhancing the Landscape and Landscape Character

4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

Additional scrutiny of the World Heritage Site

The site is within the setting of both the City of Bath WHS and the Great Spa Towns of Europe WHS. A key aspect of this designation is the setting of the city which established the contained valley character of the city and the sensitivity of plateau edge development which has been protected in

part by the Cotswolds National Landscape designation. A recent ruling in July 2025, [UNESCO Decision 47 COM 7B.97](#), will raise the level of scrutiny on major developments such as this.

There have been significant changes increasing the level of protection afforded to the National Landscapes and the active duty of B&NES to conserve and enhance this landscape. None of this is acknowledged in the [Frampton's Planning statement](#).

4.2. The expectations of Policy B3a and the landscape assessments that informed it

Policy B3a, and the landscape evidence that informed it, established a clear expectation that only limited parts of the South Stoke plateau are suitable for built development, meaning that the allocation should be limited to 'around 300' dwellings.

A subsequent B&NES's commissioned review for the 2025 inquiry indicated that a significantly lower number of dwellings would be needed to comply with the placemaking principles. The current proposal is still excessive and would have a high negative impact on the Cotswolds National Landscape and the World Heritage Site.

The allocation of the South Stoke plateau for development is specified in Policy B3a of the [B&NES Core Strategy & Placemaking Plan](#) which was adopted in July 2017. The placemaking principles (PPs) that it defines must be met for development to take place. They are there to prevent the 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.

Policy B3a allocated the land using the historic field boundaries – there were no sub-divisions into half fields. To assess the impact on the WHS and the AONB in September 2013, B&NES produced a [Visual Impact Assessment](#) of the fields being proposed for development with an [Addendum in November 2013](#).

It concluded that developing the southern half of Phases 3 and 4 would have a 'High Negative' impact on both the National Landscape/AONB and the World Heritage Site. The northern half would have a 'Medium Negative' impact. The November 2013 Addendum produced a line that marked the '*likely southern extent*' of the development.

In June 2014 the Planning Inspectorate produced a '[Report on the Examination into Bath and North East Somerset Council's Core Strategy](#)' which looked in some detail at Policy B3a and the proposed allocation. The landscape reports commissioned by B&NES were part of the evidence base used by the Inspector in 2014 to assess PP1 and the allocation of 'around 300' dwellings. He states that (our bold):

*'PP1 refers to development of around 300 dwellings. **This capacity reflects the Council's view that substantial parts of the allocated area are not suitable for built development and my assessment above largely endorses that approach.** The text should make clear, however, that this figure is not a cap on capacity if all the place-making principles can be met.'* (para 163).

For the 2025 Planning Inquiry, B&NES commissioned a further [report from Anne Priscott](#) to assess the landscape impact of the proposal to build 290 houses as part of Phases 3 and 4. She used the 2013 B&NES reports and her own assessments to state (our bold):

*I identify through my analysis that in the **region of 130-150 dwellings can be accommodated** on the Appeal Site by setting development further back from the plateau edge and along a narrower extent east-west, and that with this quantum, the placemaking principles could be met whilst also limiting the scale and extent thus minimising impacts on the National Landscape.*

The Planning Inspector in his [Appeal Decision](#) referenced all three of these reports commissioned by B&NES in coming to his conclusion, stating that:

I have afforded substantial weight to the adverse effects on the CNL and the conflict with CS Policy B3a and other local and national policies relating to National Landscapes. and that 'the appeal should be dismissed.'

B&NES have commissioned three independent reviews of the visual impact of development of the South Stoke plateau all of which have concluded that the current proposal would have a high negative impact on the Cotswolds National Landscape and the two World Heritage Sites designations.

On this basis application 26/01238/EOUT must be rejected.

4.3. Housing Supply and the Tilted Balance

The doubling of B&NES's housing targets in 2025 means the Local Plan is no longer up-to-date, which could tilt the planning balance in favour of development. However, the NPPF makes clear that where the impact on designated landscapes such as the Cotswolds, and heritage assets such as the Wansdyke, provide strong reasons for refusal the tilted balance does not apply. The housing supply position therefore does not weaken the fundamental policy objections to this application.

In 2025 the government doubled B&NES's housing targets and therefore B&NES does not yet have sufficient land allocated for development to meet these targets. B&NES is preparing a new Local Plan so that it will meet these targets, but this will not be in force until 2027. Therefore, the current local plan is no longer 'up-to-date', a specific condition that is identified within the National Planning Policy Framework (NPPF) and can result in tipping the balance in favour of development, often referred to as a 'tilted balance' see (Appendix A).

However, the NPPF also identifies circumstances under which the 'tilted balance' should not be applied, even if the Local Plan is not currently 'up-to-date'. Paragraph 11d of the NPPF identifies that permission should be granted **unless** 'the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed'. The footnote 7 referenced here defines both National Landscapes and Scheduled Ancient Monuments as assets of particular importance.

The proposed development lies entirely within the Cotswolds National Landscape and will have a direct impact on the Wansdyke, a Scheduled Ancient Monument. Therefore, the strong reasons identified by the Planning Inspector for refusing the appeal are still equally applicable, irrespective of whether there is a 'tilted balance' or not.

The Planning Officer's letter of 25 November 2025 makes reference to paragraph 11 of the NPPF in relation to B&NES no longer having a five-year housing supply, but makes no reference to Footnote 7 and the protections it affords, as far as we are able to judge from the extract in the [Frampton's Planning Statement](#).

The policies within the NPPF which protect the Cotswolds National Landscape and Scheduled Ancient Monuments such



as the Wansdyke provided strong reasons for the Inspector to reject the Planning Appeal by HFT in 2025. These reasons also apply with the current application and, as NPPF paragraph 11d makes clear, are irrespective of whether the Local Plan is up-to-date or not.

On this basis application 26/01238/EOUT must be rejected.

5. The Legacy from Phase 1

5.1. Comprehensive Masterplan

Policy B3a requires the agreement of a Comprehensive Masterplan which would set out the overall scale of the development and ensure it is well integrated with the neighbouring areas. It would also enable the overall impact of the development to be assessed. This should have been done in 2017 before Phase 1 was agreed. Instead, the plateau is being developed in a piecemeal fashion with certain key issues, such as the scale of the development around Sulis Manor and the location of the allotments, still not known.

Policy B3a PP2 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.

When B3a was agreed this placemaking principle provided reassurance to the community that there would be an integrated overall plan for the development, the total impact would be assessed and mitigated, and we would not get a piecemeal series of developments continually pushing and breaching the boundaries of what is acceptable.

When Phase 1 was agreed in September 2017, the [B&NES case officer reported](#) that the masterplan was inadequate and: *'Accordingly it is considered that the masterplan should not be agreed at this stage'*. Phase 1 was therefore agreed without PP2 being met.

With application 22/02169/EOUT the masterplan was not Comprehensive, it did not include or rule out any plans for Sulis Manor or Odd Down Football Club. Rather than being a plan to guide the overall development it was constantly updated as the plans kept changing, going through 6 versions before the proposal was finally refused by the Planning Inspector.

In December 2025 during the B&NES Planning Committee meeting, which considered and rejected an application ([22/01370/FUL](#)) to place allotments for Sulis Down Phase 1 outside the allocation, on Green Belt land, Councillor Shaun Hughes said:

'it was made very clear when we were looking at the application for phases 3 and 4 that one of the biggest concerns residents had was a lack of a masterplan – a consistent masterplan – and yet here we are again adopting a piecemeal approach to development'.

He is entirely correct. The piecemeal approach works to the developer's advantage such that the overall impact of the development cannot be assessed, and each increment is considered less severe than the total picture. The previous application for Phases 3 and 4 (22/02169/EOUT) assumed that there would be no development on Odd Down Football Club. It now appears that the owners want to put around 18 houses there, to enable the upgrade to the sporting facilities there.

It is revealing that in the current application that the developers refer to the mid-point of Phases 3 and 4 as the 'heart of the development', and place community facilities there. These should be at the heart of the whole allocation. If this was a coordinated development, Sulis Manor would have a

central role as a focal point and be a hub within the development. It feels like a huge opportunity that will be lost. We currently have a situation where each landowner is trying to maximise the return on their part of the allocation without any apparent coordination between them.

It is difficult to understand how plans can be made for community facilities and other infrastructure without an understanding of the overall scale and extent of the development.

For example, the location of the allotments should have been agreed as part of a Comprehensive Masterplan prior to Phase 1 being agreed in 2017. Nearly 9 years later and nearly 4 years after the first residents moved into Phase 1, they still do not have any allotments and the future location of these allotments is still to be agreed.

A truly Comprehensive Masterplan is required. Without it, this application does not meet PP2 of Policy B3a.

On this basis application 26/01238/EOUT must be rejected.

5.2. Affordable housing

While Phase 1 delivered the overall percentage of affordable housing required, it did not provide the agreed mix of homes, resulting in too many one-bedroom flats and too few larger affordable houses. This shortfall must be remedied as part of this application for Phases 3 and 4.

The B&NES Local Plan Policy B3a PP1 states that the development should include 40% affordable housing. Phase 1 has delivered 68 affordable houses (40% of the total). However, they have not delivered the mix of affordable houses that B&NES specified. The developers built twice as many one-bedroom flats (28 when only 13 were specified) at the expense of dwellings with two or more bedrooms.

[B&NES Housing only agreed](#) to Phase 1 on the basis that this shortfall would be made up in subsequent phases of the development. Their response read (our bold):

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.

The difference between what B&NES required and what was delivered is illustrated in the table below (this is a summary table based on the [B&NES Housing Officer's response of 10 July 2017](#))

Accommodation type	Unit split as % required by B&NES	Pro-rata expected phase 1 (units)	Phase 1 actual (units)	Difference (units)
1 bedroom 2 person flats – min 46sqm	19%	13	28	15
2 bedroom 3 person flats – min 61sqm	15%	10	7	-3
2 bedroom 4 person houses – min 75sqm	46%	31	26	-5
3 bedroom 5 person houses – min 85sqm	21%	14	7	-7
		68	68	

It is clear that Phase 1 delivered 15 too many affordable one-bedroom flats and 15 too few larger two and three bedroom houses.

The applicant's Affordable Housing Statement makes no reference to the shortfall in Phase 1.

The Planning Officer's letter of 25 November 2025 makes no reference to the shortfall, as far as we are able to judge from the extract in the [Frampton's Planning Statement](#).

The [B&NES Housing's Officer's consultation response of 8 May 2026](#) also makes no reference to their own specific requirement to 'increase delivery of affordable house units against a reduction of affordable flats on the subsequent phase'.

B&NES must ensure that for Phases 3 and 4 the correct mix of affordable housing is delivered and that the shortfall in Phase 1 of larger homes is remedied. It must not be put off to some future 'reserved matters' stage (see section 6.1).

On this basis application 26/01238/EOUT must be rejected.

5.3. Visual impact of Phase 1

The visual impact of Phase 1 was a significant factor in Planning Inspector's decision to refuse the appeal to build 290 houses on Phases 3 & 4. Phase 1 does not avoid or minimise the detrimental impact on the Cotswolds National Landscape and therefore breaks PP5.

The impact that Phase 1 was going to have on the landscape was understood when the planning application was being considered. 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. In the summary he said (our bold):

*'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.'***

This opinion has been proved correct. Unfortunately, Phase 1 was agreed and these concerns were ignored. In 2025, as part of the Planning Inquiry into the proposal 22/02169/EOUT, the Planning

Inspector assessed the visual impact of the Phase 1 development on the CNL by visiting a number of viewpoints both during the day and at night.

The [Inspector's Appeal Decision](#) states in relation to the views from Middle Twinhoe and Hinton Charterhouse: *'In these long distance views from the south, the new housing at Phase 1 is visible above the southern tree belt with its prominent red tile roofs, along with the woodland and house at Sulis Manor.'* and *'[...] the absence of an urban skyline at Phases 3 and 4 makes a positive contribution to the CNL. In contrast, the housing at Phase 1 is very conspicuous on the skyline which previously would have been largely undeveloped.'* (para 31).

The Inspector goes on to conclude (our bold):

*However, it cannot be said with any confidence that the proposed development would avoid or minimise detrimental impacts as required by local and national policy. Neither would it ensure visual screening of the site from views to the south given that the roofs of housing would be clearly visible. **While Phase 1 is now part of the baseline, it should have complied with the same landscape requirements. Given its prominent and conspicuous location on the skyline, it is debatable whether it does.** Nevertheless, it should not be used to justify the proposed development which has been assessed on its own merits.'* (para 45)

The visual impact of Phase 1 now that it has been built is very different to what was promised (see below).



Phase 1 viewed from Upper Twinhoe (March 2024)



Detail from [Environmental Statement - Appendix 7.3 Vp17](#) (winter) from the Phase 1 application ([17/02588/EFUL](#)). Note that this is equivalent to viewpoint 22 in 26/01238/EOUT.

It is clear from what has actually been built in Phase 1, as opposed to what was promised, that 2 and 2.5 storey houses on the plateau are, and will be, prominent and conspicuous on the skyline. It also shows that considerable caution must be exercised when viewing the developer's mock-ups (see Section 6.6).



It should be noted that only a small proportion (less than 20%) of the houses in Phase 1 are 2.5 storeys and there are no 3 storey houses (see Section 6.5).

Left: [Storey heights Phase 1](#) The houses coloured blue/green are 2.5 storeys. All the remainder are 2 storeys or less.

PP5 within Policy B3a includes the requirement to *Avoid or minimise detrimental impacts on (and provide enhancements to important landscape features and significant views):*

- *Cotswolds AONB*

The Inspectors observations clearly indicate that Phase 1 has not met the requirements of PP5 as the development has failed to 'avoid or minimise the impacts' on the Cotswolds National Landscape/AONB.

Given that 300 is not a cap only if all the placemaking principles are met, B&NES must now conclude that 300 is a cap for the entire allocation.

On this basis application 26/01238/EOUT must be rejected.

5.4. Mismatch between what was promised and what was delivered for Phase 1

The reality of what has been built at Phase 1 compared with what was in the application documents shows a clear gap in the quality, character and supporting infrastructure promised for the development. Similar promises are now being made in the current proposal and should be treated with caution and given limited weight.

There are many similarities between the [Phase 1 Design and Access Statement](#) and the latest one that has been submitted for Phases 3 & 4. In determining the likely outcome for this latest proposal, it is instructive to compare what was promised for Phase 1 and what has actually been delivered.

Ben Pentreath, the acclaimed designer of Poundbury, was the architectural designer for Phase 1. The [Design and Access Statement](#) promised the following:

Sitting within a rural-urban interface (both within the setting of the Bath World Heritage Site and within the Cotswold AONB), we developed a language that draws inspiration from the Cotswold Arts & Crafts vernacular; with use of repetitive architectural motifs and details handled in a richly varied way: casement windows, projecting bays, gables and prominent chimneys.

Once the land was sold for development with planning permission, Ben Pentreath appeared no longer to be involved and many of the aspirations within the Design and Access statement were forgotten. The mismatch between what was promised and what was delivered is stark, as illustrated by the images below.



Houses on Derryman's Green from the [Phase 1 Design and Access statement](#) (left) and as they appear in May 2026 (right). The left-hand image is still used on the [Welbeck Land web site](#) to promote the current proposals.

Ben Pentreath's name appears again on the front page of the new [Design and Access statement](#) for Phases 3 and 4, but again with no guarantee that this will continue beyond this outline application.

There are further significant inconsistencies between what was promised in Phase 1 and what was delivered. The Inspector noted in his [Appeal Decision](#) when considering the long-distance views from the south of Phase 1 the presence of 'prominent red tile roofs'. This roofing is very different from the roofing described in the [Phase 1 Design and Access statement](#). This promised: '*Relatively steeply pitched roofs, in a Cotswold stone tile material; this finish is dark and recessive, reducing longer-distance visual impact.*' Exactly the same wording is used in the [Design and Access Statement](#) (page 80) for this latest application.

There are also many issues with the infrastructure and landscaping that has been delivered. Problems with sewer blockages, low water pressure and damaged and badly fitted water meters, which have still not been resolved. There are missing street lights that have yet to be installed. Roads and pavements still don't have their proper surfaces causing risks to cars and pedestrians. Some essential replanting has taken place in the southern woodland belt, but far too late in the year with a risk of expensive new specimens dying. The central green space in Phase 1, Derryman's Green, which is proposed to provide a centre piece for the development, consists of an area of stoney ground with rough, weed ridden grass. One of the two play areas is not properly fenced and has exposed barbed wire.

Sulis Down residents have been working hard to try and get the builder, Vistry, to resolve the many problems that there are with the site. The development is still not in a state that it can be handed over to the Land Management Company.

Similar promises and reassurances are now being made in the current proposal to those that were made for Phase 1. These promises therefore can be given little weight in light of the evidence of what has, and has not, actually been delivered in Phase 1.

On this basis application 26/01238/EOUT must be rejected.

6. Proposal 26/01238/EOUT

6.1. The Outline Application

The current application is only an outline application for Phases 3 and 4. This is attempting to set the scale of the impact with a large number of issues put off until the 'reserved matters' stage. This makes it impossible to determine if a development of the proposed scale will meet the Placemaking Principles.

The applicants have chosen to submit only an outline application for Phases 3 and 4 at this stage. This means that while the applicant is attempting to set the capacity of the site at 'up to 200', there are numerous important issues that affect this capacity that remain unresolved.

The [Planning Statement](#) references the following aspects that will not be specified in detail until the reserved matters stage:

- Housing layout
- Affordable housing mix
- Lighting scheme
- Accessibility and building standards
- Tree planting details
- Residential amenity
- Play space
- Allotment details – it is not clear if this is for the entire allocation or just phases 3 and 4.
- Sustainable construction details
- Scope and definition for the provision of a 'Community Hall'.

Following the loss of the Planning Appeal, HFT have also employed Welbeck Land to promote this land for development. In May 2025 Welbeck submitted [written evidence to Parliament](#) arguing that the commitments on landowners through S106 agreements and other obligations is lowering land prices.

As we see above in relation to Phase 1 what is promised at an early stage can be a long way from what is subsequently delivered.

Insufficient information has been presented to determine if the application will meet the Placemaking Principles.

On this basis application 26/01238/EOUT must be rejected.

6.2. Still too many houses

The current proposal still would result in a total level of development across the allocation that is far above the 'around 300' dwellings set out in Policy B3a. Once Phase 1, likely Phase 2 numbers, this new application and potential development at Odd Down Football Club are taken together, the allocation would have 414 – 439 dwellings. The proposal therefore remains excessive.

Policy B3a PP1 states that the allocation should be (our bold):

*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.***

In October 2021 [Framptons on behalf of the applicant](#) made a submission to the consultation on the Local Plan Partial Update (LPPU) proposing the allocation within Policy B3a be increased to 'around 450'. B&NES in their [Report on the Regulation 19 Consultation \(p 20\)](#) said that: *'It is not appropriate to increase capacity at the Odd Down site (Policy B3A) as evidence shows this would be too harmful.'*

Currently there are 171 dwellings that have been built in Phase 1 and [B&NES's latest housing trajectory](#) has 129 houses remaining to be built. This number has not changed within either the [Local Plan Partial Update](#) or the recent [Options Document for the next Local Plan](#).

Many new residents were told when they bought their homes in Phase 1 that the total scale of the Sulis Down development would be 'around 300' houses.

With the current proposal we now see that the entire allocation would be much closer to 'around 450' dwellings rather than 'around 300'. In the absence of a Comprehensive Masterplan that is actually comprehensive (see section 5.1), we do not know how many houses are planned for Phase 2 (the Sulis Manor site). The traffic modelling for the previous application assumed that there would be 50 houses within Phase 2, whereas when sizing the allotments for the entire allocation this was based on 25 dwellings in Phase 2.

In addition, since the Planning Inquiry last year, Odd Down Football Club have been making enquiries about having around 18 houses on their site which is located within the allocation.

Therefore, the total scale of the allocation would appear to be the following:

Phase 1	171
Phase 2	25 – 50
Phases 3 & 4	up to 200
Odd Down FC	18
Total	414 - 439

As the Inspector states in his decision in relation to the 300 figure that: *'This figure is a cap unless all the Placemaking Principles are met'* (para 114).

As indicated above PP5's requirement to *'Avoid or minimise detrimental impacts on [...]Cotswolds AONB'* has not been met for Phase 1. We argue below that a number of the Placemaking Principles for the current proposal have not been met. Therefore 300 houses across the entire allocation should now be considered as a cap.

On this basis application 26/01238/EOUT must be rejected.

6.3. The southern extent of the built development and lack of adequate screening.

The latest proposals continue to push the built development too close to the southern edge of the plateau, so that it is very similar to what was submitted in 2022 and rejected. Therefore, much of the built form still lies within areas previously assessed as causing high negative impact. There is a minimal increase to the tree belt to screen this development. This does not resolve the issues that caused both the Planning Committee and the Planning Inspector to reject the 2022 application.

Policy B3a PP6 states in relation to the World Heritage Site that *'The Southern boundary of the site should remain undeveloped to limit the visibility of development in wider views.'*

The Inspector identified in his [Appeal Decision](#) that the development in the 2022 proposal extended too far south and that the southern tree belt was insufficient to adequately screen the development.

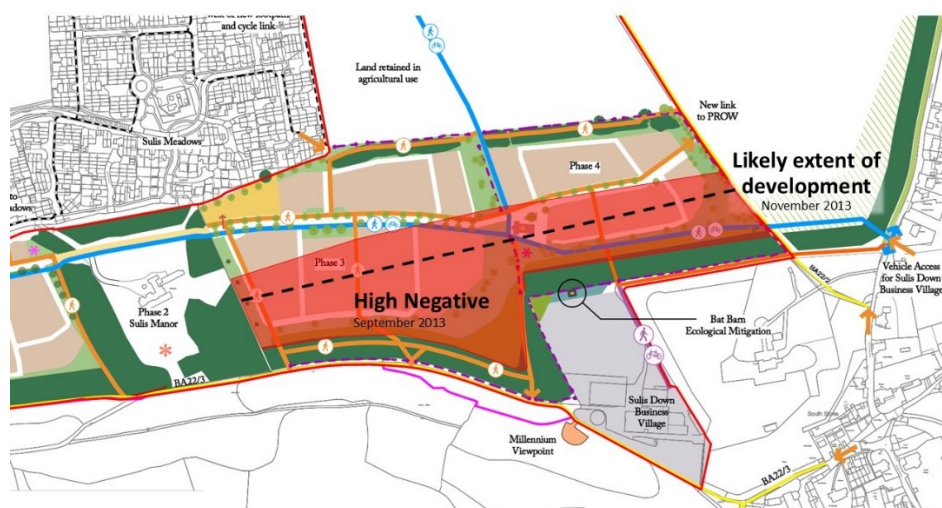
Nevertheless, it is unlikely that any amount of suitable planting would be sufficient to visually screen the housing during the day or night. Therefore, there would be an adverse effect on the special qualities of the CNL in terms of views of the escarpment and high wolds landscape as well as dark skies. (para 38)

The extent of the built development on the latest [Comprehensive Masterplan](#) is very similar to that that was submitted and rejected last time. The diagram below shows the extent of the built development from the proposal refused by the Inspector superimposed over the current Comprehensive Masterplan.



Detail from the latest [Comprehensive Masterplan](#) with a blue overlay showing the extent of the built development in the [Land Use Parameter Plan](#) (Aug 2023) from the previous proposal 22/02169/EOUT).

The southern extent of the built development is also radically different from the 2013 assessments commissioned by B&NES when this allocation was being considered (see section 4.2). A substantial proportion of the development lies within the 'High Negative' area and below the line marked as the 'likely extent of the development'.



[2026 Masterplan](#) compared with the impact on the WHS and the AONB from studies commissioned by B&NES in 2013.

The red area marks the high negative impact from the [Visual Impact Assessment](#) (Sept 2013).

The black dotted line shows 'likely extent of development' from the [Addendum](#) (Nov 2013).

The Planning Officer's letter of 25 November 2025 quoted in the [Planning Statement](#) states that 'The southern tree belt needs to be wider than proposed'. Given that the southern extent of the

development is almost identical to the previous application there is very little scope to increase the width of the southern tree belt and it has been extended by only 5m along most of its length.

This minimal increase is wholly inadequate to screen the proposed development.

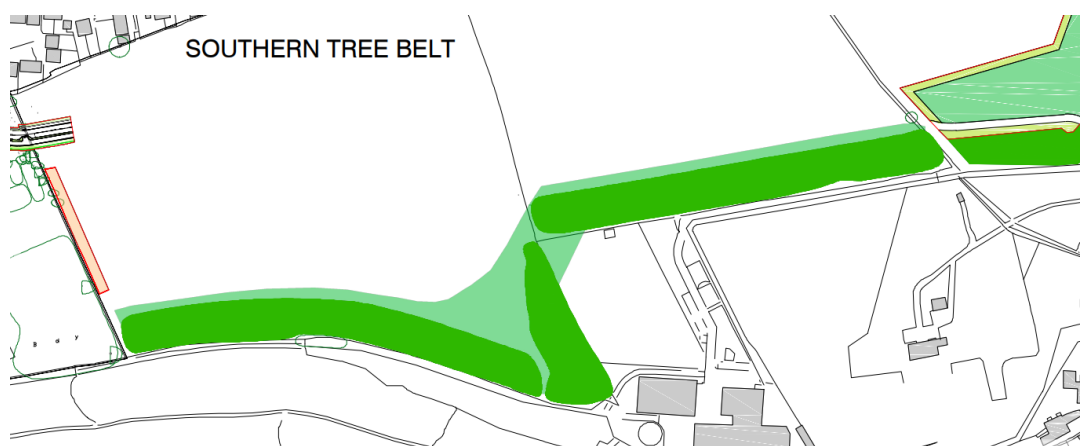


Illustration of the Southern Tree Belt from the [5-year Landscape and Ecology Management Plan](#). The dark green shows the existing tree belt and the light green the new woodland planting.

The impact of this minimal additional screening is hugely overstated in the 'Accurate Visual Representations (AVRs)'.
On this basis application 26/01238/EOUT must be rejected.



Details taken from [Environmental Statement AVRS Local Views part 1](#) from viewpoint 7 at the southern edge of Phase 3 in winter. From left to right they show the current view, after 1 year and after 15 years.

The proposed image of the screening after 15 years image shows the new planting almost completely screening the new development which is not credible given how narrow the proposed additional screening is. This is completely unrealistic and misrepresents the limited impact that such a narrow band of additional planting would have.

As referenced above B&NES have commissioned three independent reviews of the landscape impact of development on the South Stoke plateau. These reviews all find that the current proposal would have a high negative impact on the CNL and the WHS.

On this basis application 26/01238/EOUT must be rejected.

6.4. Eastern extent of the development

Policy B3a specifically requires an appropriate eastern boundary, yet the current proposal relies largely on scattered planting that would offer only limited screening.

The screening of the development from the east must be a key part of any proposal. This is set out in Policy B3a PP5 which states that *'appropriate Eastern boundary treatment should be established as part of the Masterplan'*.

Both the eastern and southern parts of the development are identified as requiring 'additional green infrastructure' on the Concept Diagram within Policy B3a.

The eastern side of the development will be clearly visible to anyone joining the Wansdyke path at the Cross Keys junction and therefore adversely affects this Scheduled Ancient Monument. Only 'scattered planting' is proposed along the eastern boundary. This should also have woodland trees planted there to shield the views from the north-eastern side of the plateau.

No examples are provided of the visual impact of the proposed new development from the eastern end of the Wansdyke (viewpoint 3). The previous application (22/02169/EOUT) did show the potential impact of that development from [viewpoint 3](#) (see below).



Part of a representation of the view from the entrance to the plateau by the Cross Key Junction (viewpoint 3) from the [Visually Verified Montages from March 2022](#) application. The red arrow indicates the eastern boundary. No representations have been provided from this viewpoint for the current application.

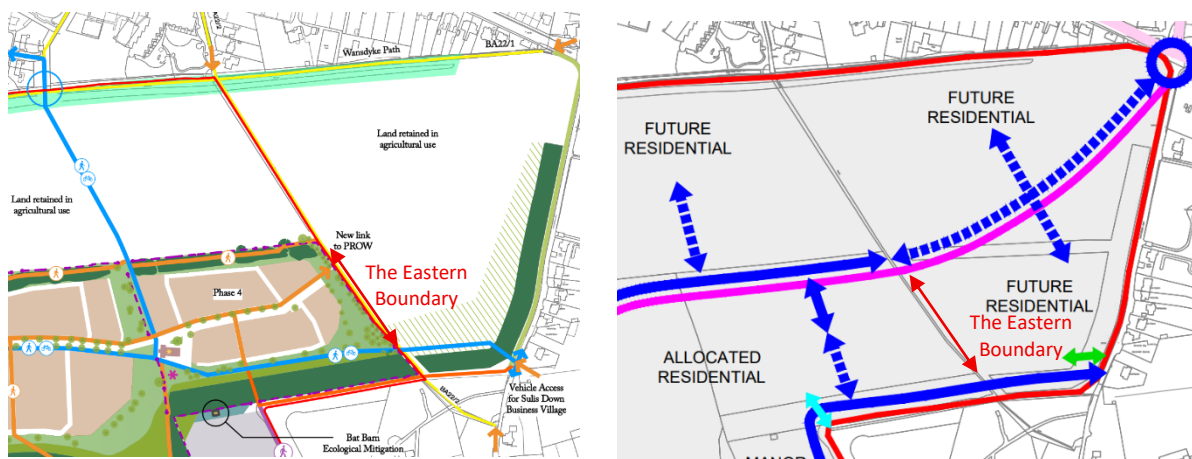
There is currently only a small section of hedgerow along the eastern boundary so any screening on the eastern edge will take decades to establish.



Drone footage of the eastern boundary taken in March 2022

The question arises why have the developers not put a woodland screen along the eastern boundary? The answer would appear to be the Hignett Family Trust's longer-term ambition to develop the entire plateau. In January 2019 they submitted [Proposals for a Sustainable Strategic Development Area](#) pushing to develop the entire plateau and have an eastern access at the Cross

Keys junction. This was rejected by B&NES but the configuration of the spine road terminating on the eastern boundary is revealing about their intentions.



Left: Extract from the [2026 Comprehensive Masterplan](#) showing only scattered planting along the eastern boundary of Phase 4.

Right: Extract from the [Mobility and Transport Strategy](#) submitted as part of the [Proposals for a Sustainable Strategic Development Area](#) in January 2019.

In both diagrams a red arrow marking the eastern boundary has been added.

In the [2014 review of the Local Plan](#) the Inspector ruled out an eastern access point because of the impact on the Cotswolds National Landscape/AONB, the World Heritage Site and the South Stoke Conservation Area. Specifically, he said:

'On the evidence before me, a major new junction at Cross Keys and a new road (with its inevitable street lighting) across the open Green Belt to the proposed allocation would be detrimental to the setting of the Wansdyke SM and the WHS' (para 159).

The absence of any significant screening on the eastern boundary shows clearly that this proposal is not 'landscape led' as Welbeck Land claim but part of a longer-term strategy to extend the development across the entire plateau.

This proposal fails to establish an *'appropriate Eastern boundary treatment'* and therefore does not comply with PP5 in Policy B3a.

On this basis application 26/01238/EOUT must be rejected.

6.5. Building Heights

Policy B3a requires the heights of building to be limited within the allocation. This is at odds with the 'Arts and Crafts' architectural style with steeply pitched roofs and high chimney pots. It appears that the Phase 3 and 4 proposals will be at least as high, if not higher, than Phase 1, which the Inspector found to be prominent and conspicuous on the skyline.

Policy B3a PP6 makes reference to *'appropriate building heights'* in relation to the impact on the World Heritage Site and limiting the building heights in reference to the Wansdyke and the South Stoke Conservation Area.

Rather than limiting the building heights the architectural choice made by Ben Pentreath has been to mimic the Arts and Crafts style of Sulis Manor with the new houses having steeply pitched roofs and tall chimney pots, adding to the height of the development. This choice of design certainly has not been ‘landscaped’.



Illustrative house types
 ‘Illustrative House type’ taken from the [Design and Access Statement](#) (p81)

The [Inspector’s observations](#) of Phase 1’s ‘prominent and conspicuous location on the skyline’ (para 45) was a key piece of evidence that informed the Inspector’s decision to refuse the Appeal in 2025 (see section 5.3). The developers make much of the fact that the current proposal has reduced the maximum building height from 3 storey to 2.5 storey compared with 2022 proposal. However, it still seems likely that the current scheme will have an even greater impact that Phase 1.

Fewer than 20% of the buildings in Phase 1 are 2.5 storey. It is impossible to assess the number of buildings in the current proposals for Phases 3 & 4 that will be 2.5 storey, because no plans for the development have been submitted. However, it can be seen from the [Building Height Parameter Plan](#) that over 50% of the land allocated for built development is for buildings ‘up to 2.5 storey’. It therefore seems highly probable that there will be more 2.5 storey buildings in the current proposal than there were for Phase 1.



The [Phase 1 Storey heights 2021 submission](#) for [21/02214/EVAR](#) superimposed on the [Building height parameter plan](#) for the current proposal. Both have been cropped and the relevant parts of the keys have been enlarged and superimposed.

It would appear that the current proposal will have a greater impact than Phase 1. The Inspector posed the question of whether Phase 1 met the landscape requirements of Policy B3a and concluded: ‘Given its prominent and conspicuous location on the skyline, it is debatable whether it does.’

The current scheme does not meet PP5’s requirement to ‘avoid or minimise the impact’ on the Cotswolds National Landscape.

On this basis application 26/01238/EOUT must be rejected.

6.6. The Testing of different scenarios

B&NES have commissioned three different reports to assess the landscape impact of potential building on the South Stoke plateau. The southern part of the plateau has been identified as an area where building would have a high negative impact.

The scenarios put forward in this application only test a very narrow range of options all of which have substantial development inside the area of high negative impact. No visual mock ups are provided for the 2022 scheme despite this being the first scenario put forward. The difference in visual impact from the south is barely perceptible between the closest match to the 2022 proposal refused by the Inspector and the current submission.

There has been no testing of increasing the woodland buffer on the southern edge of the plateau. This coupled with errors and inconsistencies in the analysis mean these scenarios are useless as a way of assessing different potential schemes.

In 2020 Framptons submitted an application (20/00092/SCOPE) to agree the scope of the Environmental Impact Assessment for the development of Phases 3 and 4. This was in preparation for application 22/02169/EOUT.

In response to this, Tessa Hampden, Senior Planning Officer at B&NES, [wrote to the developers](#) in February 2020 stating: *'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.'*

This guidance was not followed. No alternatives to an additional 290 houses for phases 3 & 4 were proposed by the applicant in the subsequent proposal.

In his [Appeal Decision](#) the Planning Inspector's report states (our bold):

The question remains whether the proposed development would minimise the detrimental impacts as required by CS Policy B3a and ensure visual screening of the site from views to the south. The appellant has not assessed a different number of units other than the slight reduction from 300 to 290 units early in the application process. This does not raise a legal compliance issue in terms of Environmental Impact Assessment as the site is already allocated and there is no need to consider alternative locations. However, it would have been very helpful to see the potential effects of different scales, layouts, and amounts of housing. (para 41)

In response to these comments the applicant has now undertaken 'Masterplan Testing' looking at 7 possible scenarios. There are numerous issues with the scenarios that have been tested and the conclusions drawn.

The findings of the B&NES Landscape reports have been ignored

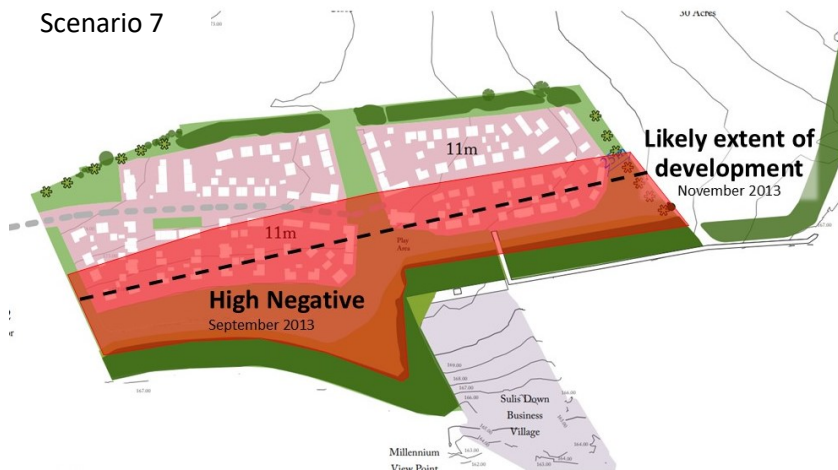
Section 4.2 details the landscape assessments that B&NES commissioned in 2013. These were a [Visual Impact Assessment](#) in September 2013 with an [Addendum in November 2013](#).

B&NES commissioned a [further report](#) for the 2025 Appeal from Anne Priscott who referenced these reports and her own assessment to state (our bold):

I identify through my analysis that in the region of 130-150 dwellings can be accommodated on the Appeal Site by setting development further back from the plateau edge and along a narrower extent east-west, and that with this quantum, the placemaking principles could be met whilst also limiting the scale and extent thus minimising impacts on the National Landscape.

This scenario has not been tested by the applicant. Scenario 7, where the building line has been pulled back slightly further from the plateau edge than the others, still has significant built development in the 'High Negative' area. This scenario has not been tested with 10m maximum building height.

Scenario 7



Scenario 7 from [ES App 8.6 Iterative Design Testing](#) compared with the impact on the WHS and the AONB from studies commissioned by B&NES in 2013. The red area marks the high negative impact from the [Visual Impact Assessment](#) (Sept 2013). The black dotted line shows 'likely extent of development' from the [Addendum](#) (Nov 2013).

The 2013 and 2025 landscape assessments commissioned by B&NES were crucial pieces of evidence used by the Inspector in coming to his decision to reject the appeal. The most relevant scenario has not been tested.

No testing of increasing the woodland buffer on the southern edge.

The mitigating impact of increasing the width of the southern tree has not been tested. This was a key requirement from the [2025 Anne Priscott](#) report.

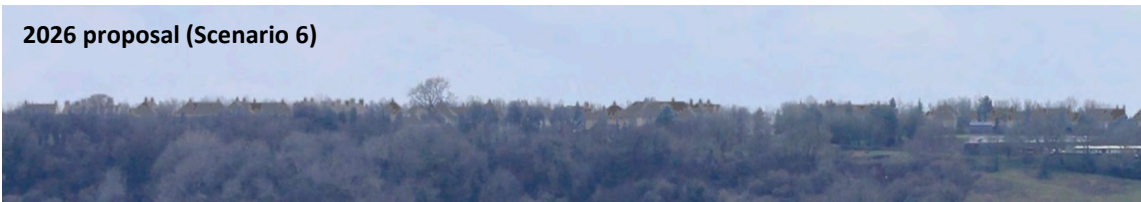
The development requires a greater depth of treeline bolstering on the southern side. In my opinion 50m should be set aside for delivering this function rather than the 14m identified on the Land Use Parameters Plan (CD G5). A 50m buffer would allow for 30-40m tree planting and space for a well-designed multi-functional environment. (para 60)

This has not been tested.

The differences between the previous application and the current one are imperceptible

Twinhoe was one of the points from within the CNL that the Inspector visited to view the impact of Phase 1 and the potential impact of Phases 3 and 4. He referenced Phase 1's 'prominent and conspicuous location on the skyline' (see Section 5.3). The [B&NES commissioned report](#) by Anne Priscott concluded that the 2022 proposal would have a 'Moderate-Substantial (adverse)' impact. The Inspector concluded that this had failed to 'avoid or minimise the impacts' on the CNL and therefore was in breach of PP5.

Viewpoint 22 in the current proposal represents the view from Twinhoe (see [ES Appendix 8.6 Iterative Design Testing pt 2](#)). Of the seven scenarios submitted Scenario 1 represents the previous rejected proposal for 290 dwellings (22/02169/EOUT) but the visual impact of this scheme is not shown. This avoids one being able to make direct comparisons. Scenario 2 is the closest comparator where the tallest buildings at the centre of the development are 12m rather than 14m. Scenario 6 the current proposal (26/01238/EOUT).



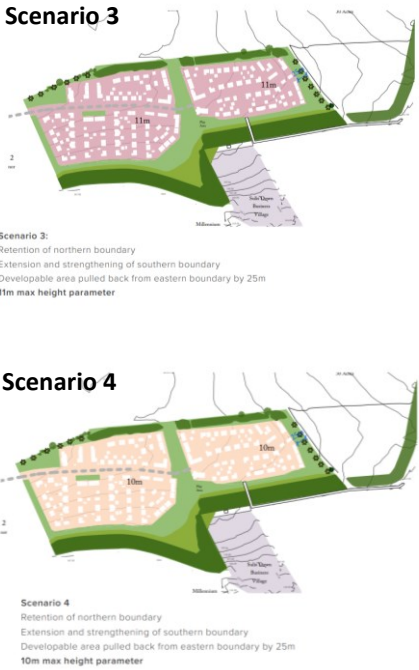
Top: Visual impact of closest example to what was rejected by the Inspector (Scenario 2) viewpoint 22
 Bottom: Visual impact of what is now proposed (Scenario 6) viewpoint 22. Taken from see [ES Appendix 8.6 Iterative Design Testing pt 2](#).

Judging by the precedent of the Phase 1 application this is also probably a significant underestimate of the actual visual impact should the proposal be approved (See section 5.3).

The difference between the closest match to the 2022 scheme (Scenario 2) and the 2026 one (Scenario 6) from viewpoint 22 is barely perceptible.

The visual mock-ups for the scenarios have errors.

Scenarios 3 and 4 in the [Iterative Design Testing](#) have uniform building heights across the allocation, with no indication of any variation within them. In scenario 3 the height is 11m and scenario 4 it is 10m. In the visual mock-ups one would therefore expect to see a 1m different in height. As can be seen in the diagram below the heights are identical.



Taken from [ES Appendix 8.6 Iterative Design Testing pt1](#). Scenario 3 has 11m buildings whereas scenario 4 has 10m buildings, yet the visual impact is identical.

Key differences between Scenario 1 and the 2022 application that it is meant to represent.

Scenario 1 is meant to represent the baseline scheme of 290 houses that was submitted in 2022 and rejected. Scenario 1 states 'northern boundary vegetation removed'.

The issue about the northern tree belt was raised multiple times with B&NES in objections raised to proposal 22/02169/EOUT. As a result, the [Officer's Report](#) to the November 2023 Planning meeting (p 58 para 7) states (our bold):

*The **original scheme proposed to fell the central tree belt under an approved Forestry Commission felling licence, due to ash die-back. However, the applicant has since confirmed this is no longer the intention and that only selective thinning only will take place. This complies with the relevant parts of Placemaking Principle 5 of B3a which require the retention and cultivation of hedgerows and tree belts (as indicated on the concept diagram).***

Therefore, the position of the applicant at both B&NES Planning Meetings and the Appeal was that there would only be selective thinning of the northern tree belt. The tree losses within scenario 1 are therefore overstated.

PP5 requires any development to 'avoid or minimise the impacts' on the Cotswolds AONB. None of the scenarios tested avoid the area identified by B&NES commissioned landscape reports as having a high negative impact. There have been no tests of varying the width of the southern tree belt. These failures, coupled with errors and inconsistencies in the analysis, make the scenarios unusable as a way of assessing different potential schemes.

On this basis application 26/01238/EOUT must be rejected.

6.7. The Proposed Path across Great Broad Close

The route for the shared use cycle and footpath across the centre of Great Broad Close will have a greater landscape impact than if it was along the western edge of the field. This would also prevent the unnecessary division of an agricultural field.

The latest proposals show a combined cycle and pedestrian path, 3m wide, from the northern side of the proposed development, across the field known as Great Broad Close, to the crossing of the Wansdyke. On the initial submission of application 22/02169/EOUT [the original route](#) was along the western boundary of Great Broad Close next to Sulis Meadows.

In February 2023 this was moved to the centre of the field. The [cover letter](#) with that submission states that the Design Review Panel 'identified a future 'desire line' across Great Broad Close connecting the new crossing on the Wansdyke (and beyond)'. The [Design Review Panel report](#) makes no reference to such a 'desire line'.



Proposed position of the hoggin path across Great Broad Close looking north

There are a number of issues with this location for the Hoggin Path.

- A path in this position will be far more prominent and therefore have a greater landscape impact on the Wansdyke Scheduled Ancient Monument and the Cotswolds National Landscape. The concept diagram within Policy B3a identifies this field as 'Avoid built development' because of this landscape impact.
- It will divide a large agricultural field in two and make it more difficult to cultivate. Large agricultural machines crossing the hoggin path will also cause it to break up and become damaged.
- Currently the path is unlit, which raises serious safety concerns for a path such as this. If it does have to become lit at some future date the visual impact will be far less if it is along the boundary with Sulis Meadows from which there is already some light spill.
- Scheduled Monument Consent still has not been granted for a dual use cycle and pedestrian crossing of the Wansdyke (see section 7.2).

Placing the Path on the western end of Great Broad Close would provide the opportunity for a very useful link between Sulis Meadows and Sulis Down. Policy B3a PP7 states that the development should: '*Provide pedestrian and cycle links with Sulis Meadows*'. Currently there are no direct cycle links between these two developments.

On this basis application 26/01238/EOUT must be rejected.

6.8. The impact of the loss of trees in Sulis Manor grounds

The spine road through Sulis Manor grounds would require the removal of over 120 trees and fail to meet the requirement of Policy B3a to retain the framework of trees around Sulis Manor. The visual impact of this tree loss has not been assessed.

B&NES [Policy B3a](#) makes no reference to what the access route should be to Phases 3 and 4. It does state within PP6 that it should '*incorporate Sulis Manor and garden into development sensitively, retaining the framework of trees*'. This proposal will remove over 120 trees (69 individual trees and 4 tree groups) all of which are protected by a Tree Preservation Order ([TPO number 500/306](#)).

The visual impact of the loss of the trees surrounding Sulis Manor is not represented in any of the cross sections submitted as part of this application. A [single cross section](#) is shown across the proposed spine road route showing the impact of removing only 5 of the trees. The 'existing' view in this diagram would only be possible if 30 trees in front of that point were removed first. No existing cross sections are presented for the eastern and western ends of the Spine Road where the greatest number of trees are proposed to be removed.



[Cross-sectional diagram](#) showing before and after tree removal from the middle section of Sulis Manor Road as included in the current application. The line of the cross section can be seen in the diagram below.



Position of cross section from [cross-sectional diagram](#) superimposed on Tree removal plan from the [Arboriculture Impact Assessment and Tree Protection Plan](#).

The black line shows the position of the cross section. The red crosses show the 5 trees that the cross-sectional diagram shows as being removed.

The blue arrow shows where the view is taken from. The 30 trees that are scheduled to be removed and lie between the viewpoint and the trees marked in the cross-sectional diagram have been filled in with red.



View of Sulis Manor grounds from the west (phase 1) showing the trees proposed to be removed (red wash) in the [Arboricultural Impact Assessment](#).

This shows the likely visual impact of the trees being removed to make way for the spine road.

The Design and Access Statement includes an 'illustrative aerial view' in the form of a watercolour picture to show the overall development (shown on the left, below) . This makes it appear that there is no spine road cutting through Sulis Manor grounds and that no trees will be removed.



Left - Part of the Illustrative aerial view of Phases 3 & 4 taken from the [Design and Access Statement](#) (p82). Right – The red area shows where trees where over 120 trees will be removed.

The removal of over 120 trees from the framework of trees surrounding Sulis Manor breaks PP6 and there has been effectively no assessment of the visual impact of this tree loss.

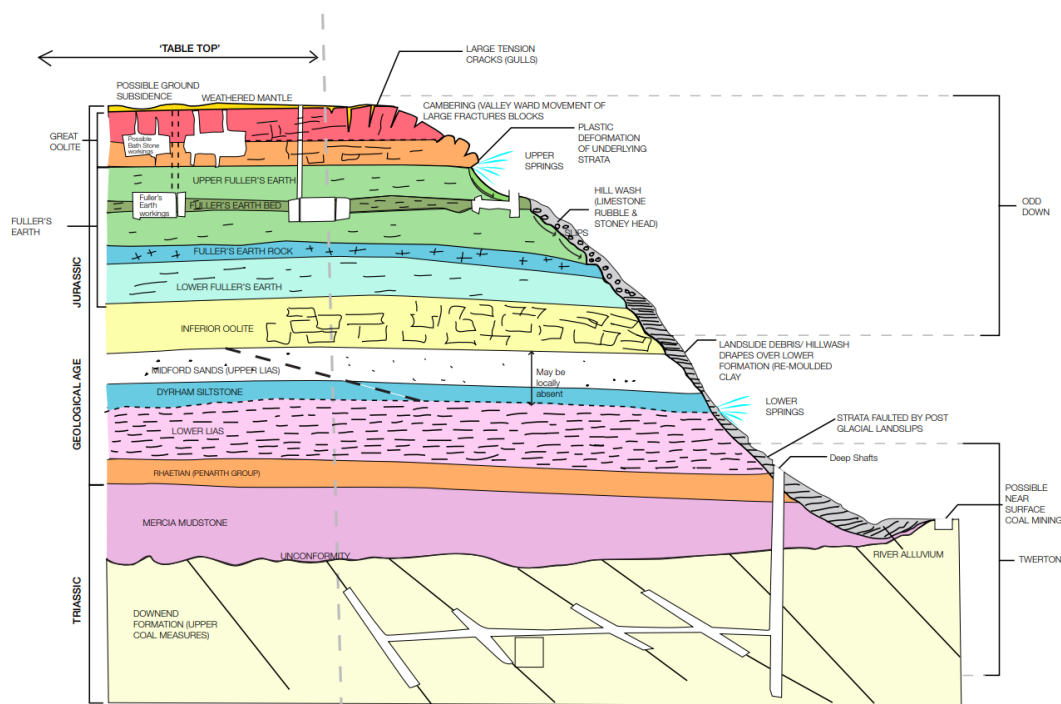
On this basis application 26/01238/EOUT must be rejected.

6.9. Ground stability, Flood Risk and Drainage

There is a well documented risk of ground instability due to the stratum of Fuller's Earth that lies beneath the surface limestone on the plateau. Drainage of the site is critical because if the Fuller's Earth becomes saturated with water it becomes unstable. An expert report on the applicant's drainage strategy shows major omissions, inconsistencies and errors which weaken confidence in the scheme's safety and deliverability. On the current evidence, the application has not shown that these risks have been properly assessed or satisfactorily addressed.

Issues relating to ground stability and the land allocated as part of Policy B3a were considered in 2013 prior to the Local Plan being adopted. The [Land adjoining Odd Down Development concept options report April 2013](#) commissioned from ARUP by the Hignett Family Trust states that: 'The underlying geology of the area indicates a clay layer which if over saturated could present slope stability constraints on development'. This clay layer is Fuller's Earth which has historically been mined in this area of Somerset.

The allocated land is relatively flat but just beyond the southern edge of the allocation there is a steep slope down to the Cam Brook valley. The diagram below shows the geological layers beneath the South Stoke plateau.



Detail from Figure 15 [B&NES Slope, Geological Instability and Undermining Study](#) (2010) showing a cross section of the geology beneath the plateau and the slope from the plateau down to the Cam Brook valley. The green and blue strata show the extent of the Fuller's Earth formations beneath the South Stoke plateau.

Policy B3a specifically references both Ground stability and drainage.

PP11 states:

Localised areas of land instability must be either avoided or addressed with appropriate remediation.

PP3 states:

Provision of Green infrastructure including multifunctional green space (formal, natural and allotments); well integrated Sustainable Urban Drainage Systems and habitat,

Given the constraints on the site imposed by the underlying geology it is critical that the drainage strategy is robust. Peter Amies, an experienced drainage engineer and Phase 1 resident, has reviewed the proposals and [his report](#) has been submitted to B&NES.

Some of the key issues within this report are included in the commentary below.

National Standards

The [Design and Access Statement](#) (page 87) states: *'At Sulis Down, it is possible to deliver a development which fully complies with current planning guidance on flood risk, with opportunities presenting themselves to deliver a sustainable drainage regime as recommended by current planning guidance'*.

The [National Standards for Sustainable Drainage Systems](#) sets out the UK standards for housing development to which the applicant's Drainage Strategy (section 6 of the applicant's [Flood Risk Assessment](#)) needs to adhere.

Standard 1 relates to Runoff Destination and Priority 1 is rainwater harvesting. There are no proposals for rainwater harvesting in the applicant's Drainage Strategy.

There are a number of areas where there is insufficient information presented to determine if the proposals are compliant or not. These include Standard 4 – Water quality, Standard 5 – Amenity, Standard 6 – Biodiversity and Standard 7 – Design of drainage. Evidence needs to be provided that these standards will be adhered to.

Spine road

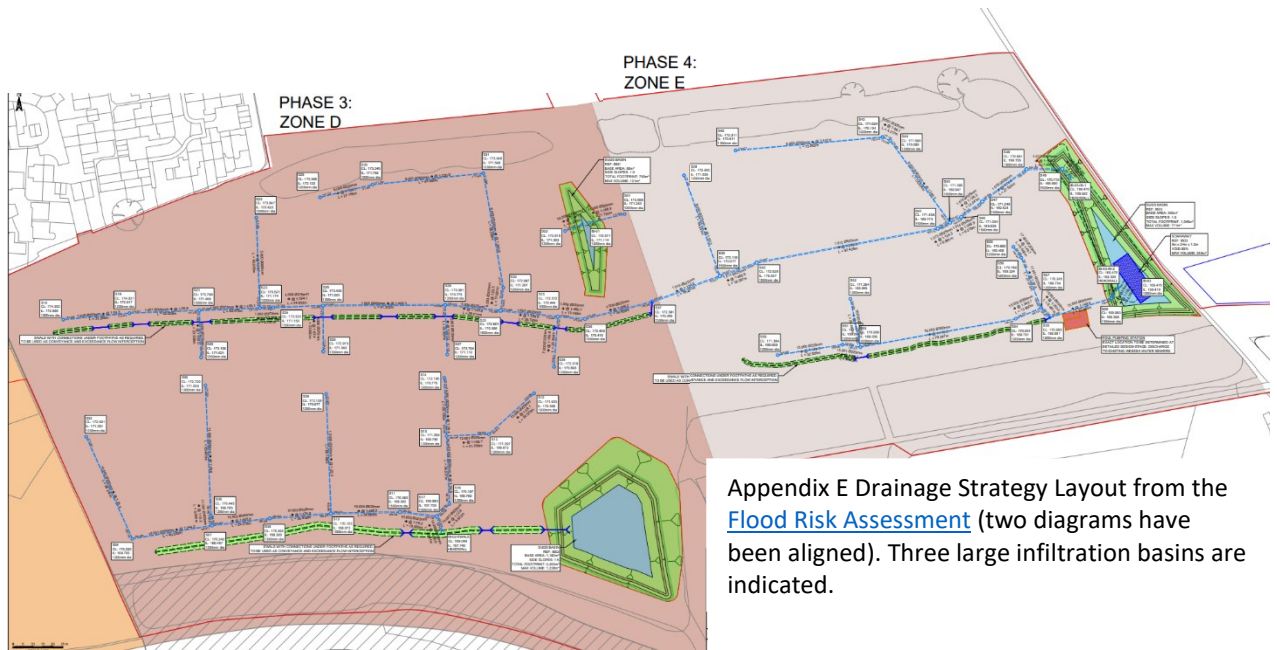
No details have been provided for the drainage of the proposed spine road through Sulis Manor grounds. This is a major omission that must be rectified and cannot be put off to a later date as this element of the proposal is a full planning application.

Infiltration basins

There are major inconsistencies between the [Design and Access Statement](#), the Parameter Plans and the [Flood Risk Assessment](#), which includes the Drainage Strategy. This results in confusion over what is actually being proposed.

The [Parameter Plan for the Drainage Strategy](#) states for Phase 3 and 4 *'Suds scheme to incorporate attenuation and infiltration as close to source as possible (ss SUDs Strategy)'*. Similar statements are made within the Design and Access Statement.

However, Appendix E of the [Flood Risk Assessment](#) has the Drainage Strategy Layout, and this shows three large infiltration basins with two on the eastern edge of Phase 3 and one on the eastern edge of Phase 4.



Appendix E Drainage Strategy Layout from the [Flood Risk Assessment](#) (two diagrams have been aligned). Three large infiltration basins are indicated.



Details from Left: [Drainage Strategy Parameter Plan](#) Right [Green Infrastructure Parameter Plan](#)
Neither Parameter Plan shows any indication of any of the three large infiltration basins.

It is instructive to look back at Phase 1 in relation to the drainage strategy. The [Drainage Strategy](#) submitted for Phase 1 had similar plans to utilise individual plot soakaways located through the site and included an 'Indicative soakaway plan and drainage strategy' showing how this might appear.

However, when Phase 1 was being developed a completely different approach was adopted. A drainage strategy update was submitted in July 2021 ([21/03211/COND](#)) to replace the localised approach with a single massive drainage pit outside the area allocated for development in Derryman's field.

In making the case for this change [the covering letter said](#): 'This responds to the requirement to have an offset of 5m from structures (NHBC), and also ensures that the surface water drainage system is appropriately managed and maintained – with the previously suggested system of numerous individual soakaways requiring management from numerous individual property owners.'

Both of these factors would have been known at the time of the original Phase 1 application.

A clear, consistent and coherent drainage strategy needs to be produced for Phases 3 and 4, and this strategy, if agreed, must be adhered to.

Ground conditions, Infiltration tests and Calculations

The [technical report](#) identifies significant concerns in relation to how the infiltration testing was conducted, errors in the calculations and queries over the safety factors that have been used. Given the issues relating to the permeability of the upper limestone layer and the instability of the underlying layer of Fuller's Earth these issues must be addressed before any planning application is taken forward.

Exceedance Flood routes.

Insufficient information is provided about exceedance flood routes. Currently the topography of the site would mean that any waterflow would flow to the south and into the steep wooded area to the south of the development. This area is defined as having a high landslide risk.

The issues relating to flood risk and drainage have to be resolved at this stage. The absence of any detailed drainage plans for the spine road and major issues, inconsistencies and omissions from the plans for Phase 3 and 4 mean that this proposal is not viable. It therefore does not meet PP3 and PP11.

On this basis application 26/01238/EOUT must be rejected.

7. Broader Impacts

7.1. Heritage impact

Policy B3a identifies the World Heritage Site (WHS), the Wansdyke Scheduled Ancient Monument, South Stoke Conservation Area and Sulis Manor as heritage assets in and around the South Stoke plateau that must be protected. The inadequate screening of the development will have an adverse impact on the WHS, the Wansdyke and South Stoke Conservation Area. There is still no Scheduled Monument Consent for a cycle crossing of the Wansdyke or viable alternative specified. Over 120 trees will be felled in Sulis Manor grounds to make way for the spine road despite both Policy B3a and a Tree Preservation Order specifying that they should be retained.

The proposal's impact on heritage is little changed from the previous application and fails to meet the requirement of PP6 to conserve their significance.

Paragraph 215 of the [National Planning Policy Framework](#) states that: *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'* The Inspector in his [2025 decision report](#), when assessing the overall planning balance, concluded that: *'The harm to heritage assets carries moderate weight'*.

Policy B3a PP6 has the requirement to 'Seek to conserve the significance of heritage assets' and identifies the 'World Heritage Site, Wansdyke Scheduled Monument, South Stoke Conservation Area and Sulis Manor as these heritage assets.

World Heritage Site

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 World Heritage Site's [Statement of 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 B3a identifies three criteria needed to 'conserve the significance' of this heritage asset.

- *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 area of built development extends too far south and there is minimal additional screening to 'limit the visibility of the development' (See Section 6.3). Building heights remain an issue (see Section 6.10) and there is still no agreed Masterplan (Section 5.1)

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

The eastern boundary treatment consists only of 'scattered trees' and is wholly inadequate to screen the development and therefore not 'appropriate' (see Section 6.4).

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

The minimal additional screening on the southern boundary (see Section 6.3) is inadequate to control light pollution.

Wansdyke Scheduled Monument

The Wansdyke is a Scheduled Ancient Monument and in addition to the statutory protection that this provides is also explicitly protected by [B&NES Policies](#) which states: *The Wansdyke is a nationally important heritage asset and is one of the most significant historical features within the area and is a Scheduled Monument.*

The current [Options document](#) for the next Local Plan is looking to: *'encourage development or improvements which would sustain/enhance or better reveal the significance of the Wansdyke'.*

PP6 states that any plans must *'avoid built development in the field immediately to the south of the Wansdyke'*. It is debateable whether a 3m wide Hoggin path across the centre of this field constitutes 'built development', but its impact would be greatly reduced if it was along the western boundary of this field (see Section 6.7).

What is not in debate is that the proposed dual-use crossing of the Wansdyke will require Scheduled Monument Consent. The [Frampton's Planning Statement](#) (Table 1.03) states in relation to the path crossing the Wansdyke: *'With regards the Wansdyke Scheduled Ancient Monument Consent has now been granted for the crossing over the Wansdyke.'* However, what it does not say is that Scheduled Monument Consent has only been granted for a footpath crossing the Wansdyke, an unfulfilled requirement from Phase 1. Neither the [application for this crossing](#), nor the [response from Historic England](#), make any reference to a cycle crossing.

The latest response from [Historic England of 22 May 2026](#) makes this clear:

'The crossing will require scheduled monument consent and this is not guaranteed. We recommend that alternatives to the crossing are explored if the new crossing is not granted SMC. If it is not granted SMC then the footpath across Great Broad Close will not be needed.'

The application does not include any alternatives.

Figure 5.3 of the [Travel Assessment \(pt1\)](#) shows a 'Proposed 3.0m Hoggin Path Connection to the Cross Keys'. This would have a major impact on this Scheduled Ancient Monument. It is not within the red line for the development or included in the [Environmental Statement App 10.5 West Wansdyke Setting Assessment](#). The inclusion of this upgrade to the path within the Travel Assessment is misleading.



Detail from Walk Route to Sainsbury's Bus Stops from the [Travel Assessment \(pt1\)](#) (Figure 5.3).

The inadequate screening on the eastern boundary (Section 6.4) and building heights that are as high as, if not higher than, Phase 1 means that this proposal fails to meet the requirement of PP5 to 'Limit development height and density in more prominent areas, such as higher ground and development edges'.

South Stoke Conservation Area

South Stoke Conservation Area abuts the southern boundary of Phase 4. The screening along the southern and eastern boundaries of the development are inadequate (see Sections 6.3 and 6.4).

Policy B3a references in relation to South Stoke Conservation Area both building heights and the crossing of the Wansdyke. Neither of these requirements have been met.

Sulis Manor

Sulis Manor is currently a non-designated heritage asset. It is on the Historic Environment Record so while not officially designated it is recognized as a [Locally Important Heritage Asset](#) as are the [Gardens](#).

Policy B3a PP6 requires that the Masterplan should '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'.

In the absence of the Masterplan, we have no information about any housing development in and around Sulis Manor (see Section 5.1). We do know that the spine road would require the removal of 120 trees (69 trees and 4 tree groups) all of which are protected by a TPO (see Section 6.8). This does not meet PP6 which requires the 'retaining the framework of the trees'.

The proposal's impact on heritage assets is little changed from the application which was rejected by both B&NES Planning Committee and the Inspector. The developers still do not have Scheduled Monument Consent for a cycle crossing of the Wansdyke and have not put forward any contingency plan should SMC be refused.

On this basis application 26/01238/EOUT must be rejected.

7.2. Biodiversity loss and flaws in the net gain calculations

The ecological assessment has overstated the gains and understated the losses that would result from this potential development. A roosting site for the very rare greater horseshoe bat would be lost to make way for the spine road and the alternative bat barns are still not being used by this species four years after they were put in place. It seems highly unlikely that the skylark mitigation site will be a suitable alternate breeding site being too small and surrounded by trees. It has not been possible to scrutinise the biodiversity net gain calculations but they appear similar to previous submissions which were deeply flawed.

The South Stoke plateau has a range of habitats and wildlife that need to be protected and enhanced as part of any proposal to develop the plateau. Policy B3a has specific requirements in relation to bats to have *'no artificial light adjacent to the protected tree belt'* and *'strengthen bat foraging and flight links with Horsecombe Vale'*. It also requires any development to *'safeguard skylark interest'*.

The Environment Act 2021 requires that planning permissions granted in England (with a few exemptions) deliver at least 10% biodiversity net gain (BNG). This requirement is included in B&NES Policy NE3a for major developments such as this.

The B&NES's response to the pre-application request in November 2025 stated that: *'Updated survey data will be required with any forthcoming application, as previous survey data is likely out of date given the period of time that has passed since these were undertaken'*. The only new surveys listed in the [Ecology Report](#) (para 4.1) that have been conducted since the appeal hearing in early 2025 are habitat condition surveys conducted for the BNG metric.

We have documented in previous objections to application 22/02169/EOUT that there has been a pattern with the ecological assessments where the potential losses are understated and the potential gains are overstated.

Bats

The South Stoke plateau lies within the Bath and Bradford upon Avon Special Area of Conservation for bats and the southern tree belt is described as a 'regionally important' foraging site for bats. 11 of the 15 species of UK bats have been recorded on the South Stoke plateau, the rarest of which is the greater horseshoe bat. The outbuildings to the north of the Sulis Manor, which would be destroyed by the spine road, are roosting sites for both greater and lesser horseshoe bats.

To compensate for the loss of this roosting site, two bat barns were constructed in 2022, one in the south-eastern corner of Derryman's field for lesser horseshoe bats and one on the northern side of Sulis Manor business park for greater horseshoe bats. The [Ecology Report](#) (para 8.5) states *'Monitoring of the barns in 2025 showed that both were being used by lesser horseshoe bats'* but no bat survey results for 2025 appear to have been included. The observation that after 4 years neither barn has been used by greater horseshoe bats is a significant concern and demonstrate that adequate mitigation for this particularly rare species has not yet been put in place.

In relation to the bat surveys the [Ecology Report](#) (para 8.4.3) describes observations that 'jump out' including *'that the data collected at Locations 23 and 25 also showed that, in 2024, bat activity in Derrymans field (which has been planted since the inception of Phase 1 of the development), has increased significantly compared with previous surveys'*.

The evidence does not show this. Two bat loggers (autonomous recorders of bat echolocation) were used in 2024 (see [2026 Ecology Report](#) Fig 11) and only one, in a different position, was used in 2021

(see [2022 Ecology Report](#) Fig 7). A like for like comparison is therefore impossible and it is incorrect to conclude that bat activity has increased significantly.

The [Ecology Report](#) (para 8.4.3) states in relation to the 2024 survey that: *'the northern tree belt is little used by horseshoes for foraging, when compared to other areas of the site'* and *'bats in general, and horseshoes in particular, made very little use of the central link along the northern tree belt (Location 28) as a flyway to get across the site'*.

This would appear to be a direct result of the removal by the landowners in October 2022 of the eastern section of this tree belt where it crosses the field known as 30 acres.



Images of the field known as 30 Acres before and after the central tree belt was removed

This removal was in spite of the advice from Natural England in their [response of 18th July 2022](#) to application 22/02169/EOUT that: *'the proposal should provide a linear vegetated corridor on the northern boundary of the application site to maintain this corridor'*. Prior to the removal of this section of the tree belt, the [2021 bat survey](#) (Fig 2.3.2) shows that the central tree belt acts as a corridor across the plateau used by greater (4 records) and lesser horseshoe bats (9 records) as well as four other bat species. The removal of this tree belt has therefore had a significant impact on the biodiversity on the site and this must be compensated for in any proposal.

Skylarks

The South Stoke plateau is a long-standing breeding site for skylarks. It is a feature of the site that brings pleasure to many people and is recognised within Policy B3a which requires that any development must *'safeguard skylark interest'*.

As part of application 22/02169/EOUT the [Ecology and baseline assessment report](#) (Table 13) reported probably 8 pairs of skylarks breeding on the plateau in spring 2020.



Skylark singing over South Stoke plateau

The [Design and Access Statement](#) states (p74) for the current proposal reports that *'only one pair of skylarks bred north of the site in 2024'*.

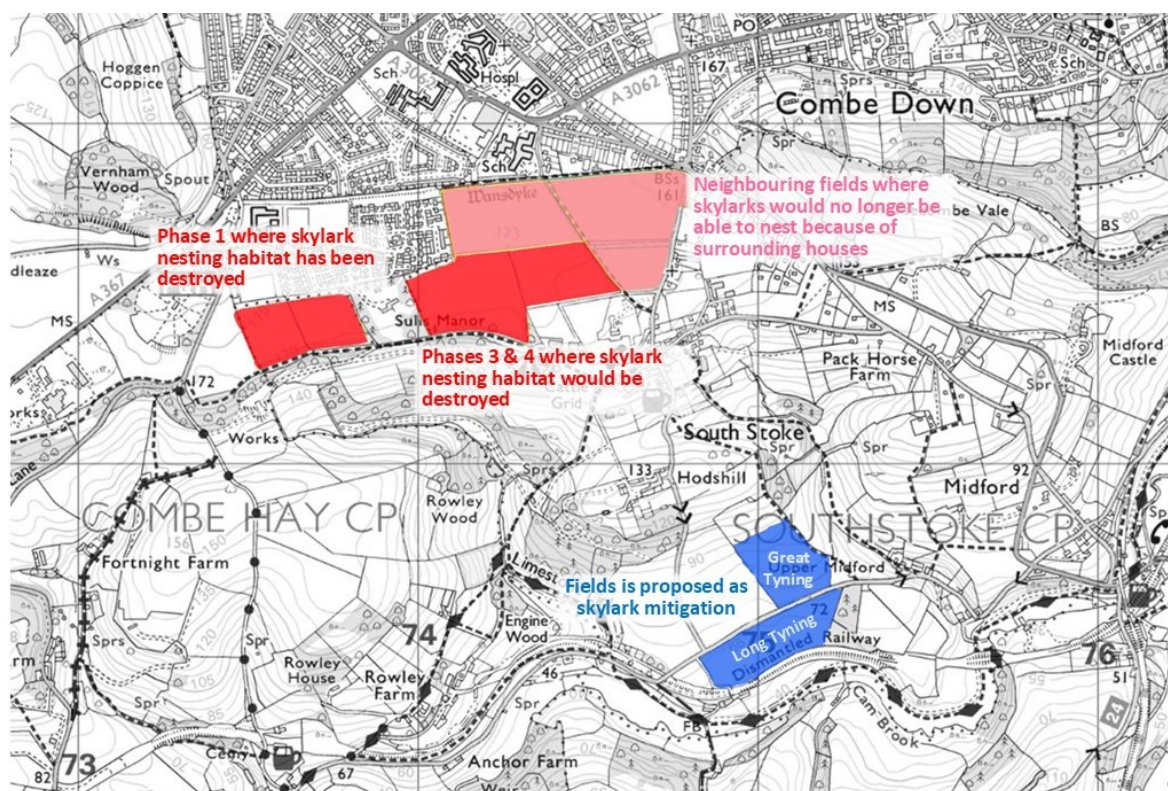
The [Ecology report](#) (para 9.2.2.5) states: *Whilst, at first, it looked like 3-4 territories were being defended and established, these gradually dwindled and, by the end of the survey period, only one remained active and lasted throughout the survey period (see Figure 18 below). This territory is located on the eastern side of Great Broadclose just to the north of the AS.*

To conclude from this that only one pair bred on the site is an incorrect interpretation of the observations that have been made in 2024. In optimal habitats skylarks can produce as many as 4 broods in a season. In arable fields, as the crop grows up, it becomes increasingly dense and difficult for the skylarks to nest meaning that later broods on that site are not possible. This is why 'skylark plots' are introduced. There are small areas where seed is not planted and enable skylarks to continue breeding as the crop matures.

Typically, it will take around 5 weeks between a skylark laying eggs and the young being able to fly. The period between the first and the last survey (21 April and 19 June) was 8.5 weeks. It therefore seems far more probable that the four territories observed in April did indeed breed and that the last observation was a second brood for one of the skylark pairs. The potential loss of skylarks from the development is being understated by the applicant.

Skylark compensation site

If Phases 3 and 4 go ahead as proposed nowhere on the plateau will be more than 100m from a house. This means that skylarks are likely to be lost from the entire plateau, not just the area being developed. Two fields within the Cam Brook valley are proposed as a mitigation site: Great Tynning and Long Tynning. The area of these fields is significantly less than half the potential breeding area for skylarks on the South Stoke plateau.



Map showing the actual and potential losses of skylark habitat on South Stoke plateau and the two potential fields (Great Tynning and Long Tynning) proposed for skylark mitigation.

Kestrel Wildlife conducted four surveys of Great and Long Tynning, saw a skylark on one occasion and do not believe any skylarks were breeding there. The question arises why not?

These fields do not have the open aspect of the South Stoke plateau favoured by skylarks. The fields are relatively small and are surrounded by trees. Kestrel Wildlife state that: *'we believe that the opportunity exists for the land to be managed differently to favour the establishment of breeding skylarks in the future, through different farming regimes and/or the establishment of skylark plots.'* No further specifics are provided.

The government has set up within their countryside stewardship scheme incentives for farmers to encourage skylarks through the creation of skylark plots. It recognises that the fields need to be large and not surrounded by trees. Neither Great Tynning nor Long Tynning meet these criteria. In their conditions for grants [AB5 – Skylark plots](#) the requirements make this clear: *‘Where this option cannot be used – In parcels bounded by tree lines or adjacent to woods, unless the parcel is larger than 10ha’*.

Great Tynning is 5.7ha, Long Tynning is 5.4 ha.

HFT has had seven years since the approval of Phase 1 to set up a suitable skylark compensation site and determine whether or not it will support breeding skylarks. They have not.

Biodiversity Net Gain calculations

The [Planning Statement](#) (para 7.70) states that the Biodiversity Net Gain Assessment shows that a 10% net gain can be achieved. However, it has not yet been possible to interrogate this in detail. The [BNG Metric](#) spreadsheet supplied has a message saying ‘Input error/rule break in metric’ and as a result it has not been possible to see the evidence for a 10% gain.

However, the approach taken and the results declared appear very similar to the calculations submitted as part of 22/02169/EOUT which have been analysed in detail. SOBA, in its [objection from March 2023](#), identified a number of issues with these calculations for example:

- No account is taken on the impact of the development beyond the footprint of the new houses. For example, the light from the new houses will have an impact on the foraging behaviour of the nationally important bat population in this area. The whole of the eastern plateau will no longer be able to support nesting skylarks – neither of these factors are taken into account.
- No consideration is given to important species. For example, the loss of roosting sites for greater horseshoe bats are not considered in the BNG calculations.
- Skylarks are identified in the strategy (Policy B3a) as important and therefore, if the model was being used correctly, the area where they breed would be given a greater weighting.
- HFT has already reduced the biodiversity on the plateau before the development starts with the removal of part of the northern tree belt.
- Analysis of the data within the applicant’s Arboricultural Impact Assessment shows that their BNG calculations understates the biodiversity loss from the trees scheduled to be felled in Sulis Manor grounds.

There is a detailed analysis of the BNG calculations submitted for application 22/02169/EOUT in the [SOBA Objection Update](#) (Section 10 and Appendix A).

There are serious issues with the mitigation plans put forward with the current application. Four years after the alternative roosting site was put in place the greater horseshoe bats are not using it. The skylark mitigation site is unsuitable for skylarks as evidenced by the fact they don’t currently breed there, with no plan put forward as to how to make it suitable. The biodiversity net gain calculations appear flawed and will not deliver a genuine gain in biodiversity.

On this basis application 26/01238/EOUT must be rejected.

7.3. Traffic and Travel

No new traffic monitoring or modelling has been undertaken and the flaws with the previous application remain. No measurements have been made by the applicant of actual queue lengths at the major junctions in the area which means there is no evidence that they are operating within capacity. A model, such as VISSIM, needs to be used so that it is possible to simulate the interaction between junctions. The traffic impacts of major developments proposed in the next Local Plan must be included in any assessments. The developers predict a 15% reduction in car journeys as a result of increased bus and cycle use by the residents of Sulis Down without any evidence of whether this has been achieved by Phase 1.

Traffic

Bath's traffic issues are well documented. According to a [2024 study](#) Bath is the 5th most congested urban area in the UK. In general, the congestion in a UK city is linked to the population of that city; 7 of the top 10 most congested UK cities are also in the top 10 for population. Bath is the 5th most congested city in the UK yet only 84th in terms of population.

There is therefore a significant issue that has not been dealt with as Bath, and the associated traffic, has grown over the last few decades. To address this a [B&NES Transport Methodology](#) has been agreed for the new Local Plan which identifies the need for microsimulation modelling, such as VISSIM, to assess the impact of proposed new developments. B&NES have developed a VISSIM model for four potential locations for growth, one of which is the A367 route into Bath from the south-west. This approach is being used for example for the [Somerset Valley Enterprise Zone](#). With a recent proposal in Keynsham [24/02029/FUL](#) B&NES have used VISSIM modelling to assess the impact of a Planning Application. The Planning Officer is recommending refusal on the basis that the modelling undertaken indicates the development would create significant queuing.

This approach to modelling has not been taken with either the current or the last application. The [latest travel assessment](#) submitted by Tetra Tech on behalf of the Hignett Family Trust is very similar to that which was submitted with the previous application (22/02169/EOUT) and the flaws that were there remain.

There is no new traffic monitoring or modelling. This means that Tetra Tech has still not undertaken any measurement of actual queue lengths. On the northbound approach to the Park and Ride roundabout their models predict ([para 7.17.1](#)) a maximum queue waiting times of 16.2 seconds and 4.4 vehicles. A 2024 survey conducted by the Parish Councils showed that peak queues were up to 12 minutes.

In the summary, the [Travel Assessment](#) concludes (para 12.1.7) '*all junctions are forecast to continue operating within capacity.*' Given that no actual queues have been measured it is not even possible to conclude that any of the junctions are **currently** operating at capacity. The findings of the [Parish Council survey](#) are confirmed by Google traffic and also multiple objections raised by local residents. These clearly indicate there is a significant problem that is being ignored.

In addition to the existing traffic there is likely to be significant growth in the coming years. The [Options Document for the next B&NES Local Plan](#) proposes around 6,000 more houses in the Somerset valley. This will increase the pressure on the A367 route into Bath, which reaches a choke point at the Park and Ride roundabout. The impact of this increased traffic with and without this proposed new development must be modelled.

Tetra Tech is assuming that car use will be reduced by 15% because there will be an increase take up of bus travel and cycle use (see [Interim Travel Plan](#) page 87). Access to buses and potential cycle routes for this proposal do not meet national standards for new developments.

Bus travel

Since the site was allocated in 2013 there has been a significant reduction in bus services affecting the sustainability of the site. There are no bus stops planned for within the site.

The [Transport assessment](#) states (para 4.9.3): *'The site is located within proximity of the Odd Down Park and Ride'* but does not say how close. Phases 3 and 4 are between 0.7 and 1.25 km from the Park and Ride bus stop. 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.

Cycle travel

The [Movement Strategy for Bath \(2025\)](#) highlights the issues faced by cyclists in Bath. It says: *'The topography of the city presents challenges to people who live further away from the city centre to walk, wheel or cycle to work. Cycling is more popular in areas with fewer hills and in areas of green space, demonstrating that physical characteristics have an impact on active travel.'*

The [Travel Assessment](#) repeats the rather bizarre assertion in relation to topography that (para 4.3.6) *'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.'* No such reference is made in either the [committee report](#) or the [decision notice](#) for Phase 1. It seems unlikely that the fact that 17/02588/EFUL was consented is a factor when someone makes a decision on whether to cycle or not.

[Sustrans guidance](#) for cycle routes is that a 5% gradient should have a normal maximum length of 100m. 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. This is 26 times longer than the Sustrans recommendation.

In the absence of a new survey, it is not possible to assess whether Phase 1, which is now fully occupied, is delivering the 15% reduction in car use being assumed in the models.

It is therefore necessary that a new traffic survey and modelling is conducted which:

- Measures actual queue lengths to determine if junctions are currently operating at capacity.
- Uses a microsimulation model, such as VISSIM, to allow for interaction between junctions.
- Includes an assessment of whether there has actually been a 15% reduction of car use by Phase 1 residents, and therefore if this is a realistic assumption in future modelling.
- Includes the additional traffic from the housing proposed in the next Local Plan Options document.

Without this it is not possible to determine the impact of the new development on the already congested road network.

On this basis application 26/01238/EOUT must be rejected.

7.4. Impact on Local Services

The development would place additional pressure on already stretched local services, such as health and education. Past experience shows that the developers go to considerable lengths to avoid making any contributions to these services. This proposal either promises nothing or relies on vague future commitments. It therefore fails to show that its impacts on essential local services would be adequately addressed.

A development of this scale will increase the pressure on local educational services and health provision.

No contribution to health services is specified. There is only a vague promise in the [Planning Statement](#) to 'be included, if required, in the s106 heads of terms'.

No contribution to education is specified other than the Planning Statement saying 'it has been agreed with the Council that any required funds for education will be agreed through the S106'.

However, we know from the previous application (22/02169/EOUT) that the Hignett Family Trust have gone to considerable lengths to avoid making such contributions as detailed below.

Health

For the 2022 application the [Royal United Hospital Trust](#) stated:

'This proposed development will individually and cumulatively have a short and long-term impact on the Trust services and facilities. Without the mitigation of the impact by way of the developer contribution, the impact will have a detrimental socio economic impact making the development unsustainable.' (para 5).

They go to quantify this as follows:

'Therefore, the contribution requested for this proposed development of 290 dwellings is £276,843'.

HFT engaged consultants ([EHP report 26 May 2023](#)) who concluded that HFT need not make any contribution towards the secondary healthcare costs of the RUH.

Education

With the previous application [B&NES Educational services requested in June 2022](#) that the Hignett Family Trust make a contribution for 57 additional secondary school places amounting to £1,026,798.

HFT's response was again to commission a [report from EHP Consultants Limited](#) which was submitted in May 2023. This argued that HFT's contribution to the educational services in B&NES resulting from their proposed development should be nothing.

[B&NES Education Services Consultation Response of 20th April 2026](#) identifies a shortfall in the provision in this area and that a developer contribution will be required to create additional local capacity. The scale of this contribution is yet to be quantified. They also identify a requirement for additional capacity for pupils with Special Educational Needs and Disabilities. This has been set at £294,372.

We know that Welbeck Land, who have submitted this application on behalf of the Hignett Family Trust, have argued that Section 106 contributions from landowners should be reduced (see Section 6.1). It seems likely therefore that Welbeck Land will again push to reduce the cost to their client by reducing their Section 106 contributions.

Proportionate contributions to education and health services must be secured as part of this application. Currently they have not.

On this basis application 26/01238/EOUT must be rejected.

8. Public Engagement by the Applicant

Welbeck Land conducted a community engagement event that was well attended. 655 responses to their feedback form were received. They have not identified a single instance where the proposals have changed as a result of this feedback. On this basis, the exercise carries little weight as evidence of genuine community involvement.

The [National Planning Policy Framework](#) states in paragraph 40 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 PP2 requires the developer to consult on their proposal for a Comprehensive Masterplan. In January 2026 Welbeck conducted a consultation event also using social and local media, and a leaflet drop. A physical and on-line feedback form was provided. Some of the results from this feedback form and interactive map are included as part of the application.

The feedback form consisted of 11 questions. Question 9 was ‘How do you feel about the proposals at this stage?’ The result was 72% not supportive, 18% Neutral/Unsure and only 10% Supportive.

The developers state in the conclusion of their [Statement of Community Involvement](#) that (our bold):

All feedback received has been reviewed by the project team and **has informed the evolution of the proposals**. The revised scheme responds directly to the issues raised through consultation, as well as to the findings of the previous appeal decision and adopted planning policy.

Section 6 of the Statement of Community Involvement details the ‘Response to key issues’. It identifies 11 ‘themes’ that have been identified as part of this consultation process. There is not a single example of where the plans have changed to respond to the feedback from the community.

The concluding paragraph states:

‘The applicant considers that the consultation undertaken has been proportionate, transparent and meaningful, and that it has provided valuable insight into local priorities.’

It is debateable whether it has been *proportionate*. The display was only available on a single day and the period for feedback was 2 weeks.

It has not been *transparent* – the individual responses have not been made publicly available so that it is possible to review and analyse the points that have been made by the community.

It certainly has not been *meaningful*. It has been a meaningless public-relations exercise from which they have been unable to identify how it has led to a single change to the proposals.

This has not been the ‘engagement’ required by the NPPF or the ‘consultation’ specified in Policy B3a. It has been show, tell and ignore.

On this basis application 26/01238/EOUT must be rejected.

9. Overall Assessment

The latest proposal delivers less benefit than the 2022 one as it delivers fewer houses. Given that the impact on the Cotswold National Landscape and Heritage assets is almost identical, and no additional mitigation has been put in place, it is clear that the application must be rejected.

In coming to his overall assessment of the 2022 application (para 127 and 128 of the [Appeal Decision](#)) the Inspector looked at the balance between the benefits of the delivery of housing, including affordable housing and the adverse impacts on the CNL, to which he assigned substantial weight, and the harm to heritage assets to which he assigned moderate weight.

He goes on to say (our bold):

***On balance, given that CS Policy B3a limits development within the site allocation to around 300 dwellings unless all the placemaking principles can be met, which is not the case here, my conclusion is that the adverse effects outweigh the benefits.** The proposed development would be contrary to the development plan taken as a whole, and there are no material considerations to indicate that planning permission should otherwise be granted.*

The benefits of this proposal compared with the 2022 one has been reduced as it plans to deliver 200, rather than 290, additional dwellings. As even 200 additional dwellings would pass the threshold of 300, then it has to be rejected unless the adverse impacts on the CNL have been very substantially reduced.

It is very clear to us that they have not.

The Masterplan Testing (see Section 6.6) shows that in terms of visual impact from within the Cotswolds National Landscape the current scheme is almost identical to the closest match to the 2022 proposal that the Inspector found unacceptable. The developers have included the 2022 scheme as 'Scenario 1' but prevented any direct comparison by not including any visual mock ups for this scenario.

The additional mitigation that the Inspector demanded has not been put in place. The difference in visual impact of reducing the building heights is barely perceptible (see Section 6.6). The built development has not been set back further from the southern edge of the plateau and the additional woodland planting is minimal (see Section 6.3).

It is clear that the development has not addressed the issues raised by the Inspector and fails to meet many of the Placemaking Principles as detailed above.

On this basis application 26/01238/EOUT must be rejected.

10. Conclusion

The South Stoke plateau provides an accessible flat green open space for walkers and is highly valued by the local community. As the Inspector observed in 2025: *'Despite the proximity of the urban edge, Phases 3 and 4 are relatively tranquil locations at present' and 'with attractive panoramic views across the hills and valleys to the south'.*

Since Policy B3a was adopted, the protections afforded National Landscapes have been significantly strengthened in both National and Local Planning Policies. It seems highly probable that had these policies been in place when B&NES's current Local Plan was being prepared that Policy B3a would not have been approved.

Since then, and despite these increased protections for the National Landscape, the Hignett Family Trust have continued to push past the boundaries of what was envisaged within Policy B3a and way past what is acceptable as judged by local and national planning policies.

Now that Phase 1 has been built it is clear that it is far more visible than the mock-ups submitted with the application promised. Policy B3a allows for 'around 300' on the South Stoke plateau and we argue that this should now be considered a cap since Phase 1 has not met the Placemaking Principles and the current proposal will not meet them either.

The developers claim that their latest proposal is landscape-led. It is not. They have ignored three independent reports commissioned by B&NES and come up with a revised scheme that their own assessments show has an almost identical visual impact to the one rejected by the Inspector.

The Planning Inspector concluded for the 2022 application that:

'The proposed development would be contrary to the development plan taken as a whole, and there are no material considerations to indicate that planning permission should otherwise be granted.'

His conclusion applies equally to this proposal.

On the basis of failing to address the findings of the Planning Inspector in 2025, and multiple breaches of local and national planning policies, application 26/01238/EOUT must be comprehensively rejected.

Appendix A – Planning Policies that relate to development within the National Landscape

Paragraph 11 of the [National Planning Policy Framework](#) addresses the ‘Presumption in favour of sustainable development’.

For ‘decision-taking’ this address impact on the granting of permission when the development plan policies are not up to date and the circumstances under which it does not apply.

This makes clear that the absence of a 5 year housing supply does mean that the Local Plan is currently out-of-date, and permission should be granted unless the protections afforded protected areas, such as National Landscapes, provide a strong reason for refusing the development.

- 11d *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, **granting permission unless:***
- i. ***the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed;** or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹*

⁷ *The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, **a National Landscape**, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; **designated heritage assets** (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.*

⁸ *This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.*

⁹ *The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12.*

How are the National Landscape / AONB protections defined within National Planning Policy and how have they been strengthened in recent years?

National Planning policy is defined within the National Planning Policy Framework (NPPF) which was first published in 2012. The [latest version was published in December 2024](#).

The protection of the AONB is specified is now in paragraphs 189 and 190 of the NPPF (prior to September 2023 these were paragraphs 176 and 177).

The areas marked in red and green below highlight additions to these paragraphs of the NPPF since both the 2014 Inspector’s report and the committee meeting which decided Phase 1 on 6 June 2018.

*189. 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. The conservation **and enhancement** of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads⁶⁶. **The scale and extent of development within all these designated***

areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

190. *When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, ~~Planning~~ permission should be refused for major development⁶⁷ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:*

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*

⁶⁶ *English National Parks and the Broads: UK Government Vision and Circular 2010 provides further guidance and information about their statutory purposes, management and other matters.*

⁶⁷ *For the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*

The text in red was introduced on 24 July 2018

The text in green was introduced on 20 July 2021 when it was split into two paragraphs.

The text in blue is only the change in paragraph and footnote numbers in September 2023

How have the AONB protections changed since the Inspector’s report in 2014 and the decision around phase 1?

NPPF has been through a series of iterations since it was initially published in 2012

- [Latest pdf version – December 2024](#)
- [archived pdf versions 2012 - 2023](#)

The highlighted section above, indicate the changes that were introduced in 2018 and 2021.

The key changes have been:

In July 2018

- The inclusion of the phrase: *‘The scale and extent of development within all these designated areas should be limited’.*
- Changing ‘Conserving’ to ‘Conserving and enhancing’ in relation to both *‘landscape and scenic beauty’* and *‘wildlife and cultural heritage’.*
- The addition of a footnote in relation to what is a ‘Major development’

In July 2021

The sentence: *‘The scale and extent of development within all these designated areas should be limited’* which was introduced in 2018 was amended to add *‘while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.’*

All these points significantly strengthen the protection of the South Stoke plateau given that it lies within the AONB.

New Planning Guidance issued since 2014

In addition to the requirement for local authorities to comply with the Planning Policy in the NPPF the [Planning guidance](#) issued by the UK government in relation to the NPPF and Natural Environment was also updated in July 2019 to strengthen the protection of AONBs.

What are the statutory duties of local planning authorities in relation to National Parks, the Broads and Areas of Outstanding Natural Beauty?

[Section 11A\(2\) of the National Parks and Access to the Countryside Act 1949](#), [section 17A of the Norfolk and Suffolk Broads Act 1988](#) and [section 85 of the Countryside and Rights of Way Act 2000](#) require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated. A list of the public bodies and persons covered under 'relevant authorities' is found in [Defra guidance on this duty](#) (PDF, 95KB), and Natural England has published good practice guidance.

This duty is particularly important to the delivery of the statutory purposes of protected areas. It applies to all local planning authorities, not just National Park authorities, and is relevant in considering development proposals that are situated outside National Park or Area of Outstanding Natural Beauty boundaries, but which might have an impact on their setting or protection.

Paragraph: 039 Reference ID: 8-039-20190721

Revision date: 21 07 2019

Therefore B&NES 'shall have regard' to the purposes for which the Cotswolds AONB is designated. One of these purposes is '*to conserve and enhance the natural beauty of the Cotswolds*'.

As part of the LPPU the revised [Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update](#) reads:

Policy NE2: Conserving and Enhancing the Landscape and Landscape Character

4. Great weight will be afforded to conserving and enhancing landscape and scenic beauty of designated Areas of Outstanding Natural Beauty (AONBs), and with particular reference to their special qualities.

How should development within National Parks, the Broads and Areas of Outstanding Natural Beauty be approached?

The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its 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. Effective joint working between planning authorities covering designated and adjoining areas, through the preparation and maintenance of statements of common ground, is particularly important in helping to identify how housing and other needs can best be accommodated.

All development in National Parks, the Broads and Areas of Outstanding Beauty will need to be located and designed in a way that reflects their status as landscapes of the highest quality. Where applications for major development come forward, [paragraph 172 of the Framework](#) sets out a number of particular considerations that should apply when deciding whether permission should be granted.

Paragraph: 041 Reference ID: 8-041-20190721

The proposed development, located as it is on the edge of the city of Bath is clearly meeting unmet needs from adjoining (non-designated) areas outside the AONB. As was made clear in the [Cotswolds Conservation Board objection of 4 August 2022](#):

'In our view, and in the absence of any evidence provided to the contrary by the applicant, the construction of the 171 dwellings that have already been granted planning permission is likely to have more than addressed the housing need arising within this part of the AONB. Therefore further homes will likely be accommodating housing need arising outside of the AONB, principally from the urban area of Bath.'

The presumption in favour of sustainable development

Paragraph 11 of the National Planning Policy Framework relates to the presumption in favour of sustainable development for both plan-making and decision making.

11. Plans and decisions should apply a presumption in favour of sustainable development.

[...]

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.**

Footnotes

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and areas at risk of flooding or coastal change.

⁸ This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also paragraph 232.

⁹ The policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12