

Banes Placemaking Plan

Bathampton Meadows Alliance, response to consultation on Main Modifications.

1. Introduction

This representation is made by the Bathampton Meadows Alliance (BMA) and is concerned with MM20 Park and Ride (P&R). It is BMA's primary submission that policy ST6 should, by reason of unsoundness, be deleted in its entirety from the draft Placemaking Plan.

If, notwithstanding this, the Planning Inspector considers that a Development Management Policy applicable to P&R is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound. ST6 as currently drafted is not consistent with the NPPF and there is potentially a factual inaccuracy in paragraph 623 which should be corrected.

1.1 Modifications to ST6

With reference to PINs guidance, Procedural Practice in the Examination of Local Plans, paragraph 1.3 it is unclear whether the Inspector herself put forward amendments to ST6 to make it sound, or whether she has offered the council the opportunity to amend ST6. The latter would appear to reflect the discussion between the Council and the Inspector at the Placemaking Plan (PMP) hearings in September 2016, where the inspector gave an indication that in her view, each limb of ST6 would need to be considered in its own right and that the drafting did not allow benefit to be weighed against harm.

2. The Council's independent site selection process.

BMA considers that paragraph 623 should be deleted on the grounds that it is misleading and potentially inaccurate.

ST6 is described in the SEA as a "Development Management Policy". Yet the whole of paragraph 623 is concerned with a council process on site selection that is entirely independent of the Placemaking Plan. The fact that the Council has selected various sites for examination, and has conducted their own alternatives appraisal of these, on its own terms and without independent scrutiny is irrelevant to the PMP. Reference to this in the PMP risks an inference that the PMP has sanctioned this process and any sites that may be brought forward as a result of it.

2.1 Cabinet report and decision of 25th January 2017

The Inspector's attention is specifically drawn to the fact that MM20 as currently expressed, potentially contains an inaccuracy that must be amended. In paragraph 623 it is stated:

" No final decision has been made on a preferred site."

At its Cabinet meeting on 25 January 2017, B&NES Cabinet resolved to promote one of two sites for a new P&R east of Bath, with the final choice to be made by Place Strategic Director and a single cabinet member 'within a reasonable timescale' (specified in the meeting as about 4 weeks). The determining factors in the final choice will be whether arrangements for land purchase and agreement from Highways England on access can be obtained on the preferred site within this time-frame.

Notwithstanding the fact that this decision has been called for scrutiny on the 23rd February 2017, it is likely that the statement "No final decision has been made on a preferred site" will be incorrect by the time the inspector considers the consultation responses on the Main Modifications.

The BMA is concerned that despite the current consultation on Main Modifications, including ST6, the council has stated that 'informal discussion' has taken place with the Planning Inspector and that significant weight can be given to the original draft of ST6. We do not believe this to be correct. In its report to Cabinet on P&R on the 25.1.2017 the Council stated:

The Council has received informal comment from the Planning Inspector regarding the main modifications to the Placemaking Plan. The Inspector has advised that the modifications required are largely those set out by the Council during the Examination hearings and she has confirmed that she is not proposing any additional modifications. This means that Policy ST6 (see paragraph 4.16 below) can be afforded significant weight.

At paragraph 4.16 the Council has then set out the original version of ST6 rather than the amended version on which it is now consulting. They have not drawn Councillors' attention to the new draft version of ST6 in the Main Modifications.

At 8.1 of the report the Council advised Cabinet that;

The technical work that has been undertaken identifies a need for an east of Bath P&R and this was accepted by the Inspector at the recent Placemaking Plan Examination.

BMA understands that the Planning Inspector is not at liberty to have informal discussion with the Council or anyone else, and that all information about the process must be in the public domain. There is no published evidence to suggest that the Inspector has accepted that need for an east of Bath Park & Ride has been established. This is not surprising since:

- a) at the public examination hearing on 22 September 2016, the Council's Planning Policy team manager Richard Daone conceded, in response to a direct question from the Planning Inspector, that need for park and ride would have to be tested; and
- b) In her closing remarks to the public examination, on 14 October 2016 (ID/16), the Planning Inspector confirmed she would proceed to give further

consideration to whether the submitted PMP is sound, having particular regard to the matters identified and in light of all written representations and discussions at the hearings.

It is quite improper of council officers to have represented to Cabinet that the Planning Inspector had expressed a view on such an important matter. Such statements from the Council cause concern and confusion about the status of the emerging PMP, including as to the weight that can now be afforded to ST6 and as to the likelihood that sites that have been promoted by the authority outside the PMP process will, when tested, meet the requirements of the local plan and national policy.

If ST6 remains in the PMP it must be made clear that no sites have been allocated or approved by the PMP, and that any site for an East of Bath Park & Ride will need to be tested against the requirements of the NPPF and local planning policy (including this emerging placemaking plan) and as such there can be no implication that the sites have been sanctioned by the plan.

3. ST6 to be deleted from the Placemaking Plan

BMA contends that policy ST6 is not sound and should be deleted from the plan on the grounds that it is not justified or effective. ST6 is not justified because it is not the most appropriate strategy to remove traffic from the city, when considered against reasonable alternatives. It is not effective because it is unlikely that an east of Bath P&R can be delivered. Deletion of ST6 would render the redrafted paragraphs 622, 623 and 624 superfluous and these too should be deleted.

Deletion of ST6 would not affect the delivery of the PMP since any application for P&R can be adequately assessed by reference to the NPPF and other material considerations, including other policies in the local plan such as ST7.

It is also the case that since the PMP was launched new evidence has emerged that question the benefit of P&R and that alternative transport solutions have become available to the council. These are better aligned with the most recent DEFRA guidance (2016) on tackling poor air quality and the fact that DEFRA has recommended to BANES that their Air Quality Action Plan should be integrated with the Transport Strategy.

3.1 Expansion of P&R has not been justified

The Council has continually changed its case regarding the objectives that P&R will meet; this undermines the argument that there is a specific and properly evidenced need which the P&R is designed to address.

In Volume 1 of the draft Placemaking Plan the council states that P&R will:

‘reduce vehicle movements into the constrained city centre’ (para 101, p28).

At Paragraph 279 the council specifies this as commuter traffic:

'Creation of one or more Park & Ride sites on the eastern side of the city to reduce commuter traffic.' (p138)

The Council has now conceded that a P&R to the east will have very little impact on the current traffic problem. Therefore, this "need" falls away. The Council has instead changed its justification to one of supporting future economic growth. P&R was not identified as contributing to Objective 4 in the original SAR, but in the January 2017 revised SAR, it has been identified as having a "minor positive impact". It appears that the Council has added economic growth as justification to replace those that have fallen away, but without a proper evidence based assessment of the way in which P&R would contribute to this aim.

The inspector will recall that in the summer of 2016 she raised a number of issues about P&R (matter 15) as part of the PMP examination process, including at Q3, which asked whether the provision of an east of Bath P&R is justified. In response to this question the Council expanded their justification for P&R to include the following;

- to reduce congestion within the city and around our off-street car parking sites
- P&R is successful and financially sustainable
- the Royal United Hospital (RUH) has expressed support for a Park and Ride site to the east of the city,
- to reduce carbon emissions from transport;
- to support the city's economic development and Enterprise Area

The consultation on the Main Modifications is the first opportunity BMA has had to comment on these revised justifications. Taking each of these in turn it can be seen that none provide adequate justification for large-scale expansion of Park and Ride, nor has it been demonstrated that this provides the best solution to any of the problems identified by the council. These are considered below.

3.1.1 To reduce vehicle movements into the constrained city centre

This is a similar justification to the one given in response to the inspector's question; 'to reduce congestion within the city and around our off-street car parking sites'

The Council conceded, in answer to the inspector's question 2 of matter 15 that a P&R to the east will not reduce congestion in the city;

'the traffic management proposals for Bath will seek to 'hold' or maintain the existing capacity of the highway network but not increase it to any notable degree. As such, they are not expressly dependent on a wholesale removal of existing car trips to Park and Ride or other modes to make them viable and acceptable. However, the existing central area network will cater for very limited traffic growth going forward, and it is equally the case that the traffic management changes proposed will not alter this position

The council has not yet completed its parking review (required by the Transport Strategy 2014) and has not revealed how much long stay parking it plans to remove or how much short-stay parking would be re-provided within new development. But the leader Tim Warren has given assurances to business indicating that 500 new

short stay spaces are planned.¹

If the intention is to reduce congestion, including around off street parking sites this approach is seriously flawed. Short stay parking will induce more traffic movements not less, as the spaces will be used more times though out the day. For example, if 1000 long stay parking spaces were exported to P&R and replaced by 500 short stay spaces, and if those short stay spaces were used 3 times per day rather than once, that would result in 1500 return trips each day and a 50% increase in traffic around those car parks. To this would need to be added the extra P&R buses.

3.1.2 To reduce commuter traffic

The Council's own parking data has been analysed by Andrew Lea² of the Bathampton Meadows Alliance. This shows that at 9am when one would expect commuters to be at work P&R is only 24% full (fewer than 700 spaces occupied across the city), it is therefore clear that very few commuters are using P&R. The Council has not challenged Andrew Lea's analysis; indeed his results are confirmed by Transport Evidence Explanatory Note CD/PMP/B27 albeit with CH2M additionally analysing P&R usage with Sundays excluded.

The CH2M (2014) report originally stated that between 7am and 10am an east P&R of 1600 spaces would remove 1314 traffic movements off the London Road and that between 3pm and 7pm it would remove 1621 vehicles off the London Road. But CH2M now concedes that the impact would be far less than they originally thought:

The 'net' reduction effect in both cases is around 100 vehicles, which is much lower than the overall patronage estimates set out for the different Park and Ride scenarios in Core Documents CD/PMP/B26 and CD/PMP/B22. (Source: B&NES Explanatory note CD/PMP/B28)

3.1.3 P&R is successful and financially sustainable

The Transport Evidence Explanatory Note CD/PMP/B27; Bath: Park and Ride Expansion is not fully quantified, and gives the impression that use of Park and Ride has increased since additional spaces were provided under the Bath Package. In fact the opposite is true, with Odd Down in particular performing badly even with the inclusion of the RUH bus. Where actual figures are reported, this shows that;

- At the busiest time of day, maximum occupancy is on average 63% (excluding Sundays)
- There are 1022 free spaces in P&R at the busiest time of day
- There are on average more than 500 free spaces in Odd Down at the busiest time of day.

When the peak occupancy figures provided by CD/PMP/B27 are compared with peak occupancy figures provided in the 2009 planning application for expansion of P&R under the Bath package it can be seen that use of P&R has fallen by 125 over the 3 sites since 2009. Lansdown shows a modest increase, Newbridge remains broadly

¹ Visit Bath Tourism business conference 1.9. 2016

² Andrew Lea is an Insights professional with 30 years experience of data analytics.

unchanged and Odd Down shows a dramatic decline.

	Expansion completed	Pre/post expansion capacity	Pre expansion maximum	Post expansion maximum	Net change
Newbridge	Aug 15	450 to 698	450(100%)*	454 (65%)**	4
Lansdown	Feb 13	437 to 837	437(100%)*	494 (59%)**	57
Odd Down	Nov 12	1022 to 1252	850 (83%)	664 (53%)	(186)
Combined		1909 to 2787	1737	1612	(125)

*2009 planning application ** Transport Evidence Explanatory Note CD/PMP/B27; Bath: Park and Ride Expansion, ch2mhill April 2016

Banes Cabinet on the 27th January 2017 considered a report on the east of Bath P&R which claimed that P&R use had increased by 16% since 2009. This is incorrect; the evidence presented shows only that use of P&R buses has increased by this amount. Passengers can board along the route and therefore this is an argument that bus use has increased, not that the use of P&R has increased.

Cabinet on the 27th January 2017 selected two potential sites for an east of Bath P&R. They did this without a business plan. The limited financial information in the cabinet report indicates that these sites would not be financially sustainable, but would require ongoing subsidy. Cost benefit analysis of these sites is discussed further at 4.2

3.1.4 The Royal United Hospital (RUH) has expressed support for a Park and Ride site to the east of the city

The Council relies upon a model by Mott MacDonald to estimate the potential demand for an East of Bath P&R. This model has been extended to show the impact of adding a bus service from an east of Bath P&R to the Royal United Hospital (RUH) located west of the city. This increases the forecast demand by up to 50% (from 977 to 1411).³

However, evidence was given to the Cabinet meeting of the 27th January 2017 that the RUH has not provided figures to the Council for likely P&R usage, nor have they been asked to verify figures calculated by anyone else. Additionally that the Council has not asked the RUH about its patients' travel behavior or about the hospital's future plans.⁴ In 2016 the hospital built 300 additional public parking spaces and their future plans are to deliver more treatment outside the hospital and nearer to communities.

Discussions between the council and the hospital are limited to a single informal meeting held in early 2016 where the RUH explained that patients are not willing to use existing P&R or existing service buses if they are required to change at the bus station. A direct bus route from the P&R to the RUH would be required to make this a workable solution. It should be noted that BANES financial model is not predicated

³ Mott Macdonald Forecasting for A4 Eastern Park and Ride (2016)

⁴ Moira Brennan, Non executive Director of RUH statement to council 25.1.2017

on a dedicated bus service from the P&R to the RUH. ³

It is also important to note that the Mott MacDonald model as projected, results in a usage trend never previously observed in Bath.

- The trend shows a peak at 4pm rather than the middle of the day as has been observed by every previous study;
- When looking specifically at vehicles whose owners are going to the RUH this accounts for 13% (53 vehicles per hour) of total Odd Down users in 2014, by 2029 this projection has increased to 28% or 223 vehicles per hour (four times more than 2014)
- The 2029 projection shows no decrease in cumulative users through the day as with 2014. So that by 6pm there are still 301 cars at Odd Down P&R whose passengers are in theory still at the RUH. This is over 12 times higher than the 2014 model;
- The projection shows a 900% increase in usage of Park and Rides to the RUH by bus in 12 years.

It would be very difficult to justify the projections as even being close to the potential reality of RUH bus usage from Odd Down and the proposed eastern Park & Ride. The numbers appear overinflated, providing no alignment with trends or behaviours and appear to be a means of inflating demand to justify a large eastern P&R.

3.1.5 To reduce carbon emissions from transport;

The council published a Question and Answer document about P&R to accompany the Cabinet Report of the 27th January 2017 and now available on its East of Bath P&R webpage.

Question 18 confirms that there will be no detectable changes in air quality as a result of an east of Bath P&R because this would be offset by future traffic growth.

'Any decrease in traffic volumes as a result of a park and ride to the east of Bath will not be significant enough to detect changes in air quality. The aim of park and ride is to maintain the capacity that Bath currently has in its transport network and support new development such as within the Enterprise Area. If the Council fails to do anything to overcome unmet parking demand the impacts upon Bath's highway network will be severe with increased levels of congestion resulting in worsening air quality and additional harm to the quality and fabric of the historic, environmental and cultural assets in the City'.

3.1.6 To support the city's economic development and Enterprise Area

Paragraph 623 of the PMP states: "Enhanced Park & Ride provision will help to remove a variety of vehicular trips from the city arising from both existing pressures and those associated with growth generated by the Enterprise Area". But even this claim is somewhat tenuous since it will not remove as many trips as was previously believed.

Transport Evidence Explanatory Note 'Bath - Park and Ride Expansion' (Core Document CD/PMP/B27) considers the impact that future development might have upon on the city's road network. The report identifies many variables that would

impact this calculation and broadly recommends a wait and see approach. In particular it identifies a great deal of spare P&R capacity in P&R, it highlights uncertainty about the amount and type of future development, it also concludes that the requirement for additional P&R is dependent on how many trips can be extracted by alternative measures.

The Cabinet report of the 27th January misrepresented this report by claiming that it identified a need for 600 additional P&R spaces between 2018 and 2022. This is incorrect.

Core Document CD/PMP/B27 (April 2016) actually concludes the following:

'At present, the average overall utilisation of the three Park and Ride sites is circa 63% with usage on Sundays excluded. This equates to existing spare capacity of some 1,020 spaces of the 2,787 available. In considering the timing of any additional Park and Ride capacity needed, it will be necessary to monitor and review the take-up of this existing spare capacity as the build-out of already 'committed' development continues or takes place. This review will also need to take into account other planned EA development as specific applications come forward and the delivery programme is better understood'

CH2M suggests that existing spare capacity can be used in the first instance, and that Lansdown and Odd Down can each be expanded by 300 spaces each. Even when considering the development scenario with the highest requirement for P&R, the report does not forecast a need that is greater than 400-500 spaces east of Bath, it recommends:

This delivery strategy would add around 1,000 new spaces to the overall Park and Ride capacity around Bath, whilst meeting a clear demand for a new site serving the eastern corridor. The current patronage forecasting work does not suggest a demand for greater provision than this by 2029.

CH2M qualifies this statement by saying;

Although the analysis of potential unmet parking demand associated with the EA developments suggests that need in the longer term could be greater. This will depend on the successful delivery of other measures to limit car use and provide greater travel choice, notably the delivery of planned rail capacity improvements. As such, there will remain a need to assess/review the case for capacity expansion beyond an initial strategy for delivering around 1,000 new spaces.

The Council's own consultants do not make out a case for a car park of more than 4 – 500 spaces, by 2029, at worst, and depending on a host of variables which they were reluctant to predict. In the context of such small demand, alternatives to P & R become more feasible, and greater attention should be made to them.

3.2 Alternatives to P&R

The BMA believes that Policy ST6 is not justified because reasonable alternatives have not been properly considered as per paragraph 182 of the NPPF.

3.2.1 Sustainability Appraisal

The modified Sustainability Appraisal does not consider alternative methods of dealing with traffic, but merely considers whether the policy is better or worse with the inclusion of ST6. In the period since publication of the original Sustainability Appraisal, the Council's own estimates of additional parking need have been substantially reduced (see above), and there has been an acknowledgement that congestion and pollution will not be positively influenced by a park and ride site to the East. Appraisal of alternative transport and parking measures which might offer a more sustainable and cost effective solution to congestion and pollution ought to have taken place to consider the impact of this better understanding of need and impact.

3.2.2 The Council's alternatives

The council has not considered alternative sites as part of the plan making process. In January 2017 the Council identified two sites which it considers to be most appropriate for an additional Park and Ride facility. However, no such sites have been allocated in the PMP and their suitability has not been properly appraised against the requirements of NPPF. [Indeed, statutory consultee Historic England wrote to the Council in advance of the Cabinet Meeting to express its concern that sites under consideration had not been assessed correctly against the requirements of national and local planning policy. See a copy of their letter at Appendix 2 to this submission].

The Inspector at Q4 of Matter 15 asked the Council; 'What alternative options to the proposed East of Bath Park and Ride have been considered?'

This is the first opportunity BMA has had to comment on the council's response which was little more than a reaffirmation of their belief in P&R rather than a genuine attempt to engage with alternatives:

'...Park and Ride is an important element of an integrated strategy to help people get into and out of the city. Park and Rides are sustainable interventions not only in reducing car use within the city of Bath but also increasing the catchment of the City by allow those who cannot make these journeys by bus or train to transfer to public transport at an early opportunity towards the edge of the city.'

The Council then stated:

' alternatives to a P&R east of Bath are:

- *a new railway station as an alternative to a bus based P&R*
- *Continuing to encourage transfer to existing bus services*
- *Support for improved rail services.*

The council's response continued:

However, none of these options would provide an attractive alternative to the

majority of fragmented and scattered locations to the east of the city, where the majority of workers and visitors live.'

The final paragraph of this statement is badly drafted. It is not the case that the majority of workers and visitors to Bath live to the east; but it could be said that those workers and visitors who do live to the east come from locations that are scattered rather than from a single town.

A new railway station is not a reasonable alternative within the period of the PMP since securing a new railway station would take many years to deliver if achievable at all.

Support for improved rail services is stated in the plan to be additional to an east of Bath P&R not an alternative.

Continuing to encourage transfer to existing bus services is a reasonable alternative, but the Council has unreasonably dismissed it. Their comments disregard the needs of 30% of the population who do not have access to a car and so cannot access P&R. Rural bus services have worsened in the last year and are likely to be impaired further as abstraction from buses to P&R occurs making buses even less viable.

First Group, the major bus operator within the City, have observed that the Council is generally unwilling to subsidise bus routes which it cannot afford to run profitably. The recent extensive cuts to bus services across the city corroborate this. The inability to control bus services is blamed by the Council for an inability to influence bus services. This is only partly true, as the option to subsidise routes exists, and subsidising rural bus services is a legitimate alternative to more extensive transport interventions such as park and ride, and ought properly to have been considered.

The council also proposes an A36/A46 link road, but this is a proposal rejected 3 times in the past at Public Inquiry for a variety of reasons. This proposal is not on the Highways Agency's current agenda and Leader of the council Tim Warren has acknowledged that it would not be built for at least 10-12 years. It is therefore not a reasonable alternative as it is unlikely to be delivered within the plan period.

3.2.3 West of England Combined Authority

In 2016 BANES voted to become part of the West of England Combined Authority. This brings additional funding for transport as well as powers over bus franchising that were not available to BANES when the PMP was launched. Supporting rural buses would offer a much more sustainable and inclusive alternative to P&R. The council has not considered this reasonable alternative, but has dismissed buses as unpopular with car drivers without considering the needs of other travellers.

3.2.4 Alternatives promoted by the community

BMA and other groups have presented the Council with empirical evidence suggesting measures to tackle the school run could have a much greater impact than the 5% reduction in peak hour traffic identified by Mott Macdonald as resulting from P&R. When asked about this by the Planning Inspector at the hearings, Peter Dawson, BANES Group Manager, Planning Policy & Transport stated that the school run contributed only about 5 or 6% of traffic. Following a complaint

about this statement Mr Dawson has revised this number to 9%, but (although already higher than the 5% reduction in traffic case made by the council for P & R) this is a theoretical calculation, which BMA and others believe to be a gross underestimation.

In the weeks leading up to Easter 2016 the Bathampton Meadows Alliance commissioned research that shows that traffic drops by 30% during the morning peak in Batheaston during the School holidays. This full automated traffic count was carried out by a company also employed by the Council to carry out similar studies and includes some 24,000 car count data points.

In October 2016, local group Transition Larkhall, supported by the University of Bath, conducted traffic counts in Larkhall on roads that have become rat runs avoiding the main London Road artery in from the East of Bath. Their submission to the recent West of England Joint Transport Vision consultation states:

'It can therefore be reasonably inferred that between 400 and 500 trips (editor's note: or just under 50% of cars counted on these roads) in the morning peak times consist of parents or carers transporting children to schools – the majority of which are located in the South and West of Bath'

This group is planning to carry out a similar exercise on the London Road itself, following on from previous studies that have suggested a 20% fall in traffic on this key arterial route during school holidays.

The Council stopped collecting the data that allows it to analyse travel to school patterns once this became a non-statutory requirement. The only data they have is for the state school sector up to age 15 from 2011, which is clearly incomplete and out of date, plus a 'short travel questionnaire' sent to 12 Bath independent schools in December 2016 (of which 7 replied) in response to a complaint from the BMA that this data was absent from their work.

The Council's only response to the dramatic fall in traffic witnessed each holidays is to say it is parents taking holidays too. This clearly does not tally – an average 5 weeks work annual leave vs. a minimum of 13 weeks school holiday in the State sector and far more in the private.

4. P&R is not effective because an east of Bath Park and Ride is not deliverable

An east of Bath P&R has been an aspiration of the council for more than 20 years, but has proved undeliverable because of the inability to satisfy planning conditions, and because it was unaffordable and this combined with a lack of political will to proceed in the face of public opposition. BMA believes that these same factors exist today with regard to the latest proposals for an east of Bath P&R.

Opposition to the scheme has always been high and, if anything, has intensified, the post 2012 planning environment imposes significant hurdles to green belt, heritage setting development, and the latest cost estimates are currently running at levels of anywhere between 50% and more than 100% higher than those quoted in the current infrastructure delivery plan, depending on the final site and configuration, with the source of this funding unidentified, and operational surpluses unlikely to be achieved to offset borrowing costs.

4.1 Council's assessment of deliverability

The Inspector will recall that in the summer of 2016 she raised a number of issues about P&R (matter 15) as part of the PMP examination process, including at Q1:

Does the Infrastructure Delivery Plan demonstrate that the key infrastructure required to achieve the proposed development can be achieved without compromising the timely delivery of development?

This is the first time BMA has had the opportunity to comment on the Council's response to this question. We agree with the Council that some of the Infrastructure required to deliver the plan has been completed, such as the Bath Package and improvements to the train station.

4.2 Cost

However with regard to the east of Bath P&R the inspector has been referred to paras 2.25-2.43 of the IDP. This gives an estimated cost of 10m for the east of Bath P&R and identifies that funds are available from the LEP. There are two potential problems with this:

- The LEP has only identified a need for 12.5m for this project, whereas the estimates provided in the council report of the 25th January 2017 for the promoted sites are; 14m for 800 spaces on site F, 16m for 1200 spaces on site F or 17.5m for 800 spaces on site B.
- The LEP has listed the scheme, but it is not fully approved and this is subject to a full business case, which has yet not been produced (as well as an equalities impact assessment).

The Council will need to correctly follow a WebTAG appraisal in order to conduct a cost-benefit analysis before funding will be released. However it appears that when the council previously used WebTAG to predict demand for P&R this assessment was not correctly carried out. The previous assessment predicted steeply rising demand⁵ but in fact there has been no additional take up of P&R since the last 4.5m investment in P&R.

The currently estimated development cost for site B (800 spaces) equates to almost £22k per space. The currently estimated development cost for site F (800 spaces) equates to £17,000 per space, or £13,300 per space for 1200 spaces on site F. This is up to 4 times more than the cost of the Bath Package expansions, which averaged £5100 per space.

BANES Cabinet expressed a preference for site B over site F. Not only is this the most expensive option at £17.5m for 800 spaces, but the Cabinet report of the 25th January 2017 also identifies that this option results in a year on year deficit:

Net operating costs, including unfunded borrowing costs and income from fares show that the P&R would be expected to return a net deficit of approx. £115k/year (para 6.34).

⁵ 2009 Planning application for Bath Package expansion.

The council has stated that it will not CPO site B. If it cannot reach agreement to purchase the site, and if they cannot gain agreement from Highways England on access (both of which it has failed to do over the past year), they will revert to site F.

In regard to site F, with 1200 spaces, the Council report identifies that;

Net operating costs, including unfunded borrowing costs and income from fares show that the P&R would be expected to return a net surplus of approx. £162k/year (para 6.23)

If the 800 space option were to be promoted on Site F, at an estimated cost of £14 million (£17,500 per space), a net deficit of approximately £65,000 per annum is estimated. The Council's figures are based on current revenue costs of existing P&R sites in Bath. The Council has not included the additional cost of operating a connecting service to the RUH in the above figures. Without this Mott Macdonald estimate maximum demand by 2029 of between 850 and 977, this would not be sufficient patronage to cover the cost of running the service.

The existing sites create a surplus of some 600k for the Council. For the new site to create a deficit of 115k (for 800 spaces at site B) or 65k (for 800 spaces at site F, not including the cost of the RUH service) or a surplus of 162k (for 1200 spaces at site F, but again not including the cost of the RUH service), shows that operating costs for an east of Bath P&R would be significantly higher than for the existing sites.

In the absence of a business case, and with only the limited financial information in the Council report of 25th January 2017, BMA are still able to show that the east of Bath P&R will have operating costs that are 250% higher than the existing P&R sites and that in the best case scenario it would take at least 10 years of subsidy before even site F, with 1200 spaces breaks even.

Under these circumstances there must be serious doubt as to whether this scheme could ever pass a cost benefit analysis in line with DfT requirements in order to secure funding, whether that be via the LEP or from the Public Works Loan Board.

It seems unlikely that site B, the Cabinet's preferred site, will prevail given that the Council has failed for more than a year to secure the purchase of this site and have stated publicly that they will not CPO. They have also failed over the past year to secure agreement from Highways England for access from the A4 bypass.

4.3 Opposition to the scheme and political will

There is a great deal of opposition to a P&R on Bathampton Meadows, not only from the BMA but also from local Parish Councils and from NE Somerset MP Jacob Rees Mogg. Also opposed are The Bath Preservation Trust, the National Trust and Historic England.

A petition against the proposal attracted 13,000 signatures and the consultation resulted in 51% of people voting against the scheme. This was at a time when the Council were promoting site B and claiming that it would ease congestion and tackle emissions. The Council has now retracted these claims. The Council claim to have conducted an exhaustive site search and found no suitable sites other than site B and site F for an east of Bath P&R.

Site B now looks to be undeliverable, leaving site F as the only option and a highly unpalatable one at that. When asked during consultation to select a preferred site from 3 options only 15% of people chose site F. This is the same site as was selected in 2009 only to be rejected by Councillors in 2011. Opposition groups in BANES still reject site F and there is nervousness about this site amongst Councillors in the controlling group.

BANES voted to become part of the West of England Combined Authority. An election for a Metro Mayor will take place in May 2017 and it is the Mayor who will have the final say on this project. There can be no certainty that an east Park and Ride will retain political support through to completion.

4.4 Material Planning Considerations

It is unlikely that a site on Bathampton Meadows can overcome the planning hurdles either in NPPF or in ST6. The Cabinet report of the 25th January 2017 gave a limited planning assessment and paid no heed to the opinion of Historic England who have expressed serious reservations about the level of analysis and in particular the relative weight given to various aspects of national and local planning policy requirements⁶. The council has not conducted HIAs in accordance with ICOMOS guidelines, despite repeated advice to do so from Historic England since September 2015 when consultation on sites began.

Nevertheless the Cabinet report admits there are ' a number of challenging issues with all of the sites' it has considered. They are all within the setting of the World Heritage site, within the Green Belt, and would impact on the Cotswolds AONB. The Bathampton Meadows sites are adjacent to the River Avon Site of Nature Conservation Interest (SNCI), a range of protected species utilise the area, including bats and otter, and it is likely to be used by light-sensitive bats including horseshoe bats associated with the nearby Bath & Bradford on Avon Bats Special Area of Conservation (SAC) and SSSI.

The council report identifies potential impacts from lighting and changes to vegetation, including the loss of existing habitat and an area of pasture, and potential impacts on the adjacent SNCI. The development would be completely at odds with the character of the local area and would impact views from scheduled monuments at Browns Folly, Little Solsbury Hill, from the National Trusts Skyline walk and from around 1000 properties that overlook the valley.

Sites B and F abut the flood plane and no specific assessment has yet been done of the potential for flooding and effect of water run off. Flood risk is historically the reason that planning conditions could not be discharged on the formerly agreed Lansdown P&R site. In order for any development on Site F to proceed, the land will have to be appropriated for development, since it is currently designated for flood mitigation purposes. The council will therefore have to establish that this land is no longer required for these purposes, and, presumably identify alternative flood mitigation land.

The fact that the decision has been called in, the fact that essential site assessments

⁶ Letter from Historic England attached with this submission

have not been carried out and that no business case has been provided calls into question the deliverability of this project. The council is considerably further away from having a site that it is able to deliver than it implies by way of the decision of the 25th January 2017.

We would additionally argue that the council has yet to identify the public benefit that must be weighed against harm as required by the emerging ST6 and by NPPF. ST6 should therefore be deleted on the grounds that it is not effective, and because it is not deliverable.

5. Required amendments to ST6

Should the Planning Inspector consider that a Development Management Policy applicable to a new park & ride site is a legitimate inclusion within the Placemaking Plan, then the BMA considers that amendments are required to the draft policy ST6 in order to make it sound.

The current draft wording of ST6(a) is unsound in that;

- it is inconsistent with national policy; and
- the wording contains a factual inaccuracy.

5.1 Inconsistent with National policy

The current draft wording of ST6(a) is unsound in that it is inconsistent with national policy. Paragraph 133 of NPPF provides the following:

"Where a proposed development will lead to substantial harm to or loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss..."

Paragraph 134 of NPPF provides:

"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 securing its optimum viable use."

It can be seen from these two paragraphs that the NPPF provides a framework for the balancing of harm against benefit of a development which impacts upon a heritage asset, and that the more substantial the harm, the more significant must be the benefit in order to outweigh the harm.

The wording in ST6(a) has over simplified the balancing tests provided by paragraphs 133 and 134 NPPF so that it in effect the policy wording has pre-judged the level of harm that might be caused by a park and ride development and determined it to be less than substantial, providing as a consequence a balancing test compatible with paragraph 134, but not 133 of NPPF.

The wording of ST6(a) has also ignored potential loss of significance to the WHS. Significance is the value of the heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset's physical presence but also from its setting.⁷ Loss of significance of a designated Heritage Asset (including loss of significance to its setting) requires equal protection under NPPF to loss of or harm of the physical asset.

ST6(a), in order to be sound and in compliance with national planning policy therefore should provide for loss of significance to the WHS (including loss of significance to its setting), to be tested.

To correct these failings the wording must provide that substantial harm must be outweighed by substantial public benefit, and that loss of or harm to significance is afforded the same weight as physical loss of or harm to the heritage asset. This can be achieved by making the following amendments to ST6 (a):

“Development of new or expansion of existing Park and Ride sites will be permitted provided:

(a) clear and convincing justification is provided for any harm to or loss of significance to the World Heritage Site or ~~significance of other designated heritage asset (including any harm to or loss of significance to the setting of the World Heritage Site or other designated heritage asset), and that where substantial harm to or total loss of significance will result from the proposal, the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, and that where less than substantial harm to the significance of the designated heritage asset will result, that this harm should be weighed against the public benefits of the proposal with the degree of public benefit weighed against the level of harm; and~~

5.2 The current draft wording of ST6 contains a factual inaccuracy

The inspector's attention is drawn to the fact that MM20 as currently expressed, potentially contains a factual inaccuracy that must be amended if it is not to lead to confusion about the status of any site brought forward for planning. In paragraph 623 it is stated:

“ No final decision has been made on a preferred site.”

At its Cabinet meeting on 25 January 2017, B&NES Cabinet resolved to promote one of two sites for a new Park & Ride east of Bath, with the final choice to be made 'within a reasonable timescale' which was specified in the meeting as about four weeks. This meeting and the decision that resulted from it are entirely separate from the local plan process.

1. ⁷ Annex 2: Glossary, National Planning Policy Framework, Department of Communities and Local Government, 2012

Notwithstanding the fact that this decision has been called for scrutiny on the 23rd February 2017, it is likely to be the case that by the time the inspector considers the consultation responses on the Main Modifications the Council will have selected a site, but this site will not be one that has been approved as part of the plan making process.

The Cabinet report of the 27th January demonstrates that the council has done only a superficial analysis of sites to determine those that the Council considers are the most desirable and most likely to comply with planning policy. The council's preferred sites have not been subject to a Sustainability Appraisal and no Heritage Impact Assessments have been carried out to determine whether they are the most suitable sites of the 21 sites considered by the Council.

As such these sites have not been allocated by the PMP and this needs to be made clear to avoid any implication that the sites have been sanctioned by the plan.

Paragraph 623 should be deleted since it is concerned with a council process on site selection that is entirely independent of the PMP. The fact that the Council has selected various sites for examination, and has conducted their own alternatives appraisal of these, on its own terms and without independent scrutiny is irrelevant to the PMP. Reference to this in the PMP risks an inference that the PMP has sanctioned this process and any sites that may be brought forward as a result of it.

If the Inspector believes there is merit in retaining paragraph 623 then it should record the current position, whilst making it clear that no neither site is allocated to this purpose within the Placemaking Plan and, that the process of site selection has been carried out independently by the Council, and outside the placemaking plan development process. Appropriate wording would be:

“The Council has recently resolved to proceed to promote one of two preferred sites for a new Park & Ride east of Bath, with the final selection being subject to putting in place satisfactory arrangements for land purchase and agreement from Highways England on access. Neither of these sites has been allocated for an east of Bath Park & Ride pursuant to this Placemaking Plan, and the right to develop the selected site will be determined in accordance with the adopted Placemaking Plan, and all other relevant national and local planning policies and requirements.”

Bathampton Meadows Alliance 14th February 2017