

## BATH &amp; NORTH EAST SOMERSET COUNCIL RESPONSE TO ID/7

## Issue 3: Is the retention of the general extent of the Green Belt justified?

**10.1** *Responses and subsequent discussion on this sub-matter should not repeat matters most appropriately addressed under Issue 1 (overall provision) or concerns about delivery within the urban area to be addressed in the context of the spatial areas.*

**10.2** *If I were to find the plan unsound in relation to the overall scale of development planned or its delivery and that there was potential for additional development in the Green Belt, I would refer the matter back to the Council for further consideration. On the basis of the present planned hearings, I would not be in a position to impose a recommendation for a specific location in the Green Belt, not least because parties (both existing and possibly new) who support the plan and oppose development in the Green Belt would not have had a right to be heard.*

**10.3** *I consider that there is considerable scope for the participants pursuing major alternative development sites in the Green Belt to produce succinct Statements of Common Ground with the Council (or with other parties) to help focus discussion at the hearings. These should not cover lengthy descriptive background, but highlight matters that will assist me in grappling with the complexity and diversity of material relating to these sites, with clear cross referencing to existing material (eg agree what evidence studies remain relevant for what types of proposals; what evidence is lacking; what are the critical areas of disagreement; and what would need to be done to overcome unsoundness if I were to conclude that some development opportunities should be explored in the Green Belt).*

**10.3.1** Statements of Common Ground have been prepared between the Council and individual participants promoting major alternative sites in the Green Belt. The following Statements of Common Ground, as agreed with the Council are included with the Council's submission:

- Land at Hicks Gate, SE Bristol: Crest Strategic Projects & Key Properties
- Land to the West of Twerton: Woolf Bond Planning LLP on behalf of the Prince's Foundation and the Duchy of Cornwall
- Land at Keynsham: JS Bloor Ltd
- Land at SE Bristol: Pegasus Planning Group on behalf of Robert Hitchins Ltd

## The overall approach

**10.4 On the assumptions set out in the following 3 scenarios would there be any need/justification for development in the Green Belt; would any such scenario result in the exceptional circumstances necessary to change a Green Belt boundary (as required by PPG2); and, if so, does that mean that a change to the Green Belt is required to make the plan sound or only that such a change is an option to be balanced against any disadvantages?**

- **that the overall scale of development proposed and its delivery is sound;**

10.4.1 The Council considers both that the overall scale of development proposed and its delivery is sound, (see *Topic Paper 2 (CD6/S3)* and *Topic Paper 9 (CD6/S10)*). This position is further expanded within BNES/5. There is therefore no justification for development in the Green Belt and hence no requirement to demonstrate exceptional circumstances

- **that the overall scale of development proposed is sound, but its delivery is uncertain and needs supplementing and/or a specific contingency needs to be identified;**

10.4.2 The Council position on delivery is set out most recently in BNES/2 and also in BNES/5.

10.4.3 The Council considers the existing contingency as described in *Topic Paper 2: Overall Strategy (CD6/S3)*, *Topic Paper 9: Justification for Housing and Employment Provision (CD6/S10)* and BNES/5 to be sufficient.

- **that the overall scale of housing development is unjustified and should be significantly more.**

10.4.4 In such a scenario, the Council would need to consider if these conditions constitute exceptional circumstances, in line with para 2.6 of PPG2 (CD2/3). The Council would need to assess whether it relies on locations identified at the options stage (CD5/4) or whether it needs to undertake a district-wide locational assessment to re-consider options and alternatives.

10.4.5 Without prejudicing the outcome of this assessment, based on previous work (as summarised in the *Council Report September 2011 (CD5/24)* in Table 1 [pages 23-24]) it is likely that this would lead to a consideration of the same Green Belt locations that have been consulted upon and assessed in the *Core Strategy Spatial Options Consultation (CD5/4)*. In considering Green Belt locations the disadvantages of releasing land from the green belt e.g. in terms of serious conflict with the purposes of the Green Belt and/or environmental harm would need to be balanced against the need for and potential benefits of providing additional housing.

- 10.4.6 In re-assessing options the likely scale of any contingency in development terms would be an important consideration, and any new evidence would also need to be considered.

## **Bath**

### **10.5 Is there the potential to accommodate additional housing in the Green Belt adjoining Bath (either at the scale of urban extensions proposed in the Spatial Options Consultation 2009 (CD5/4) or as smaller extensions, such as assessed by the Council in September 2011 - CD4/A17 Annex K) without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements, such as the setting of the WHS, AONBs and their setting, Ancient Monuments and their setting, and the Special Area of Conservation?**

- 10.5.1 The Council considers that accommodating additional housing in the Green Belt adjoining Bath as described above will cause serious conflict with the overall purpose of the Green Belt.
- 10.5.2 On the basis of suitability and deliverability, the Council also considered and ruled out other smaller extensions to Bath in other parts of the previous RSS “area of search” in its Core Strategy Spatial Options Document (paras 3.112 and 3.113 in CD5/4). The detail of this assessment is set out in CD6/O2. Two locations were considered in detail West of Twerton and Odd Down/South Stoke Plateau (Chapter 3 CD5/4).
- 10.5.3 The Council draws attention to the key pieces of evidence that set out the serious conflicts with other national policy objectives when considering the potential for additional housing to be accommodated in the Green Belt adjoining Bath in the following paragraphs. The potentially deliverable options assessed as part of the Core Strategy process (CD5/4) are the locations that have been subject to detailed assessment work. The conflicts with national policy objectives differ for each location.

## Green Belt

- 10.5.4 National Policy PPG2 (CD2/3 para 2.6) states that the general extent of the Green Belt should be altered only in exceptional circumstances. The Council does not consider that such circumstances exist.
- 10.5.5 With regard to the two locations presented in the Spatial Options document the Council’s evidence demonstrates that land in both locations serves a number of the purposes of the Green Belt set out in PPG2, para 1.5 (CD2/3) although there are differences between the two locations, development at either location would harm the purposes of including the land within the Green Belt (CD3/16 and CD3/17 and CL6/O2 including appendix 2). While the Council considers development at either site to be contrary to PPG2, the

Council's assessment work suggests that the West of Twerton site is particularly sensitive in Green Belt terms, this view is supported by English Heritage who state in their response to the options consultation that development here "fails one of PPG2's five key purposes i.e. to preserve the setting and special character of historic towns" (CD8/1). In addition the West of Twerton location is located to the west of the city, and the Council acknowledges that "development to the west of the City would be more damaging to Green Belt purposes as the area lies directly within the strategic gap between Bristol and Bath" (para 49 in CD3/16).

- 10.5.6 Therefore, pursuing any development either West of Twerton or Odd Down South Stoke Plateau/Odd Down location would be contrary to PPG2.

### **Areas of Outstanding Natural Beauty and their setting**

- 10.5.7 National Policy in PPS7 (CD2/7) outlines the position in relation to development within or impacting upon the AONB. National policy states that "major developments should not take place in these designated areas, except in exceptional circumstances", these circumstances need to be demonstrated to be in the public interest in line with the three criteria in para 22.
- 10.5.8 West of Twerton is located outside the AONB, however, concern has been expressed by Natural England about the "high landscape impact" of development at this location on the AONB (CD8/2). The Council concurs with this view, and the high landscape impact is reflected in the Council's own evidence and expression of this option (CD5/4; CD5/24; CD6/O2).
- 10.5.9 The majority of the South Stoke Plateau/Odd Down location (SWB option 2 in CD5/4) is located within the Cotswolds AONB. Whilst, the Council's evidence indicates that "development at this location would have less impact on the landscape and the World Heritage Site setting than other parts of the "area of search", the land lies within the AONB. Therefore, 'exceptional circumstances' would need to be demonstrated as required by PPS7. The Council does not consider that any 'exceptional circumstances' can currently be demonstrated and in particular as the presence of alternatives outside the AONB exists (CD5/4 and CD5/25).
- 10.5.10 Therefore, pursuing development at the Odd Down South Stoke Plateau/Odd Down location would be contrary to PPS7.

### **Scheduled Ancient Monuments and their setting:**

- 10.5.11 Para HE.91 of PPS5 (CD2/6) states that "substantial harm or loss of designated heritage assets of the highest significance, including scheduled monuments... should be wholly exceptional".

- 10.5.12 The Council has identified in relation to South Stoke Plateau/Odd Down (option SWB2 in CD5/4) that the Wansdyke SAM is located on the northern edge of the location (para 3.131). The Council considers that development at this location is “likely (to have a) significant impact on the Wansdyke” (CD6/O2 in Appendix 1) and a “major impact on the historic context” of the Wansdyke (CD6/O2 in Appendix 3). However, the Council considers that these impacts could in part be mitigated (Contingency option 2 in CD5/24).
- 10.5.13 English Heritage in their response to the Core Strategy options consultation (CD8/1) state that:  
*Having regard to the Urban Extensions Information Paper, October 2009, there tends to be the suggestion that without prejudice to PPG16 matters of principle, an opportunity may exist to critically explore the potential for development. To do so a more explicit evaluation of the relationship of development to the Fosse Way, Wansdyke and South Stoke Conservation Area needs to be undertaken to establish the relative impact and possible mitigation.*
- 10.5.14 The Council concurs that if a contingency or allocation were to be considered at this location this more detailed historic environment assessment would need to be undertaken to comply with PPS5, and to identify if substantial harm to the Wansdyke could be avoided, or if exceptional circumstances exist.
- 10.5.15 Therefore, pursuing development the Odd Down South Stoke Plateau/Odd Down location would currently be contrary to PPS5.

### **World Heritage Site Setting**

- 10.5.16 The Council has undertaken significant work to assess the impact of development at the options for urban extensions to Bath on the setting of the WHS (CD6/O2; CD6/S7; CD5/3; including Sustainability Appraisal CD4/A3; A5; A13 and A17). In line with PPS5 para HE.91 substantial harm to the WHS and its setting should be “wholly exceptional”.
- 10.5.17 This evidence demonstrates that development at the West of Twerton location (SWB Option 1 in CD5/25) would have a major impact on the WHS setting. English Heritage support this view and in their response to the Core Strategy options consultation (CD8/1) accept that the WHS setting study is a:  
*robust and credible evidence base that backs up its conclusion that the Twerton urban extension would have a major impact on the setting of the World Heritage site as the location is highly visually prominent. Development would breach the containment of the existing urban area (point 3.1.7).*
- 10.5.18 English Heritage also states that in light of this evidence development would fail to conform to national policy. The Council supports this position and has

evidence to support the position that development West of Twerton would cause substantial harm to the setting of the WHS, no exceptional circumstances currently exist and therefore development at this location would be contrary to PPS5.

- 10.5.19 In relation to South Stoke Plateau/Odd Down (SWB Option 2 in CD5/4), the Council's evidence demonstrates that the impact of development in this location on the WHS setting is moderate, rising to high impact close to Combe Hay Lane (para 3.129). English Heritage conclude that from an historic environment viewpoint, an "opportunity may exist to critically explore the potential for development" at South Stoke Plateau/Odd Down, subject to further work being undertaken and considering a "more modest form of development" (CD8/1).
- 10.5.20 Therefore, pursuing development at the West of Twerton location would be contrary to PPS5 in terms of impact on the WHS. As outlined in para 10.5.15 of this submission more detailed work would be required for Odd Down/South Stoke Plateau to demonstrate that development would not be contrary to PPS5.

#### **Special Areas of Conservation:**

- 10.5.21 The Council's *Interim Habitats Regulations Assessment* of the spatial options (CD4/A) assesses the impact of the options for an urban extension to Bath in relation to Habitats Regulations, including an assessment of likely effects and their significance on any European site (of particular relevance the Bath & Bradford upon Avon Special Area of Conservation). This assessment concludes that for the Odd Down/South Stoke Plateau Location (option SWB2 in CD5/4) that "SWB urban extension option 2 has the potential to adversely affect the integrity of the Bath and Bradford on Avon SAC" and "whilst these impacts could be significant, there is also scope to avoid and minimise such impacts through mitigation". It also concludes that the identification of mitigation measures "would need further study and work".
- 10.5.22 The Council considers that "mitigation arrangements would need to be demonstrated even at the stage of identifying this site as a contingency". However, a "detailed mitigation strategy is not currently in place" (Contingency option 2 at para A1.17 in CD5/24).
- 10.5.23 It should be noted that Natural England, alongside the Council, consider that the Habitats Regulation Assessment undertaken for the Core Strategy to be "fit for purpose" (CD4/A22).
- 10.5.24 Without a mitigation strategy in place the Council considers that development (or even the inclusion of a contingency policy) at South Stoke Plateau/Odd Down location (option SWB2 in CD5/4) would be contrary to section 48 of the *The Conservation (Natural Habitats & C.) Regulations 1994* (CD1/23), which make provision for implementing Council Directive

92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

### **Design and Integration**

10.5.26 In line with PPS3 (para 16) when considering locations for the development of housing, the ability of an area to be “well integrated with... the local area” should be considered. At the West of Twerton location, the Council has expressed concerns about the ability of development to be properly integrated with the city and the surrounding area (para 3.119 in CD5/4).

### **Adjoining Bristol**

**10.6 Is there the potential to accommodate additional housing in the Green Belt adjoining the Bristol City boundary (either at the scale of urban extensions proposed in the Spatial Options Consultation 2009 or as smaller extensions as assessed by the Council in September 2011 - CD4/A17 Annex K) without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements and deliverable in relation to integration with development over the City boundary?**

10.6.1 The Council considers that there is no potential to accommodate additional housing in the Green Belt adjoining the Bristol City boundary as described above without serious conflict with the overall purpose of the Green Belt here.

10.6.2 The SE Bristol “area of search” included in the previous draft RSS is located in an area assessed of “high overall importance to the functions of the Green Belt” by the Council (CD3/16 para 46). The Stockwood Vale area was ruled out on grounds of suitability at an early stage as outlined in the Options Document (Para 5.12 in CD5/4). Two locations were then considered in more detail as part of the options stage (i) Whitchurch and (ii) Hicks Gate (Chapter 5 in CD5/4).

10.6.3 The Council’s Green Belt assessments highlight the sensitivity of both locations in Green Belt terms (CD3/16 and CD3/17). The critical role of Hicks Gate in Green Belt terms is reiterated in the consideration of the options for inclusion as a long term development contingency (CD5/24).

### **Infrastructure and Deliverability**

10.6.4 Work underpinning the Spatial Options document (see para 5.35 in CD5/4 and in CD4/I3) highlighted significant concerns around the deliverability of development without the provision of significant transport infrastructure, which in turn was not likely to be able to be provided in the Plan period.

This concern was highlighted again in the consideration of Whitchurch as a contingency location (CD5/24).

- 10.6.5 In considering the Options (CD5/4) the Council identified that without significant infrastructure development at the Whitchurch location would be contrary to para 4.8 of PPS12 (CD2/11).

**Impact on a Scheduled Ancient Monument**

- 10.5.6 Para HE.91 of PPS5 (CD2/6) states that “substantial harm or loss of designated heritage assets of the highest significance, including scheduled monuments... should be wholly exceptional”. This issue is a concern for the Council in relation to development at Whitchurch and the impact on Maes Knoll Scheduled Ancient Monument and its setting.
- 10.5.7 Without demonstrating that substantial harm would not be caused development at Whitchurch would be contrary to PPS5.

**Design and Integration**

- 10.5.26 In line with PPS3 (para 16) when considering locations for the development of housing, the ability of an area to be “well integrated with... the local area” should be considered. At Hicks Gate, the Council has expressed concerns about the ability of development to be properly integrated with the adjoining area of Brislington (para 5.14 in CD5/4). As outlined in CD5/24 the inclusion of Brislington as a long term housing contingency for Bristol has reduced the Council’s concerns in this regard (para A1.15). However it should be noted that Bristol City Council is not planning for an urban extension in the Whitchurch area and has expressed concerns about then impact of an urban extension on its regeneration of south Bristol (important element of sub-regional strategy).

**10.7 Given that the adopted Bristol Core Strategy identifies Brislington (adjoining Hicks Gate) as a long term contingency for further housing development is the Core Strategy’s silence in relation to development here sound (irrespective of any conclusions on the other issues)?**

- 10.7.1 The Council considers that this position is sound. The Council does maintain significant concern in relation to the major Green Belt impacts of development at Brislington. Aside from this it is considered that development at within the Bristol City Council area in this location could come forward with relatively little impact on B&NES.
- 10.7.2 Should it be demonstrated at a future stage that the Brislington development contingency is required and that the exceptional



circumstances to make a change to the Green Belt here exist, under the duty to cooperate introduced in the Localism Bill, the Council would work with Bristol to consider the land within Bristol City Council at this location for development (CD1/14).

**10.8 If I were to conclude that there was a need for more housing development within B&NES to serve its needs, would development adjoining Bristol be an appropriate location? How compatible would it be the rest of the strategy?**

10.8.1 In such a scenario, the Council would need to consider if these conditions constitute exceptional circumstances to justify development of Green Belt land, in line with para 2.6 of PPG2 (CD2/3), assessing first other alternatives in this context. The Council would need to assess whether it relies on locations identified at the options stage (CD5/4) or whether it needs to undertake a district-wide locational assessment to re-consider options and alternatives.

10.8.2 Without prejudicing the outcome of this assessment, based on previous work (as summarised in the *Council Report September 2011* (CD5/24) in Table 1 [pages 23-24]) it is likely that this would lead to a consideration of the same Green Belt locations that have been consulted upon and assessed in the *Core Strategy Spatial Options Consultation* (CD5/4).

10.8.3 In re-assessing options the likely scale of any contingency in development terms would be an important consideration, and any new evidence would also need to be considered.

10.8.4 Compatibility with the rest of the strategy would need to be considered in light of the scenario under consideration i.e. the level additional development considered to be required. The Council considers that proposing significant development in the Green Belt adjoining Bristol would certainly constitute a different spatial strategy to the brownfield site regeneration strategy proposed in the draft Core Strategy.

10.8.5 The Council accepts that as the main focus for economic growth and housing need in the district is likely to be Bath, that any development adjoining Bristol is not located in the main area of need (Tables at A1.17 in CD5/24). However, this would need to be balanced against other critical elements of the spatial strategy such as protecting the World Heritage Site and environmental protection.

**10.9 Is there the potential to accommodate additional housing in the Green Belt adjoining Keynsham, and if so of what scale, without serious conflict with the overall purpose of the Green Belt here and national policy objectives/legal requirements?**

- 10.9.1 Policy KE1 also plans for 1,500 net new homes. The Council has demonstrated in BNES/8 that there is a reasonable prospect of this scale of housing being delivered within Keynsham on land not within the Green Belt.
- 10.9.2 The Vision for Keynsham as set out in the Core Strategy and developed with the local community is for the town to retain its independence and separate identity within an attractive rural setting. Previous development has brought the settlement boundary of Keynsham closer to the neighbouring settlement of Saltford and the urban fringe of Bristol. In places, the latter is little more than a mile away. Consultation with the community identified the on-going threat of development in the Green Belt as a key strategic issue (Core Strategy paragraph 3.03). The Keynsham Town Plan (CD4/O6) reiterates that the Green Belt should not be breached, and that Keynsham keeps its green countryside setting.
- 10.9.3 This approach accords with strategic objective 2 of the Core Strategy, which is to protect and enhance the District's natural, built and cultural assets by making optimum use of brownfield opportunities and avoiding greenfield land as far as possible.
- 10.9.4 Table 8 of the Core Strategy outlines the purposes of including land in the Green Belt within B&NES. Of particular relevance to Keynsham are the following:
- Purpose 1: to check the unrestricted sprawl of Bath and Bristol
  - Purpose 2: to prevent the merging of Bristol, Keynsham, Saltford and Bath
  - Purpose 3: to assist in safeguarding the countryside from encroachment
  - Purpose 6: to preserve the individual character, identity and setting of Keynsham and the villages and hamlets within the Green Belt
- 10.9.5 Additional housing development resulting in a change to the general extent of the Green Belt, and a subsequent change to the Green Belt boundary adjoining Keynsham would seriously conflict with these purposes of including land within the Green Belt.
- 10.9.6 The Council considers exceptional circumstances necessary to make a strategic change to the Green Belt boundary do not exist at this time. In the context of PPG2 (CD2/3) a review of the detailed Green Belt boundary will be undertaken through the Placemaking Plan. This process may identify appropriate small scale, non-strategic releases of land from the Green Belt to potentially accommodate development that would not conflict with Green Belt purposes. The case for such a change to the Green Belt would need to be made at this stage.