

Statement of Common Ground

B&NES Core Strategy
Strategic Site B3A, B3B
and relating to any other developer-proposed sites in
Bath Green Belt

Bath Preservation Trust and
Bath & North East Somerset Council

February 2014

1.0 Introduction

- 1.1 In his note of 3rd January 2013 ([ID/44](#)) the Inspector outlined his requirements in terms of Statements of Common Ground that he would like to be prepared in advance of his preparation for the hearings in March/April 2014. He has also confirmed the dates and scope of coverage for these hearing sessions.
- 1.2 The Inspector has requested that the Council and the various owners/developers/promoters of the Green Belt sites proposed for allocation in the November 2013 Amendments, and if appropriate other parties, should prepare Statements of Common Ground relating to delivery and environmental impact of those allocations as per the Council's proposals in the following revised policies:
 - B3A Land Adjoining Odd Down, Bath
 - B3B Land Adjoining Weston, Bath
 - KE3A Land Adjoining East Keynsham
 - KE4 Land Adjoining South West Keynsham
 - RA5 Land at Whitchurch
- 1.3 The deadline for submission of hard copies of these Statements of Common Ground to the Inspector is noon on 14th February 2014; the Council has a working deadline of 7th February in order to ensure timely completion.
- 1.4 This Statement of Common Ground refers to the City of Bath's Green Belt in general and the sites at Odd Down and Weston in particular.
- 1.5 The purpose of this Statement of Common Ground between Bath Preservation Trust (BPT) and Bath and North East Somerset Council (B&NES Council) is to highlight matters which may not be considered priorities by developer parties but form an important part of the consideration of sites in Bath's World Heritage Site setting.

2.0 Summary of Agreed Matters

The following are matters agreed between the parties:

- 2.1 BPT and B&NES agree that the City of Bath World Heritage Site and its setting is a key material consideration and they require protection through the Core Strategy and Planning process (CS 2.31: policy B4).
- 2.2 BPT and B&NES agree that Circular 07/2009 (CD1/20) provides the government's policy guidance on the level of protection and management required for World Heritage Sites in England. It is agreed that in respect of 'Protecting the Setting of World Heritage Sites' the pertinent paragraphs are those numbered 15 to 18. Paragraph 16 of Circular 07/2009 states that the UNESCO *Operational Guidelines (paragraph 104)* (CD1/19) suggest the designation of a buffer zone around the World Heritage Site wherever this may be necessary for its conservation. The relevant

paragraphs of the UNESCO Operational Guidelines relating to 'Buffer Zones' are those numbered 103 to 107.

- 2.3 BPT and B&NES agree that the World Heritage Site Setting Study SPD is the Council's primary tool for considering the impact of developments on the Setting of the WHS and therefore is a highly relevant material document for the consideration of whether to develop land in the setting.
- 2.4 BPT and B&NES agree that the constraints on the setting of Bath's WHS mean that alternative proposed sites in Bath's Green Belt, such as West of Twerton, are unsuitable for development.
- 2.5 BPT and B&NES agree that there are a number of significant environmental constraints at Weston and Odd Down.
- 2.6 In the case of the proposed allocation at Odd Down (Policy B3A), B&NES and BPT agree that the site proposed to be allocated is:
- Within the Cotswolds AONB (with the exception of the Odd Down Football Club)
 - Adjacent to the World Heritage Site boundary, and within its setting
 - Contains part of the Wansdyke Scheduled Ancient Monument within the area proposed to be released from the Green Belt and close to the Bath and Bradford-on-Avon Special Area of Conservation
- 2.8 In the case of the proposed sites to be allocated at Weston (Policy B3B), B&NES and BPT agree that the sites proposed to be allocated are:
- Within the Cotswolds AONB
 - Partly within and adjacent or close to the Bath Conservation Area
 - Partly within and adjacent to the World Heritage Site boundary, and those parts adjacent to the boundary lie within its setting
- 2.9 The Council has assessed the impact of development at the sites proposed to be allocated at Odd Down and Weston on the WHS and its setting, other heritage assets and the Cotswolds AONB through a number of studies, principally in Core Documents CD9/LV/1, CD9/LV/2 and CD9/LV/3 and has undertaken ecological assessment in relation to European protected species (see the Habitat Regulations Assessment - CD9/A2 and CD10/A2 and related bat surveys/studies - CD9/E1, CD9/E7, CD9/E8, CD9/E14, CD9/E15 and CD10/E9). BPT and B&NES agree that the impact of development in these sites as assessed by these studies is highly relevant.

3.0 Summary of Matters in Dispute

BPT position:

Bath Preservation Trust is particularly concerned that the release of areas of Bath's Green Belt for development undermines both the setting of the World Heritage Site (through actual harm) and the security of its protection. NPPF paragraph 14 covers the eventuality that harm caused will outweigh the presumption in favour of

development. Bath, as the UK's only city in its entirety to be a World Heritage Site, should enjoy specific protection and be developed only in such a way as to prevent harm to its Outstanding Universal Value. Bath is surrounded by Green Belt land and largely surrounded by AONB designation which protects the juxtaposition of beautiful rural landscape with beautiful urban development. The Trust considers that the Council should have recognised that Bath's current boundary represents its environmental capacity, as proposed in the first iteration of the Core Strategy considered at the Examination in 2012, because of the environmental and heritage protection required for Bath's World Heritage Site, the AONB and various other landscape constraints. To that end Bath Preservation Trust suggests that unless there is potential elsewhere in the District, B&NES should not have sought to meet or exceed its calculated housing requirement but instead, under NPPF para 14, recognised the inability to meet the requirement due to these constraints.

There continues therefore to be dispute between the parties on the following matters:

- 3.1 Bath Preservation Trust does not accept the Council's assessment of the suitability of the sites for development. Bath Preservation Trust does not consider that the adverse impacts of development are significantly and demonstrably outweighed by the benefits of providing housing on the edge of the city and considers that development would be contrary to other specific policies in the NPPF
- 3.2 Bath Preservation Trust does not consider that sufficient weight has been given to ministerial statements about the Green Belt, and in particular that 'the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the "very special circumstances" justifying inappropriate development in the green belt.' (see CD9/H11)
- 3.3 Bath Preservation Trust does not accept that sufficient weight has been given to the protection of the heritage assets of the WHS and its setting and the Scheduled Ancient Monument in considering the sites at Odd Down and Weston as suitable for development
- 3.4 Bath Preservation Trust contends that the demonstrable harm which would be caused by development of the sites proposed for allocation at Odd Down and Weston to the protection of heritage assets and Bath's World Heritage Site setting as a whole cannot be adequately mitigated
- 3.5 Bath Preservation Trust contends that the release of land for development in these locations is not compatible with the policy intention of the WHS Circular concerning buffer zones
- 3.6 Bath Preservation Trust contends that release of land from the Green Belt for development at Odd Down and Weston will, in addition to causing specific harm, contribute cumulatively to the harm to the Outstanding Universal Value of the WHS setting already caused by the spread and sprawl of the City in its South West quarter. It is noted that the UNESCO Operational Guidelines and World Heritage Site

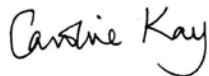
Committee Mission Report (2009) refer to cumulative harm of smaller-scale projects on the Site's Outstanding Universal Value and integrity

- 3.7 In the event of any land being released from the Green Belt for development at Odd Down and Weston, Bath Preservation Trust disputes the extent of the land proposed to be released given its extent far exceeds the land necessary for the housing numbers proposed
- 3.8 In light of the above areas of constraint Bath Preservation Trust strongly rejects the proposal by the Council to boost the supply of market housing as the means to delivering the total affordable housing requirement

4.0 Declaration

- 4.1 The content of this document is agreed for the purposes of the B&NES Core Strategy hearing 2014.

Signed on behalf of Bath Preservation Trust:



Position: Chief Executive

Date: 11 February 2014

And

Signed on behalf of Bath & North East Somerset Council:



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Position: Planning Policy Team Leader

Date: 13 February 2014