

Issue 1

Appendix 2 - excerpts from the Inspector's Report into the B&NES Local Plan Inquiry 2006

Respondent 822, Somer Valley Friends of the Earth

Contents:

1. Bath & North East Somerset Local Plan Inquiry Including Minerals and Waste Policies, Inspector's Report - Section 5: Chapter B7

The issues relating to the contribution to be made to housing land supply by Radstock Railway Land are whether the site should provide for the reinstatement of the rail track and a new station; whether the area for development should be reduced to retain larger areas for nature conservation; and the timing for its implementation

2. Bath & North East Somerset Local Plan Inquiry Including Minerals and Waste Policies, Inspector's Report - Section 7: Chapter B9, Policy GDS.1/NR2

Issues

- i) Whether the allocation provides for an appropriate mix of development whilst protecting the nature conservation value of the site.
- ii) Should the site be required to accommodate public transport service vehicles and a public transport interchange?
- iii) How far should the potential for reinstatement of the railway and station be protected?
- iv) Is the wording of the policy appropriate?

*1. Bath & North East Somerset Local Plan Inquiry Including Minerals and Waste Policies , Inspector's Report - Section 5: Chapter B7*

5.88 The issues relating to the contribution to be made to housing land supply by Radstock Railway Land are whether the site should provide for the reinstatement of the rail track and a new station; whether the area for development should be reduced to retain larger areas for nature conservation; and the timing for its implementation.

5.89 The North Somerset Railway Company has clearly worked hard over the years to safeguard land to enable the rebuilding of the railway line between Frome and Norton Radstock, and the company sees the preservation of land for the track and station within this site as essential to the project. The provision of such sustainable means of transport is a cause worthy of support but in the absence of any demonstration of viability or indication of funding which would enable its implementation, it is not a scheme which can be given a high priority within the Local Plan.

5.90 Although there may not be an opportunity to use the Brunel shed and the railway turntable for railway uses, the retention of these structures remains of value. In any event, the wording of the policy does require provision of a sustainable transport corridor which would not entirely preclude the possibility of a rail link. I consider that this level of safeguarding is appropriate in all the circumstances and that no further land should be safeguarded for this project such as to reduce the capacity of the site for residential development.

5.91 However, the site clearly is of significant importance for nature conservation. A comprehensive report on the site was produced by Wessex Ecological Consultancy in response to the planning application for development of the site in 1999. This found the site to have four nationally scarce species of flora, and 21 species of nationally rare, scarce or vulnerable invertebrate fauna. Six of these species are Red Book Data species and the remaining fifteen are nationally scarce. The site was considered to be of national significance for its invertebrate communities and comes close to warranting designation as an SSSI. Although further work has been carried out since that report was prepared, that work does not in my view undermine the findings of the Wessex Ecological Consultancy.

5.92 The Council refers to the priority given in Government policy to the re-use of previously developed land, but having regard to the advice in Annex C to PPG3, the definition excludes land which was previously developed but where the remains of any structure or activity have blended into the landscape in the process of time and where there is a clear reason such as its contribution to nature conservation that could outweigh the re-use of the site. Although there are some buildings which remain intact on parts of the site, the major part of it has become overgrown such that it blends into the landscape. This together with its importance as a site for nature conservation weighs against its status as previously developed land and the priority which should be given to its re-use.

5.93 The Master Plan for the development of the site put before me at the Inquiry takes into account the results of earlier surveys, including the 1999 report by Wessex Ecological Consultancy, and seeks a compromise between development and nature conservation interests. However, the scheme has not been the subject of consultation with Wessex Ecological Consultancy, the Council's ecologist or English Nature. Until it can be demonstrated that those areas of the site which are of significance for nature conservation can be fully safeguarded I consider that it would be inappropriate to increase its capacity for residential development above that proposed in the 1999 scheme, on which the ecological issues were unresolved.

5.94 I fully accept the importance of this site to the regeneration of Norton-Radstock. However, the maintenance of large parts of the site as a nature reserve can also be of value to the community. The 1999 report from Wessex Ecological Consultancy identified three areas which could be developed without significant biodiversity losses given appropriate management of the rest of the site. I am therefore confident that some development could take place within the site whilst conserving its ecological importance, but it needs to be demonstrated that the development is confined to areas which are not of significant value.

5.95 The NR Regeneration Company now has a developer partner ready to work on an appropriate scheme, and I see no reason why some development should not take place during this plan period. However, to avoid pressure for the achievement of high numbers of dwellings at the expense of the ecology of the site, I recommend that the site be expected to accommodate no more than 50 dwellings during the plan period. Any higher number of dwellings which may be achieved would count towards the supply of housing land beyond the plan period.

## *2. Bath & North East Somerset Local Plan Inquiry Including Minerals and Waste Policies Inspector's Report - Section 7: Chapter B9*

### Chapter B9 - Policy GDS.1/NR2

There are large numbers of representations to this policy; details are listed at Appendix 1.

#### Issues

- i) Whether the allocation provides for an appropriate mix of development whilst protecting the nature conservation value of the site.
- ii) Should the site be required to accommodate public transport service vehicles and a public transport interchange?
- iii) How far should the potential for reinstatement of the railway and station be protected?
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#### Inspector's Reasoning

##### Issue i)

7.123 I considered this site in Section 5 of my report where I formed the view that more weight should be given to the nature conservation value of the site in view of the presence of four nationally scarce species of flora and 21 species of nationally rare, scarce or vulnerable invertebrate fauna. The 1999 report from Wessex Ecological Consultancy identified three areas which could be developed without significant biodiversity losses given appropriate management of the rest of the site, and it is on these areas that the NR Regeneration Company needs to look to concentrate any development. I have concluded that the site should not be expected to deliver more than 50 dwellings during the plan period.

7.124 As to the mix of development, Streetly Developments and Morrisons see the site as an opportunity to provide a large retail foodstore. However, whilst I see some merit in a development which could bolster the vitality of Norton Radstock as a shopping centre and contribute to its increased self-sufficiency, the C&CTS assessments indicate that it would be appropriate to distribute only a limited part of the projected growth in quantitative retail capacity to Midsomer Norton and Radstock during the plan period. This would not support a foodstore of the scale envisaged. Furthermore, it is far from clear whether the site would support such a development without harm to its ecological value. The allocation has been amended in the RDDLP to allow for a mix of development which includes retail uses within the Town Centre Shopping Area and I consider there is no evidential basis for that to be changed to provide for a large scale foodstore as suggested. Nevertheless, the issue should be considered as part of the preparation of a DPD for Midsomer Norton and Radstock town centres. In the meantime any such proposal would fall to be considered against Policy S2 as recommended to be modified.

7.125 Some objectors also argue for an increase in the proportion of employment and community facilities to be provided, with a consequent reduction in residential development. The Business Location Requirements Study 2003 identified a need for a modest increase in office floorspace (Class B1a & b) in Norton-Radstock during the plan period. In view of the location of the site within and adjacent to the town centre, such development would therefore be entirely appropriate within a mixed scheme. However, there is no evidence to support the allocation of the major part of the site for employment uses. The site is also clearly well located for community uses. I am satisfied that, with the modifications which I recommend below, clause 1 of the policy sets out an appropriate mix of development that would be desirable on the site. However, the extent to which this could all be achieved must depend on the actual area that can be developed without harm to the areas which are most important to nature conservation, and on the viability of any scheme having regard to the potential costs of decontamination.

Issue ii)

7.126 In view of the physical constraints to the development of this site I consider that it would not be realistic to expect the site to provide for full access to public service vehicles and a public transport interchange. I

agree the suggestion for rewording put forward by the NR Regeneration Company.

Issue iii)

7.127 I have some sympathy with the views of a number of objectors who wish to see the potential for the restoration of the railway line and station protected within the site. However, as I have stated in Section 5, whilst the provision of a sustainable means of transport is a cause worthy of support, without any demonstration of viability or indication of funding which would enable its implementation it is not a matter to which priority can be given in this plan. Nevertheless, the policy does require provision of a sustainable transport corridor, so it does not entirely preclude the possibility of a rail link.

7.128 Although the Brunel shed and railway turntable may not be available for use for railway purposes, I do see benefit in retaining it within the site and am concerned by the deletion of clause 10 as proposed in the RDDLP.

Even if the structures are not kept in their existing position, their retention within the site would ensure that its historical significance is not lost.

Issue iv)

7.129 A number of objections are made to the wording of the policy in the DDLP, and the amendments put forward in the RDDLP now meet many of the issues raised. However I consider that there is a need for further modifications to ensure that the importance of the site for nature conservation is adequately reflected in the policy, and that the aspirations for development within the site are realistic.

7.130 Taking first the mix of development defined in clause 1. The site is some 4.8ha in area. Parts of the site are subject to contamination, and there are areas of high nature conservation interest which English Nature confirmed in 1999 to be of county importance. Bearing in mind these constraints, and having regard to the irregular shape of the site, it seems to me that the list of uses set out in clause 1 are over ambitious. Clearly it is an important opportunity for development close to the town centre and as such some retail and office uses within or adjoining the town centre shopping area would be appropriate. In addition, I support a reference to community uses. However, rather than include a requirement for leisure uses it would be of more value to have a local nature reserve within the site in recognition of its nature conservation importance.

7.131 For the reasons which I set out in Section 5 of my report, Clause 2 should refer to about 50 dwellings during the plan period.

7.132 There are policies in the plan which require provision of amenity and public open space of a scale which is appropriate to a particular development. Similarly other policies deal with matters covered by clause 4. Clauses 3 and 4 should be deleted

7.133 Having regard to the constraints to development within the site, its scale and shape, I find the requirements of Clause 5 to be unduly onerous and this should be deleted. The wording suggested by NRRC would secure an

adequate public transport service for the site.

7.134 It is proposed to safeguard the former railway corridor for sustainable transport incorporating the National Cycle Network. However, the ecological evidence suggests that the former rail track provides some of the most valuable parts of the site for nature conservation, and the use as a cycle route may not be compatible with the protection of species of national significance. Therefore I consider that Clause 6 needs to be qualified by a requirement to have regard to the nature conservation value of the trackbed.

7.135 Clause 7 places emphasis on compensation and management. To give more weight to nature conservation interests I consider that this wording should be changed to ensure the identification and retention of areas of significant nature conservation value, together with a scheme for management and mitigation of the effects of development, and for compensation where the loss of areas of nature conservation value cannot be avoided.

7.136 To secure the historic significance of the site, I also recommend the reinstatement of the original clause 10, with a modification which would allow the engine shed and turntable to be relocated within the site if necessary.

7.137 I recommend no additional clause to deal with surface water drainage since this is a matter which would be subject to Policy ES.5 of the plan.

Recommendation:

R7.24 Modify GDS.1/NR2 as follows:

Delete clauses 1, 2, 3, 4 and 5

Insert new clauses:

“1. Residential development with retail and office uses within or adjacent to the Town Centre, with community facility and local nature reserve.

2. About 50 dwellings in the period to 2011.

3. Provision for safe movement of public transport service vehicles in and around the site.”

Modify clause 6 by adding at the end:

“where this is compatible with the safeguarding of trackbed which is of significant nature conservation value.”

Add new clause:

“Identification of areas of significant nature conservation interest to be retained, with a scheme for their management and the mitigation of any effects of development; together with a programme for compensation where the loss of areas of ecological importance cannot be avoided.”

Retain clauses 8, 9 and 10.

Add new clause:

“Retention (with relocation if necessary) within the site of engine shed and nearby turntable.