

Statement of Common Ground

B&NES Core Strategy – Strategic Site Allocations

English Heritage
and
Bath & North East Somerset Council

12th 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 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 copies of these Statements of Common Ground to the Inspector is noon on 14th February 2014 (with hard copies in advance of this); the Council has a working deadline of **7th February** in order to ensure timely completion.
- 1.4 The purpose of this Statement of Common Ground between English Heritage and B&NES is to highlight matters of agreement and disagreement in relation to heritage assets to assist the Inspector.**

2.0 Summary of Agreed Matters

- 5.1 The following are matters agreed between the parties:

Site Allocation B3B – Odd Down

- English Heritage and B&NES are in agreement that the Council's evidence based assessment shows that there would be "substantial harm to the significance of the Wansdyke" that "would arise if an open landscape area to the south of the Wansdyke (Area D, the field adjacent to the Wansdyke and Sulis Meadows) were developed" (quote extracted from English Heritage Representation – December 2014 – CD12/5).
- English Heritage and B&NES are in agreement that the following would help to ensure that substantial harm to the significance of the Wansdyke is avoided and that the Scheduled Ancient Monument is also conserved:
 - the proposed retention of undeveloped fields adjacent to South Stoke Lane and the Wansdyke;
 - the mitigation set out in the Placemaking Principles (including the amendments to the B3B Placemaking Principles wording suggested by English Heritage in their representation of 20th December 2013 are considered acceptable to the Council – CD12/3)
 - in addition clarification could be added to the Concept Diagram (CSA23) to better reflect the policy wording that built development in Area D must be avoided, i.e. it should remain undeveloped.

- The Council acknowledges that English Heritage through their representation (CD12/3) are of the view that ideally Option B2 (Core Strategy Proposed Changes – Nov 2013) would be applied omitting Area D (the field adjacent to the Wansdyke and Sulis Meadows) as evidence demonstrates that substantial harm would be caused to the significance of the Wansdyke if development were located here, contrary to the NPPF. However, both parties recognise that there are other considerations that the Council has put forward in BNES/51 to justify the removal of this area from the Green Belt. It is noted that this option B2 is still open to consideration by the Inspector, and has been publicly consulted upon.
- While the Council and English Heritage note that substantial harm can be avoided by preventing built development in area D (as outlined above), in other areas a “clear and convincing justification” and an explanation of the “public benefits” that would derive from any less than substantial harm needs is required. For clarification, the Council notes that this case is already outlined in background documents, in particular:
 - Paragraphs 3.11 and 3.12 in BNES/51
 - Policy B3B - Placemaking Principle 6, bullet point 6.
 - In addition to securing the future of a heritage asset at risk, Placemaking Principle 6 also ensures improved public access, understanding and enjoyment of the Wansdyke through the detailed consideration and management of recreation and movement
 - Benefits of meeting housing needs in the most sustainable locations (CD9/PC3 Annex 1 & BNES47)
- It is particularly of note that the Wansdyke is on the national Heritage at Risk Register, and that the inclusion of this section of the Wansdyke in the site allocation would facilitate the delivery of actions derived from a conservation management plan for this section of the Wansdyke (in line with the Placemaking Principle 6 of Policy B3A). The Council considers that the above would amount to a public benefit (in accordance with NPPF, paragraph 134) in addition to the public benefit of meeting housing need in a sustainable location.
- **English Heritage consider that the Core Strategy would not be unsound with this proposed allocation including Area D if:**
 - **Development in Area D, which would cause substantial harm to the significance of the Wansdyke is avoided, and that the Placemaking Principles and Concept Diagram (CSA23) are amended to better reflect this position.**
 - **In other areas ‘clear and convincing justification’ and explanation of ‘public benefits’ that would derive from any less than substantial harm is clearly articulated.**
 - **The suggested amendments to the Placemaking Principles set out in English Heritage’s representation (CD12/3) are incorporated into the Plan to fully ensure that Masterplanning work and the development itself takes account of conserving the significance of the Wansdyke,**

Site Allocation B3A – Weston

- The amendments to the wording suggested of the Placemaking Principles for B3A suggested by English Heritage in their representation of 20th December 2013 (CD13/2) are considered acceptable to the Council
- English Heritage in their representation (CD13/2) notes that the Heritage Assets Study (CD9/LV/1) highlights (coloured red) that development on the western portion of the site (Land to the West of Lansdown Lane) would cause substantial harm to the Outstanding Universal Value of the World Heritage Site contrary to the policies of the NPPF and that there appears no justification or explanation for its inclusion.

- For clarification, the Council, in accordance with this study (CD9/LV/1), considers development in the western part of the site must be avoided – as reflected in the Placemaking Principle 7 bullet 2 it should remain undeveloped. The reasons for including this land in the area for proposed Green Belt release relates to the need to identify appropriate Green Belt boundaries as outlined in BNES/51 – in particular paragraphs 3.31 and 3.34, in line with the NPPF.
- Similarly, English Heritage in their representation (CD13/2) notes that the Heritage Assets Study (CD9/LV/1) highlights (coloured red) that development on the eastern portion of the site (Land Adjoining Weston, Eastfield Avenue) would cause substantial harm to the Outstanding Universal Value of the World Heritage Site contrary to the policies of the NPPF and that there appears no justification or explanation for its inclusion.
- For clarification, the Council, in accordance with this study (CD9/LV/1), considers development in the western part of the site must be avoided – as reflected in the Placemaking Principle 7 bullet 3 it should remain undeveloped. The reasons for including this land in the area for proposed Green Belt release relates to the need to identify appropriate Green Belt boundaries as outlined in BNES/51 – in particular paragraphs 3.30 and 3.34.
- The Council considers that further clarification could be added to the Concept Diagrams (CSA26 and CSA27) to better reflect the policy wording to reflect that built development in the western/eastern parts of these sites must be avoided i.e. they should remain undeveloped.
- English Heritage in their representation (CD13/2) notes that the Heritage Assets Study (CD9/LV/1) highlights (coloured amber) that development on the eastern portion of the site (Land to the West of Lansdown Lane) and the central part of the site (Eastfield Avenue) would cause harm to the Outstanding Universal Value of the World Heritage Site and that there appears no justification or explanation for its inclusion.
- The Council accepts that development of parts of the allocated sites at Weston (parts of fields F and G coloured orange in the Heritage Assets Study - CD9/LV/1) will cause some (less than substantial) harm. However, it is considered that the extent of the impact can be mitigated by the measures outlined in Placemaking Principles 6 & 7 of Policy B3B, which will ensure sensitive development design, form, density and protection of existing landscape features as well as new planting.
- The Council considers that this limited harm is outweighed by the public benefit of meeting housing need in a sustainable location.
- The Council, with English Heritage support, is now undertaking further assessment to identify whether “possible Lynchets” identified in the LUC Heritage Assets study, are present on the Land Adjoining Weston, Eastfield Avenue (fields L and M in Appendix 2 -CD9/LV/1). An update on this issue will be provided at (or if possible in advance of) the Core Strategy examination hearings in April. Both parties are agreed that further clarification on the presence, age, significance etc. of any Lynchets may have a bearing on this land parcel’s capacity for development.
- **The Council and English Heritage consider that in relation to these sites at Weston the Core Strategy would not be unsound with the clarifications and proposed changes referred to above and the careful location of development and a considered design response.**

Site Allocation RA5 – Whitchurch

- The amendments to the wording of the Placemaking Principles for RA5 suggested by English Heritage in their letter of 20th December 2013 (CD12/3) are considered acceptable to the Council

City of Bath World Heritage Site Setting Supplementary Planning Document

- For clarification, English Heritage supports the Council’s methodology and evidence base on World Heritage Site setting, and considers these to offer a robust and sound objective

assessment to inform the spatial strategy and strategic allocations in the Core Strategy in accordance with the NPPF.

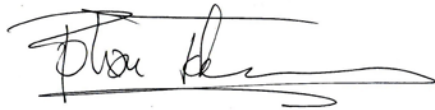
3.0 Summary of Matters in Dispute

- 3.1 Subject to the inclusion of English Heritage's suggested amendments to the Placemaking Principles there are no identified matters in dispute

4.0 Declaration

- 4.1 The content of this document is agreed for the purposes of the B&NES Core Strategy hearing 2013.

Signed on behalf of English Heritage:



.....
Position: Historic Environment Planning Adviser

Date: 12th February 2014

And

Signed on behalf of Bath & North East Somerset Council:



.....
Position: Planning Policy Team Leader

Date: 13th February 2014