

**BANES  
CORE STRATEGY DPD  
EXAMINATION**

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**DAY 6**

**Issue 3: Green Belt**

**HEARING DATE:**

**THURSDAY 26 JANUARY 2012**

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**STATEMENT**

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**For**

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**December 2011**

**Executive Summary: Test of Soundness**

*PPS12 sets out the principal components to be included in local spatial plans.*

*Paragraph 4.42 of the PPS requires that in order to be “sound” a core strategy should be justified, effective and consistent with national policy.*

*PPS3 sets out the specific outcomes that the planning system should deliver. It also sets out a requirement for development plans to take into account evidence of current and future levels of need and demand for housing and affordability levels based upon, inter alia, local and sub-regional evidence of need and demand as set out in SHMAs. This duty to cooperate is carried forward under Part 6 (Sec.110) of the Localism Act 2011, the requirements of which may come into play if further preparation and/or consultation is likely.*

*In order to be justified the Core Strategy (CS) must be founded upon a robust and credible evidence base and represent the most appropriate strategy when considered against the reasonable alternatives. Effective means that the document must be deliverable, flexible and able to be monitored.*

*For the reasons set out in our submissions, we are of the view that the Core Strategy fails the following PPS12 tests of soundness:*

**Justified**

*The suggested approach to (i) establishing a housing requirement (ii) housing delivery; and (iii) distribution does not represent the most appropriate strategy when considered against the reasonable alternatives.*

**Effective**

*The approach to addressing housing, employment and growth related needs has not been demonstrated to be either deliverable or flexible.*

**Consistent**

*The proposals are not consistent with national policy in that they fail to provide a sufficient supply of deliverable/developable housing land.*

*The draft CS should be amended in accordance with our detailed representations.*

***In accordance with our recommendations we are of the view that additional technical work is required to be undertaken in relation to the Green Belt and the District-wide scale of provision for jobs and housing. This would need to be followed by a further round of public consultation and re-examination of the changes before the plan could be found sound.***

## **ISSUE 3:**

### **Is the retention of the general extent of the Green belt justified?**

#### **Summary**

- 1.1. As set out in our Issue 1 and 2 Statements, the Council's approach to the overall amount of housing to be met during the plan period is neither justified nor effective in so far as it fails to represent the most appropriate strategy when considered against the reasonable alternatives and nor does it provide either a deliverable or flexible strategy.
- 1.2. Even at the level of housing growth proposed in the submission draft CS (which is lower than all of the alternative options set out in the RSS and in the evidence put forward in representations, to include that prepared by IPPR), the Council has failed to demonstrate that the components of housing supply on which they rely are deliverable (within five years) and/or developable at the point envisaged. Accordingly, there is a demonstrable need to undertake a review of the Green Belt and provide for strategic allocations, including as part of the baseline supply, in order to:
  - i. Ensure the delivery of the requisite number of dwellings in helping to meet the 11,600 dwelling requirement (corrected by the Inspector to 12,100) identified by the Council as being the appropriate level of growth in the period to 2026 (12,180 in the period to 2027 based on the 11,600 figure or 12,705 based on the Inspector's 12,100 figure).
  - ii. Provide for both baseline and contingency allocations in the event that the Inspector concludes that there is a sound justification to increase the overall amount of housing to be met during the plan period.

#### **Statement of Case**

##### **Q10.4 – The Overall Approach**

- 1.3. When assessing the need or otherwise for a review of the Green Belt, the starting point is the content of PPG2 (Green Belts) and RPG10 (CD3/3).
- 1.4. PPG2 includes at paragraph 2.12, text setting out an appropriate strategy in relation to Green Belt policy when local planning authorities are preparing new or revised structure and local plans. This requires that, inter alia, any proposals affecting Green Belts should be related to a time scale which is

longer than that normally adopted for other aspects of the plan and that authorities should satisfy themselves that Green Belt boundaries will not need to be altered at the end of the plan period. This has not been demonstrated by BANES and, moreover, in terms of the CS, we are referring here to a time period beyond 2027.

- 1.5. As to RPG10, Policy SS4 sets out a requirement for local authorities, when preparing their development plans to, inter alia:
  - Critically review the Green Belt to examine whether boundary alterations are needed to allow for long term sustainable development needs;
  - Remove land from the Green Belt for development, if, on balance, this would provide the most sustainable solution for accommodating future development requirements.
- 1.6. Paragraph 3.11 of RPG10 highlights the fact that the Bath PUA is surrounded by the Green Belt and that some of the growth related to the City has been leaping the Green Belt to nearby commuter towns, leading to less sustainable patterns of development and travel. For this reason it is explicitly stated in the paragraph that the need to ensure that future patterns of development are more sustainable means that the boundaries of the Green Belt around Bath should be reviewed in the next round of Structure Plans.
- 1.7. Paragraphs 3.25 and 3.26 together with Policy SS9 state that Bath is a living city, not a museum. Accordingly, it is not set in aspic (a point noted by the subsequent RSS Panel).
- 1.8. RPG10 further adds that if past unsustainable commuting trends are to be reversed, it is essential that increased opportunities be identified to provide adequate residential development.
- 1.9. There is an explicit requirement in Policy SS9 for a review of the Bath Green Belt to be undertaken.
- 1.10. In failing to undertake a review of the Green Belt, the CS cannot be said to be in general conformity with the approach to the Green Belt at Bath as set out in RPG10.

- 1.11. The subsequent RSS Panel's recommendations in relation to the Green Belt at Bath are well documented and we have set out their comments in detail in our earlier representations on which we rely.
- 1.12. Against the above background, and in the context of the Inspector's assumptions set out in the bullet points at his question 10.4 for the Green Belt hearing session, our response is that a Green Belt review is required to make the plan sound under all three scenarios:
- i. The overall scale of development proposed and its delivery is unsound. The LPA is unable to demonstrate a deliverable/developable supply of housing land even against their 11,600 requirement figure to 2026 (12,180 to 2027) which is set at a level significantly below that which is considered to be necessary to meet identified needs as set out in the evidence base to the CS and in the documents prepared by "others" (including that prepared by IPPR).
  - ii. Even if the assumption were correct that the overall scale of development proposed by the LPA is sound, which it is not, the delivery rates from the identified components of supply are uncertain and there needs to be a contingency in place to provide for the flexibility required by PPS12;
  - iii. The overall scale of housing development is unjustified and should be significantly more.
- 1.13. In the absence of a review of the Green Belt, we are of the view that the CS is unsound, even based upon the 11,600 requirement said by the LPA to be necessary to meet the locally derived requirement for housing.
- 1.14. The Inspector's conclusions in relation to housing delivery and growth at Bristol set out at paragraph 44 of his report into the Bristol Core Strategy equally apply in relation to Bath i.e. there are no other realistically available sources of housing land supply within the city of Bath to increase housing provision other than the Green Belt.

#### **Q10.5 - Bath**

- 1.15. For all of the reasons set out in our accompanying representations (see also Annex A – site specific considerations) land west of Twerton provides an opportunity to provide for a mixed use sustainable urban extension to provide for around 2,000 dwellings together with employment provision, open space and sustainable linkages to the city centre without serious conflict with the

overall purpose of the Green Belt. Annex B (Buro Happold report) sets out a review of CD4/ENV6 in relation to ground conditions.

1.16. The merits of the site in providing for a sustainable urban extension have already been assessed in considerable detail and deemed acceptable in:

- (i) the Colin Buchanan Green Belt Review (Feb 2006)
- (ii) the draft RSS
- (iii) the RSS Panel's Report
- (iv) the SoS in setting out his Proposed Changes to the RSS; and
- (v) BANES through preparation of their Oct 2009 Spatial Options consultation.

1.17. Policies SR2 and SR3 of the draft RSS (June 2006) outline the requirement for an urban extension in this broad location and an area of search was identified on the Key Diagram for the West of England (Inset Diagram 4.1). It was envisaged that the urban extension would provide a new neighbourhood and include a variety of other uses including employment opportunities, shops, schools and green space.

1.18. Paragraph 4.1.25 of the RSS Panel's Report refers to the Council's stance at the EiP, stating as follows:

*"...The Council acknowledge in paragraph 8 of its Statement that the provision of an urban extension to Bath would help to ensure that economic growth could be achieved, but the urban extension environmental capacity appraisal that it submitted indicates that there is no capacity for such an extension on the edge of Bath."*

1.19. Paragraph 4.1.27 states in relation to the Panel's assessment of the appropriateness of the location to the south west of the City to provide for an urban extension as follows:

*"The Regional Assembly point out that the location identified by the study as having least impact on WHS status lies against the urban edge adjoining Twerton on the south side of the city. We examined this edge during our Panel Tours and note that the development of Bath has already extended out of the original hollow and much of the current edge of the city comprises fairly ordinary suburban development. In our view the critical area in terms of the WHS designation is the compact city set in the hollow in the hills. This area*

*cannot be seen from the southern edge of the city and the southern edge cannot be seen from within the hollow in the hills. We agree with the Regional Assembly when it states in paragraph D8 of its Statement that it is inappropriate that all locations are ruled out and consider that there is some scope for development that would not threaten the special character of the city. Bath is a living city and needs to be planned accordingly. We conclude that consideration should be given to the provision of employment land on the southern edge of Bath.”*

- 1.20. In the context of the evidence base made available to date, the LPA has failed to substantiate and/or justify that there is no such requirement for an urban extension to the south west of the Bath urban area following a review of the Green Belt. Moreover, there are uncertainties as to the ability of the Council to meet even their locally derived requirement figure, let alone the higher figures put forward by various respondents and as set out in the evidence base.
- 1.21. We also note the content of the representations submitted by English Heritage upon the Spatial Options consultation (by letter dated 18 Jan 2010) where their comments suggest that if development on the Duchy land at Twerton were contained to the south then there would not be an unacceptable impact on the setting of the WHS. This matter is dealt with in more detail in our Statement prepared for the Bath Spatial Area session to be held on Day 3 (see also the document prepared by the Prince’s Foundation and submitted at Annex 3 to our representations upon the Significant Proposed Changes consultation).
- 1.22. Providing for an urban extension to Bath is necessary for the reasons set out at paragraphs 1.49 to 1.52 of our Issue 2 (Spatial Strategy) Statement.
- 1.23. As to the requirements of national planning policy statements, Paragraph 4.46 of PPS12 clearly states that a strategy is unlikely to be effective if it cannot deal with changing circumstances; adding that plans should be able to show how they will handle contingencies i.e. what alternative strategies have been prepared to handle any uncertainty and what would trigger their use.
- 1.24. A supporting publication, issued by PINS, is “Local Development Frameworks Examining Development Plan Documents: Learning from Experience” (Sept 2009). The publication provides advice to LPAs in the preparation of their DPDs.

- 1.25. Paragraph 20 concerns housing delivery and notes that despite its critical importance, this is an area where many plans are notably weak.
- 1.26. Paragraph 21 relates to the approach to land identification in Core Strategy, stating:

**“In some instances the weakness derives from a failure to identify sufficient and/or appropriate land for development. Sometimes this appears to derive from a reluctance to accept that unpopular decisions about allocating land, possibly green field land, for development have to be made. Simply claiming that development needs will be met within the urban areas and that the position will be reviewed if necessary in the future is not likely to be acceptable unless there is a evidence that the “urban areas only” approach is likely to be realistic. Where the scale of land needed for development is such that greenfield allocations are likely to be required the strategy should make this clear. In this example if the DPD is a core strategy it should either make strategic allocations or give adequate guidance for a subsequent site allocations DPD to readily identify the land needed without having to re-visit strategic considerations.”** (Our emphasis underlined)

- 1.27. The above considerations are applicable in the case of the draft CS for BANES.
- 1.28. In addition to the above, the findings of the Inspector in reporting upon the failings of the Windsor and Maidenhead Core Strategy (which matter we addressed in our representations upon the submission draft CS) are highly relevant in considering the shortcomings of the Council’s failure to support a review of the Green Belt at bath.

### **Adjoining Bristol**

- 1.29. The contingency options of providing for a development at Hicks Gate and/or at Whitchurch, were assessed along with that for West of Twerton and Odd Down in a report to Full Council on 15 September 2011 concerning the content of the Proposed Changes to be published for consultation.
- 1.30. In reporting upon the Hick Gate option on page 57 it is states as follows:



“The main focus for housing need in the district is at Bath, development in this location although it may be contributing to a BANES housing target is not located in the main area of need...”

- 1.31. Providing an urban extension adjoin Bristol would not be helping to provide for housing opportunity and choice where the need is greatest. This is at Bath.
- 1.32. Other concerns relation to this option include whether it would be sustainable in the short to medium term. Any development ahead of the release of the Bristol contingency would be incongruous and is likely to result in an isolated community, continuing the trend of unsustainable travel patterns, contrary to the aims of RPG10, the draft RSS, PPG13 and the CS itself.

### **Recommendation**

- 1.33. For the reasons set out above, there is a clear and overriding need to provide for sensible, sustainable and deliverable proposals to ensure the timely provision of new housing in order to meet identified needs.
- 1.34. In the context of the evidence base to the Core Strategy, including the assessment set out in the report to Full Council, this includes the need to plan for additional development in and around Bath (where the need is the greatest) in the form of a Green Belt review.
- 1.35. To conclude, we are of the view that additional technical work is required to be undertaken in relation to the Green Belt and the District-wide scale of provision for jobs and housing. This would need to be followed by a further round of public consultation and re-examination of the changes before the plan could be found sound.

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