

**Inspector's Issue 3: Is the retention of the general extent of the Green Belt justified?**

1. Yes. It is our view that the question would be better posed the other way round: is there evidence to justify not retaining the general extent of the Green Belt? The current extent of the Green Belt within B&NES is defined by the approved B&NES Local Plan 2007, which was itself subject to an inquiry and report by a previous Inspector. The foreword to PPG2 confirms that "Green Belts must be protected as far as can be seen ahead ..." Paragraph 2.6 confirms that "Once the general extent of the Green Belt has been approved it should be altered only exceptionally. ... Similarly, detailed Green Belt boundaries defined [as here] in adopted local plans ... should be altered only exceptionally. ..."
2. BPT seeks to demonstrate in other sessions of the EiP<sup>1</sup> that sufficient land has been allocated to meet development needs outwith the Green Belt. Taken together, the extensive land at Western Riverside, the three MOD sites, a proper allowance for windfall sites and other non-Green Belt land, together with the more realistic housing provision now envisaged, strike the right balance and certainly do not amount to the type of exceptional circumstance warranting revision to the "general extent" or even defined extent of the Green Belt. The Council's Proposed Change PC35 is material and helpful in this regard; even if the most recent MOD site, Ensleigh, is determined to be more suitable for business, or mixed use, this would still potentially free up other more central land to be made available for housing.
3. There is neither the potential nor the need to build additional housing in the important and precious Green Belt adjoining Bath, of which the majority is also AONB. The Spatial Options Consultation 2009 (CD5/4) was just that - a consultation document. It has since been overtaken by revised, lower, housing numbers and increased availability of additional brownfield land. The Assessment of Contingency Sites (Sept 2011) similarly reflects its title: it addresses contingency. The CS is sound without the need for such contingency provision, since (as will be addressed during EiP Days 1 and 2) adequate housing land has been identified with any further contingency ensured through windfalls.

---

<sup>1</sup> EiP Days 1 & 2

4. In itself Policy CP8 is sound. It closely reflects national policy in PPG2 but framed specifically for the B&NES context. In particular CS Table 8 adeptly transposes the generic purposes of including land in Green Belts set out in PPG2 paragraph 1.5. Most particularly, 1.5 4<sup>th</sup> bullet “to preserve the setting and special character of historic towns” clearly does not apply to all designated Green Belts. However, the particular application of national policy guidance in Table 8 “to preserve the setting and special character of Bath” is fundamental. The setting of the WHS is an integral part of its Outstanding Universal Value, and the Green Belt around Bath is a vital tool in its preservation. In addition, the extent of AONB around Bath, and the moves to ‘complete the ring’, highlight the landscape value and statutory protection afforded to this area. In short the Green Belt around Bath ticks more boxes than do some others, and warrants even more protection.
  
5. However, as it stands the CS in relation to the Green Belt is unsound. Paragraph **1.27 Bath** states: “No changes are proposed to the general extent of the Green Belt around Bath. Para 1.31 confirms that: “The **Green Belt** is shown on the Key Diagram. No changes are proposed to the general extent of the Green Belt in the form of either extensions or deletions.” **Policy DW1 District Wide Spatial Strategy** includes: “retaining the general extent of Bristol Bath Green Belt within B&NES with no strategic changes to the boundaries”. **Policy B1 Bath Spatial Strategy** makes no reference to the Green Belt, which should logically be addressed within B1 Natural and Built Environment. Even more worryingly, there is no reference to the Green Belt in **Policy B4 The World Heritage Site and its setting**. BPT argues elsewhere<sup>2</sup> that the Council is under a duty to provide a ‘buffer’ around the WHS. It might be that the Council will argue that the Green Belt fulfils that requirement: if so that would reinforce the need for an express reference to the Green Belt in Policies B1 and B4.
  
6. Moreover there are subtle distinctions elsewhere in the CS. Supporting text to **Policy B5 Strategic Policy for Bath’s Universities, at paragraph 2.41** unequivocally states (implicitly only in the vicinity of the two Bath universities) that: “No alterations to the Green Belt boundary beyond that previously made in the Local Plan are envisaged during the Core Strategy Period”. Para **1.28 Keynsham** again unequivocally states that: “No changes are proposed to the Green Belt boundary around Keynsham ....”. Similarly paragraph 6.64 referring to Keynsham and villages, inset within the Green Belt, similarly confirms that: “There are no exceptional circumstances which would justify amending these

---

<sup>2</sup> EiP Day 3

Inset boundaries and therefore, they remain unchanged". **Policy KE1 Keynsham Spatial Strategy**, has a similar format to that for Bath (BE1) but unlike the strategy for Bath its first sub section, Natural and Built Environment, opens with the straightforward aim to: "Maintain the Green Belt surrounding Keynsham".

7. That these two policies have similar formats but contrasting content might be taken to imply that the omission of any reference to the Green Belt in BE1 was purposeful and that the currently defined extent of Green Belt around Bath is open to review, for example to accommodate an urban extension. BPT's concern is not with the policies for Keynsham and the inset villages but the difference of approach for Bath. Thankfully the days of Latin legalese have ebbed away<sup>3</sup>, but these qualified references to the Green Belt around Bath implicitly invite boundary changes in subsequent DPDs. It would be difficult to resist such proposals in the context of the CS as it stands but these would be potentially highly damaging to the crucial setting of the only complete city in the UK that is recognised as a WHS.
8. There is no justification offered for taking a different approach with respect to Bath. There is no support in national policy and given the key imperative of safeguarding the WHS setting the CS may also be seen as ineffective. In these several ways, as it stands the CS does not meet the test of soundness in PPS12 paragraph 4.52.
9. In similar vein, the Council's Proposed Change PC47 appears to retain the presumption against modifying the Green Belt boundaries in the vicinity of the two Bath universities, which the BPT supports. However, the change proposed with regard to Bath Spa University foreshadows a likely acceptance that future very special circumstances will warrant development in the Green Belt around Newton Park. This is a highly undesirable approach to the management of development within a Green Belt which could set difficult and unwelcome precedents and is plainly contrary to the advice in PPG2 paragraph 3.3.
10. On a more detailed point, a close comparison between the Local Plan Proposals Map and CS Diagram 4, The Key Diagram, suggests that even as a schematic diagram the latter does not fully reflect the existing extent of the Green Belt in the vicinity of Odd Down, but features a small additional 'blister' extending

---

<sup>3</sup> Or BPT would be tempted to refer to *expressio unius est exclusio alterius* (the express mention of one thing excludes all others)

southwards. There is no evident reason for the difference, which is assumed to be a small drafting error which needs correcting.

**Specific changes sought to make the CS sound.**

- Paragraph 1.27: omit the word “general” from the final sentence so that it reads: “No changes are proposed to the extent of the Green Belt around Bath”
- Policy DW1: Amend so as to clarify what is meant by “no strategic changes” to the boundaries [of the Bristol Bath Green Belt] to indicate what non strategic changes might be envisaged. Alternatively, simply amend to refer to no changes. The latter would not necessarily preclude trivial tidying up changes in subsequent DPDs, which could still be in general conformity with the CS.
- Policy B1: Insert Sub Section 1 Natural and Built Environment a new clause a) to read “Maintain the Green Belt around Bath” and re-letter subsequent clauses. (This change is fully compatible with the Council’s Proposed Change PC20 and reinforces the “strong presumption against development that would result in harm to the Outstanding Value of the World Heritage Site ...” proposed in PC42).
- Policy B4: Insert between the first and second sentences: “... will be refused. Accordingly the extent of the Green Belt providing the WHS setting will be vigorously protected and its boundaries retained. However, where ...”
- Amend Diagram 4 so that it more accurately reflects the Green Belt boundary in Odd Down vicinity.
- Proposed Change PC47: omit the second sentence “Proposals should seek ... development beyond it.”