

Joint Statement, Cam Valley Wildlife Group and Somer Valley Friends of the Earth regarding Matter ID/7 1B, compliance with the Statement of Community Involvement.

1.1 The SCI, Stage 3, requires the Council to consider responses to the Draft Core Strategy (CD5/13), but all responses duly made by Cam Valley Wildlife Group and Somer Valley Friends of the Earth are not included in the schedule of responses; some documents are partially recorded in the Schedules and some documents supporting the documents placed in the Schedules of responses have not accompanied the entries in the schedules. This suggests to us that the views and reasoning set out have not been properly considered. We could have referred to these unrecorded documents and portions of documents by reference number at this stage had they been entered in the schedules of responses. In the case of the unrecorded submitted material, the reason for inclusion in the responses has been made more clear in some documents than in others.

1.2 That material supported the arguments made and provided information and views of relevance. It also provided information to avoid duplication in successive responses whilst being as fully involved as we could at an early stage, and to save time later. Both Somer Valley Friends of the Earth and Cam Valley Wildlife Group's experience is that it is difficult for voluntary groups to find the time to respond to planning documents as fully as they would like or check that things are going as expected.

1.3 Submitting all the the relevant 'missing' information as appendices is not ideal at this stage and is also subject to the cost of copying all the material three times. We are of the opinion that the failure to include the material could have deprived the groups from making certain points that support particular views. Most importantly, the original text has not been viewed by the Inspector. We feel that this acts against community involvement in the planning process and accordance with the SCI. As some of the 'missing' material is extensive, we thought it best to summarise it or provide excerpts in some cases. We give an account of submitted text not included in the schedules and its relevance in paragraphs 2.1 onward. Summary views are included in some cases where a point made may not be immediately apparent.

2.1 Missing text - Cam Valley Wildlife Group Entry 6a on the on-line comments form for responses to the Draft CS - Reasons why the strategy is not legally compliant, paragraph 1:

We do not consider that it is compliant with the NERC Act. We feel that the Council could and should do more in order to comply with the responsibilities of the Council under the act through its normal functions - in this case the development and production of a Core Strategy that sufficiently addresses the matter of biodiversity conservation. The Core Strategy does not demonstrate that biodiversity conservation and enhancement will be appropriately integrated throughout all departments, policies and activities, but leaves it to an inadequate collection of initiatives and policies; it fails to include progress reports towards national and local biodiversity targets; and the monitoring it proposes is inadequate. All these components, and more, are reasonable requirements and are set out in the publication, Local Authority Services

and biodiversity, Your Statutory Obligations, published by the Wildlife Trusts.

For comment regarding the relevance of this response, see the Cam Valley Wildlife Group response to ID/7 Matter 1, paragraphs 2.1 - 2.3. and 3.1 - 3.3.

2.2 Missing text - Cam Valley Wildlife Group Entry 6b on the on-line comments form for responses to the Draft CS - The Strategy is unsound for the following reasons:

Because it does not pay sufficient attention to biodiversity matters, which are not given the prominence they deserve; environmental capacity and quality matters are not properly investigated; key baseline data is not available; a method of effective stewardship is not enabled by supporting strategies or by the cited delivery mechanisms; the Council appears not to be taking biodiversity seriously enough; the Strategy will not be effective in protecting and enhancing the biodiversity resources of the District as it stands and acts against national policy with regard to wildlife and biodiversity, its conservation and its enhancement.

2.3 Missing text - Cam Valley Wildlife Group Entry 7a on the on-line comments form for responses to the Draft CS - Change required to make the Core Strategy legally compliant:

Address the matters set out in 6a

The bulk of the text of 6a was included in Schedule 1 in 821\1 to 821\16. This was set out as two documents, Document 1: The biodiversity resource of the District, and Document 2: Environmental quality and capacity. The two documents do refer to various parts of the Strategy within them, but were intended to be read as stand-alone documents for the purposes of the statements regarding legal compliance. We take the view that it is the impact/effect of the strategy as well as how it has been worked up from the start that indicates whether or not legal compliance can be shown to be achieved.

2.4 Missing text - Cam Valley Wildlife Group Entry 7b on the on-line comments form for responses to the Draft CS - change to make the Core Strategy sound:

Changes to ensure that developers, planners, councillors and the public recognise the equality of the competing needs, including the need to conserve the wildlife and biodiversity resource of the District; changes that ensure that biodiversity is both protected and enhanced through a much more robust council-wide strategy that includes properly resourcing biodiversity initiatives, working within all departments and recognising the contribution that each department can make, and putting in place robust policies that will actually protect the resource rather than allow it to be consistently deemed to be of lesser value than economic considerations

For comment regarding entry 7b, see Cam Valley Wildlife Group response to ID/7 Matter 1, paragraph 3.3

2.5 Missing text - excerpts from the sustainability appraisal, paragraph 5.5, submitted in section 6a of the on-line comments form for responses to the Draft CS, were included to support the point being made and are also not included in Schedule 1.

2.6.1 Missing text - the Somer Valley Friends of the Earth submission 822/PCV/1 is part of a representation by the group with reference to several proposed changes to the plan, which we thought would be best tackled in combination; it is only partially recorded in *Schedule 1: Duly Made Representations by Significant Proposed Change Reference* (CD7/2). In the submitted text that has not been included, Somer Valley FoE sets out the case for the view that B&NES values heritage features in Bath and makes changes to accommodate them (placemaking changes for Twerton and Newbridge) but fails to do the same for heritage features of equal or greater importance in Radstock. In the unrecorded text, the group makes the argument that RAD1 is such an important heritage feature that it is every bit as worthy a candidate and makes arguments regarding the role of this site in the context of the proposed change 6.41a. The text recorded in Schedule 2 ends with the words, *Radstock Railway Land is also an important former GWR feature, being part of the GWR since 1850 and sporting original GWR features*, but does not record the text following it. The group believes that the views below in 2.6.3 and the full omitted text (Appendix 1: ID/7 B1_Appendix_ChangeRep from the last paragraph of page 2 onward (*Radstock Railway Land is an important....*)) are valid responses to the changes proposed and cannot see that any part of the representation would have been included at all by B&NES if they were not considered relevant. The omitted text is summarised in 2.6.2.

2.6.2 In the omitted text, the group puts forward the argument that natural heritage attributes add to the industrial heritage value of RAD 1 and that the use of the site as an industrial and natural heritage reserve has climate change benefits including the reduction of the need to travel for leisure purposes. The group points to support for this alternative use elsewhere in the Core Strategy, including for the Somer Valley area, and through Planning Inspectorate's view in 2006. It puts forward the view that the present proposed use, conversely, will increase travel and out-commuting. The inclusion in the Core Strategy of a spatial and economic strategy that includes delivery of the RAD 1 proposal effectively rules out proper consideration of its heritage role with reference to climate change and other placemaking considerations. This is because the heritage and other value would be reduced to a relatively peripheral level through due to loss of features, including at landscape scale, which would lead to a large reduction in attraction for leisure and other purposes.

2.6.3 To make the context clear, we argue that the Core Strategy does not go far enough regarding the need to recognise and utilise heritage features for their cultural value and with regard to adaptation to climate change (referred to in B&NES proposed change, 6.41a). We argue that consideration of different locations in this respect is not consistent within the Core Strategy and that such consideration should not be dealt with in the forthcoming SPD alone, as this would avoid proper examination of policy, against PPS 12 para 6.1. The forthcoming SPD is referred to in proposed change 6.41a and we note that the description of the scope of the SPD goes much further than physical

changes to built heritage features in the light of climate change considerations. We argue that B&NES is not treating the natural environment and heritage in a consistent way across the different areas of the district in the Core Strategy. We argue for re-examination of both the commitment to 139 homes within the Radstock Town Centre area on RAD 1 and the whole site allocation of 210 homes in the light of the scope of placemaking considerations, which also has crossover with Green Infrastructure considerations. Policy SV3 lacks recognition of the high importance of green infrastructure other than the river, only commits to an *attempt* to integrate heritage features; it does not consider the climate change-related implications that are covered by placemaking principles. This cannot be dealt with through the SPDs, as these provide supplementary detail and should not be prepared with the aim of avoiding the need for examination of policy which should be examined (PPS 12, para 6.1).

2.6.4 We believe that the specific points in paragraphs 2.6.2 and 2.6.3 have not been made in recorded Somer Valley Friends of the Earth submissions. In addition, we view the NPPF as a document that sets out present Government thinking and that builds on and reiterates existing policy. Our view is that not to include all the material submitted by the group with reference to the NPPF seems remiss and at odds with the SCI.

2.7.1 Missing text - the Cam Valley wildlife Group submission 821/NPPF/1 was only partially reported in Schedule 2. The argument that the emerging NPPF strengthens the group's view was reported in Schedule 2 (821/NPPF/1), but B&NES omitted to include the remainder of the submitted document, including its view regarding application of paragraph 169 to Radstock and reference to NPPF para 131 and the comment pertinent to it (see Appendix 3: ID/7 1B_Appendix_NPPF). It also failed to include the supplementary papers that were sent to support the submission, described by the group as of relevance to its representation regarding the NPPF in the omitted material (see Appendix 4: ID/7 1B_Appendix_supplementary, Appendix 5: ID/7 1B_Appendix_imp&rareSp, and Appendix 6: ID/7 1B_Appendix_RRLHeritageConstraints). The group views the NPPF as indicative of Government thinking and considers that it draws together existing policy elements and material considerations. The group's arguments regarding compliance with the LDS and RPG 10, housing numbers, cultural and environmental services and capital, spatial and socio-economic policy for the Somer Valley area, nature conservation, the treatment of an individual site in the SHLAA and so on can be supported by reference to these supplementary documents. In addition to the matter of Government thinking, if the policies in the NPPF remain unchanged and is released in its final form before the Inquiry report is out, compliance rather than consideration will be a requirement. Therefore, we feel that it was not appropriate to omit them from Schedule 2. The omission of this material also causes further otherwise unnecessary work and cost.

2.7.2 The group argues that the Local Green Space designation in the NPPF (NPPF para 131) is particularly pertinent to the RAD1 site and how it is viewed in planning terms - we feel that its puts the issues into sharper focus through a high level of applicability.

2.7.3 The group argues that applicability of this should be taken into account when

appraising the sustainability of the plan and importance of this particular strategic site to the community, particularly in the promotion of a sustainable community and local circumstances regarding the quality of green spaces in the Somer Valley area. The RAD 1 site certainly fits the bill of a site that is "*demonstrably special to a local community and holds a particular local significance because of its beauty, historic importance, recreational value, tranquillity or richness of its wildlife*". We consider that not to include the submitted material in Schedule 2 works against the SCI and that the elements of the proposed designation are already deemed important in existing Government policy documents and that this falls in line with the UK Biodiversity Strategy 2011, *Biodiversity 2020: A strategy for England's wildlife and ecosystem services* (not in the B&NES Core documents list).

2.7.4 The supplementary papers referred to in 2.7.1 above include the mapping of one UK biodiversity Action Plan Priority Habitat (see respondent 821 response to Matter 1, Appendix_RRLHeritageConstraints). Another was an account of the B&NES Priority species present on the site (see (see respondent 821 response to Matter 1, Appendix_imp&rareSp). The number of rare, scarce and priority species was also referred to earlier, in the response partially recorded in 822/1 (see ID/7 B1_Appendix_excerpts, paragraph 3.3, lines 25 - 30). A third was supplementary text the group considered essential to proper understanding of and as background to the group's views as set out in the header document - this paper referred to its relevance to specific NPPF policies (see Appendix 3: ID/7 B1_Appendix_supplementary, paragraph 1) and covered statutory and regulatory compliance matters connected with the elements of the NPPF policy, including an account of the consideration of RAD 1 in the SHLAA (see Appendix 3: ID/7 B1_Appendix_supplementary, section 2 on pages 3,4,5 & 6). We consider these supplementary papers to be of relevance not only to the implications of the NPPF, but also to the pertinent policy areas. It is most unfortunate that this information has not been fed into the process through omission. We believe the material to be relevant. Regarding the extent of the UK BAP Priority Habitat shown in the respondent 821 response to Matter 1, Appendix_HeritageConstraints, this was mapped in accordance with the most recent definition, but we understand from Buglife that we may have been too conservative and that the extent may be greater. Some support for this view can be found top of page 7 in the Buglife publication, *Planning for Brownfield Biodiversity, A Best Practice Guide* (see respondent 821 response to Matters 1A & 1E, appended guide, *Buglife (2009) Planning for Brownfield Biodiversity: A best practice guide. Buglife - The Invertebrate Conservation Trust, Peterborough*).

2.8 Missing text - Somer Valley Friends of the Earth submitted almost 33 pages of supporting text in the on-line submission that is partially reported in 822/1 in Schedule 1 (CD7/2). None of this material has been included in the schedule, however. As a group with limited resources, we found it expedient to include this material and took the view that the material submitted was pertinent to the points made regarding legal compliance and soundness. We included information that we felt put meat on the bones of the more broad-brush comments that have been recorded and imagined that we would have an opportunity to refer back to it when making arguments at this stage. Summaries and excerpts of the material can be found in in Appendix 2 : ID/7

B1_Appendix_excerpts.

The group also submitted considerably more material as its response to the changes regarding the NPPF than was included in Schedule 2. The group thought the B&NES response was too weak; it built on its assertion in 822/NPPF/1, made a number of pertinent points about implications and difficulties, listed four more relevant NPPF policies (CD2/27, paragraphs 163- 166) and drew conclusions regarding sustainable development in this context (see ID/7 B1 Appendix_SVF_NPPF). A further submission was not recorded at all, but this was mainly concerned with new information that had become available regarding traffic data in Radstock and the consideration of its import in the context of reconsidering matters in the light of the Draft NPPF. There was no attempt made to link it to specific policies in the NPPF.

Appendices:

1. ID/7 B1_Appendix_ChangeRep
2. ID/7 B1_Appendix_excerpts
3. ID/7 1B_Appendix_NPPF
4. ID/7 B1_Appendix_supplementary
5. ID/7 1B_Appendix_imp&rareSp
6. ID/7 1B_Appendix_RRLHeritageConstraints
7. ID/7 B1 Appendix_SVF_NPPF