

## Site allocation through the SHLAA

### Somerset Valley Friends of the Earth comments regarding Radstock allocations

#### 1.0 General arguments about analysis of delivery and site suitability in Radstock centre

1.1 Regarding Radstock centre, we consider that there is a risk to delivery of the suite of sites because they are linked to delivery of the RAD 1 site through the NRR case for regeneration which includes the use of roll-over funding to enable delivery of further sites in the centre and because they require delivery of the road infrastructure that B&NES and the HCA are now committing to funding; the road is not only a stated benefit of the 2008 outline permission as partial justification for losses, but is also subject to a commitment to the people of Radstock by the Council that the road changes will not be without the build of the housing on the RAD 1 site. Deborah Porter put a range of questions to the Executive member for Regeneration regarding the economic benefits to be expected in connection with the road changes, and the reply referred her to the NRR/Bellway 2006 outline planning application and the associated NRR/Bellway Regeneration Case of 2007 as the definitive case for economic benefit. However, Somerset Valley Friends of the Earth and Cam Valley Wildlife Group have argued that the socio-economic case was significantly flawed, including using the assumptions that there would be nil impact upon existing businesses, and that significant changes have occurred that make delivery less likely.

1.2 It is difficult to find adequate justification for the individual allocations proposed for Radstock centre without delivery of the RAD 1 site. They appear to have been chosen largely because of their role in connection with the spatial approach provided to the Council by the Norton Radstock Regeneration Company. We believe that each site should stand on its own merit as well as consideration of its role within any larger plan, and that this merit should have been individually assessed adequately within the SHLAA process. When the merits of uses of the individual sites are considered in the context of Core Strategy policies and objectives, higher planning policy documents and local knowledge, the assessments suggest inadequate scrutiny within the process of site selection through the SHLAA. We address factors that work against delivery of individual sites in Appendix 1.

1.3 Cumulative impacts do not appear to have been part of the decision-making process, but we think that site suitability should be, at least in part, influenced by the impact of delivery of other similar sites and likely cumulative impacts.

1.4 All three of the public car parks in Radstock are proposed for residential development, with significant loss of public car parking spaces. The B&NES retail analysis shows that the Radstock shops are partially reliant on passing trade from beyond the Somerset Valley area, unlike in Midsomer Norton, which is reliant on trade from Somerset Valley (Retail area 10) area. Local circumstances appear not to have been adequately considered in the assessment of the suitability of these three sites either cumulatively or

individually.

1.5 The socio-economic analysis that B&NES is relying on from the NRR/Bellway application makes it clear that the shops being provided are necessary to provide for the extra 210 dwellings, not because there is an existing need for more shops in Radstock centre. If the NRR justification for shops is correct, the increase of as many dwellings again could also require a further increase in shopping facilities. The allocated Town Centre sites remove some retail via the proposed RAD 3 development. Proposed additional retail is limited to the possibility of retail development in an existing building within RAD 4 that has gone out of retail use. We think this is due to problems with the building.

1.6 The SHLAA appears to be functioning in part as a vehicle for delivery of a B&NES agenda which has corporate and financial drivers, rather than in accordance with sound evidence-based planning policy (see Appendix 2). This is being done in the absence of any publication of the commissioned strategic design framework for Radstock that was supposed to underpin the CS along with the frameworks for other areas, which were published. The appointment announcement by New Masterplanning claimed that *The Final Regeneration Delivery Plans will form an integral part of the Local Development Framework, underpinning the Core Strategy* (see Appendix 3, 3-towns study).

1.7 Regarding the likelihood of delivery of these sites as part of a larger plan for the town, it could be argued that B&NES will push through its agenda using the planning system despite adverse social, and economic consequences for Radstock or any adverse environmental consequences that are high locally and significant in a climate change context (see Appendix 4), as it has made a financial investment upon which it wants a return and which involves claw-back arrangements. It can also be argued that the HCA has a financial interest in delivery of the RAD1 site through inheritance of financial investment by SWRDA. The HCA will want a return on the investment inherited from SWRDA and there are claw-back arrangements involved:

1. Contingent asset - Radstock Town Centre - Funding Agreement with Norton Radstock Regeneration Company with rights to clawback of element of receipts secured upon disposal of the property. Rights protected by a charge on the legal title to the property; and
2. Contingent asset - Norton Radstock- Single Regeneration Budget scheme (Bath and North East Somerset Council) - with rights to clawback arrangements in the event that assets funded with SRB resources are sold.

1.8 It can also be argued that it is unrealistic to assume that the allocations will be pushed through (see Appendix 5).

1.9 There is also a degree of circularity to be considered of relevance to the delivery issue. If the central sites are allocated in the plan, avoidance of an element of risk to their delivery will almost certainly be used as justification for development of RAD 1 in a new application by NRR/Linden Homes. The application for extension of the outline permission just before it ran out of time was received in May 2011 with a target decision

date of 1st September. It has still not been heard at committee. It is unlikely that a modification of the outline would be able to jump the hurdles associated with grant of permission in accordance with Government guidance on extensions and new policy since original grant.

1.8 We feel that the allocations we now see in central Radstock are the result of the process outlined above rather than the result of any evidence-based approach to development in Radstock and appear to have been heavily influenced by corporate and financial motives. Had there been any convincing business case for this spatial approach to development in central Radstock, we would expect this to have come forward since 2007.

#### 2.1.0 Assessment of delivery of sites outside Radstock centre

2.1.1 Regarding the general approach to assessment and the impact it has on deliverability, the B&NES strategy appears to require delivery of all the allocated 'pink' site in the SHLAA, which we view as unsafe to assume. By working with developers and Government Agencies to keep sites allocated and 'in the picture', deterioration or damage to the heritage and ecological value of sites and structures on those sites is allowed to occur. This can occur through inadequate wording of Section 106 agreements to provide protection, failure to enforce the terms of such agreement, failure to re-assess sites on the basis that former identification signifies suitability and through damage to sites by developers whilst they are not under outline consent.

2.1.2 In addition to the arguments made above regarding the Radstock allocations, we have argued that the SHLAA has failed to take environmental considerations properly into account in the identification process, that this allows sites to remain allocated in the hope of delivery and that a significant number of sites would be weeded out if the SHLAA process was conducted properly and adequate baseline information was gathered first, that there are a number of matters that have not yet been considered strategically or realistically within and before the LDF process, and that these did not inform the SHLAA process, which has caused the process to be significantly flawed. We have argued that these include the assumption that mitigation for any ecological losses is acceptable in principle for sites without a pre-existing ecological designation and the assumption that ecological mitigation will be effective.

2.1.3 It appears that there is a failure to look at the implications of the cumulative impact of the identified sites in a locale and an assumption that if they are identified on a per site basis that they are suitable for development as a body. There appears to be little consideration of the way that the economic and retail environment within parts of the authority near the borders of other authorities will affect and be affected by them and how this impacts upon site identification and selection.

2.1.4 Flaws in the process leading to failure to identify sites that should be weeded out through being those most suitable for their strategic ecological value include, a) a lack of investigation into the biodiversity resource and strategic ecological infrastructure

needs and dependencies within the authority; b) failure to engage in effective cross-border work to identify important ecological infrastructure and wider networks; c) assumption that mitigation will be successful and compensation possible; d) assumption that the desire to deliver a particular site will prevail at the planning stage despite ecological arguments to the contrary and e) failure to monitor ecological value and resources in an effective manner, which effectively negates the need to consider the importance of ecological matters where there is not the will to do so due to lack of proof of net loss in policy reviews. A significant problem regarding identifying sites in the SHLAA that are unsuitable on the grounds of being better suited to ecological purposes is that the evidence base is largely not there in the first place. It is difficult to evaluate sites that have not been the subject of planning applications for development.

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2.1.6 Given the importance of brownfield sites, some of which have been permitted with the loss of rare species and totally inadequate mitigation (such as the St Peter's Factory site), we consider that these sites should be removed from list of suitable sites unless it is very obvious that they can have very little significance either ecologically or in providing green urban space. They should be re-assessed with the ecological network and provision of green space in urban environments in mind, which is a role identified in national policy but not one for which they have been examined in any strategic document, including the Green Spaces Strategy; assumptions about their capacity for housing and the efficacy of ecological mitigation should not simply be accepted.

2.1.7 We consider that the Radstock Railway Land site has been identified as of considerable ecological value and that this value goes further than the site itself. We consider it to be a valuable part of a much wider ecological network and that B&NES should work with adjoining authorities on the creation of this network before such a valuable component is considered as suitable for allocation on the strength of its identification through a flawed process of assessment in the SHLAA. We also consider that Bath Western Riverside should be subjected to rigorous analysis of its ecological role and its capacity for housing. 'Brown roofs' are only a suitable substitute for certain species and cannot be assumed to replace certain important habitat an conditions found on brownfield sites.