



**National
Trust**

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Your ref:
Our ref: MF/

10 January 2018

Planning Policy, Planning Services
Bath and North East Somerset Council
Lewis House
Manvers Street
Bath
BA1 1JG

By email to: local_plan2@bathnes.gov.uk

Dear Sir/Madam

**B&NES LOCAL PLAN 2016-2036
Issues and options consultation**

In respect of your current consultation, we would like to respond as follows:

The National Trust is a charity and Europe's largest conservation organisation, with a current membership of five million people. The Trust is responsible for the protection of some of the most beautiful, historically important and environmentally sensitive places in England, Wales and Northern Ireland. The Trust has a statutory duty under the National Trust Acts to promote the conservation of these places.

In Bath, the Trust owns and manages various parcels of land in the Bath Skyline area, including farmland, woodlands, meadows and Prior Park Landscape Garden, as well as Little Solsbury Hill in the Cotswolds AONB adjacent to the city. We aim to encourage the local community and visitors to enjoy and appreciate these special places, which together form part of the green setting of the city.

We note that the B&NES Draft Infrastructure Delivery Programme (November 2017) states: *"The JTS [Joint Transport Study] states a new link is required to the east of Bath to help tackle congestion in Bath city centre - removing traffic currently routing through the city centre - and to improve air quality. Work is being undertaken to establish the most suitable alignment for this link. At the same time, B&NES is working with partners including Wiltshire Council to examine the complementary role of the A350 corridor in providing for north-south movements"*.

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From a National Trust perspective, we recognise the need to improve the city centre environment and that a key part of this is reducing the impact of vehicles. However, we feel that equivalent consideration should be given to the edge-of-city environment. The green setting of the city on its eastern side includes the Cotswolds Area of Outstanding Natural Beauty (AONB), the Bristol and Bath green belt and the City of Bath World Heritage Site (WHS).

To reiterate the comments we made in response to the West of England Joint Transport Study consultation last year: A36-A4 link road, east of Bath – A new link road could adversely affect the views from Little Solsbury Hill (Iron Age hillfort, scheduled monument) and the green setting of the city of Bath (AONB / WHS and their settings, green belt), possibly significantly so. The impacts of the proposed link road on heritage assets, landscape and visual amenities and designated nature conservation sites should be fully considered before a decision is taken to support the principle of a new route. Given the environmental constraints applying to a new road, alternative solutions should be fully explored.

We continue to be very concerned about the potential environmental impacts associated with a possible new road through the Avon Valley. In relation to the last point above, potential improvements to the A350 through Wiltshire represent one alternative solution, certainly for strategic transportation between the M4 motorway and the south coast ports.

Finally, we note that the Valley Parishes Alliance has been raising a number of points in relation to potential impacts of a new road link on the natural and historic environments, as well as questioning the suitability of the A36 and A46 as strategic transport routes. We trust that B&NES will be taking account of and giving weight to the points being raised, both in respect of the principle of a new road link and possible options and alignments.

Thank you for the opportunity to respond to the current consultation.

Yours sincerely

Mark Funnell BSc(Hons), MSc, PGDip, MRTPI
Planning Adviser – South West Region

West of England Joint Spatial Plan - Publication Representation Form

The West of England councils - Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire councils are inviting representations on the Publication Document of the West of England Joint Spatial Plan. These will be considered by the examining Inspector in the context of the soundness and legal compliance of the Plan.

Please return this form by Wednesday 10th January 2018.

Email to: comment@jointplanningwofe.org.uk **or post to:** West of England Joint Spatial Plan, C/o South Gloucestershire Council, Planning, PO Box 1954, Bristol BS37 0DD

This form has two parts:

Part A – Personal Details

Part B – Your representation.

Please fill in a separate sheet for each representation you wish to make.

To ensure your representation is restricted to issues of soundness and legal compliance, you are advised to refer to the accompanying **Guidance Document** and make your representation on this official form that has been specifically designed to assist you in making your representation.

Please be aware that all comments made on the Joint Spatial Plan will be publicly available.

Anonymous forms cannot be accepted and so to submit your form you must include your details below.

You should refer to section 5 in the Guidance Document for advice on how to make a **joint representation**.

Part A

1. Personal Details* 2. Agent's Details (if applicable)

* If an agent is appointed, complete only the Title, Name and Organisation boxes in 1. below adding the agent's details in 2 below.

Title*	Mr	
First Name*	Simon	
Last Name*	Stonehouse	
Job Title (where relevant)	Senior Adviser	
Organisation* (where relevant)	Natural England	
Address Line 1	Horizon House	
Address Line 2	Deanery Lane	
Address Line 3		
Address Line 4		
Post Code	BS1 5AH	
Telephone Number	07900608072	
E-mail Address	Simon.stonehouse@naturalengland.org.uk	

Signature

Date 10th January 2018

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Part B - Your Representation

Please use a separate form for each representation made and read the accompanying **Guidance Note** that accompanies this form before you complete it.

Name or Organisation:

Q1. On which part of the Joint Spatial Plan are you commenting? Please see the note above.

Chapter Paragraph Policy

Key Diagram

Q2. Do you consider the Joint Spatial Plan to be:

Legally compliant?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Sound?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Compliant with the Duty to co-operate?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

Q3. Please give details of why you consider the Joint Spatial Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Joint Spatial Plan or its compliance with the duty to co-operate, please also use this box to set out your representation.

1) Key comments on the JSP

NE supports a plan-led approach and welcomes the joint approach being taken by the West of England Authorities to develop a Joint Spatial Plan. The Plan will provide the template for how the West of England will change over the next twenty years and so offers the chance to rethink our approach to sustainable development and be more ambitious about what can be achieved for people and places across the region. We are pleased at the level of ambition shown in the JSP, particularly in terms of the commitment to delivering an overall improvement in the environment – a ‘net gain’ – delivered through a comprehensive plan for green infrastructure that can realise the range of economic, social and environmental benefits their interdependence. The environmental aims of the JSP are in step with Natural England’s Conservation Strategy and the forthcoming Defra 25 year Plan.

The best, and most cost effective, way to achieve the ambitious goals outlined for the WoE is to plan for housing, infrastructure, health, environment and other key priorities in a coordinated and strategic manner. Conventional approaches have resulted in sub-optimal outcomes for communities, the environment and developers, often typified by costly delays caused by uncertainty over environmental

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and other impacts and a lack of understanding of what is needed and how it is delivered.

Natural England considers that, with full implementation of policies set out in the JSP, the overall level of development needed for the WoE can be delivered sustainably. In environmental terms this primarily means ensuring that the GI Plan is capable of identifying key risks and opportunities and addressing them through avoidance, mitigation and, where appropriate, compensation measures. This further work will need to inform a more precise understanding of capacity for each SDL and allocations in Local Plans. We have set our reasoning for reaching this view below, under of legal compliance and soundness.

The environmental sustainability - and therefore legal compliance and soundness – of the JSP relies heavily on the successful implementation of the GI Plan and the outcomes it can deliver. With this in mind we emphasise the need for the Authorities and all other interests and communities to see the GI Plan as providing infrastructure that is as integral to the JSP as transport or flood infrastructure. In our view this means that it needs to have status of Supplementary Planning Document to emphasise its weight in planning and decision-making and to aid its accessibility and support its legitimacy. We look forward to working with the Authorities and other partners in the development of the GI Plan.

There are a number of opportunities to look at different mechanisms for securing the green infrastructure needed – one that has been suggested is a 'Natural Capital Trust' – and we would be pleased to assist in that task.

We would also highlight the interest shown by two of the WoE authorities in District Wildlife Licensing and the scope for including that as part of the GI Plan for the WoE.

The overall spatial strategy sets out the proportion of housing to be delivered through different forms, such as urban intensification and Strategic Development Locations (SDLs). Given the range of sensitivities and sustainability issues identified in the HRA and SA for some SDLs – those in North Somerset in particular - the rationale for selecting them is not as clear as it could be and further clarification would be welcome.

While the WoE authorities have been coordinating work on the JSP and Joint Transport Study (JTS) has not yet been subject to SA or HRA. We understand these assessments will be undertaken to support the revised JTP, but in the meantime it makes it difficult to judge the risks, particularly cumulative and combined effects with JSP proposals, on protected sites and landscapes. There is an opportunity therefore to more closely coordinate the further assessment of effects of and delivery of mitigation for, transport, housing and other infrastructure.

Legal compliance

The primary means of testing legal compliance of the JSP is assessment against the National Planning Policy Framework (NPPF), which translates key legal requirements, including those relating to the natural environment, into national policy. In practice, the detailed environmental assessment of a Plan is carried out through a Habitats Regulations Assessment and a Sustainability Appraisal – in parallel and ongoing assessments to Plan development, based on evidence available or reasonably obtainable at that stage.

Habitats Regulations Assessment

Natural England has provided advice on draft versions of the HRA and advises that there is a reasonable degree of certainty that the quantum of development proposed by the JSP can be delivered through lower tier plans without having an adverse effect on the integrity of those sites - this has a different meaning from the terminology of 'screening out likely significant effects' that is used in some parts of the

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HRA and we advise that this is clarified (see Q4). In reaching this view we have taken the following into account:

- Likely significant effects on European sites have been identified and assessed to a depth that is appropriate for a higher tier plan and using available information.
- There is a clear policy commitment to further assessment of effects on European sites through the development of the GI Plan and recognition of the legal requirement that the lower tier Local Plans of each UA will be subject to HRA. HRA is an iterative process and assessment of the lower tier plans will be based upon more detailed evidence and allow for modification of JSP proposals, should that be shown to be necessary. We are satisfied that the JSP provides this flexibility through contingency sites that have been identified and as summarised in Policy 1 – The Housing Requirement.
- The policy commitment to a GI plan that will continue to improve understanding of risks to European sites and the identification of necessary avoidance and mitigation measures, and provide for the delivery of those measures. This, as well as other objectives of the GI Plan, means that significant reliance is being placed on the GI Plan and we consider that it GI Plan should to have Supplementary Planning Document status so as to be clear on how JSP policy is amplified and applied.
- Specific policies for North Somerset SDLs, where there is greatest potential for adverse effects on European sites (particularly the North Somerset and Mendip Bat SAC), which acknowledge the need to safeguard and enhance habitat for rare bats; the qualifying features (rare bats) of the SAC.
- The effects of transport proposals being developed through the JTS, while clearly linked to JSP proposals, have not been assessed as part of the HRA for the JSP and will be subject to HRA in due course.

Sustainability Appraisal and nationally designated sites and landscapes

Natural England has not provided pre-consultation advice on the Sustainability Appraisal but is satisfied that the key environmental issues have been identified and assessed to an appropriate level. As per our advice on HRA, detailed assessment of environmental effects on all aspects of the JSP is not possible at this stage and it is important that further assessment begins through the GI Plan and, as legally required, at the Local Plan Level. The SA highlights many areas where further work is required. To ensure legal compliance, soundness and that opportunities to maximise environmental, social and economic benefits are realised, we would highlight the following points as priorities for next steps in the assessment:

Landscape

The WoE landscapes are rich, diverse and highly valued and will be a critical part of the GI Plan. The consideration landscape is in the JSP and SA to date relies heavily upon existing documents (which are variable in nature) and understanding the scale and nature of potential effects of the JSP on designated landscapes and their special qualities should be a priority. In particular, further assessment of SDLs at Banwell and Churchill and their effect on the Mendip Hills AONB is needed to inform avoidance, mitigation and enhancement measures as well as more precise capacity and master-planning at those sites. At present very little can be concluded about effects of Churchill and Banwell SDLs (and associated road development) on the AONB. Natural England would be happy to provide further advice in conjunction with AONB partnerships on the scope of next stages of assessment.

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Sites of Special Scientific Interest

The SA has identified the potential for adverse effects on a number of Sites of Special Scientific Interest (SSSIs). Further work will be needed to understand those effects. The JSP includes a policy commitment to a GI plan that will identify key risks to protected sites and how they can be avoided and/or mitigated, or as a last resort, compensated for. Again, this emphasises the importance of proper implementation and resourcing of the GI Plan and a robust approach in each Local Plan.

Please continue on a separate sheet/expand box if necessary

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Q4. Please set out what modification(s) you consider necessary to make the Joint Spatial Plan legally compliant or sound, having regard to the matter you have identified at Q3 above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at Examination.) You will need to say why this change will make the Joint Spatial Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

HRA

As per comments under Q3 we advise that terminology in some parts of the HRA is clarified. We would welcome further discussion on this and modifications suggested in consultation responses.

Green Infrastructure Plan

As members of the West of England Nature Partnership, we endorse the wording change recommended on Policy 6 to include a commitment to **monitoring** successful implementation of the West of England Joint Infrastructure plan:

A West of England Green Infrastructure Plan will identify the strategic measures, mechanisms and monitoring to support the delivery of the environmental ambitions of the JSP and Local Plans, including mitigation for protected sites.

The GI Plan aims to deliver JSP ambitions for net gain, taking a more strategic approach to conservation and benefits derived from it. This approach will need some level of monitoring to judge its effectiveness identify any remedial action needed, particularly in respect of mitigation for protected sites and species.

Please continue on a separate sheet/expand box if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Q5. If your representation is seeking modification, do you consider it necessary to participate at the oral part of the Examination?

No, I do not wish to participate at the examination hearings

Yes, I wish to participate at the examination hearings

Q6. If you wish to participate, please outline why you consider this to be necessary.

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Please continue on a separate sheet/expand box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Name

Simon Stonehouse

Date

10th January 2018

All representations must be received no later than Wednesday 10th January 2018

Please keep a copy of this form for future reference.

From: John Quinlan (North Stoke Parish Meeting)
Sent: 29 January 2018 12:19
To: Local Plan
Cc: Geoff Ward (Cllr); Alison Millar (Cllr); Martin Veal (Cllr)
Subject: Representations re Local Plan

I wish to make the following representations on behalf of residents of North Stoke Parish Meeting and as a long term resident of Not Stoke (35 years). During that time I have been involved in agricultural activities in the village but no longer farm commercially.

The current adopted plan classifies the village as Category 4 village with a presumption against any material development including infilling on potential housing plots. The parish boundary includes a Village Conservation Area. There appears to be an assumption that the village is Not Sustainable due to lack of facilities despite the presence of a Village Hall and St Martins church both of which are used and maintained by parish residents (65 persons registered on the Electoral roll in 2017) along with a regular bus service at the Botton of the lane serving the village.

The village is also 'washed over by the Green Belt and is within an AONB designation (the policies for which have been endorsed by BANES)

The result of the application of these policies , particularly the designation of the village as a Category 4 settlement has been as follows

1. Various young couples have been discouraged under pre –app submissions and formal planning applications over the last 20 years from pursuing applications to extend cottages (even in sympathetic designs) to enable them to continue living in the village. One of the results of this has been an ageing residents base who need to 'sustain' the village assets.
2. Long term and more elderly residents have received refusals or pre-app advice that new dwellings more suited to their needs are not appropriate within the village despite their desire to stay in the 'community' of North Stoke.
3. The only person and his family earning a living within the village as farm manager (but who resides in a nearby village outside BANES) has been refused a planning consent due to the rigid adherence to the adopted Planning Policies for the village – i e under the current Adopted Plan and the National Policy Framework along with AONB and Green Belt policies. To the majority of people in the village this is indefensible. In addition a request for the most recent application for such a consent was the subject of a specific request that this be referred to committee (rather than decided by a Planning Officer) from the Parish Meeting along with written support for such request from the three Ward Councillors.
4. The application of these policies under the current plan has the effect of 'freezing the village in aspic' in a physical and social sense.
5. The policies ,as applied , have little regard to the 'community and rural issues ' in such a village community —it should be noted the North Stoke has NO PRECEPT under Local Taxation. The Village Hall and Church fabric are maintained by the village residents on a voluntary basis
6. The farm manager is effectively the eyes and ears off the community in terms of witnessing criminal activities within the parish boundaries which stretch for several miles (a separate e mail regarding this to the Electoral Commission will be forwarded as a reference

in this regard).Rural crime is increasing and numerous incidents over the past year have occurred within the parish boundaries.

7.Various violations of Planning Regulations in recent years have been reported by residents which have resulted in additional work and costs for Banes Council with prolonged processes leading to uncertainty of outcome.

I WOULD URGE THOSE PLANNERS AND BANES COUNCILLORS PREPARING THE NEW LOCAL PLAN TO TAKE ACCOUNT OF THE RESULTS OF THE CURRENT POLICIES AS CURRENTLY APPLIED—THE POLICIES NEED SOME RADICAL RETHINKING IN TERMS OF SOCIAL AND SOCIO ECONOMIC ISSUES SURROUNDING RURAL PARISHES NOTWITHSTANDING THEIR LOCATION ON THE URBAN FRINGE.

THE WORD 'COMMUNITY' WOULD APPEAR TO BE OF MORE SIGNIFICANCE IN RURAL COMMUNITIES AND PLANNING POLICIES SHOULD REFLECT THIS ISSUE.

I would be grateful if the above issues could be addressed in the forthcoming Plan process and am copying this to our Ward Councillors and thank them again for their support to the village in recent years.

John Quinlan
North Stoke Parish Meeting

From: John Quinlan
Sent: 29 January 2018 12:28
To: Local Plan
Cc: Stephen and Susan French
Subject: FW: Bath and North East Somerset: Draft Recommendation Submission

Please accept this as an addendum to recent submission on behalf of North Stoke Parish Meeting regarding the forthcoming planning consultation.

No doubt the Vision and Priorities section could take account of this and the previous communication on behalf of North Stoke Parish Meeting.

John Quinlan
North Stoke Parish Meeting.

From: John Quinlan
Date: Thursday, 4 January 2018 at 10:48
To: "Owen, David"
Cc: John Quinlan
Subject: FW: Bath and North East Somerset: Draft Recommendation Submission

David thanks for your e mail below — for your information I am forwarding my e mail of todays date to our current Ward Councillors in BANES outlining concerns regarding the proposed Ward Boundary changes — you may wish to place this on the website to add to my recent submission?

Regards,

John Quinlan

From: John Quinlan

Date: Thursday, 4 January 2018 at 10:43

To: Geoff Ward (Cllr) >, Martin Veal , Alison Millar>

Cc: Douglas Creed , Stephen and Susan French>, Kevin Harrison

Subject: FW: Bath and North East Somerset: Draft Recommendation Submission

Fyi — I have a major concern regarding the proposed boundary allocation as currently proposed and no doubt our comments as a parish meeting will be recorded on the website below. I am sure that Rural parishes have more in common and have different issues in Local Gov terms compared to urban and suburban parishes.

The proposals as they stand would appear to have our parish and Kelston added to a totally suburban area of Newbridge whereas our current grouping in Bathavon North has at least some commonality with the other Rural parishes represented in that ward as currently represented.

On a wider issue I think it would be important whatever boundaries are determined after the current ongoing process to see a Councillor familiar with and responsible for Rural issues to be represented on the major committees of the Council.

Tim Warren did admit to me that sometimes BANES 'don't do Rural very well' and although that related to a Planning issue I think the issue is a wider one which is probably replicated around the country in mixed Urban municipalities which have Rural parishes on urban fringes .

I will not bore you with the recent Rural crime issues we have had to contend with in the last year but the matters which I think are of note regarding the issues which are more important in Rural constituencies include the following;

Sheep worrying and killings by dogs.

Encroachment of hedgerows over sight lines on Rural roads and intersections.

Drainage of rural roads and drains and associated contracts for their maintenance.

Rural crime including 4by4 damage to hedges gates and fences (sometimes late at night in unregistered vehicles)

Drug dealing and substance abuse in remote church car parks.

Accessibility by public transport and Emergency vehicles.

Dumping of rubbish in rural gateways.

Planning enforcement .

Lack of Policing presence.

John Quinlan

Chair , North Stoke Parish Meeting.