

Matter 5 – Building Strong and Vibrant Communities
Brief Clarification Statement 06-09-16

The following brief clarification note has been prepared by B&NES Council together with the University of Bath (Define Planning & Design - respondent number 304).

Confusion has arisen as to the precise location of the Local Green Space referred to in ID/3 as “undeveloped land on northern part of University of Bath Campus”, no map was submitted with the representation made at submission stage, but a broad description was given. The landowner (University of Bath) and the Council had therefore not been considering the specific site that is being promoted for designation as a Local Green Space by Mr Simon Barnes (respondent number 6467).

It was agreed with the Inspector (25.08.16), via the programme officer, that a brief clarification statement be submitted in advance of the hearings, for clarity:

- From the objection it is apparent that the land being referred to is the site of the University’s planning application for the North Car Park to be considered at appeal at the end of 2016 (14/05793/FUL).
- A site location plan is now submitted for the purpose of the hearings to show the precise location of the site described in ID/3 as “undeveloped land on northern part of University of Bath Campus” (shown with red outline on **Map 1**).
- This site is not within the Green Belt or AONB; therefore BNES/PMP/002/9 Table 9 item iii should be deleted.
- The site in question is within the defined “clear zone” within proposed Placemaking Plan policy SB19, and is within an existing designated development site GDS.1/B11 of the extant Local Plan. A policy commitment was reiterated in Policy B5 of the adopted Core Strategy.
- The University of Bath in response to ID/3A Matter 5, refers to a different site known as “St John’s Field”. No assessment was submitted

in respect of this site, as the University was not clear which site was being referred to, and were only aware of one site being proposed as a LGS within their land ownership.

- The University of Bath does not consider the site as shown on the plan below (Map 1) suitable for Local Green Space designation, for the reasons set out in their statement attached as Appendix 1 (which for the avoidance of doubt has not been agreed with the Council). The Council's initial assessment of the site is set out in BNES/PMP/002/9.
- The Council still does not consider the site suitable for Local Green Space designation, in line with para 72 and 76 of the NPPF.

Agreed on behalf of the Council & University of Bath:

Richard Daone – Planning Policy Team Manager, B&NES Council

Mark Rose – Define Planning & Design (agent for University of Bath)

1. The site is shown with a red boundary above.



AWW inspired environments
Architectural & Planning
100, The Quadrant, Bath, BA1 1QJ
Tel: 01225 383000
www.aww.co.uk

University of Bath
Site Location Plan

Project No.	PLANNING
Client	UNIVERSITY OF BATH
Scale	1:500
Date	2008
Author	AWW
Check	AWW
Drawn	AWW
Approved	AWW

Map 1: The site referred to as “undeveloped land on northern part of University of Bath Campus” is shown with a red boundary above.

STATEMENT ON BEHALF OF THE UNIVERSITY OF BATH (304)

MATTER 5 – BUILDING STRONG AND VIBRANT COMMUNITIES

ISSUE – WHETHER THE RELEVANT PROPOSED POLICIES IN THE PLACEMAKING PLAN ARE POSITIVELY PREPARED, JUSTIFIED, EFFECTIVE AND CONSISTENT WITH NATIONAL POLICY IN THE CONTEXT OF THE ADOPTED CS?

Q4. Is the approach to the designation of the Local Green Spaces (Policy LCR6A) sound and is there justification for those that are designated.

In particular:

(b) Is the exclusion of the following sites justified?

Undeveloped land on the northern part of the University of Bath Campus?

1. The Council consulted the University in relation to the nomination of St Johns Field in the southern part of the campus as a potential Local Green Space (LGS) in September 2015. The University objected to the nomination for the reasons set out in the in their original statement submitted in relation to Matter 5, and subsequently the Council determined not to include that part of the campus as a LGS in the Placemaking Plan (PMP). However, the University was unaware that a separate objector to the PMP had suggested in their representations that the open land on the northern edge of the campus (hereafter referred to as “the site”) should be designated as a LGS. Consequently, the University has not until now had an opportunity to set out its position on this specific matter.
2. The University welcome the Council’s rejection of the designation of the site as a LGS as set out in their statement (BNES/PMP/002/9). If they had been consulted on its nomination, or had it been proposed to be designated as a LGS in the draft PMP as a result of the submitted objection, then they would have strongly objected to it.
3. The University supports the Council’s position as set out in their statement (BNES/PMP/002/9) that LGS designations should not be used on education sites where there is a recognised need for them to change and develop throughout and beyond the plan period. Moreover, the NPPF states (para 76) that the identification of LGS “*should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services*”. The Planning Practice Guidance (NPPG) continues (para 7): “*In particular plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.*”
4. In this respect it is important to note that the campus is an allocated development site under Policy GDS.1(B11) of the extant Local Plan, which seeks to facilitate the development of the campus in accordance with a Masterplan to meet identified

development needs and enable the University's future growth. That policy commitment was reiterated in Policy B5 of the Core Strategy.

5. The University has sought to plan for the development and environmental enhancement of its campus through the preparation of a comprehensive Masterplan that responds to the requirements set out in Policy GDS.1(B11). The campus is a highly constrained site and the University must, therefore, optimise its finite development capacity if it is to continue to grow in response to the Government's High Education policy and deliver substantive socio-economic benefits to the city and wider area.
6. Therefore, in order to meet the identified development needs whilst also maintaining its "green heart" centered on the University Park (a key policy objective), some of the currently undeveloped areas around the edges of the campus, will need to be developed to provide additional academic floorspace, student residences and/or related infrastructure. In the case of the specific site in question, the Masterplan proposes the provision of a new surface car park: the North Car Park. The aim of that proposal is to allow built development to occur in the core of the campus whilst maintaining an appropriate level of car parking provision on the campus (which is operationally critical and is at capacity).
7. It is clear from the submitted objection that raised this matter, that the objector is specifically referring to the North Car Park application / appeal site, the Public Inquiry for which is scheduled to begin on the 6th December. There is no need to consider the merits of that specific proposal in this forum, but it is important to note that the NPPG states (para 8) that "*Local Green Space designation will rarely be appropriate where the land has planning permission for development*".
8. The PMP also explicitly recognises the need for further development on the campus within Policy SB19. Indeed, the focus on the campus as a location for future development is exacerbated by the proposed strategy within Policy B5 to significantly extend the control over off-campus University related development. Policy SB19 seeks to establish a framework for future development on the campus, including the land adjacent to the Sports Training Village that was removed from the Green Belt in the last review of the Local Plan, but remains in the AONB. Whilst the University does not believe that the balance of the policy is correct and has objected to certain elements, it does support the general intent to enshrine the key development principles established by the existing policy context and the University's Masterplan (aside from the North Car Park proposal that was put to one side in light of the pending application/appeal) in order to provide greater certainty in the consideration of future planning applications, and enable their timely determination. Therefore, the LGS designation would be completely unnecessary providing no material benefit, and only serve to further confuse the policy context that Policy SB19 seeks to establish for the campus in order to guide its future development
9. The site is located within a "clear zone" in the policy framework proposed by Policy SB19. In their representations to the policy, the University recognised their identification and intended function as part of the Green Infrastructure (GI) network as that largely reflects the University's Masterplan. The University did not, however, accept that there should be a wholesale restriction on development in these areas as they cover a substantial part of the campus, much of which has historically been removed from the Green Belt to allow development to take place (nor is the site located within the AONB as stated in the Council's statement (BNES/PMP/002/9)). There are opportunities, such as the North Car Park proposal, where some forms of development would be entirely appropriate if it would not unacceptably compromise the overall GI function of the area, particularly when adjacent areas (on and/or off campus) are also taken into account (a revision to Policy SB19 was suggested in this regard).

10. It is essential that environmental and socio-economic objectives are carefully balanced in the PMP to optimise the development potential of the campus in the context of the acute shortage of capacity relative to identified development needs, particularly given the extended control over off-campus University related development, and that what capacity does exist is ultimately finite. It would, therefore, be entirely inappropriate for an additional designation to be applied to this area that could frustrate this further sustainable development of the campus to meet identified development needs contrary to the NPPF and the extant policy context.
11. Notwithstanding the above matters, the proposed designation cannot be justified under the terms of the LGS designation criteria set out in the NPPF. The NPPF states (para 77) “*the Local Green Space designation will not be appropriate for most green areas or open space*” and requires that all of the stated criteria are met. That is patently not the case in this instance where there is no evidence that the site is “*demonstrably special*” to a local community or holds a “*particular local significance*”. The key points to note are as follows:
- The site is principally an area of grassed informal amenity space. It is marked by a public right of way and a tree screen to the north, and is contained to the south by student residences and to the west by a day nursery with student residences beyond.
 - PPG (para 17) highlights that LGS “*may already have largely unrestricted public access*”, but that is not the case here. The site is well used by students and the nursery, but not in a way that differentiates it from the other open green space in this area or indeed the wider Campus, all of which is well used by staff, students and authorised visitors alike. Furthermore, there is no evidence that the area serves the wider community to the south of the University campus. It is not a destination for recreation in its own right, and whilst there is a public right of way, the PPG (para 018) is clear that there is no need to designate a LGS to protect those. There is, therefore, no justification for designating it as a LGS on the basis of its recreational use by a nearby community.
 - The impact of the North Car Park proposal on the setting of the nearby Scheduled Ancient Monument (SAM) will be a key issue considered at the forthcoming public inquiry. The University’s position is that the proposal will not change the landscape setting of the SAM or its use, will only have a limited impact on its setting, and have no material impact on its significance. In any case, the protection of the SAM is provided for by other legislation and a LGS would provide no added benefit in that respect. Moreover, the application has demonstrated that the site itself has no intrinsic historic value or interest. There is nothing to differentiate it in this regard from any of the other open green space within the Campus, and there is, therefore, no justification for designating it as a LGS on the basis of its historic value.
 - The western and northern fringes of the campus, including the site, form part of a large Site of Nature Conservation Interest (SNCI) that extends beyond the campus. However, in terms of its ecological value, there is nothing that distinguishes the site from the wider SNCI within or outside of the campus. Indeed, it was concluded in the determination of the North Car Park application that any harm arising from the proposal can be readily mitigated, and the ecological impact of the development was not given as a reason for refusal. There is, therefore, no justification for designating it as a LGS on the basis of its ecological interest.
 - The site is not an unattractive part of the campus, but in landscape terms there are no inherent qualities or value that set it apart from any other area of green space in the campus or warrant specific protection. Indeed, as set out above, the priority of the extant policy context has instead been to protect the University Park in the heart of

the campus. There is, therefore, no justification for designating it as a LGS on the basis of its beauty and/or tranquillity.

12. It can therefore, be concluded that the site is not demonstrably special and has no particular local significance in terms of its public recreation, ecological, historic or landscape value. There is nothing to distinguish it from any of the other green space within the campus, other than the proposal for the development of the North Car Park, and given the extant and emerging policy context it is apparent that no additional benefit would arise from its designation as a LGS. Indeed, it would only serve to frustrate the wider policy objectives for the campus that are critical to the sustainable growth of the University to meet identified development needs, and deliver the wider socio-economic benefits for the city that directly arise from the University's activities.
13. On the basis of the above matters, the exclusion of the undeveloped land on the northern part of the campus from a Local Green Space designation in the PMP is entirely justified.