

BANES PLACEMAKING PLAN EXAMINATION

RESPONSE TO INSPECTORS MATTERS AND ISSUES (ID/3 – REV 1)

MATTER 4 ENVIROENMTNAL QUALITY – LANDSCAPE

ON BEHALF OF RADSTOCK LLP (PARTICIPANT ID: 6414)

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1. MATTER 4 – Environmental Quality

Issue: Whether the Environmental Quality policies in the Placemaking Plan are positively prepared, justified, effective and consistent with National policy, in the context of the CS

Landscape

Q2) is the identification of areas that make a significant contribution to the landscape setting of settlements and the requirements of Policy NE2 positively prepared, justified and consistent with national policy?

- 1.1 A crucial observation in respect of the land affected by this policy is that it is not necessarily being protected for its own sake but for the sake of the built form /place to which it relates. Whilst the some of the land in question may have value of itself, in other case it is simply it is simply 'openness' that is being protected, as means of preventing harm the setting of a place. The policy is not about protecting the countryside for its intrinsic character and beauty. Its protection is a means to achieving something else., this being the setting of built form (whatever its heritage value).
- 1.2 We are a presented with a policy that confused. Given that a key feature of it is the value ascribed to openness, is it a secondary Green Belt policy, and how does it interact with real Green Belt policy? Much if the affected land is already Green Belt and one the functions of Green Belt is to protect the setting of historic towns. It is not the purpose of Green Belt to protect the setting of non-historic housing estates but this is, in part, what NE2A seeks to do, given its wide application. Where it applies to non-Green Belt land e.g. Midsomer Norton and High Littleton it effectively introduces a Green Belt purpose to the decision making matrix. Equally concerning is that unlike Green Belt Policy NE2A is more restraining as it does not have a 'very special' or 'exceptional' circumstances type clause. It introduces an any harm test that cannot be passed. Given that the land to which the policy relates has been predefined as being of value for its openness, as with Green Belt, any loss of openness will cause at least some harm.
- 1.3 Policy NE2A proposes that development that would result in any harm to the landscape setting of settlements will not be permitted. This is far more restrictive than the NPPF's own landscape policies, which identifies that even within National Parks and AONBs (with the highest level of protection) major development is

acceptable providing the need for development is demonstrated and that any harm is minimised.

- 1.4 In a non-designated or locally designated area such as the landscape settings identified on the policies maps it would be inconsistent with the NPPF to apply even more restrictive landscape policies. It effectively places a moratorium on future development that would otherwise be sustainable, necessary to respond to identified needs.
- 1.5 Further, the policy applies equally to the setting places whether or not that place or a particular part/edge of it contains heritage assets, in the form of individual listed buildings, clusters of listed buildings or conservation areas. For example, we submit that it is not logical for a landscape setting policy such as NE2A to apply equally to the setting of a conservation area, as the setting of a normal housing estate. Moreover, even national policy in respect of the significance of heritage assets makes a distinction between substantial and less than substantial harm in respect of the approach to be taken in each circumstance, and given the significance of the asset. In contrast Policy NE2A can afford a level of protection to land that has non-statutory protection and generates a refusal presumption even if minor harm is evident. The Policy is therefore out of step with the NPPF.
- 1.6 When one looks at the geographical extent of the application of NE2A it is extensive. If development is not allowed to cause any harm to these areas then one would have to conclude that the district is essentially 'complete' or the lesser charge that plan-making in BANES must be first and foremost 'landscape-led'. This is completely incompatible with the plan-making section of NPPF:14. It does not enable a balanced and equitable evaluation of development options. Applied to a HEELA, the landscape setting evidence base and associated policy would render vast swathes of land unsuitable in landscape terms.
- 1.7 Having regard to the spatial expression of Policy NE2A on the proposal map, and the extensive land mass to which it relates we wonder what sort of message BANES is sending out with regard to the preparation of the West of England JSP.
- 1.8 The policy sets out a test that exceeds those set out in the NPPF and it applies a blanket restriction on development that is not justified and is at odds with the clear emphasis in the National Planning Practice Guidance, which states that such blanket restrictions should be avoided. As a result Policy NE2A is not justified nor is it consistent with the NPPF. The Policy should be deleted, with the parent NE2 policy

adjusted to reinforce the need sensitive for sensitive design where the land is found to perform a setting role.

1.9 However, on this basis, we would still have concerns in relation weight to be given to the Councils evidence base on the geographical application of this policy. The evidence base being used to generates conclusions based on analysis that falls a long way short of a fuller LVIA. Many days of site visits would be needed by the Inspector to corroborate the evidence base.

1.10 There is an on-going need for further development. We raise the housing shortfall in our Matter 2 statement and also relevant is the West of England Strategic Plan. This will necessitate the release of appropriate sites across B&NES so it is therefore important that landscape policy recognises the longer-term development pressures across the Plan area and does not place unduly restrictive policies around settlements.