
B&NES Placemaking Plan Examination: Hearing Statement Matter 5: Building Strong Vibrant Communities

By Barton Willmore
On behalf of Emergy Limited

Representor no. 6411, comment no. 4(a) Land South of Lower Road, Hinton
Blewett

August 2016

**B&NES Placemaking Plan Examination:
Hearing Statement Matter 5: Rural Areas**

**By Barton Willmore
On behalf of Emergy Limited
Representor no. 6411, comment no. 1 and 5**

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1.0 INTRODUCTION

- 1.1 This Examination Statement has been prepared by Barton Willmore on behalf of Emergy Limited in respect of a development opportunity on land at Lower Road, Hinton Blewett, within B&NES. A site plan is included in appendix 1.

2.0 HINTON BLEWETT: ALLOCATING LAND FOR HOUSING

- 2.1 The Placemaking Plan proposes no allocations for residential development at Hinton Blewett.
- 2.2 This strategy of minimal growth at Hinton Blewett is not consistent with national policy. The Planning Practice Guidance (Paragraph: 001 Reference ID: 50-001-20140306) states that “all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”.
- 2.3 In our view the proposed approach at Hinton Blewett, which involves no allocations and the designation as Local Green Space of our clients’ land south of Lower Road (one of the only sites proposed for development) is tantamount to a blanket restriction on development at the village. That approach is therefore not consistent with government policy on the delivery of sustainable development and is not sound.
- 2.4 The failure to allocate land at Hinton Blewett is also symptomatic of wider issues of soundness with the plan.
- 2.5 First, it is important to note that the plan is being advanced within the strategic context of the preparation of the West of England Joint Spatial Plan (JSP). The West of England Strategic Housing Market Assessment (WoE SHMA) has been published and indicates a need for housing within the area which is considerably higher than that currently being planned for. Barton Willmore’s own assessment submitted on behalf of clients to the recent JSP issues and options consultation, indicates that actual housing need is significantly above the level suggested by the WoE SHMA.
- 2.6 In the context of the evidence of need in the Housing Market Area, the Placemaking Plan should, in accordance with paragraph 14 NPPF, to incorporate sufficient flexibility to adapt to rapid change. The timing of preparation of the Placemaking Plan already fits uncomfortably with the JSP Core Strategy Review timetable. If it does not incorporate sufficient flexibility by identifying additional sites to boost supply, the Placemaking Plan risks being overtaken by events.

- 2.7 Unless the Placemaking Plan adopts sufficient flexibility to adapt to rapid change, it will not be sound in that it will not be consistent with national policy, justified nor positively prepared.

3.0 LOCAL GREEN SPACE DESIGNATION

- 3.1 We object to the proposed designation as Local Green Space (LGS) of Land south of Lower Road, Hinton Blewett.
- 3.2 The B&NES Local Green Space Designations Recommendations Report (December 2015) identifies that Land south of Lower Road (LGR26) has been nominated because of historic significance, richness of wildlife and beauty. The Recommendations Report erroneously does not record an objection from the landowner to LGR26, despite our having submitted objections to its nomination in response to the previous consultation on the Placemaking Plan Options Document.
- 3.3 The reasons for the proposed designation of Land south of Lower Road as LGS are not expanded upon in the Draft Placemaking Plan nor, it appears, in any of the updated list of evidence base documents.
- 3.4 We set out below why we consider that Land south of Lower Road does not meet the criteria for designation as a LGS and therefore why its proposed designation is not sound.
- 3.5 We do not consider that Land south of Lower Road meets the criteria for LGS set out in paragraph 77 of the NPPF because (amongst other reasons) it is not demonstrably special to the local community and does not hold particular local significance. In the table below we have set out our responses to the reasons suggested for designation of the land. Because the draft Placemaking Plan and its evidence base do not provide any detail to support the reasons for the proposed designation, we have based the responses upon the reasons cited in the November 2014 Placemaking Plan Options Document (the version of the plan previously consulted upon).

Identified reason as to why the land is demonstrably special and holding particular local significance	Barton Willmore response
Historic significance – contribution to the setting of the Conservation Area.	It is unclear why this land is specifically identified for its contribution to the Conservation Area’s setting ahead of other land surrounding the Conservation Area, such as the land to the east of the core of the Conservation Area, which is crossed by public footpaths and the Conservation Area Appraisal (2014) identifies as being the site of key views into the area. The Conservation Area

Identified reason as to why the land is demonstrably special and holding particular local significance	Barton Willmore response
	<p>Appraisal's selection of "important views" was, in response to our clients' planning application, altered from draft versions to include viewpoint 3 which is not on a public right of way and overlooks our clients' site. We believe this change was made to overemphasise the contribution of our clients' land to the setting of the Conservation Area and to contrive evidence for use in opposing our clients' planning application.</p> <p>We submitted a built heritage assessment with our Draft Plan representations which provides an assessment of the contribution of the land to the setting of designated heritage assets including the Conservation Area.</p> <p>However, it should be kept in mind that land within the setting of Listed Buildings and Conservation Areas is already afforded protection by the Planning (Listed Buildings and Conservation Areas) Act 1990, through national policy and through the adopted Core Strategy. It is simply not appropriate to use the LGS designation as a "belt and braces" designation to further support these existing designations.</p>
Historic significance – Medieval banked boundary hedge to north	<p>The LGS designation is not an appropriate designation to use to protect historic hedgerows which already benefit from separate legislative protection.</p> <p>We submitted an archaeological desk based assessment at the draft plan stage which shows that the land has limited archaeological potential.</p>
Historic significance – helps to define the separation and the linear edge of the planned mediaeval village/historic landscape setting	<p>The reference to the site forming "<i>part of the historic landscape setting</i>" is misleadingly vague, and would apply equally to all open land around the village. In relation to the linear edge of the planned medieval village, the Conservation Area Appraisal (2014) notes that Upper Road and Lower Road remained free of development until the 1950s, indicating that considerable change to the mediaeval village pattern in the vicinity of Land south of Upper Road</p>

Identified reason as to why the land is demonstrably special and holding particular local significance	Barton Willmore response
	has already occurred.
Richness of wildlife – meadow used for animal grazing supporting rich flora and fauna	No evidence is provided in support of these assertions. In fact, we have evidence which suggests quite the opposite. An ecological survey was undertaken in relation to our clients' land in May 2014 (submitted at the draft plan representations stage) which records that: <i>"Overall, it is considered that the habitats within the Application Site are of low ecological value. However, the hedgerows are of some importance, mainly for the foraging and shelter opportunities they offer faunal species (see below)".</i> Generally, the recent ecological survey does not support the assertion that the site supports <i>"rich flora and fauna"</i> , less still that it is demonstrably special in this regard.
Beauty – an intrinsically beautiful space	The land is not unattractive, but we consider that the significance of its beauty has been overstated. In contrast to other areas of green space around the village, there is no public access.
Beauty - Part of the agricultural landscape across Cam Valley and to the Mendip Hills Area of Outstanding Natural Beauty and beyond and provides a connection to the countryside	The observations that the site is part of an agricultural landscape and provides a connection to the countryside would apply equally to all undeveloped agricultural land surrounding Hinton Blewett and indeed all other settlements in B&NES. This does not demonstrate any special quality or significance. In relation to proximity to the AONB, the AONB boundary is to the north and west, not to the south, of the village and so it is difficult to understand the reference linking this land on the southern edge of the village to the AONB.

- 3.6 For these reasons, we do not consider that the land south of Lower Road, Hinton Blewett is demonstrably special and of particular local significance.
- 3.7 Further, we consider that Land south of Lower Road is unsuitable for designation as a LGS because it is an extensive tract of land. The Planning Practice Guidance offers no guidance on what is and is not to be regarded as an extensive tract of land. However, the PPG advises that the LGS designation *"should not be proposed as a 'back door' way*

to try to achieve what would amount to a new area of Green Belt by another name". We consider that by proposing the designation of the strip of land south of Lower Road as LGS, the intention is to create a de facto Green Belt to the south of the village.

- 3.8 Furthermore, we consider that what is and is not an extensive tract of land needs to be assessed in its context. In the context of the small village of Hinton Blewett, we consider that the proposed LGS, which adjoins much of the southern boundary of the village, is an "extensive tract".
- 3.9 Finally, the proposal to designate land south of Lower Road as a LGS needs to be seen in the context of our clients' planning applications for residential development of part of that land (application references (13/05272/OUT and 14/02403/OUT). Seen in this context, the impression is that the LGS designation is being proposed not because of the special or local significance of this land, but instead as a means to frustrate and prevent any future development proposals in this location.
- 3.10 If it was not for the applications for planning permission, we suspect the land would not have been identified as proposed LGS. In this regard, it is relevant to note that paragraph 76 of the NPPF states that identifying land as LGS should be consistent with the local planning of sustainable development. The decision to designate LGS must also be made in the context of the overarching duty in section 39 of the Planning and Compulsory Purchase Act 2004 to exercise plan-making functions with the objective of contributing to the achievement of sustainable development. We consider that, contrary to the NPPF and the duty, Land south of Lower Road is proposed as LGS not in the interests of contributing to sustainable development but in order to block future options for the development of small-scale market and affordable housing to meet local needs.
- 3.11 The NPPF advises that the LGS will not be appropriate for most green areas and (as noted above) the PPG warns that it should not be used as a back door route to create new Green Belt. For the reasons set out above, we consider that its proposed designation is not a result of its special local significance but of a desire to create a de facto Green Belt and block any future planning applications on the land.

4.0 CONCLUSION

Allocating land for housing at Hinton Blewett

4.1 In summary, there are a number of issues of soundness with the policies for Hinton Blewett and the housing policies of the plan generally, including:

- Failure to support the contribution of Hinton Blewett to delivering sustainable development and indeed adopting a negative strategy of seeking to block development (contrary to national policy).
- Failure to produce a positively prepared plan which has regard to its strategic context and adopts sufficient flexibility to respond to impending rapid change (again also contrary to national policy).
- Failure to demonstrate the contribution of the plan to delivering a supply of market and affordable housing.

4.2 In light of these issues of soundness and the government's view that all settlements can play a role in delivering sustainable development in rural areas, the plan should allocate a site for development at Hinton Blewett.

4.3 This could be achieved through allocation of our clients' land at Lower Road, for residential development. The site is available and capable of being developed to deliver up to 19 dwellings. With our Draft Plan representations, we provided the design and access statement prepared for our clients' recent planning application which demonstrates how the site could be developed.

Local Green Space

4.4 In summary, the proposed designation of land south of Lower Road, Hinton Blewett is not sound on a number of grounds, including:

- It is inconsistent with national policy because the land does not meet the criteria for designation in that it is not demonstrably special and is an extensive tract of land.

- It is not justified because the evidence, including the technical reports submitted with these representations, shows that the reasons for the proposed designation do not withstand scrutiny.
- It is not positively prepared since it is a reactive attempt to block future options for development to meet local housing needs.
- It is not consistent with national policy or the legislative framework in that it seeks to block local planning for sustainable development.

4.5 For the reasons outlined above, paragraph 129 of Volume 5 (on p.37) of the draft Placemaking Plan is not sound and should be amended to delete the reference to Land south of Lower Road. Consequential amendments should be made to Diagram 17 to remove Land south of Lower Road.

APPENDIX 1
Site Location Plan