

Submission to the Inquiry by the Whitelands and Tynning Greenspace Group

1.0 Clarification of the extent of our response

1.1 First we would like to state, for the sake of clarity, that the comment posted in the B&NES Schedule of Representations on the Draft Placemaking Plan [CD/PMP/G5/1, Respondent 7215] is only the Introduction of our full comment and that the final sentence of that introduction is missing its final words, namely "(see below and Appendix 15)". This absent text made clear that supporting comment was provided along with 15 appendices. The Introduction and supporting comment (without appendices) ran to 37 pages.

2.0 Clarification of the proposals we submitted in our response

2.1 In our response [Respondent 7215] we proposed that LGS 18 be amended by designating the entire Green Batch in addition to the batch areas proposed by B&NES and by increasing the size in accordance with the proposals in response 7215 (section 3), which were various due to the uncertainties within the designation process [Respondent 7215, para 7.1].

2.2 We requested that the Examiner consider

- a) designation of the twin batches in their entirety [ref: Respondent 7215 para 3.2]
- b) the proposal for a space of about 21 hectares, Proposal 1 [Respondent 7215 para 7.5 and 9.2]
- c) a variant of this proposal, proposal 1a [Respondent 7215 para 7.5 and 9.3]
- d) a larger proposal comprising Proposal 1 and the northern portion of the arable field, to the east of Area 2 [Respondent 7215 para 7.6 and 9.4]
- e) each of the individual areas we suggest for designation separately in the case that neither Proposal 1/1a or Proposal 2 be considered suitable for designation [Respondent 7215 para 7.2]
- f) designation of the maximum area possible [Respondent 7215 para 7.2]

2.3 We would like to emphasise the particularly strong links between the twin batches, Area 2, and local communities and Whitelands when considering the matter of our request regarding designation of the maximum area possible. This sentiment is not exactly accurate, as we assumed (rightly or wrongly) that these areas would be the key components of any designated area.

3.0 Extensive tract of land matter

3.1 In submission 7215 we referred to large Local Green Space proposals near Cheltenham supported by Martin Horwood M.P. [Respondent 7215, para 7.4], "*the author of the relevant LGS legislation within the NPPF*"¹. He was of the view that a 2013 proposal of what appears to have been 73.7ha² (July/August 2013) was "*more than an*

1 page 56 of the Leckhampton with Warden Hill Parish Council Neighbourhood Planning NPPF Concept Plan & Local Green Space Application, which can be accessed at http://www.leglag.org.uk/LEGLAG/Welcome_files/Leckhampton%20with%20Warden%20Hill%20Parish%20Council%20Neighbourhood%20Planning%20and%20NPPF%20LGS%20Application.pdf

2 for size, see Leckhampton Fields Local Green Space (LGS) Proposal – Executive Summary to Exam 121/121A at

order of magnitude smaller than the sort of size that might be deemed maximum"³. This implies that the maximum size for a LGS could conceivably be over 737 ha, and that this would be near to the communities which it serves. We note that the Inspector examining the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy has found to be sound the scaled-down 43 ha Leckhampton Local Green Space now proposed by Leckhampton and Warden Hill Parish Council⁴. Her judgement was that "*What is an extensive tract of land is largely a matter of judgement and will depend on the circumstances of each designation*" and that the Council's earlier proposal for a 54 ha site conflicted in part with areas that are justified for development and was too large.

3.2 Inspector Ord has recommended that the LGS be allocated in either the Local Plan or forthcoming Neighbourhood Plan⁵, which suggests that the Inspector considers a space of 43 ha not to be too large for inclusion in a Neighbourhood Plan, despite the evidence presented to her that "*limited research*" (most NPDs do not stipulate sizes) had revealed, "*the vast majority of NDP Local Green Spaces are under 20ha in area and most of these are under 10ha*" [footnote 6]

3.3 Evidence on the matter of size submitted to that Inquiry in a LGS Study Report included, "*The size of LGS designations in adopted Local Plans range considerably in size but the majority are below 20ha in area. Information regarding some exceptions or adjacent designations in local plans are shown below.*

□ *Havant Borough Council Local Plan includes 20 Local Green Spaces, one of which is 61.87 ha and another which is 40.6ha while others are far smaller in size (under 10ha).*

□ *Lake District National Park has designated a number of Local Green Spaces, the largest of which seems to be 21ha. In this Local Plan there are many LGSs in close proximity...*"⁶

The report provided evidence showing variations from place to place and stated, "*Few of the Local Plans adopted post NPPF have allocated Local Green Spaces and few NDPs contain clear data on size of LGS sites*".

3.4 We argued in our response [CD/PMP/G5/1, Respondent 7215] that we considered our 100 hectare nomination in 2015 to be a small and topographically coherent local character area that reflected well the history and culture of Radstock and the locale [Respondent 7215 comment, para 1.10 and Appendix 10, Table 1, section 3]. In the light of an absence of designations of similar sizes elsewhere, we set out an argument for legible scaled down proposals that would make a significant contribution to the setting of Lower Whitelands. The larger option, Proposal 2, [Respondent 7215, para 9.4] related to longer views than Proposal 1 [Respondent 7215, para 1.9]. Our scaled-back proposal is for a LGS of up to c.25 ha. We consider that Proposal 1 (21 ha) is the smallest area within which the local characteristics can be adequately represented. Designation would include a measure of protection for the rural feel that is an unusual characteristic of the town of Radstock. Radstock famously retained its rural feel despite its strategic position at the heart of the Somerset Coalfields.

3.5 What we propose is not in close proximity to a number of other LGSs, as in one of

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=2&cad=rja&uact=8&ved=0ahUK EwiT5Ne8orTOAhVKLSAKHQoPA2IQFggjMAE&url=http%3A%2F%2Fwww.gct-jcs.org%2FDocuments%2FExamination-Document-Library-6%2F9-Leckhampton-with-Warden-Hill-PC---Leckhampton-LGS-Submission.pdf&usq=AFQjCNGNqIrjYjJ5J8Swq1k2eMlIx_ksuQ

3 See footnote 1

4 para 3.1 of EXAM 121A at <http://www.gct-jcs.org/Documents/Examination-Document-Library-2/EXAM-121A---Community-LGS-Common-Ground-for-Inspector-Ord-Dec-2015.pdf>

5 Para 174, EXAM 232 at <http://www.gct-jcs.org/Documents/Examination-Document-Library-6/EXAM232---JCS-Inspectors-Interim-Findings---31052016.pdf>

6 page 12, <http://www.gct-jcs.org/Documents/Examination-Document-Library/EXAM17CBCLGSStudyreportPart1.pdf> and pages 101/102

the examples provided to the JCS Inquiry above. B&NES proposes for designation a very small quantity of land in the wider area (Radstock, Midsomer Norton and Westfield, formerly a unified political area, Norton-Radstock), and appears to be primarily interested in the designation of allotments and its recreation areas [CD/PMP/DM12/4]. We argued that the LGS proposed is not just specific to Whitelands but serves the nearby communities, most notably Tynning and Springfield (now usually just referred to as Tynning). We provided evidence of use including by those living within viable walking distance for most people and of its importance to Tynning residents [Response 7215, paras 11.0 – 11.4, 10.7, 14.2-14.7, 15.1-15.4, 17, 18.1, and Appendix 10]. We have also pointed out the cultural importance of the proposed LGS space and its wider significance to the local character of Radstock in our comments and appendices.

4.0 The role of the LGS

4.1 We think that the opinion of Martin Horwood M.P., the author of the original 2009 policy for this special protective designation (in his letter supporting the proposed Leckhampton LGS), is relevant to this proposal (see excerpt below from Appendix 11 of EXAM 121A found at link in footnote 4)

As the author of the original 2009 Liberal Democrat policy for ‘a special designation comparable to SSSI to allow the protection of allotments and other green spaces of particular value to the health and wellbeing of local people’¹, I can say that the Leckhampton green fields are exactly the kind of local green space the policy is intended to protect: where repeated public campaigns and costly and time-consuming planning applications, local plan development processes and inspections have continually reaffirmed its value to local people and rejected development but where developers nevertheless launch relentless attacks on it.

4.2 We feel that this land is of particular value to the health and wellbeing of local people and is under threat. The development threat goes back more than 50 years [Respondent 7215, Appendix 12e]. The latest owner submitted a planning application for development and it appears that Mr. Chivers (referred to in Mr. Shearn's letter) still has some sort of interest in the land, having been quite actively involved during the developer consultation/exhibition prior to submission of the 2015 planning application by David Webb Management Ltd. Local communities have found distressing repeated inappropriate land management works to present land as suitable for development when opportunities to promote it as such have arisen (such as a new plan or newly elected Council). This includes the removal of bird nesting habitat and use of heavy machinery over a badger sett. In addition, the excessive cutting of nesting, foraging, and insect breeding habitat with removal of all arisings from the site will have had a detrimental impact on birds and some invertebrates. An example of this excess is shown in the planning application photographs of views over Area 2⁷.

4.3 The land is in a Development High Risk Area (Coal Authority⁸), and its suitability for built development has been considered repeatedly through planning processes,

7 <http://www.bathnes.gov.uk/WAM/doc/BackGround%20Papers-911218.pdf?extension=.pdf&id=911218&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

8 <http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-918625.pdf?extension=.pdf&id=918625&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

including successive Inquiries from the Wansdyke Local Plan⁹ Inquiry onward. The view so far has been that it is an unsustainable location [Respondent 7215 paras 6.2–6.4; paras 12.3.5–12.3.6 and B&NES Officer opinions¹⁰]. We argue that this repeated process of examination wastes time and promotes community insecurity. We think that without LGS protection, this pattern will inevitably continue, and that with LGS protection the local community can only benefit from the decision and its potential implications [ref: Response 7215 paras 18.5 and 17]. Another element that we are concerned about is the potential for development creep outside the HDB afforded by development accessibility of Area 2. Accessibility can be provided either via Tynning Hill or via a new road from the north linked to existing roads in Springfield/Tynning.

4.4 We have referred to the poor quality of and access to existing natural green spaces in this area as a pertinent factor [Respondent 7215, table in para 2]. The Authority's most recent assessment of Accessible Natural Green Space provision in the Radstock area shows none in the Whitelands and Tynning areas or most of Writhlington¹¹ - most of the Radstock residential areas are poorly served or not served at all. Due to the failure to assess value and quality for these sites in the Green Spaces Strategy, the Authority has been basing planning policies and decisions to date on hectareage alone¹², when it should rightly have taken value and quality into account in considering adequacy of provision¹³. As these green spaces still appear to exist on the ground (eg the CROW land referred to in our response), this hectareage argument could still potentially be used by developers arguing for development of edge-of-town areas such as Area 2.

9 adopted 1995

10 <http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-928789.pdf?extension=.pdf&id=928789&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

<http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-920083.pdf?extension=.pdf&id=920083&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

http://www.whitelands-tynning-greenspace.org.uk/uploads/1/4/5/3/14535746/upper_whitelands_planning_comments_re_development.pdf

11 See figure 11, of the B&NES Greenspace Strategy for the Somer Valley, ref CD/PMP/DM13

12 <http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-918626.pdf?extension=.pdf&id=918626&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

13 Radstock sites largely not assessed for value and quality in the GSS, see Figure 5.8, Chapter 5, Adopted GSS.



4.5 The B&NES re-evaluation of Natural Green Space suggests that access is an important factor and that there is a need to meet this gap in provision. Protecting the land we propose as LGS could be one way to help achieve this. We would hope that cessation of Area 2's potential as a development site would help to bring about opportunities to promote its use as natural green space for recreation and to bring opportunities for enhancing it through a community initiative [ref: Respondent 7215, para 2.0, sections 7 and 8f; 7215, para 18.5]

5.0 The position adopted by Phoenix Land Solutions Ltd and David Webb Management Ltd

5.1 We do not agree with Phoenix Land Solutions and David Webb Management that Area 2 is brownfield land [Respondent 6434, comments 1, 2, 3, 4, Respondent 7215, paras 6.3 and 6.4, and Note 5 in our objection to the 2015 planning application¹⁴], or that the batches should not be allocated as Local Green Space [Respondent 6434, comment 6]. Partial allocation would theoretically allow access to the land beyond the batches to facilitate development of Area 2 such as the proposals submitted by Phoenix Land Solutions on behalf of David Webb Management Ltd in 2015 in application 15/00855/OUT¹⁵. The removal of part of the batch would allow some of the access objections by the B&NES Highways Officer to that development to be met regarding visibility splays and a need for road widening. Other significant Highways Officer objections would be unaffected¹⁶.

14 http://www.whitelands-tyning-greenspace.org.uk/uploads/1/4/5/3/14535746/upper_whitelands_planning_comments_re_development.pdf

15

<http://isharemaps.bathnes.gov.uk/data.aspx?requesttype=parsetemplate&template=DevelopmentControlApplication.tmlt&basepage=data.aspx&Filter=^refval^=%2715/00855/OUT%27&SearchLayer=DCApplications>

16 <http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-920083.pdf?extension=.pdf&id=920083&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

5.2 Potential access to a housing development beyond the twin Tynning batches has the potential to open up access for future housing development on the farmland that is included, in part, in our suggestion for a LGS. This farmland is part of a much larger area of potential development land (arable land) in the SHLAA that the landowner put forward. We do not see evidence that supports a sound case for use of the areas we propose for housing or other built development in the plan period. The arable section we suggest for inclusion in the LGS is part of a very large area of land identified in the SHLAA as potential development land, but ruled out by B&NES. If it was thought necessary to use farmland in any future plan, we note that it could be accessed from the main Bath Road.

5.3 We note that David Webb Management Ltd challenges the definition of the land as UK Priority habitat [ref: Respondent 6434, comment 5], and we understand that not only have brownfield land definitions changed over the years, but also the definition of Priority habitats. New Priority habitats have been introduced and changes to criteria made, including to *Open Mosaic Habitats on Previously Developed Land* (see table below for current criteria). Area 2 fits this definition and may support additional Priority Habitats. Examples of the vegetation and bare substrate are in Appendix 8. Following more recent site works, the grassland has been considerably more floriferous. Our comments and appendices set out its varied previous uses. Repeated disturbance has been over a long time-frame, but there has also been an acceleration of disturbance in more recent years by landowners, some in successive years, which includes bulldozing soil into piles, scrub removal, digging trenches, exposing buried footings and so on. There isn't a pool, but there is a wet seep. We would like to point out that, irrespective of its definition, Area 2 is important to local people for its wildlife. Part of the area has been recognised in the developer surveys for its County importance to invertebrates [Note 5 of footnote 18 link] and we have submitted further information in our comments and appendices. Site works had taken place before the developer surveys, removing bird nesting resources and potentially removing invertebrate nesting opportunities of importance to rare species (eg bramble stems for *Ceratina cyanea*) [Appendix 8; footnote 18]. Additionally, the developer survey report acknowledged that the surveys were limited, making it difficult to say how high the wildlife value is. The area certainly has the potential for improvement and colonisation/recolonisation by species that may have been absent during the developer surveys. In 6434 comment 5, a reference is made to a star. This represents Greater Horseshoe bat, which has a mapped foraging area extending partly into Area 2¹⁷.

17 Combe Down Greater Horseshoe Bats: radio tracking study Geoff Billington, November 2000, map 1 (note: Horseshoe bats are long-lived and pass down route knowledge)

	Criterion
1.	The area of open mosaic habitat is at least 0.25 ha in size.
2.	Known history of disturbance at the site or evidence that soil has been removed or severely modified by previous use(s) of the site. Extraneous materials/substrates such as industrial spoil may have been added.
3.	The site contains some vegetation. This will comprise early successional communities consisting mainly of stress-tolerant species (e.g. indicative of low nutrient status or drought). Early successional communities are composed of (a) annuals, or (b) mosses/liverworts, or (c) lichens, or (d) ruderals, or (e) inundation species, or (f) open grassland, or (g) flower-rich grassland, or (h) heathland.
4.	The site contains unvegetated, loose bare substrate and pools may be present.
5.	The site shows spatial variation, forming a mosaic of one or more of the early successional communities (a)–(h) above (criterion 3) plus bare substrate, within 0.25 ha.

5.4 Regarding the point about blending into the background [ref: Respondent 6434, comment 1] , we point to Note 4 of our objection to the planning application for development, at the end of which is an overhead view from 1999¹⁸.

5.5 We appreciate that David Webb Management would wish to retain a potential development parcel and associated access point, but do not agree that it is appropriate in this location. Our reasoning is set out in our application objection, no longer posted on the B&NES website, but available through the link (from our own website) in footnote 18. The residents who value Area 2, including the high number who objected to the planning application, fear that they are likely to suffer community disruption relating to the effects of developer speculation and repeated development pressure. We note the B&NES Policy and Environment Group Officer opinion that the site is unsuitable for any built development, *"Overall, I disagree with the conclusions of the LVIA and consider that whilst the site could benefit from additional management and improvements to its frontage, I object in principle to any form of built development on this site."*¹⁹. We are conscious, however, that permission for development has been granted by B&NES on land of very high ecological and cultural value in Radstock in the past, where the B&NES Environment Team and ecologist had opposed this, and where it did not meet the view and expectations of the Planning Inspector in the report on the B&NES Local Plan Inquiry. Our view, therefore, is that it is not inconceivable that permission could be granted at some point for development in this sensitive location if this land is not protected sufficiently.

5.6 B&NES does not propose that the HDB is extended past the twin Tynning batches that divide Whitelands from Tynning and Radstock central and has previously mapped the batches in their entirety as stand-alone features. Successive B&NES and Inspectorate opinions are that the land designation criteria for brownfield land is not met; this land, therefore, lies at the bottom of the development hierarchy.

5.7 We find no compelling evidence that the land on or beyond the twin batches is needed to fulfil housing allocations within the plan period or beyond. The CS Somer Valley Vision (p.107) says the HDB will be moved to accommodate *existing* permissions on

¹⁸ http://www.whitelands-tynning-greenspace.org.uk/uploads/1/4/5/3/14535746/upper_whitelands_planning_comments_re_development.pdf

¹⁹ <http://www.bathnes.gov.uk/WAM/doc/Consultation%20Response-928789.pdf?extension=.pdf&id=928789&location=VOLUME3&contentType=application/pdf&pageCount=1&appid=1001>

greenfield land. The strategic roles of this land are as Green Infrastructure, valued landscape and as a resource of biodiversity and historic value. Built development on or beyond the batches is not in line with the Core Strategy policies for Radstock or the Somer Valley area [footnote 18 and Respondent 7215 comments and appendices].