

## Technical Note

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## Client signoff

Client	Bath & North East Somerset Council / West of England Combined Authority
Project	East of Bath Express
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Client signature / date	

# 1. Introduction

Atkins is supporting Bath and North East Somerset Council on a feasibility study for a Link and Ride concept along the A4 corridor between Bath and Chippenham. The Link and Ride concept comprises of a series of small car park sites acting as interchanges which are linked by a bus route between Chippenham and Bath. Potential interchange sites have been identified along the A4 between Bath and Chippenham.

In this technical note advice is provided on the need for planning permission and the key considerations for the site selection, design and planning processes. The advice provided at this stage is high level rather than specific to the individual sites identified and reflects the availability of information at this early stage of the project, as well as the fact that no formal discussions have yet taken place with land owners. More detailed and precise planning advice can be provided on individual sites as the project develops, including advice on the consenting strategy and the likelihood of and constraints to a successful planning application(s).

## 2. Is planning permission required?

The identified sites vary in the nature of their existing use. Sites include private car parks, laybys and disused parcels of land adjacent to the highway. None of the sites are currently used as a Park/Link and Ride. The use of these sites as a Link and Ride facility would constitute a material change in the use of the land. The provision of a Link and Ride would not appear to constitute a highways maintenance or improvement scheme. As such the change of use would be considered 'development' as defined in section 55 of the Town and Country Planning Act 1990 as amended.

Bath and North East Somerset Council is the local highway authority responsible for the maintenance and improvement of the A4 corridor through Bathford as far as the border with Wiltshire Council. Wiltshire Council is the local highway authority responsible for the A4 corridor through Ashley, Box, Rudloe Corsham and Chippenham. Local highway authorities benefit from powers of permitted development under Part 9 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended.

While these rights extend to works undertaken by the relevant highway authority on land immediately adjacent to the highway within their area, they only apply to works which are for or incidental to the maintenance or improvement of the highway. And for that reason the provision of a Link and Ride interchange is not considered to be permitted development under Part 9.

In addition, local authorities benefit from powers of permitted development under Part 12 of the General Permitted Development) Order (GPDO). These powers extend to the erection of and alteration to small ancillary buildings on land belonging to or maintained by them provided that it relates to the function that the authority provides on the land. Part 12 extends to include information kiosks, passenger shelters and similar structures that relate to a public service operated by authorities.

The change of use of the land to a Link and Ride interchange is not considered to come under Part 12. Depending on the nature of the physical interventions required to support a link and ride facility, the works may be wholly or in part permitted development under Part

12. Nonetheless, planning permission would be required for the material change of use of the sites to sui generis use class from their existing uses.

At this stage, any physical interventions needed to support the use of these sites as Lark and Ride facilities have not been confirmed. Types of development that might be required could include resurfacing, alterations to highways accesses and provision of additional parking spaces, bus stops and associated street furniture. A review of the applicability of the powers of permitted development under Part 12 should be undertaken once sites have been selected and the design has been developed further. A clearer picture of the works requiring planning permission would help inform the consenting strategy; although it is likely that all works should be captured in the same planning application(s) for the material change of the use of the sites.

## **2.1. Planning policy and material considerations for a planning application**

Planning applications for the link and ride facilities will be expected to demonstrate consideration of and accordance with the relevant local planning policies set out in the local development plan. Sites located in B&NES will need to consider the policies set out in the adopted Bath and North East Somerset Local Plan Core Strategy and Placemaking Plan (2017). The Wiltshire Core Strategy (2015) provides the relevant planning policy for sites in Wiltshire.

Planning applications which demonstrate how design proposals comply with local planning policies will be supported by the local planning authority unless material considerations suggest otherwise.

An initial review of the environment and planning policy contexts of the A4 corridor between Bath and Chippenham has indicated a number of the planning policies which are likely to be relevant to planning applications for the link and ride scheme. These are outlined in the following sections.

### **2.1.1. Green Belt**

The Bristol and Bath Green Belt covers parts of the local authority areas of B&NES and Wiltshire, as shown in **Figure 2-1**.

Relevant local policies include:

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017).
- Policy CP8 Green Belt.
- Policy GB1 Visual Amenities of the Green Belt.
- Policy GB2 Development in Green Belt Villages.

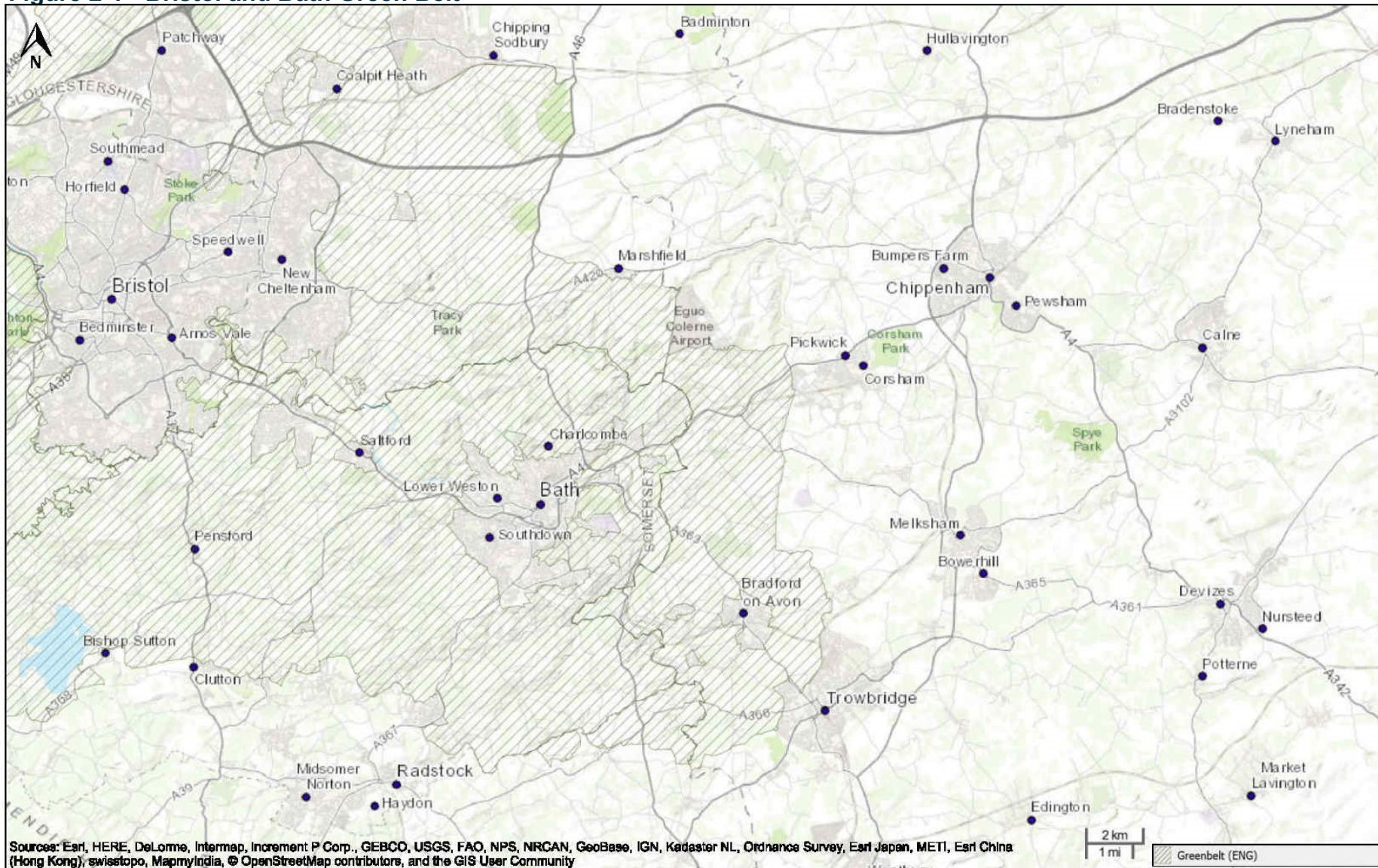
There is no current local policy protecting the West Wiltshire Green Belt in the Wiltshire Local Plan.

Sites to the west of Rudloe are located within the Green Belt. Generally, new development in the Green Belt will be resisted by the local planning authority unless there are 'very special circumstances' (NPPF 2019 para. 144). The NPPF requires that in determining applications substantial weight be attributed to any harm to the green belt caused by a proposed development.

The NPPF recognises that local transport infrastructure which can be demonstrated is required in the Green Belt can be considered appropriate provided that the openness of the Green Belt is preserved.

In reflection of national and local policy, it is recommended that the site selection process should consider favouring sites which are situated on previously developed land sites. An essential part of the design will be limiting the need to introduce new infrastructure and hard surfaces to only the essential.

**Figure 2-1 - Bristol and Bath Green Belt**



### 2.1.2. Cotswolds Area of Outstanding Natural Beauty

The Cotswold Area of Outstanding Natural Beauty (AONB) covers parts of the local authority areas of B&NES and Wiltshire. Local planning policies in both authority areas seek to protect the special qualities of the AONB and conserve and enhance landscape and scenic beauty. Relevant local policies include:

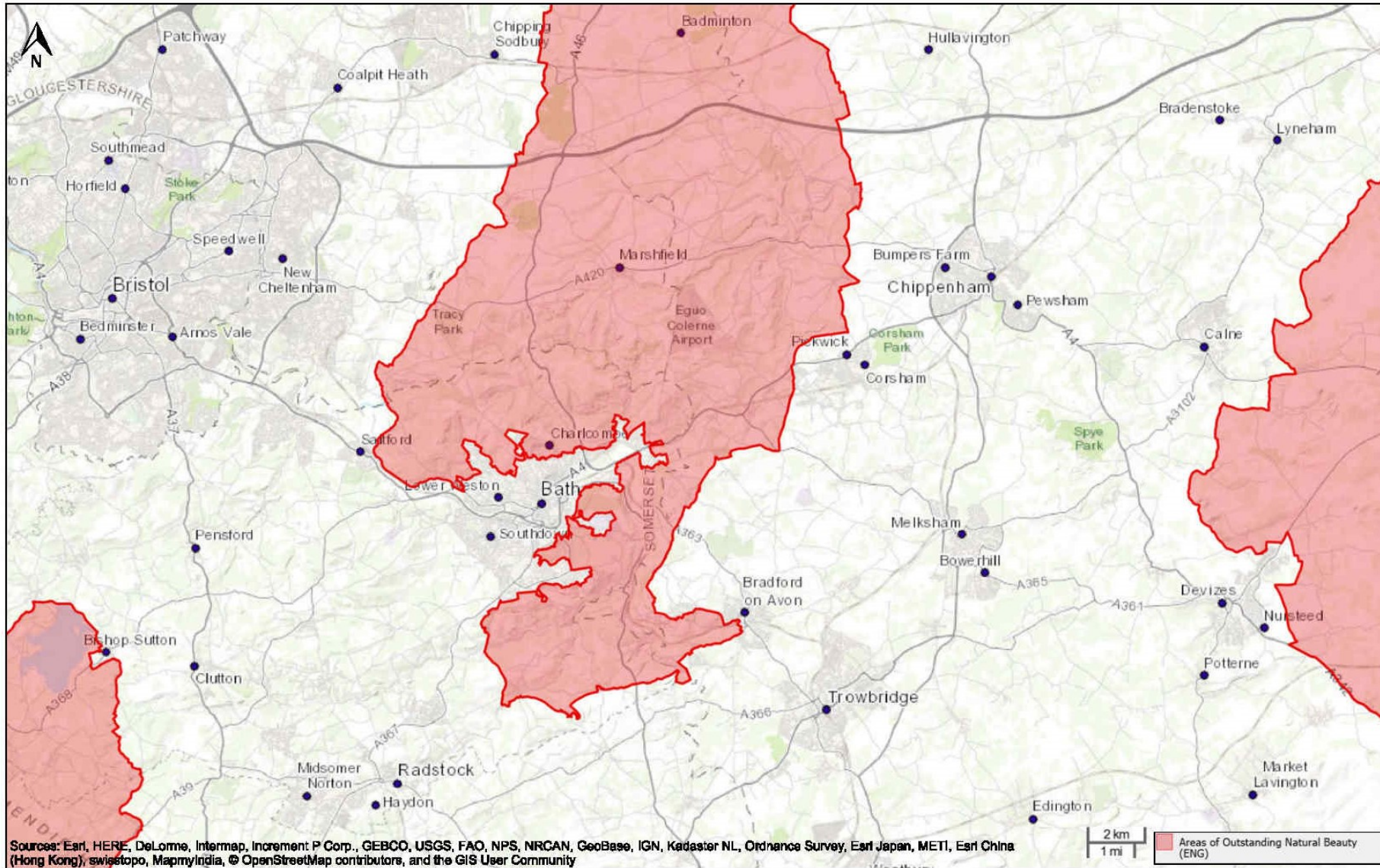
- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy NE2 Conserving and Enhancing the Landscape and Landscape Character
  - Policy NE2A Landscape Setting of Settlements
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 51 Landscape

The NPPF states that great weight must be afforded to conserving and enhancing landscape and scenic beauty in AONBs and that the highest status of protection will be given to these issues. It is expected that new developments located within AONBs will be limited in their scale and extent; proposals for major development should be resisted unless exceptional circumstances can be demonstrated.

Individually, the change of use of each site is not likely to constitute major development; however, the overall link and ride interchange scheme to be delivered may be considered a major development. This will be for the local planning authority to draw a conclusion on (NPPF para 172 footnote 55). Taking this risk into account it would be sensible to consider the following issues, as set out in para 172 of the NPPF, when progressing the site selection and design process and preparing a case for the proposals:

- The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy.
- The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way.
- Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

**Figure 2-2 - Cotswold Area of Outstanding Natural Beauty (AONB)**



### 2.1.3. New Park and Ride Schemes

Policy ST6 of the B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies applies specifically to proposals for new Park and Ride schemes, including extensions to existing sites and provision of a new facility to the East of Bath. The policy recognises a need for a new park and ride facility to the east of Bath and recognises the importance that protection of the Green Belt will have in an appropriate site and design. The Link and Ride concept would appear to be an effective means of avoiding significant impacts on the Green Belt while providing additional park and ride capacity, and this should be a central argument on which to base the case for a planning application(s).

Policy ST6 requires development proposals for park and rides to weigh the need for and benefits of a new facility against the harm to environmental assets and the Green Belt. The policy sets out the criteria that applications for park and ride developments will be expected to include:

- An assessment of impacts on the Outstanding Universal Value of the Bath World Heritage Site (WHS) and its Setting and clear and convincing justification for any harm to the WHS, with the degree of public benefit weighed against the level of harm. The assessment of impact on OUV should use the ICOMOS 'Guidance on Heritage Impact Assets for Cultural World Heritage Properties' and Historic England's Good Practice Advice 'The Setting of Heritage Assets' and applying the Council's Bath World Heritage Site Setting SPD).
- Demonstration that proposals within the Cotswolds AONB accord with national policy for determining planning applications for major development within an AONB.
- Evidence that proposals affecting European sites meet the provisions of Policy NE3.
- Evidence that there is no unacceptable impact on the surrounding road network and its capacity to safely accommodate potential traffic generation.
- Provision is made for the needs of those with impaired mobility and for the safety and security of all users.
- For development in the green belt, demonstration that there is a requirement for a green belt location, and that it preserves the openness of the green belt and does not conflict with the purposes of including land in it.

The policy appears to be written for a large scale park and ride facility, and by comparison the Link and Ride concept could have relatively less impact on the setting of the World Heritage Site, AONB and green belt.

There is no equivalent policy specific to park and ride facilities in the Wiltshire Local Plan; however Core Policy 63 Transport Strategies, identifies the need for packages of integrated transport measures in Chippenham to help facilitate growth, including enhanced public transport services and facilities.

## 2.2. Other relevant environmental considerations and planning policies

### 2.2.1. Highways

Relevant policies in relation to highways:

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy ST1 Promoting Sustainable Travel



- Policy ST2 Sustainable Transport Routes
- Policy ST3 Transport Infrastructure
- Policy ST6 Park and Ride
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 60 Sustainable transport
  - Core Policy 61 Transport and new development
  - Core Policy 62 Development impacts on transport network
  - Core Policy 63 Transport Strategies

Highways impacts have potential to become a key consideration in the determination of a planning application(s) for the link and ride scheme. Consideration will need to be given to whether any cumulative impacts on the A4 associated with the overall Link and Ride scheme could arise and whether a proportionate study or assessment might be required to quantify the impact and identify appropriate mitigation such as passenger/parking capacity limits.

On a site by site basis, it may be necessary to demonstrate that the proposals will not lead to unacceptable highway safety impacts or congestion on the local road network, and that the local roads, highways accesses and site layouts are suitable or can be made suitable for buses and the volume of traffic individual facilities would be expected to generate.

Alterations to road alignments, junctions and street lighting may need to be included within the planning application.

National and local policy promotes a modal shift away from cars and encourages development which reduces the need to travel by car. To develop a strong case for the link and ride proposals, it would be beneficial to provide evidence or estimates of the reduction in private vehicle miles the proposals would facilitate.

Consideration should also be given to how the bus service might be used by cyclists, pedestrians and what facilities might be required to support more sustainable travel options.

### **2.2.2. Amenity and Human Health**

The link and ride facilities will generate vehicle movements with associated increases in noise, light, and fumes / air emissions. Sites which are located in or adjacent to sensitive areas such as Air Quality Management Areas (AQMA) may not be supported. Sites which are located adjacent to sensitive receptors such as homes or schools will need to be able to demonstrate in a planning application that unacceptable impacts on the environment, human health and amenity will not occur.

Relevant local policies include:

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy D6 Amenity
  - Policy PCS1 Pollution and Nuisance
  - Policy PCS2 Noise and Vibration
  - Policy PCS3 Air Quality
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 55 Air Quality
  - Core Policy 57 Ensuring high quality design and place shaping

### 2.2.3. Nature conservation

Emerging legislation (Environment Bill) and planning policy (Updated NPPF and Local Plan Reviews) will make providing Biodiversity Net Gain a requirement for all projects seeking planning permission. The emerging requirements are expected to require developers to deliver at least a 10 per cent improvement in “biodiversity value”. It is expected that the requirement will be a condition of any granted planning permission.

Existing local planning policies expect development proposals to conserve and protect features of nature conservation value and enhance them where possible.

The site selection process should identify the presence of any international, national or local biodiversity designations and potential for protected and priority species or habitats to be affected by proposals. The design will be expected to demonstrate how damage and disturbance to ecology features are avoided or justify how the public benefits of the scheme outweigh any impact.

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy NE3 Sites, Species and Habitats
  - Policy NE4 Ecosystem Services
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 50 Biodiversity and geodiversity

### 2.2.4. Flood risk

The A4 follows By Brook, a tributary of the River Avon, through the villages of Bathford, Ashley and Box. Pudding Brook, another tributary of the Avon, flows adjacent to the A4 west of Chequers Roundabout. A number of the link and ride sites identified are located in proximity to Flood Zones 2 and 3. National planning policy requires that flood risk assessments be prepared to support planning applications for any of the sites proposed in Flood Zones 2 and 3. Consultation with the Environment Agency is recommended in order to understand whether sites have critical drainage issues or are at increased risk of flooding in the future, as flood risk assessments may be required for such sites, even if located in Flood Zone 1 and less than 1 hectare in size.

Relevant local policies include:

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy CP5 Flood Risk Management
  - Policy SU6 Sustainable Drainage
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 67 Flood Risk

### 2.2.5. Heritage

The indicative extent of the Setting of the WHS extends to the B&NES local authority boundary to the west of Ashley. As detailed in B&NES local policy ST6 consideration will need to be given to impact on the outstanding universal value of the WHS.

In addition, Pickwick, parts of Corsham and the southern part of Bathford are designated conservation areas. Depending on the nature of the development and the anticipated increase in vehicles, sites in conservation areas might not be supported through the planning process. Wiltshire Core Policy 58 looks to conserve the special character or appearance of

Pickwick and Corsham Conservation Areas. B&NES Policy HE1 seeks to preserve the special character and appearance of the Bathford conservation area and its setting.

Relevant local policies will include:

- B&NES Core Strategy and Placemaking Plan District-wide Strategy and Policies (2017)
  - Policy HE1 Historic Environment
- Wiltshire Local Plan Core Strategy (2015)
  - Core Policy 57 Ensuring high quality design and place shaping
  - Core Policy 57 Ensuring the conservation of the historic environment

### 3. Next steps

A broad view of the next steps to progress the scheme in terms of planning are as follows:

1. Following further investigation as to the wider objectives and benefits of the scheme and in principle highway/transportation support from the local highway authorities, it is recommended that a site selection process, including a desk-based study of the environmental profile of each site should be undertaken to identify the most sustainable sites that would deliver the scheme objectives and have minimal impacts on the environment. The environmental study should identify the environmental surveys and fieldwork necessary to develop the baseline of information to support the design process and inform the contents of a planning application(s).
2. Pre-application discussions with B&NES and Wiltshire local planning authorities are advised. The advice of the local authority planners should be sought on the approach to consenting the scheme, the suitability of the individual sites and the requirements for a planning application, including pre-application consultation and environmental information.
3. Following advice and further clarifications, we would anticipate grouping the link and ride sites into two applications, one for the sites in Wiltshire and one for the sites in B&NES. This will be reviewed and could be altered to account for timing and delivery of sites.
4. Further consideration should also be given to the adoption of local planning policy which supports the concept of the link and ride corridor or that identifies the specific link and ride sites along the corridor would help establish the principle of development. The programme for seeking policy support would need to be reviewed to ensure the adoption of any new policy aligns with the programme for progressing the proposals.
5. Policy support would limit the risk of a planning application, assuming sufficient information is available and submitted, being delayed or refused by establishing the principle of the development and aid the positive determination. However, the establishment of new supporting policy it is not essential. The provision of a park and ride facility east of Bath and west of Chippenham is already supported in local policies ST6 (B&NES) and Core Policy 63 (Wiltshire).