

Bath and North East Somerset Draft Core Strategy

Publication Version Representation Form

(For official use only)

Rec'd:

Ack:

Respondent No:

Please return this form to Planning Services by midnight **3rd February 2011**.

Post to: PO Box 5006, Bath, BA1 1JG

Email to: planning_policy@bathnes.gov.uk

Part A

1. Personal Details	2. Agent's Details (if applicable)
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Date: 1st February 2011

Part B (1 of 4)

Name or Organisation: **Claverton Parish Council**

3. To which part of the Core Strategy does this representation relate?

Page number: 9, 10 1b (Spatial Portrait & Key Strategic Issues)

Policy / Proposal:

4. Do you consider the Core Strategy is:

- | | | | | |
|-------------------------|-----|--------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound* | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

5. Do you consider the Core Strategy is unsound because it is not:

- | | |
|-------------------------------------|-------------------------------------|
| (1) Justified | <input type="checkbox"/> |
| (2) Effective | <input checked="" type="checkbox"/> |
| (3) Consistent with national policy | <input type="checkbox"/> |

6b Why you consider the Core Strategy is unsound:

(a). The City of Bath WHS (UK's only complete city to be designated a WHS) and its high quality (Green Belt and Cotswolds AONB) landscape combine to make Bath unique. However, this 'very special relationship' is not expressed effectively within the Spatial Portrait of the district.

Recognition of this inextricable link is paramount, especially because of the difficulties which may arise when any proposed developments involve conflicts of interest between Core Strategy Policies.

(b). Paragraph 1.11 does not highlight that the Avon and Limley Stoke Valley to the east of Bath, which lies within the Cotswolds AONB, is a distinctive cross boundary area within B&NES and Wiltshire.

(c). Diagram 2 (Sub-regional context) illustrates effectively that B&NES is not an 'island', but surrounded by a number of neighbouring authorities, including, not only the other West of England local authorities, but also those of Somerset, Gloucestershire and Wiltshire.

The Parish Council recognises that the Core Strategy does acknowledge, e.g. at 1.25 and 6.59, that strategies and programmes in neighbouring authorities have to be taken into account and that the West of England JLTP3 also acknowledges, at 2.5, the need to identify cross boundary transport issues. However, the Spatial Portrait and Key Strategic Issues fail to highlight these issues.

7b Change required to make the Core Strategy sound:

- (1).** Paragraph 1.06 should highlight the unique nature of the City of Bath WHS and its landscape setting, along the lines described above. It should also highlight that conflict may arise between Core Strategy Policies when considering future development proposals.
- (2).** Paragraph 1.11 should highlight the Avon and Limpley Stoke Valley area as a distinctive cross boundary area within B&NES and neighbouring Wiltshire.
- (3).** A summary discussion of Cross Boundary Issues should be highlighted at the beginning of the Core Strategy under Key Strategic Issues (1.12) and include not only considerations related to the West of England area but also those associated with development in and traffic movements from, Bath's eastern neighbour - Wiltshire.

8. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?

- No**, I do not wish to participate at the oral examination
- Yes**, I wish to participate at the oral examination

9. If you wish to participate at the public hearings, please outline why you consider this to be necessary:

Part B (2 of 4)

Name or Organisation: **Claverton Parish Council**

3. To which part of the Core Strategy does this representation relate?

Page number: 52, 53

Policy / Proposal: Policy B4 (The World Heritage Site and its setting)

4. Do you consider the Core Strategy is:

- | | | | | |
|-------------------------|-----|--------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound* | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

5. Do you consider the Core Strategy is unsound because it is not:

- | | |
|-------------------------------------|-------------------------------------|
| (1) Justified | <input checked="" type="checkbox"/> |
| (2) Effective | <input checked="" type="checkbox"/> |
| (3) Consistent with national policy | <input checked="" type="checkbox"/> |

6b Why you consider the Core Strategy is unsound:

The Parish Council welcomes the Policy B4 statement that *“Proposals which would harm the Outstanding Universal Values of the City of Bath World Heritage Site, including its authenticity and integrity, or which would harm the setting of the World Heritage Site will be refused”*

However, the Parish Council does not consider that Policy B4 and its operation, as set out in paragraph 2.32, will protect the landscape setting of the World Heritage Site (WHS) against inappropriate development. The Parish Council considers that the Policy needs to be strengthened and has the following comments.

(a). Paragraph 2.31 (page 52) identifies “the green setting of the City in a hollow in the hills” as being part of the OUV of the Bath WHS and paragraph 2.32 goes on to state that “The setting of the WHS, beyond its designated boundary, is also important as inappropriate development here can impact upon the site itself”

“The green setting of the City in a hollow in the hills” does not just relate to those hills which look down on the city centre but to the whole landscape which surrounds the WHS. The Parish Council considers that this aspect is frequently misrepresented or misunderstood and the Policy should be amended accordingly.

(b). The evidence base for proposing Policy B4 as the preferred option for protecting the landscape setting is incomplete and misleading.

1. The Core Strategy Spatial Options Document - Consultation Report states only that there was *“A large body of support for the preferred policy approach for protection of the WHS setting heralding it as a far more pragmatic and workable policy and more in line with the emerging national policy approach”*. The report omits the many comments and recommendations from Claverton Parish Council and a number of other parish councils and organisations, e.g. Bath Preservation Trust, that disagreed with B&NES’s preferred criterion-based policy approach (Option 2) and recommended a buffer zone (Option 1).

6b continued

2. There is no mention of the recently endorsed Bath WHS Management Plan (2011-2016). This important document also identifies the buffer zone and landscape setting as a key priority (closely matching a recommendation from the 2008 UNESCO Bath Report) and the need to continue to explore ways to preserve the setting of the Site.

In the WHS Management Plan, under the objective - *“Ensure that landscape & natural elements of the Site & its setting, including heritage sites & their associated remains, are protected, acknowledged, understood & managed alongside the Site”* the action - *“Continue to monitor the effectiveness of existing setting protection & consider the necessity of applying a formal buffer zone”* - has been identified.

There is, therefore, no consistency between the Core Strategy and the WHS Management Plan regarding a buffer zone and protection of the WHS landscape setting.

(c). The description of the landscape setting of the WHS, as set out on page 52 paragraph 2.32, is inadequate. It fails to highlight the fact that the WHS is surrounded by Green Belt and the Cotswolds AONB on its north, east and southern boundaries. Bath is unique in being the UK's only complete city to be designated a WHS but its landscape setting is also exceptional and key to the city's inscription as a WHS.

An additional concern is that, while the title of section 2e (pages 52 & 53) is “The World Heritage Site and its setting”, there is no depiction of the juxtaposition of the two, only an illustration of the cityscape. Recognition of the inextricable link between the WHS and its landscape setting needs to be enhanced.

(d). Page 52, paragraph 2.32 states that *“The WHS Setting Study provides the background information needed to assess any potential impacts and provides an impact assessment framework to form the basis for assessing the potential impact of a development on the OUVs. The Setting Study will be used to guide decision making affecting the WHS setting and may form the basis of a future Supplementary Planning Document (SPD)”*.

The Parish Council considers that the capacity of the WHS Setting Study to guide decision making affecting the WHS setting is overstated.

It is also concerned that, not only was this study published by B&NES without being put out for public consultation, but is now being considered as the basis of a future Supplementary Planning Document.

(e). WHS landscape setting considerations have also been brought into sharp focus in the June 2008 UNESCO Bath report and the July 2009 DCLG Circular on protection of World Heritage Sites.

The UNESCO report states that - *“With regard to the protection of the property, the mission recommends that the State Party act on the reinforced protection of the surrounding landscape to prevent any future developments which could have adverse and cumulative impact on the Outstanding Universal Value of the property”*.

The DCLG Circular highlights that WHS landscape setting considerations are a “key material consideration” and the impact of a development should be afforded significant weight. It states - *“The UNESCO Operational Guidelines (paragraph 104) suggest the designation of a buffer zone around the World Heritage Site wherever this may be necessary for its conservation. A buffer zone is defined in the guidelines as an area surrounding the World Heritage Site which has complementary legal restriction placed on its use and development to give an added layer of protection to the World Heritage Site...”*

The message is clear; additional measures are required to reinforce protection of the WHS landscape setting. However, there is nothing in Policy B4 to address this concern.

6b continued

(f). It is unclear why Policy B4 highlights PPS5 Policy HE1 (Heritage Assets and Climate Change) when it is evident that all PPS5 Policies are relevant to the WHS and its setting, e.g. Policy HE10, and are material considerations which must be taken into account in all development management decisions.

It is clear that these policy guidelines are open to a high degree of interpretation. Recognising that the City of Bath WHS and its high quality landscape setting is a unique heritage asset it is, therefore, imperative that Policy B4 attempt to remove any ambiguity in interpretation of PPS5 or other relevant guiding policies.

The Parish Council considers that a geographically defined buffer zone would alleviate this ambiguity and provide the higher level of protection which is needed to prevent inappropriate development in the landscape setting of the Bath WHS.

7b Change required to make the Core Strategy sound

The following changes are recommended, in order to make Policy B4 sound –

1. Paragraph 2.31 should be explicit and clarify the phrase - *“the green setting of the City in a hollow in the hills”* - along the lines described in 6b (a).
2. The Core Strategy Spatial Options Document - Consultation Report should be amended to provide a balanced summary of the consultation representations regarding the two options for protecting the setting of the World Heritage Site.
3. Reference should be made to the Bath WHS Management Plan (2011-2016) and, in line with the action identified in this Plan; a statement should be added, setting out B&NES' commitment to studies which will assess the designation of a formal buffer zone around the WHS.
4. Reference should be made to the fact that all PPS5 Policies are (a) relevant to the WHS and its setting and (b) material considerations which must be taken into account in all development management decisions.
5. Paragraph 2.32, or a new paragraph, should be explicit about the important characteristics of the WHS landscape setting, i.e. Green Belt, Cotswolds AONB, Conservation Areas, Scheduled Ancient Monuments and Historic Parks and Gardens
6. Page 52 should include an illustration which depicts the extent of both the WHS and its Green Belt/AONB landscape setting.

8. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to participate at the public hearings, please outline why you consider this to be necessary:

To clarify and support the arguments for the above changes and recommendations.

Part B (3 of 4)

Name or Organisation: **Claverton Parish Council**

3. To which part of the Core Strategy does this representation relate?

Page number: 129, paragraph 6.94

Policy / Proposal: Policy 6f (Well connected)

4. Do you consider the Core Strategy is:

- | | | | | |
|-------------------------|-----|--------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound* | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

5. Do you consider the Core Strategy is unsound because it is not:

- | | |
|-------------------------------------|-------------------------------------|
| (1) Justified | <input checked="" type="checkbox"/> |
| (2) Effective | <input checked="" type="checkbox"/> |
| (3) Consistent with national policy | <input checked="" type="checkbox"/> |

6b Why you consider the Core Strategy is unsound:

The statement in Policy 6f, paragraph 6.95 that - "*The Councilrecognises the need for studies to assessan A46/A36 link*" is alarming.

This, superficially, innocuous statement has significant implications, in direct conflict with many other policies within the Core Strategy. It is not based on robust evidence and does not reflect long standing and valid environmental concerns expressed by both the local Bath and wider community and at a previous public inquiry into such a scheme.

For many years an A36/A46 link road has been suggested as a possible above ground eastern by-pass to the City of Bath. However, it is universally accepted that such a scheme would have a devastating impact on the Cotswolds AONB, City of Bath World Heritage Site landscape setting and amenity of the area east of Bath.

This highly controversial scheme is unsustainable. It is not the answer to traffic congestion and air pollution problems in the City of Bath.

Further key considerations:

(a). The Core Strategy Spatial Options Document - Consultation Report omits, e.g. on pages 61-63, any reference to the detailed concerns expressed in Claverton Parish Council's representation about an A36/A46 link road. Similar concerns are known to have been expressed in representations by other organisations and Parish Councils.

(b). For the convenience of the Inspector, the following comments summarise the Claverton Parish Council representation and further underpin why the Parish Council considers inclusion of the link road in the Core Strategy to be unsound.

6b continued

(i). It has been firmly established that bypasses attract extra traffic. Rather than building an extremely expensive link road, thereby encouraging traffic to the Bath area, lower cost measures should be employed to discourage through-city traffic in the first place.

The number of through-HGVs which would be removed by a link road is too small to justify the undisputed and permanent damage to the Avon & Limpley Stoke Valley and City of Bath World Heritage Site landscape setting.

The damaging impact of HGVs on the city can be tackled by measures which would remove more HGVs (through N-S, E-W & local) than a link road. These measures, which are outlined in the B&NES draft Air Quality Action Plan, include the relatively low cost HGV ban on Cleveland Bridge or the A36 Warminster Road, as originally proposed by the Council in 2005. Such a ban is the only acceptable option to protect both the City of Bath WHS and its landscape setting. The Parish Council understands that B&NES Cabinet strongly supports such a scheme.

It is also relevant to note that future use of the recently approved Deep Sea Marine Terminal at Avonmouth should significantly reduce the volume of HGV traffic between south coast ports, via the Bath A36/A46 corridor, and the M4/M5 interchange area.

(ii). The wider harm and disbenefits which a link road would bring, outweigh any presumed benefits.

A link road would not solve Bath's traffic congestion problems because traffic is predominantly local, as highlighted by B&NES:

"In the Bath urban area, Government figures suggest that fewer than 1 in 20 cars represent through traffic during the morning rush hour, so a bypass would not tackle the thousands of cars whose destination is Bath"

(iii). The many statements made in the Bath WHS Management Plan, West of England Joint Local Transport Plan (JLTP3) and other key policies in the Core Strategy make it clear that protection of both the WHS and its landscape setting constitutes, in planning parlance, "a very special circumstance".

This has been brought into sharp focus by the 2009 Government Circular on protection of WHSs, the 2009 B&NES "Bath WHS Setting Study" and the 2008 City of Bath UNESCO report. In particular, the UNESCO report highlights the need to reinforce protection of both the surrounding landscape and the views to and from the City of Bath.

The considerations outlined in these reports reinforce previously expressed concerns about the dramatic impact which an A36/A46 link road would have on the Cotswolds AONB and WHS landscape setting, in particular those expressed at the 1990 public inquiry which rejected comprehensively a proposal for an A36/A46 link road as being *"..intolerable in its landscape impact and devastating to recreational amenity"* - unambiguous words which remain wholly relevant.

(iv). Against a background of the vision, objectives, strategies and policy statements in the draft Core Strategy, and these recent international, national and local reports on the WHS and its landscape setting, it is very clear that no case can be made to justify the continued presence of an A36/A46 link road in B&NES/West of England transport planning.

(v). An A36/A46 link road and the, now planned, 1400 space Park and Ride on Bathampton Meadows would combine to have a catastrophic impact on the landscape and amenity of the whole area east of Bath.

Set against the vision, objectives, strategies and policy statements in the draft Core Strategy, this must *never* be allowed to happen

(vi). The absence of the A36/A46 link road from the West of England JLTP3 transport Vision to 2026 is welcomed. Looking towards 2026 and beyond, B&NES must relinquish, once and for all, any aspirations for an A36/A46 link road through the WHS landscape setting and Cotswolds AONB.

To do otherwise would be to undermine the credibility of the Core Strategy and signal B&NES intention to abandon the WHS landscape setting rather than protect it.

7b Change required to make the Core Strategy sound:

The reference to the A36/A46 link road on page 129, paragraph 6.94 of Policy 6f should be removed and no other references to a link road should be inserted.

8. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination

9. If you wish to participate at the public hearings, please outline why you consider this to be necessary:

To clarify and reinforce the arguments for removal of any reference to an A36/A46 link road in the Core Strategy.

Part B (4 of 4)

Name or Organisation: **Claverton Parish Council**

3. To which part of the Core Strategy does this representation relate?

Page number: 33 - Diagram 5; 56 - paragraph 2.44; 57 - Table 5;
Policy / Proposal: Bath Transportation Package proposal - Bathampton Meadows Park and Ride

4. Do you consider the Core Strategy is:

- | | | | | |
|-------------------------|-----|--------------------------|----|-------------------------------------|
| 4.(1) Legally compliant | Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
| 4.(2) Sound* | Yes | <input type="checkbox"/> | No | <input checked="" type="checkbox"/> |

5. Do you consider the Core Strategy is unsound because it is not:

- | | |
|-------------------------------------|-------------------------------------|
| (1) Justified | <input checked="" type="checkbox"/> |
| (2) Effective | <input checked="" type="checkbox"/> |
| (3) Consistent with national policy | <input checked="" type="checkbox"/> |

6b Why you consider the Core Strategy is unsound:

Paragraph 2.44, page 56 refers to a proposal for a new Park and Ride to the east of the City. This proposal scheme is located on the ancient water meadows of Bathampton.

This highly contentious proposal is not founded on a robust evidence base, will not meet its stated objectives, is not sustainable and does not reflect long standing and valid environmental objections expressed by the local Bath/wider community and in number of government and B&NES reports. It is also in direct conflict with many local and national policies. Rigorous evaluation of all potential Park and Ride options has not been carried out.

Further detailed comments:

(a). B&NES' own papers show that the Park & Ride would have little or no impact on traffic congestion or air pollution levels (NO₂ and PM₁₀) and therefore fails to achieve stated primary objectives. Along London Road, west of the A4/A46 roundabout, NO₂ levels would remain well above the objective level and congestion would not be alleviated.

The B&NES papers also show that the whole Bath Transportation Package (of which the Park and Ride is a key element) would have little or no impact on traffic related air pollution across Bath.

(b). The proposed Park and Ride would be the largest in Bath and would not be sustainable. The planned provision of 1400 spaces falls short of B&NES' estimate of the need for 1800 spaces. However, the site is not capable of extension because it immediately abuts the River Avon flood plain.

This lack of expansion capability is contrary to specific advice from the Department of the Environment that, sites should preferably be "surrounded by sufficient adjacent land to allow expansion should levels of demand warrant this."

6b continued

(c). The proposed Park and Ride site lies in an extremely sensitive valley floor location, in Green Belt and surrounded by the Cotswolds AONB and within 200 metres of the City of Bath World Heritage Site. It fails to satisfy the requisite tests in PPG2 (by the council's own admission).

The site, which would be floodlit for many hours during the winter months, would be widely visible from viewpoints in neighbouring communities, including the eastern area of the WHS, the closely-neighbouring Cotswolds AONB and scheduled ancient monuments. It is in a location which would clearly form part of any geographically-defined green buffer zone around the City of Bath World Heritage Site.

(d). The Park & Ride would do irreversible environmental damage and seriously degrade the character, openness and visual amenity of the WHS Green Belt/Cotswolds AONB landscape setting, and "green valley approach" to the City of Bath.

(e). Public consultation on the Park and Ride was untimely and perfunctory. B&NES evaluation of the scheme was carried out in secrecy and it was presented as a "*fait accompli*" on 31st July 2008. The only public opportunity to comment on the Park and Ride was at a B&NES exhibition of the four main Bath Transportation Package proposals on 6th/8th November 2008.

Claims of public support for the scheme are misleading and do not truly reflect the fact that, following the November exhibition/consultation, the Park and Ride had a 78% rejection rate and following the submission of the planning application some 550 objection letters were submitted while less than 20 supporting letters were received.

(f). B&NES carried out perfunctory evaluations of other Park and Ride options and did not consider any in Wiltshire, where a considerable percentage of the estimated Park and Ride patronage is generated. A related concern is that B&NES' current figures show that the highest percentage (46%) of predicted Park & Ride demand is from the north via the A46. This provides a significantly different perspective on the location of the proposed Park and Ride, when compared to the 34% figure originally indicated by B&NES. This revised demand figure alone indicates the need for a review of Park and Ride options.

(g). A number of government and B&NES reports, over the preceding decade, consistently and explicitly rejected use of the site for Park and Ride and associated development, on the grounds of serious adverse environmental impact.

These previous rejections, coupled with the many planning policy conflicts and widespread community concern, are evidence of a well documented and almost universal objection to the use of the proposed Bathampton Meadows site for Park and Ride development.

7b Change required to make the Core Strategy sound:

The Bathampton Meadows Park and Ride should be removed from the Bath Transportation Package and all references to it in the Core Strategy, particularly those on pages 33 - Diagram 5; 56 - paragraph 2.44 and 57 - Table 5, should be deleted.

8. If your representation is seeking a change, do you consider it necessary to participate at the public hearings part of the examination?

No, I do not wish to participate at the oral examination

Yes, I wish to participate at the oral examination