

West of England Joint Spatial Plan - Publication Representation Form

The West of England councils - Bath & North East Somerset, Bristol City, North Somerset and South Gloucestershire councils are inviting representations on the Publication Document of the West of England Joint Spatial Plan. These will be considered by the examining Inspector in the context of the soundness and legal compliance of the Plan.

Please return this form by Wednesday 10th January 2018.

Email to: comment@jointplanningwofe.org.uk **or post to:** West of England Joint Spatial Plan, C/o South Gloucestershire Council, Planning, PO Box 1954, Bristol BS37 0DD

This form has two parts:

Part A – Personal Details

Part B – Your representation.

Please fill in a separate sheet for each representation you wish to make.

To ensure your representation is restricted to issues of soundness and legal compliance, you are advised to refer to the accompanying **Guidance Document** and make your representation on this official form that has been specifically designed to assist you in making your representation.

Please be aware that all comments made on the Joint Spatial Plan will be publicly available.

Anonymous forms cannot be accepted and so to submit your form you must include your details below.

You should refer to section 5 in the Guidance Document for advice on how to make a **joint representation**.

Part A

1. Personal Details* 2. Agent's Details (if applicable)

* If an agent is appointed, complete only the Title, Name and Organisation boxes in 1. below adding the agent's details in 2 below.

Title*	Mrs	
First Name*	Susan	
Last Name*	Simmons	
Job Title (where relevant)	Parish Clerk	
Organisation* (where relevant)	Westerleigh Parish Council (Coalpit Heath Ward)	
Address Line 1		
Address Line 2		
Address Line 3		
Address Line 4		
Post Code		
Telephone Number	07530 312700	
E-mail Address	westerleighpc@gmail.com	

Signature

Date 9/1/2018

West of England Joint Spatial Plan - Publication Representation Form

Part B - Your Representation

Please use a separate form for each representation made and read the accompanying **Guidance Note** that accompanies this form before you complete it.

Name or Organisation:

Q1. On which part of the Joint Spatial Plan are you commenting? Please see the note above.

Chapter Paragraph Policy

Key Diagram

Q2. Do you consider the Joint Spatial Plan to be:

Legally compliant?	Yes	<input type="text"/>	No	<input type="text" value="X"/>
Sound?	Yes	<input type="text"/>	No	<input type="text" value="X"/>
Compliant with the Duty to co-operate?	Yes	<input type="text" value="X"/>	No	<input type="text"/>

Please tick as appropriate

Q3. Please give details of why you consider the Joint Spatial Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Joint Spatial Plan or its compliance with the duty to co-operate, please also use this box to set out your representation.

Westerleigh Parish Council, Coalpit Heath Ward (WPCCHW) considers the Joint Spatial Plan (JSP) legally noncompliant because it has failed to have proper regard to the Secretary of State's national policy and guidance on green belt land in making the proposals on Coalpit Heath; it has failed properly to appraise and assess potential locations within South Gloucestershire and to demonstrate that Coalpit Heath is more sustainable than alternative locations

The Parish Council considers the JSP to be unsound by reason of its legal non-compliance; its failure to justify through robust and credible evidence and argument its proposals for development in Coalpit Heath; and its failure to justify departures from the National Planning Policy Framework (NPPF) and other national planning policies (see below).

a. Non-compliance with the National Planning Policy Framework and Green Belt policy

Paragraph 18 of the JSP quotes the NPPF as follows:

"Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan."

West of England Joint Spatial Plan - Publication Representation Form

Paragraph 84 of the NPPF says:

“When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channeling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

WPCCHW considers that the JSP process does not demonstrate the ‘exceptional circumstances’ needed to alter the Green Belt.

There exists legal precedent that preparing a new local plan is not, of itself, an exceptional circumstance justifying alteration to a green belt boundary. *Gallagher Homes Ltd v Solihull Borough Council* [2014] is one example of this. <https://www.eastleigh.gov.uk/media/31104/Annex-A-Gallagher-v-Solihull-MBC.pdf>

In South Gloucestershire Council’s own Strategic Green Belt Assessment, December 2011, <http://www.southglos.gov.uk/documents/pte110289.pdf> the Green Belt Land in question in Coalpit Heath seems to fall into area 12 & area 15 (Diagram 1: The South Gloucestershire – Strategic Green Belt Assessment: General Indication of the Strategic Assessment Areas).

Table 2 confirms that the Green Belt land in Coalpit Heath (area 12) serves all 5 of the criteria. South Gloucestershire Council commented that ‘This area is less sustainable than other locations surrounding Yate/Chipping Sodbury. Development would erode the separate identity of smaller settlements (Iron Acton, Nibley and Mayhill) and merge Coalpit Heath and Frampton Cotterell. This area is Green Belt, whereas other areas surrounding Yate/Chipping Sodbury are not.’ They also concluded that ‘Not considered suitable for strategic residential development or necessary to meet the housing need.’

South Gloucestershire council concluded that the area 15 serves 4 of the 5 criteria and was ‘Not considered suitable for strategic residential development or necessary to meet the housing need. Unsustainable location due to severance caused by the motorway restricting connectivity with the Bristol conurbation. Limited public transport and limited opportunities for improvement. The railway lines would impede integration with the Yate/Chipping Sodbury urban area.’ (page 20) In addition ‘The Council and the communities of South Gloucestershire support the RS’s view that the growth of Greater Bristol should not “jump” the M4 and M5 motorway corridors, for sustainability reasons. The RS considered the options for development outside the “motorway box” through a Strategic Environmental Assessment (SEA) compliant process. The Council is of the opinion that where options for development have been ruled out by a SEA compliant process these options do not need to be revisited, except if there is a material change in circumstances which make the previous conclusions no longer applicable. The Council is of the opinion that in relation to development outside the “motorway box” there are no material changes in circumstances and therefore these options do not need to be revisited. This is set out at paragraph 3.6b of the South Gloucestershire Council Core Strategy Sustainability Appraisal Report.’ Paragraph 5.8 page 21)

This is a particularly important part of the Green Belt to protect, because of its narrowness and the danger of coalescence of different communities. In fact during this Green belt assessment the council concluded the same; ‘This area currently preserves a narrow open gap between the Bristol urban area, Frampton Cotterell/Coalpit Heath and Yate. Loss of this open land would create the visual perception of coalescence between these settlements.’

In addition to this it has been noted that there appears to be an error in the Green Belt assessment Stage 2, one of the supporting documents for the previous phase of JSP consultation. The land to the east of Roundways, Coalpit Heath is shown on the map in Figure 1 as making a Contribution. The map in Appendix 2 labels this cell 21d. In Appendix 3, this cell is described as follows:

‘This Green Belt cell contains land that surrounds the east side of Coalpit Heath and contains the A432 that

West of England Joint Spatial Plan - Publication Representation Form

links the North Fringe to Yate. If developed it would reduce the distance between Yate and Coalpit Heath from 1.45km to 0.8km. By preventing development along the conduit road the A432, assisting in keeping the narrowest point between Yate and Coalpit Heath open, Green Belt in this cell makes a contribution to reducing perceptions of visual and physical merger of the North Fringe, through Coalpit Heath and into the western boundary of Yate’.

However, the table under the heading Yate on p17 of Green Belt assessment Stage 2 wrongly includes 21d (which should of course be in the Winterbourne, Frampton Cotterell and Coalpit Heath table) and says it makes only a Limited Contribution. Cell 21f is listed as making a Contribution, despite being shown as making a Limited Contribution on the map and in the table in Appendix 3. Anyone focussing on the table in the main document, rather than reading the detailed appendices, would wrongly get the impression that the land proposed for development east of Coalpit Heath only makes a Limited Contribution to the purposes of the Green Belt, which is clearly not the case.

Nowhere in the JSP is an argument put forward to contradict South Gloucestershire council’s previous conclusions or setting out the NPPF’s exceptional circumstances which would justify this proposed development in the Green Belt. This failure to comply with the Secretary of State’ green belt policy constitutes the first of the grounds on which WPCCHW considers the proposals legally non-compliant.

b. Failure to identify suitable land for strategic development:

In the document “Assessment of Strategic Development Locations beyond settlement boundaries – Methodology Paper” (a 2016 annex to the document “West of England Joint Spatial Plan: Towards the Emerging Spatial Strategy”) https://www.jointplanningwofe.org.uk/qf2.ti/-/756738/23264869.1/PDF/-/Towards_the_Emerging_Spatial_Strategy_Assessment_of_Strategic_Development_Locations_Beyond_Settlement_Boundaries_Methodology_Paper.pdf paragraph 5.4 lists why land was generally not considered for strategic development:

“5.4 As part of the assessment it was also considered that land was not generally considered suitable for strategic development where the following list of environmental assets and physical constraints applied:

- Settings around heritage assets (Listed Buildings, Conservation Areas, Scheduled Ancient Monuments, World Heritage Site.);
- Existing development and land-uses – e.g. solar farms, cemeteries, telecommunications, allotments, woodland, existing water bodies including watercourses, large ponds, etc.;
- Noise buffers around motorways, main roads and railways;
- Land around significant overhead power lines;
- Hazard zones around Gas / Oil pipelines;
- High landscape value areas/views of high importance;
- Significant slope where it is considered that development would not be reasonably be feasible; and
- Sites of Nature Conservation Importance (SNCIs) and Regionally Important Geological Sites (RIGS).”

The land in Coalpit Heath meets a number of these criteria:

- the site is very close to a number of listed buildings including The Manor Hall, Rose Oak Farmhouse and The Ring O Bells.
- the existence of a solar farm in close proximity to the development area,
- it is an important noise buffer from the railway line
- the historic Dramway walkway runs through the site
- a strategic gas main runs through the site
- hazard zone: the land in question has been heavily mined over the previous centuries. Not all the shafts and tunnels are mapped

therefore, WPCCHW conclude that the land in Coalpit Heath is NOT suitable for development and identifying it as such contravenes the JSP’s own assessment criteria.

c. Failure to prove sustainability of the proposed location

The JSP conducted a sustainability appraisal 'Towards the Emerging Spatial Strategy: Sustainability Appraisal: Locational assessments' in 2016 [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23264229.1/PDF/-](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23264229.1/PDF/)

[/Towards the Emerging Spatial Strategy Sustainability Appraisal of the Emerging Spatial Strategy Locational Assessments.pdf](#)

The area identified is referred to as Winterbourne, Frampton Cotterell and Coalpit Heath, with the specific location in Coalpit Heath being referred to as WFC East (WFCH2)

There are a number of the sustainability objectives that are simply not achieved for WFCH2:

'1a. Achieve reasonable access to public open space (Designated Open Spaces, Town and Village Greens, and Public Rights of Way)' – 'WFCH2 – Potential to enhance the current cycle network and PRowS, with cycle network traveling through this area. The main playing field for Coalpit Heath is close by (<400m, in some parts).'

The main playing field in Coalpit Heath is simply a small field right next to the A432 – the main arterial road through the village. This is not big enough or in the right location to provide sufficient 'open space' for an additional 1800 homes.

'1b. Minimise impacts on air quality and locate sensitive development away from areas of poor air quality' – 'WFCH2 – No major traffic routes in proximity. No closer to A432 than existing development'

The A432 Badminton Road bisects the settlement of Coalpit Heath and has similar issues to Winterbourne. The A432 is used as a main trunk road out of Yate. A noise pollution survey by DEFRA confirms this already overwhelming volume of traffic along Badminton Road,

<http://webarchive.nationalarchives.gov.uk/20130124025316/http://www.defra.gov.uk/environment/quality/noise/environmental-noise/action-plans/important-first-priority/>

Badminton Road is on the tile map 52 and it shows Badminton Road as having very high noise pollution levels. All access routes from the proposed 1,800 houses would lead immediately and directly on to the A432. Additional developments in Coalpit Heath & Yate would only serve to exacerbate this noise & air pollution.

'1c. Achieve reasonable access to healthcare facilities (Doctors, Opticians, Pharmacies, Dentists, Hospitals) – 'WFCH2 Majority of area within of reasonable distance to GP surgery but outside of reasonable distance of a dental practice and a pharmacy'

The actual distances should have been calculated precisely and assessed for sustainability by the standards of the World Health Organisation (WHO) Collaborating Centre for Healthy Urban Environments at UWE, <http://www1.uwe.ac.uk/et/research/who.aspx>

The UWE publication "Shaping Neighbourhoods, For Local and Global Sustainability 2nd Edition by Barton, Grant and Guise Page 121 gives such Health Centre accessibility criteria.

The GP surgery in Coalpit Heath is a branch of the West Walk surgery in Yate & offers very limited services and limited hours meaning that many patients have to travel to the main surgery in Yate.

The lack of healthcare facilities within a reasonable distance should preclude this area from development.

'2d. Achieve reasonable access to educational facilities (primary schools, secondary schools)' - WFCH2 –. Majority of area outside of reasonable distance of a primary school. All of area outside of reasonable distance of a secondary school'

The fact that the proposed development is outside of reasonable distance to both primary & secondary

West of England Joint Spatial Plan - Publication Representation Form

schools should give great cause for concern to the sustainability of this location as this will be a fundamental requirement for many residents.

'3b. Achieve reasonable access to major employment areas' – 'There is little in the way of an employment base beyond local shops and services. Areas to the west lie close to Enterprise Area at Emersons Green. Areas to the west lie relatively close to the North Bristol Fringe.'

The proposed development area does not have good proximity to employment and services. The 2011 Census statistical summary for Frampton Cotterell stated that 75.4% of residents drive in a car or van to work compared to the 69.8% in England and Wales. The high percentage of commuters driving to work would be increased even more if the Coalpit Heath development goes ahead due to the lack of suitable transport alternatives and lack of local employment opportunities. The current bus service is infrequent, unreliable and very limited in destinations. Yate train station suffers the same issues as the buses and requires a 2.2 mile journey to access it.

'4a. Minimise impact on and where appropriate enhance the historic environment, heritage assets and their settings' - WFCH2 – Significant archaeological potential associated with a medieval settlement and Frog Lane colliery to northeast of the area. Mayshill Farm sits on a prominent location overlooking north-eastern part of the area. Listed Farmhouse overlooks southern part of the area.'

Area WHCH3, which adjoins WHCH2 to the south, is precluded from development; yet WHCH2 benefits from a very similar historic environment including the dramway & mining heritage. This is not a consistent approach.

'4b. Minimise impact on and where possible enhance habitats and species (taking account of climate change)' – 'WFCH2 There are no significant ecological constraints within WFCH2.'

Whilst there may not be any ecological constraints the land earmarked for development has been highlighted by South Gloucestershire's own Biodiversity Action plan 2016-2026 (Disused railway east of Coalpit Heath, leading to Frog Lane) as home to many 'Red listed birds' which have been highlighted in the Biodiversity plan as 'priority species', including the Skylark, Song Thrush, Yellowhammer, Starling, House Sparrow, Lapwing and Linnet.

'4c. Minimise impact on and where appropriate enhance valued landscapes' - WFCH2 The landscape in this area is considered to be of medium to high sensitivity'

The land east of Roundways is raised above the current village so any development would be prominent and impact on views that make a significant contribution to the distinctive character of the locality and to the rural setting of the surrounding existing residential development. The land surrounding Frog Lane is easily viewed from the A432 Badminton Road and building in this area will encourage the sprawl of the village so that it reaches the Yate boundary causing coalescence.

'4e. Minimise the loss of productive land, especially best and most versatile agricultural land.' - The majority of Area WFCH2 – Winterbourne, Frampton Cotterell, Coalpit Heath East is potential Grade 3 with a small area of potential Grade 4 to the east. This land is also outside Flood Zone 3.

The sustainability document states the 'Site definition should avoid identified areas of the best and most versatile (high grade) agricultural land (land in grades 1, 2 and 3a).' As the land has been identified as grade 3 then surely it should preclude it from development?

'4g. Minimise vulnerability to surface water flooding and other sources of flooding, without increasing flood risk elsewhere.'

Developing on this site could lead to a wide area having severe flooding problems. For centuries coal extraction has taken place here. There are numerous coal shafts and also underground unmapped tunnels.

West of England Joint Spatial Plan - Publication Representation Form

Water was pumped out so that deeper mining could take place and the water was channelled underground along adits to the River Frome. The Sustainability Appraisal mentions a history of mining on Page 6, 4a and the appraisal should have considered the risk of flooding and the potential for flooding problems due to disturbance of the water management systems underground.

'5a. Achieve reasonable access to sustainable transportation (rail station, bus stops, cycle paths, footways)' - The Yate – Bristol bus services run along the A432 (47/X47, half-hourly) and B4058/Church Road (46/X46, 81/82, each hourly). The nearest train stations are Yate and Bristol Parkway (4 to 5km away) - all of the area is outside of reasonable distance of a secondary school.'

Sustainable transportation relies on major infrastructure works and the JSP relies totally on such provision by Network Rail, First Bus, Metro Bus and Highways England amongst others for it to have any chance of meeting sustainability requirements. These are in the main ambitious, not currently funded and unlikely be funded through section 16 agreements or Community Infrastructure Levy payments; additionally even if they were delivered they are likely to increase rather than resolve the current chronic congestion around the A432/A4174 Wick Wick roundabout.

Despite the assertion in the JSP to the contrary, the plans do not make Coalpit Heath a more sustainable settlement, but rather exacerbate the existing problems.

Please continue on a separate sheet/expand box if necessary

West of England Joint Spatial Plan - Publication Representation Form

Q4. Please set out what modification(s) you consider necessary to make the Joint Spatial Plan legally compliant or sound, having regard to the matter you have identified at Q3 above where this relates to soundness. (Please note that any non-compliance with the duty to co-operate is incapable of modification at Examination.) You will need to say why this change will make the Joint Spatial Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible:

Westerleigh Parish Council believes that the Joint Spatial Plan is inherently flawed in the ways set out above. It considers that the only way to remedy this would be to reappraise and reassess the Strategic Development Locations; publish the revised considerations and re-consult on the new set of options. Failing this the Coalpit Heath development location should be removed from the JSP.

Please continue on a separate sheet/expand box if necessary

Please note your representation should cover succinctly all the information, evidence and supporting information necessary to support/justify the representation and the suggested change, as there will not normally be a subsequent opportunity to make further representations based on the original representation at publication stage. **After this stage, further submissions will be only at the request of the Inspector, based on the matters and issues he/she identifies for examination.**

Q5. If your representation is seeking modification, do you consider it necessary to participate at the oral part of the Examination?

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

Yes, I wish to participate at the examination hearings

Q6. If you wish to participate, please outline why you consider this to be necessary.

Westerleigh Parish Council consider that their parish & parishioners would be detrimentally affected by the proposals in the JSP. Because of this we believe it is vital that we be allowed to participate in order to represent the interests of our parishioners.

Please continue on a separate sheet/expand box if necessary

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate at the oral part of the Examination.

Name

Date

All representations must be received no later than Wednesday 10th January 2018

Please keep a copy of this form for future reference.