

Representation, Proposed Modification to the Bath & North-East Somerset Local Plan.

This representation refers to the Inspector's Report on proposed modifications to the Draft Deposit Local Plan, April 2006.

Modification No. R 5.17
Plan Reference GDS.1/B7
Site Land at rear of 89-123 Englishcombe Lane, Bath.

I wish to object to the Inspector's recommendation to re-instate this land for proposed housing development on the following summary grounds:

1. Inadequate consideration of the hydrographic and hydrologic impact, with particular reference to ground stability, flash flooding and drainage.
2. Inadequate consideration of the loss of a green field site, wildlife and conservation impact and loss of amenity.
3. Poorly and inadequately reasoned rejection of locally agreed alternatives.
4. Incorrect and illegal advice concerning the extension of the plan period, resulting in an incorrect calculation of housing provision requirements.



1. Inadequate consideration of the hydrographic and hydrologic impact.

The site has been the subject of constant discussion, inspection and examination of its hydrology for over thirty years. Every study conducted has shown that the site is very difficult to develop, and local experience continues to support this with constant flooding of Englishcombe Lane from run-off and flash-floods.

Planning Policy Guidance 25 para 30. issued in 2001 places an obligation on the authority as follows: *'When allocating land in development plans or deciding applications for development at any particular location, those responsible for the decision would be expected to demonstrate that there are no reasonable options available in a lower-risk category'*

The site is on a steep slope falling an average 10m over a 60m span, rendering the top of the site visible from the city centre. Previous objection 3232/B1 describes this situation expertly and I do not propose to restate those arguments here, which have not changed, other than to give an illustration of the problems and potential problems.

On 29th May 1999, some 50mm of rain fell in the area in one hour on top of already sodden ground. As is usual, flood debris quickly blocked all the drains in the part of Englishcombe lane adjacent to the site. This time the deluge was so intense that water was forced along the road into the field above Moorlands Junior School. The subsequent torrent of water cascaded down the hill sweeping more debris before it. Moorlands Junior school forms a crescent at a natural lull in the hill. Water and debris slammed into the glass external classroom and assembly hall doors rising to a depth of 3 feet before running through the building and flooding it completely. Cellars and boiler room were flooded to a depth of several feet. Fortunately this event occurred on a Bank Holiday Saturday when the school was empty. It takes little imagination to see what will happen in the future with the additional run-off from the developed site. The flooding will be much more severe, the force of the water much greater and it will be a matter of chance as to how many children are injured or worse. Bath will have its own Aberfan.

Of course these problems can be prevented. But will they?

The inspector merely states that '*At Englishcombe Lane, the Environment Agency advises that strategies would be required for surface water drainage and watercourse treatment, but there is no suggestion that these could not be achieved*'. No reference or evidence from the Environment Agency is quoted rendering the comment meaningless. If E.A. studies have been undertaken they should be published and properly assessed.

2. Inadequate consideration of the loss of a green field site

The issue of Greenfield sites within urban Bath is keenly felt by all citizens. The unique vistas presented on the hillsides to the centre give the City its backdrop and its context and is in no small part the reason why Bath is a World Heritage Site. The protection of these sites is not simply a matter for local residents but for all our citizens, visitors and businesses. It is therefore striking to see that one of the original objectors to the development of this site is Persimmon Homes, a major house builder, on the grounds that 'the residential development of this site would also affect the value of the adjacent Nature Conservation Site (Policy NE.9) and will be adjacent to a designated important hillside (Policy NE.3). The site is also located in a Conservation Area (Policy BH.6-8) and therefore will erode the character of the area.' (Objection reference 3278/B20).

The Inspector has paid no heed to this particular objection in relation to this site, nor has she recognised anywhere within the report the special nature of Green field sites within urban Bath, regarding them only as 'amenities of the area' (presumably in the same manner as waste recycling and swimming pools :-).

Due to the sloping nature of this site facing the city centre it will be very difficult to achieve the level of housing proposed without impacting the green vista. 2 storey dwellings will either be visible from the centre, or will be placed to severely overlook existing properties at upper storey bedroom and roof level.

It is also ironic that the Chief Executive is currently (Dec 2006) conducting an advertising campaign using public money against the development of a private recycling facility at the former Fuller's Earth works site on the grounds of 'loss of green field amenities, destruction of wildlife habitats and effect on local residents'.

3. Poorly and inadequately reasoned rejection of locally agreed alternatives.

Following initial and constructive discussions on this matter, the Authority came to the conclusion that Green Field land within the urban area of the city is a precious commodity that should be preserved wherever possible. Consequently, the alternative provisions identified were promoted and accepted as a reasonable compromise, locally discussed, locally decided and locally accepted.

The first draft of the inspector's report, subsequently withdrawn, stated that the objections to development of this site were 'only local'. Precisely. This would seem to be the point of a Local Plan. The inspector has ignored or dismissed local representations as unworthy of consideration, in rejecting the alternatives has implied that local officers are incompetent or liars, and has unilaterally decided the course, implementation and imposition of National policy as overriding and inviolable.

She states that 'these sites are subject to a number of objections mainly from nearby residents'. The number was 20, including 19 residents directly affected and one housebuilder. Since these representations were made as individuals acting on behalf of households, this figure represents 75% of the households with adjacent boundaries to the site. Subsequent canvassing has confirmed that of the 38 properties adjoining the site *all* are against the development as currently proposed. Additional objections have been voiced from residents within the immediate vicinity. No residents are in favour of the development.

4. Advice concerning duration of the plan.

The inspector comments in her letter to the Chief Executive "However, by taking a pragmatic approach to the availability of housing sites and recommending the higher rate of housing land supply implied by RPG10, my recommendations aim to ensure the plan provides at least a five year supply of developable land which is suitable, viable and available." While the inspector may regard her approach as 'pragmatic' this is irrelevant since the requirement on the Authority is to provide a plan covering the legal plan period only. Other considerations should be ignored and the Authority is under no obligation to accept a higher level of provision during this period. Since this higher level of provision forms the whole basis of her argument for 're-instating' this land for development it is critical that this assertion is challenged. Undoubtedly this will form the basis of any forthcoming judicial review of the inspector's report and authority's response.

It is worth noting that Wendy Burden's previous incompetence led to an incorrect ruling on the Bear Flat transmitter planning application resulting once again in local representations being overruled.

Conclusion

There is widespread distrust of the planning system in Bath & North-East Somerset. It is seen as secretive, poorly administered and unresponsive to local concerns. Comments range from those residents who believe that the system is incompetent to those who firmly believe it is corrupt. It is incumbent on the Authority to show real leadership, transparency and imagination in the planning controls over such an important city as Bath and to rebuild the trust that is so manifestly lacking.

In conclusion, the inspector's recommendation to overrule the recommendations of local Officers, the wishes of local residents and the principle of local determination by local consultation should be resisted and we urge the authority to reject recommendation R5.17.

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