

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURES)
RULES 2000.

Appeal by
R.G & A.S. Jones & FLP
Site at Land East of Failand, Failand
North Somerset

RULE 6 STATEMENT

On behalf of the Wraxall and Failand Parish Council
And Long Ashton Parish Council

Department for Communities and Local Government reference:

APP/D0121/A/09/2117326/NWF

Local Planning Authority reference: 09/P/1486/O

Prepared by Jan Molyneux

On behalf of witnesses to appear at the Inquiry representing

Wraxall & Failand Parish Council

And Long Ashton Parish Council

Appeal by R.G & A.S. Jones & FLP
Land East of Failand, (Parish of Long Ashton)
North Somerset

1 Introduction

- 1.1 This statement relates to an appeal brought by RG and AS Jones & FLP against the non-determination by North Somerset Council of the planning application reference 09/P/1486/O within the statutory period. The proposal is for the development of land to the east of the small settlement of Failand for up to 500 dwellings, 60 Class C2 residential apartments with care for persons aged 60 and over, a single-form entry primary school, Class B1 employment space, a convenience store (Class A3), doctors surgery/consulting rooms, public open space, landscaping, highways and infrastructure works. All matters except access are Reserved in the outline application, intended for subsequent approval.
- 1.2 This statement is made on behalf of both the Long Ashton Parish Council within which the appeal site lies and the Wraxall and Failand Parish Council whose boundary immediately adjoins the site and which represents the community of Failand, which would be most directly adversely affected by the proposed development.
- 1.3 The two Parish Councils have resolved to oppose the application and the appeal brought by the appellants. The reasons for their opposition to the proposals will be referred to in detail and the relevant minutes and consultation responses to the Council will be produced. However, in essence, the proposed development is considered to be fundamentally contrary to the current Development Plan, at regional, strategic and local plan level, contrary to government policies on sustainability and Green Belt and contrary to emerging strategic and local development framework policies.
- 1.4 At the time of writing this statement, the Council has yet to resolve how it would have determined the application had it not been appealed (having been forced to postpone a Committee meeting due to extreme weather conditions) but has submitted its statement of case under Rule 6 which makes it clear that it would have refused it and sets out the basis of that decision. The appellants' statement of case has not yet been seen.
- 1.5 The number of witnesses representing the Parish Councils will depend upon the case presented by the appellants and the extent to which the issues are dealt with by North Somerset Council. However at present it is anticipated that there may be up to five witnesses, dealing with general planning policy matters, sustainability and

transport issues, ecology and the local community. The qualifications and experience of each of the witnesses will be provided.

- 1.6 The Parish Councils are supportive of the North Somerset Council's case as set out in their Rule 6 statement and it is not intended simply to duplicate the evidence of the Council witnesses but to provide supplementary evidence from an independent or local perspective as appropriate. It is the intention to discuss the coverage of issues with the Council and to monitor progress on the agreement of common ground with the appellants. It may be that as a result the number of Parish Council witnesses will be more limited.
- 1.7 The evidence on behalf of the Parish Councils will seek to address the majority of the issues set out in the letter from the Planning Inspectorate case officer dated 9 December 2009 with the matters about which the Secretary of State wishes to be informed. However, it is not intended to address matters of detail such as design of the buildings or car parking provision since these matters were not addressed in sufficient detail as part of the outline application and are not considered relevant to the main issues of principle.

2 Location and Site Description

- 2.1 The Parish Councils' evidence will describe the location and characteristics of the Appeal site in the context of its position within the Bristol Green Belt and its close physical proximity to the settlement of Failand, a small contained settlement within and washed over by the Green Belt, some 4.6 km from the urban edge of Bristol.
- 2.2 Reference will be made to the North Somerset Replacement Local Plan Proposals Map and the Inset Map 19 for Failand. Reference will also be made to maps and aerial photographs from the Wraxall and Failand Parish Plan 2009 - 2019.

3 Planning History and Policy

- 3.1 The Parish Councils support the North Somerset Council's reference to the current Development Plan as the relevant basis for the consideration and rejection of this proposal. Reference will therefore be made to RPG10, the Joint Replacement Structure Plan and the North Somerset Replacement Local Plan 2007-2011. Reference will also be made to relevant government policies, in particular as set out in PPS1, PPG2, PPS3 and PPS13.
- 3.2 It is also appropriate to examine the emerging planning documents which will in time form the replacement Development Plan and to consider whether they contain material considerations which might suggest that a decision should be taken otherwise than in accordance with the Development Plan. The proposals will therefore also be considered against these emerging plans and policies and will be demonstrated to be equally in conflict with these. Reference will therefore be made to the emerging Regional Spatial Strategy RSS10 (as proposed to be amended by the

Secretary of State) and the implications of delays in the final stages of the Regional Spatial Strategy. The evidence will also refer to the recent public consultation stages on the emerging Core Strategy for North Somerset and public response to the Issues and Options stage (as summarised in the Council's documents 'Core Strategy Issues and Options Consultation Statement' and as recorded in more detail in the 'Summary Report'). It will be necessary to refer to both the Issues and Options and Preferred Options consultation documents.

- 3.3 Reference will also be made to stakeholder (Planning Together) workshop events in April 2008 on the delivery of the proposed South West Bristol Urban Extension identified in the emerging RSS, undertaken to inform the preparation of the Core Strategy.
- 3.4 In addition to the formal planning consultations and stakeholder events conducted by or on behalf of the Local Planning Authority, the appellants undertook a consultation exercise locally on their proposals for development of the appeal site and reference will be made to this exercise and the local response.

4 Impact of proposed development on the local communities

- 4.1 In general terms it will be shown that the location of the appeal site is not sustainable and cannot be made so by the short-term subsidy of an additional bus service linking the site to Bristol. Despite these measures proposed by the appellants, the proportion of journeys made by public transport would remain amongst the lowest in North Somerset.
- 4.2 The Parish Councils' evidence will explain the deep concerns of local residents of Failand and the local area in respect of the impacts the proposed development would have on the community, its rural character and its existing infrastructure.
- 4.3 The evidence will also refer to the impact of the proposed development on the openness of the green belt and its visibility from local public footpaths and the urbanising effect of this on the rural character of the locality.
- 4.4 Reference will be made to the ecological habitats surveys undertaken by the appellants, particularly concerning the protected bat species known to exist in the immediate vicinity. There is concern that the adequacy of the proposed mitigation measures cannot properly be assessed, given the limitations of the surveys in relation to the Bat Conservation Trust guidelines (BCT 2007).
- 4.5 There is concern that the 'community facilities' proposed as part of the development do not reflect local needs or aspirations. Evidence will be presented that some of the proposed facilities may not be viable and some may in fact threaten the viability of existing local infrastructure and/or generate additional traffic, including the proposed new school, doctors' surgery and local convenience store. Evidence of the

existing local facilities, services and the strength of community support for these will be presented.

5 Wider Impact

- 5.1 In more general terms it will be shown that the approval of this development proposal would lead to greater uncertainty in the planning system and bring it into disrepute; lead to an over-supply of housing land in North Somerset in the medium to longer term; undermine the more sustainable forms of development which are proposed in the emerging RSS; and set a dangerous precedent for other inappropriate developments in the green belt, both in the West of England and elsewhere in England and Wales.
- 5.2 The appellants suggest that the Council currently has only just over a 3 year supply of housing land in the context of the PPS3 5 year requirement. This is a matter to be addressed in detail by the Council's planning witnesses. However, even if such a shortfall were shown to exist, it will be argued that this would not in itself be sufficient to constitute the very special circumstances required by PPG2 to out-weigh the strong presumption against inappropriate development in the green belt.
- 5.3 The Parish Councils are aware of both the progress the Council is making on the production of a Core Strategy which will identify a supply to meet the shortfall and also of a number of major applications currently pending for developments within the Areas of Search identified in the RSS which demonstrate that a substantial additional supply will be deliverable well before the current supply is exhausted.
- 5.3 It will be shown that of all the housing application sites currently in the planning process, the appeal site is the least sustainable and its development is not supported by any current or emerging plans.

6 The Appellants' Planning Submissions

- 6.1 Comment will be made on the planning statement and other supporting documents submitted by the appellants in support of the application. Reference will be made to aspects of the statement, including the interpretation of national, regional and local planning policies, especially PPG2 Green Belt; the extent of and sustainable principles behind the identification of Area of Search 1A in the emerging RSS; the relevance of Replacement Local Plan policy H7(v) which refers to development 'within the settlement boundaries' of defined villages; and the cartographical representation of options identified in the North Somerset Core Strategy Issues and Options consultation document.

- 6.2 Comment will also be made on the details of the planning appeal case which is cited by the appellants as having parallels with the current case. The Inspector's report on that case will be referenced from which it will be clear that the similarities of circumstance are far out-weighted by their differences.
- 6.3 Further comments may be made on the appellants' statement of case under Rule 6 of the Procedure Rules.
- 6.4 Comments may also be made on the Statement of Common Ground which is expected to be produced jointly by the main parties and, without prejudice, on any conditions and the terms of a Planning Undertaking under Section 106 which may be suggested in the event the appeal were to be allowed.

7 Conclusion

- 7.1 The case for the Parish Council will show why the proposed development is not appropriate in the context of either existing or emerging planning policy.
- 7.2 A proof or proofs of evidence will be provided by the witnesses for the Parish Councils dealing with each of the issues as outlined in this statement. If any additional issues arise in statements or other submissions made by either of the main parties, notice will be given at the earliest opportunity of the intention of the Parish Council's evidence to address these.

8 Documents to be referred to

- 8.1
- The Town & Country Planning Act 1990 as amended
 - The Planning & Compulsory Purchase Act 2004
 - PPS1 (including supplements and annexes), PPG2, PPS3, PPS7, PPS9, PPG13, PPG17, PPS22
 - Planning for Diversity and Geological Conservation – A Good Practice Guide
 - Draft Regional Strategy RPG10
 - Joint Replacement Structure Plan 2002
 - North Somerset Replacement Local Plan 2007
 - South West Regional Spatial Strategy with Proposed Changes (SWRSS)
 - North Somerset Council Core Strategy Consultation Draft 2009
 - Summary Report on Core Strategy Issues and Options Consultation
 - Parish Plan for Wraxall and Failand 2009-2019
 - Manual for Streets
 - The Planning Together Workshops report
 - The Conservation (Natural Habitats, &) Regulations 1994

- The Bats Conservation Trust guidelines 2007
- The Countryside and Rights of Way Act 2000
- Natural Environment and Rural Communities Act 2006
- The planning application the subject of this appeal and relevant documents submitted by the appellants in that connection

8.2 The Parish Councils reserve the right to add to or amend this list.