

**Draft Regional Spatial Strategy for the South West
Bath & North East Somerset Council Background Paper**

**URBAN EXTENSION TO BATH – THE IMPORTANCE OF THE
COTSWOLDS AREA OF OUTSTANDING NATURAL BEAUTY (AONB)**

1.0 Introduction

- 1.1 In considering the location of an urban extension to Bath the issue of the Cotswolds AONB is of critical importance. The AONB surrounds much of the city, only land on the south west side (from the River Avon at Newbridge round to Odd Down) lies outside it. The benefits and disbenefits of an urban extension to Bath have been considered elsewhere and the relative sustainability of locations around Bath to accommodate an urban extension has also been tested through a Strategic Sustainability Assessment (SSA).
- 1.2 The SSA is a ‘straight’ assessment of the impacts (both adverse and beneficial) of development of an urban extension within six ‘development cells’ around the city. This assessed impact against the full range of sustainability criteria, covering environmental, economic and social issues. No weighting was applied in this assessment to the status of the AONB and therefore, the relative importance of impact e.g. on landscape.
- 1.3 Having undertaken the SSA it is necessary to consider the AONB issue – focussing on national, regional and local policy. This is necessary in order to ensure appropriate weight is attributed to the AONB designation in considering the location and scale of an urban extension to Bath.

2.0 National Policy

- 2.1 Planning Policy Statement 7 (PPS7): ‘Sustainable Development in Rural Areas’ sets out the government’s national policy on AONB. PPS7 makes it clear that nationally designated areas, including AONBs, should be afforded the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and the countryside should therefore be given great weight in planning policies. PPS7 goes on to state that major development should not take place in AONBs, except in exceptional circumstances. Major development should be in the public interest and paragraph 22 sets out the criteria relevant to determining whether exceptional circumstances exist. These are in summary:
- i. the need for the development, including in terms of national considerations and its impact on the local economy;

- ii. the cost of, and scope for development elsewhere outside the AONB, or meeting the need in some other way; and
- iii. the detrimental effect on the environment, landscape and recreational opportunities and extent to which that could be moderated.

2.2 The interpretation and operation of the criteria set out in paragraph 22 of PPS7 is addressed below.

3.0 Regional Policy

3.1 Regional policy supports the national policy of protecting AONBs. The current RSS (RPG10) for the South West through policy EN1 requires that local authorities and other agencies in their plans, policies and proposals should provide for the strong protection and enhancement of nationally important landscape areas which includes AONBs.

3.2 The draft revision to RSS is similarly robust in its protection of AONBs. Policy ENV3 gives priority for the conservation and enhancement of the natural beauty of AONBs over other considerations. In relation to development within the AONB the policy is more stringent and restrictive than PPS7 in that it restricts development to that which is compatible with AONB objectives (i.e. conserving and enhancing their natural beauty) or promotes understanding of their special qualities.

4.0 Local Policy

4.1 National and regional policy is further supported by local planning policy through the Joint Replacement Structure Plan (JRSP) and the emerging Bath & North East Somerset (B&NES) Local Plan. The JRSP (policy 17 and paragraph 3.3 of the Explanatory Memorandum) reiterates the protection and conservation of the Cotswold AONB and policy NE.2 of the B&NES Local Plan (as proposed to be modified) does not permit development which adversely affects the natural beauty of the landscape of the AONB and states that major development proposals will be determined on the basis of the advice in PPS7.

4.2 A further policy document that should be given (and increasingly is by the Planning Inspectorate) significant weight is the Cotswolds AONB management Plan. This document has been adopted by each of the local authorities within the AONB and the Cotswolds AONB partnership (now replaced by the Cotswolds Conservation Board). The Management Plan is statutorily required under section 89 of the Countryside and Rights of Way Act and it influences a wide range of decisions affecting the AONB in seeking to ensure that the designated purposes are pursued and secured.

4.3 The Management Plan defines what is special about the Cotswolds AONB and identifies a number of priority actions aimed at securing its

special qualities. Importantly the Plan sets out a number of overall aims for managing the AONB, these include:

‘C1: To manage the landscape of the AONB in a manner which conserves and enhances landscape character, local distinctiveness, geology and geomorphology, historic features and habitats and enhances ecological diversity.’

Securing this aim, which is also supported by Natural England (statutory body responsible for designating AONBs) is dependent upon the highest level of protection afforded by national policy.

5.0 Cotswolds AONB boundary around Bath

5.1 The Cotswolds AONB was first designated in 1966 and for unspecified “administrative reasons” the southern boundary coincided with the then Gloucestershire/Somerset boundary. Therefore, it did not extend as far south as Bath at that time. The AONB boundary was formally extended around Bath in 1990 following assessments of landscape character by Avon County Council. A brief history of the extension of the AONB around Bath is set out below:

1977 Avon County Council undertook a South Cotswolds landscape study. This assessed the landscape around Bath using the criteria for AONBs as specified by the Countryside Commission. The study concluded that significant areas were of equivalent quality to the designated AONB. These areas were mapped.

1979 Avon County Council study considered by Cotswolds AONB Joint Advisory Committee. It was agreed that designation of this extension to the AONB would be pursued with the Countryside Commission.

1980 Countryside Commission formally consulted local authorities on proposed extension.

1982 Secretary of State invites Countryside Commission to review all AONB Boundaries

1983 Countryside Commission commences review of Cotswolds AONB boundary

1984 Countryside Commission sets out criteria for extension/review of the whole of the Cotswolds AONB. These are based on those used for 1977 study.

1985 Countryside Commission commences consultation on southern extension as proposed in 1977 study.

1986 Formal public consultation on boundary changes.

1987 Proposed Variation Order published.

1988 An objection to inclusion of land at South Stoke considered by Countryside Commission. The Countryside Commission report in May 1988 included the following statement:

“Proposed additions to the AONB

16. At South Stoke, Bath, the land in question, whilst pleasant countryside is not of outstanding landscape quality. However, officers have agreed with the local authorities throughout the review exercise that for administrative reasons the AONB boundary in this area ought to coincide with the boundary to the Bristol/Bath Green Belt which is subject to review. In submitting the Variation Order to the Secretary of State, the Commission is recommended to advise that it would be unlikely to object if the Secretary of State proposed to modify the boundary in this area in the light of the Inspectors reports on the Wansdyke Environs of Bath Local Plan, the Bath City Local Plan, and a planning appeal by Crest Homes against refusal of planning permission for residential development.”

The Commission agreed the report, and this recommendation was included in the formal submission of the Variation Order to the Secretary of State in November 1989.

1990 Secretary of State consults Countryside Commission on proposed changes to the Variation Order, including deletion of South Stoke land because “The Minister finds that the natural beauty of the area is of poor quality and the buildings are not of Cotswold character.”

1990 Countryside Commission considers response to Minister. With respect to South Stoke area the report states

“7. At Bathford and South Stoke, on the fringes of Bath, a different issue arises. There is no doubt that the quality of the landscape in the areas concerned is not of AONB quality. However, the intention of the Commission’s proposal was to draw the AONB boundary to coincide with that of the Green Belt. Whilst the genesis of these two designations is not the same it seemed logical to make them coincide in the case of Bath where the outstanding landscape comes so close to the built up area. Indeed, for most of the length around Bath the two coincide. It will be seen from the maps that only very narrow strips are involved. In the case of South Stoke the Commission had already agreed that the western part should not be included in the AONB if the Green Belt boundary were drawn further south.

In the event it has been drawn on the line that is suggested by the Minister.”

1991 Secretary of State confirms the Variation Order, including part of the land at South Stoke but excluding the area at Batheaston.

- 5.2 The AONB boundary in the area surrounding Bath has been unchanged since the initial survey by Avon County Council in 1977, except for two small areas at Batheaston and South Stoke. The boundary and the quality of the landscape within it have been subject to assessment on a number of occasions using criteria agreed by the Countryside Commission (now Natural England).
- 5.3 In approving the extension to the AONB the reasons for inclusion of land at South Stoke and exclusion of land at Batheaston are not apparent in the Variation Order and no other explanatory documentation is available in the Natural England archives. However, by including land at South Stoke (but excluding land at Batheaston) the Secretary of State has effectively concluded that land at South Stoke is of sufficient quality to be included in the AONB. It should be noted that all land within the AONB is subject to protection afforded by national policy and that there are no “second class” parts.
- 5.4 Natural England remain satisfied that the AONB boundary as defined around Bath is relevant and as far as Bath & North East Somerset Council are aware are under no obligation and have no intention of reviewing the boundary.

6.0 Weight to be attached to AONB designation and its protection

- 6.1 It is clear from national policy (supported by regional and local policy) that AONBs as nationally designated landscape areas should be afforded the highest level of protection. Therefore, harmful impact to the landscape caused by development should be given greater weight within the AONB to take account of this national protection. As such if development in locations outside and inside the AONB would result in landscape harm, avoidance of this harm to and protection of the AONB location should be given greater weight.
- 6.2 The Environmental Appraisal and Strategic Sustainability Assessment work undertaken by the Council suggests that a strategic urban extension to Bath will cause landscape harm wherever it is located. These assessments are ‘AONB neutral’ in that no ‘weighting’ to reflect the protection afforded to the AONB has been applied to the appraisal and the recording of impacts. This ‘weighting’ needs to be applied.
- 6.3 Whilst an urban extension is shown as having landscape harm anywhere around Bath the degree and nature of harm varies. Development in much of the draft RSS area of search i.e. outside the AONB is shown to harm the landscape setting and character of the city

by potentially extending development on to and over the lip of the landscape bowl or hollow within which the city predominantly sits. In these terms (and in isolation from other environmental and sustainability factors) environmental appraisal work suggests that development in two areas would cause less landscape harm i.e. lower slopes at Weston, where undeveloped upper slopes would ensure part of the green hillside setting of Bath is retained (especially in longer distance views) and some land south east of Odd Down, which is already framed by development on more than one side. However, development in these locations would cause direct harm to the AONB and as noted in paragraph 6.1 above this harm should be afforded significant weight in the process of considering the relative sustainability of potential locations for an urban extension. In addition it is worth noting that other environmental harm to the AONB would be caused by development in these locations e.g. to nature conservation/ecological interests and to historic features (the Wansdyke), both of which the Cotswolds AONB Management Plan states should be conserved and enhanced.

- 6.4 The process of considering the relative sustainability of locations around Bath for an urban extension, incorporating the appropriate 'weighting' of environmental harm within the AONB (as described above), forms an important part of the exercise of addressing the criteria set out in PPS7 and therefore, determining whether 'exceptional circumstances' exist that would justify development within the AONB. In particular this process of considering sustainability enables 'the scope for development elsewhere' (i.e. outside the AONB) to be addressed through comparative assessment.
- 6.5 With regard to consideration of the criteria set out in paragraph 22 of PPS7 the following conclusions can be drawn:

PPS7 criteria:

1. *The need for the development, including in terms of national considerations and its impact on the local economy:*

PPS7 makes it clear that development should be in the public interest in addition to considering need. The regional need for housing and the sustainability benefits of locating it close to Bath (including benefit to the city's economy) might be argued as showing need in accordance with PPS7 and possibly being in the public interest. However, in terms of national considerations it might also be argued that an urban extension of 1,000 to 1,500 dwellings is not nationally significant and that as such the benefits of locating this development close to Bath as opposed to other nearby settlements are insufficient to demonstrate need in the PPS7 context.

The impact of development of an urban extension on the local economy has not been specifically researched. However, sustainability assessment undertaken to inform the Council's response to the draft

RSS (comparing options including no urban extension or an urban extension) highlights the potential economic benefits to the city not only through providing additional housing opportunities supporting economic and job growth, but also directly by providing additional employment land. It should also be noted that the success of Bath's economy is significantly influenced by the attractiveness of the city and its setting provided, to a large extent, by the AONB. Harming this setting could therefore have a detrimental impact on the local economy. As such development options that minimise harm to the AONB setting of the city are worthy of further detailed consideration (see number 2 below).

Finally whilst opportunities to provide housing and other uses exist outside the AONB it is difficult to argue that locating housing adjoining Bath within the AONB and therefore, damaging the AONB, rather than conserving and enhancing it for present and future generations, is in the public interest.

2. The cost of, and scope for development elsewhere outside the AONB: Even if it is considered that development adjoining Bath is in the public interest and that the need for such development is adequately demonstrated in PPS7 terms, the cost of and scope for development elsewhere outside the AONB, or meeting the need in some other way must be assessed. In addressing this criterion the Council has undertaken Environmental Capacity Appraisal work and a SSA of the entire periphery of Bath.

The PPS7 reference to the 'cost of development' could include a variety of different types of cost. Financial costs have not been addressed, however, other costs i.e. environmental and those related to sustainability have been addressed by the assessment work referred to above.

The studies undertaken (see separate reports) show that a strategic urban extension to Bath will cause significant environmental harm. In sustainability terms the SSA work suggests that the comparative sustainability of locations adjoining Bath within and outside the AONB is closely matched. The '*SSA of potential urban extension locations on land surrounding Bath*' concludes that part of development cell A (lower slopes adjoining Weston) which lies within the AONB is marginally more sustainable than other locations. The comparative closeness of sustainability and the weight that must then be attached to protecting the AONB and therefore, avoiding environmental harm to it, suggests that there is sufficient scope to develop outside the AONB and furthermore, that the locations outside the AONB (within development cell F) should be explored in preference to areas within it. Therefore, it is concluded that the RSS area of search for a strategic urban extension (of the scale set out in draft RSS) should not extend in to the AONB.

With regard to the issue of 'meeting the need in some other way' the sustainability impacts of developing or not developing an urban extension to Bath have been assessed elsewhere (see 'SSA of Potential Urban Extensions' originally submitted in support of Council's response to draft RSS). The sustainability of other options would also require more detailed consideration. These options could include a number of small scale developments adjoining Bath. Whilst it is clear that strategic development would have detrimental environmental effects, appraisal studies suggest that small scale development on the edge of Bath may cause significantly less adverse impact. This would enable growth and development at Bath to be managed more within environmental limits. Given the importance of the city and the surrounding AONB as international and national environmental assets, this would represent a more sustainable approach to the growth of Bath. It is not appropriate for small scale development opportunities to be addressed or identified in the RSS and therefore, debated at the EiP, rather this would be more appropriately dealt with at the local level through the LDF.

3. The detrimental effect on the environment, landscape and recreational opportunities and extent to which that could be moderated: The Environmental Appraisal of the periphery of Bath represents a comprehensive assessment of the likely impacts of an urban extension as set out in draft RSS. This appraisal shows that detrimental environmental effects would result from strategic development adjoining the city. However, it is also shown that as outlined in paragraph 6.3 development of land on the lower slopes at Weston would cause less environmental and landscape harm and be more capable of mitigation to moderate its impact on the landscape setting of the city than development in other locations. As noted above such development would still cause direct harm to the AONB which must be given significant weight and in relation to recreation would reduce the quality of the experience of walking along parts of the Cotswold Way which is designated as a national trail.

Conclusion

Through applying all the criteria set out in paragraph 22 of PPS7 it is considered that the exceptional circumstances required to justify development in the AONB adjoining Bath can not be adequately demonstrated. Further work is needed at the local level to explore and determine the least damaging and most appropriate development option.