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SOUTH GLOUCESTERSHIRE CORE STRATEGY
EXAMINATION IN PUBLIC

MATTER 4 – SUSTAINABILITY APPRAISAL

On behalf of
WELBECK STRATEGIC LAND LLP

May 2012

CONTENTS

<i>Chapter</i>	<i>page</i>
1. INTRODUCTION	3
2. SUSTAINABILITY APPRAISAL.....	4

1. INTRODUCTION

1. This Statement has been prepared by Dominic Lawson Bespoke Planning on behalf of Welbeck Strategic Land LLP (hereafter “Welbeck”). Welbeck has land interests at Hacket Farm, Morton Way South, Thornbury.
2. This Statement responds to the Inspector’s questions posed for the Matters for Examination as detailed in the Programme for the Examination of the South Gloucestershire Core Strategy, 25 April 2012. This Statement deals with questions relating to Matter 4 – Sustainability Appraisal.
3. We also refer the Inspector to Welbeck’s previous submissions on the Core Strategy. Welbeck has submitted representations in relation to the Core Strategy on six previous occasions as indicated in our Matter 1 Statement.

2. SUSTAINABILITY APPRAISAL

4. Welbeck has provided representations on the Sustainability Appraisal of the Core Strategy evidence previously, specifically representations of August 2010 (SGC reference 1038145/1539), February 2011 (SGC reference 4038145/15) and February 2012 (SGC reference 4038145).
5. We are providing responses to questions 1 and 2:

Question 1

What deficiencies, if any, exist in the Sustainability Appraisal and how can these be addressed?

Response

6. We consider that the Sustainability Appraisal is deficient in a number of areas for the following reasons.
7. The environmental assessment of development plan documents, in this case the Sustainability Appraisal of the Core Strategy, must comply with the Environmental Assessment of Plans and Programmes Regulations 2004. The purpose of the Sustainability Appraisal is to ensure options and alternatives are fully assessed **prior** to policies being developed. Thus, robust and proportionate evidence is required in order to assess the impacts of development proposals and alternative sites at an early stage in the preparation of the plan.
8. The proposed allocation at Park Farm, Thornbury is based on a flawed and very biased Sustainability Appraisal. Where evidence has been prepared by the council it has either been disregarded, not publicly released until required by Freedom of Information requests, or it has been prepared **after** the policies of the Core Strategy have been formulated. It does not conform therefore with the requirements of the Regulations. This also raises serious questions regarding the council's consultation process throughout the development of the Core Strategy.
9. Welbeck is particularly concerned that the following evidence has been disregarded or provided after the selection of Park Farm as the council's preferred option for its housing opportunity site. Welbeck has requested information relating to these environmental areas through several Freedom of Information requests.
 - Assessment of heritage assets around Thornbury prepared by the council's heritage officers, January 2010 (Examination Document SG13), but the advice was disregarded and the Sustainability Appraisal does not reflect the conclusions of the report. It was only released two years later at a result of a Freedom of Information Request.
 - Strategic Flood Risk Assessment 2, December 2011 (Examination Document EB31/1-4) the results have been disregarded or inaccurately reported in the Sustainability Appraisal December 2011. No detailed information was available on flood risk in Thornbury prior to the Level 2 SFRA.
 - Review of Strategic Transport Case, May 2012, and Thornbury Transport Review, May 2012 (Examination Documents RD41 and RD42), provided immediately before the commencement of this Examination but used to try and justify the allocation with no detailed information and no technical assessment.

Welbeck has been requesting the council's evidence concerning transport and accessibility data used to assess the options for Thornbury since October 2010. The transport review provides further inaccurate information about the Thornbury option sites, further reinforcing the poor assessment originally carried out.

10. In order to address the deficiencies and inaccuracies of the Sustainability Appraisal an independent assessment of the evidence base should be made, and we provide an overview of the different versions of the Sustainability Appraisal later in this Statement. We have provided in previous representations on the Core Strategy an assessment of Park Farm and Morton Way South (August 2010, Planning paras 7.1-11.5, Heritage, paras 3.20-3.36 and 4.16-4.52, and Landscape, Options Appraisals; February 2011, paras 77-132 and 187-240; February 2012, paras 47-56 and Appendices W4-W7). These clearly demonstrate that Morton Way South is a more preferable site for housing development than Park Farm. This was also the conclusion reached by the Local Plan Inquiry inspector (Local Plan Inspector's Report, Chapter 8a, paras 70.13-70.15).

Question 2

Is the latest version of the Sustainability Appraisal sufficiently comprehensive in setting out alternative options through all preparatory stages of plan preparation?

Response

11. We do not consider that the latest version of the Sustainability Appraisal is sufficiently comprehensive in setting out alternative options for the following reasons.
12. The latest version of the Sustainability Appraisal fails to take account of and accurately assess the impact of development at Park Farm on the recently statutory scheduled medieval fishponds. Furthermore, it inaccurately and blatantly misinterprets the information contained in the SFRA2, such that Park Farm which is identified as being in Flood Zone 3a and 3b scores more highly than Morton Way South which is not in or adjacent to a flood risk area. We consider this in more detail below.

Assessment of the Sustainability Appraisal

Pre Submission Sustainability Appraisal, March 2010

13. We consider how the six Thornbury potential housing sites were assessed in the various iterations of the Sustainability Appraisal.
14. The Pre Submission version of the Sustainability Appraisal was published in March 2010 at the same time as the Pre Submission Core Strategy. Paragraphs 4.33-4.44 provide the council's assessment of Thornbury with additional information presented in Appendices 10 and 11.
15. Initially six "broad areas of search" were defined by the council. There is no explanation for how the broad areas were defined, in some cases "boundaries" align with existing roads but this is not true for all boundaries. The sizes of the areas are not consistent and the map illustrating the areas shows the very unequal areas in relation to distances from Thornbury that are considered. Despite the fact that the sizes of the areas are not provided, the council decided to split area F into two parts, "due to its large size". Area F as indicated on the broad areas map does not appear to be the largest area, in fact Area B appears considerably larger.

16. The “centre points” or points from where the council’s distance calculations are taken for each area are not provided nor illustrated on the map. Without the centre points it is not possible to compare the different areas’ distances from facilities.
17. The SA concentrates on accessibility as its main criteria for assessing sustainability, however, the methodology provided in paragraph 4.37 indicates that distances are “as the crow flies”. This method of calculating distances ignores local conditions and produces skewed results which if tested on the ground through actually walking using existing footpaths, etc, results in very different timings and distances. It also indicates that this was merely a “desk-based” exercise with no real understanding of local conditions. The same methodology is used to calculate distances for car journeys, which have more convoluted routes to negotiate than those available to pedestrians.
18. The initial methodology of the Sustainability Appraisal was thus flawed.
19. Paragraph 4.38 provides the results for each broad area of the accessibility assessment. The assessments contain many errors which have been highlighted previously by Welbeck (see representations February 2011, paras 77-132 and 187-240; February 2012, paras 47-56 and Appendices W4-W7). The errors overwhelmingly promote Area F over other areas, and disadvantage Area B.
20. Paragraphs 4.39-4.41 provide the council’s reasoning for dismissing broad area C from further consideration. After 4.41 a map is presented of the six smaller areas for further consideration. Again the sizes of the areas are not provided but the potential number of houses each area could accommodate is provided, although these do not appear to relate to the relative size of the areas, as Area 1 appears to be the largest area but only has a potential of accommodating 350-400 homes compared to the slightly smaller Area 3 which could accommodate 750-900 homes.
21. Paragraphs 4.42-4.44 provide the council’s explanation for its preferred option of Area 6 – Park Farm. The main reason appears to be the site’s close proximity to the town centre, based on inaccurate and misleading calculations, and that it is not in the Thornbury Conservation Area. It is also claimed that this site benefited from general community support at the Thornbury Workshop. This provides a misrepresentation of the workshop (see Save Thornbury’s Green Heritage representation February 2011, Community Involvement and Consultation in the Preparation of the Core Strategy).
22. Despite Option 6’s close proximity to the most important heritage assets in Thornbury and the potential adverse impact on the settings of these assets, and the likely flood risk of Option 6, and access issues, the council concluded these will require further assessment and are included in the draft policy CS 33 so therefore the policy scores highly. This reasoning contradicts the entire purpose of sustainability appraisals. Paragraph 4.44 states that the main vehicular access would be via Butt Lane but a new access for pedestrians and cyclists would need to be created. The plan indicating the six option areas does not illustrate Option 6 as being located adjacent to Butt Lane but at some distance from it.
23. Appendices 10 and 11 provide the council’s assessment of the broad areas and then of the six option sites. However, Appendix 11 virtually reproduces the results of Appendix 10 indicating that the assessments were not carried out consistently or accurately.

Submission Version Sustainability Appraisal, December 2010

24. An updated version of the Sustainability Appraisal was published in December 2010 and included an additional 25 paragraphs relating to the assessment of the areas around Thornbury for housing. This is not mere updating, clarification or correcting errors, but a concerted effort to justify the council's preferred option following the large number of objections to the allocation of Park Farm.
25. The map indicating the "broad areas of search" for Thornbury was updated to include measurement points, although the location of these in Areas D, E and Fb are not located centrally indicating that any results will be skewed and questionable.
26. Further paragraphs are added to support the council's preferred choice of Park Farm although the main reason appears to be that it is not located on Morton Way. Paragraph 4.41c claims that the Park Farm site would integrate better with existing housing as it is not separated by a significant boundary such as Morton Way. The assessment fails to take account of the relatively isolated location of Park Farm which is separated from Park Road by playing fields and agricultural land and, importantly, is bisected by Pickedmoor Brook and its associated river corridor which creates a barrier to development within the site.
27. The great significance of the heritage assets which surround the Park Farm site is given little weight in this assessment.
28. Much is made of the ability of development at Park Farm to enable Castle School to consolidate onto a single site in Park Road. This assertion is not justified and there is no evidence to suggest that this would be the case.
29. In paragraph 4.42 the council considers that the Local Plan Inspector would not necessarily come to the same conclusion as there is new evidence to support housing on the edge of Thornbury. The council has failed to take account of the importance of the heritage assets and their settings which surround the proposed allocation site.
30. Paragraphs 4.43-4.44b provide the likely mitigation required for development at Option 6. This includes a rather woolly statement that further technical work must be undertaken to demonstrate it can be achieved without having any negative impacts on matters of acknowledged importance. A proper Sustainability Appraisal should have assessed these "matters of acknowledged importance" **before** concluding that Option 6 is the most sustainable. Presumably these matters are the heritage impact, flood risk, landscape impact and lack of accessibility, matters that are not present on other option sites such as Option 3, Morton Way South.
31. Despite continuing to claim that Option 6 is closer to the town centre than the options identified on Morton Way, the council acknowledges that a new access between Park Road and the option site will need to be provided to gain maximum benefit. The previous version of the Sustainability Appraisal restricted vehicular access from Park Road, this is amended in this version of the SA to allow limited access from Park Road despite the SA stating that "the route along Park Road and Castle Street to the Town Centre is unsuitable to accommodate all associated development traffic."
32. New paragraphs 4.44a and 4.44b indicate that there are a number of very important constraints to development at Option 6 – ecological, heritage and flooding. Again these constraints are not present on other options.

33. Appendices 10 and 11 were substantially updated to reflect the additional information and correct inaccuracies of the data collected. However, the subsequent assessment of available data has been persistently misinterpreted as with the previous version.

Sustainability Appraisal, December 2011

34. The report was updated at the request of the Inspector. The majority of changes cover the proposed allocation of Filton Airfield, however, the sections on Thornbury and the option sites were also updated to take account of the council's Strategic Flood Risk Assessment 2 (SFRA2) published in December 2011 and the statutory scheduling as an ancient monument of the medieval fishponds at Park Farm.
35. Despite indicating that Option 6 – Park Farm - partially lies within a flood risk area and is adjacent to the fishponds Scheduled Monument, the assessment does not change. In fact at paragraph 4.44aa it states in relation to the fishponds "The significance of this and other heritage assets was taken into account when drafting the policy for Park Farm". Policy CS33 was not revised or updated to reflect the change in significance of the status of the fishponds. There are alternative sites that have little or no impact on the setting or significance of heritage assets that are discounted by the council.
36. Paragraphs 4.44c-e provide additional information regarding the SFRA2 and again are very misleading. In paragraph 4.44c the council states that areas of flood risk are present within or immediately adjacent to Options 1, 2, 3, 4 and 5. This is clearly not the case but would appear to have been reported in this way to lessen the impact that Option 6 contains an area of Functional Flood Plain, ie, Zones 3a and 3b. Again there are alternative sites that have no or little flood risk which are discounted by the council because they have misinterpreted the SFRA2.
37. Minor updating of Appendices 10 and 11 took place but again the potential impact on heritage assets and flood risk associated with Area Fa and Option 6 are discounted and bizarrely considered to be advantages to development in this area.

Conclusions

38. Welbeck considers the Sustainability Appraisal carried out to inform policies of the Core Strategy is fundamentally flawed. In relation to Thornbury it does not objectively nor systematically assess each of the broad areas identified and fails to accurately assess the six option sites. The SA misinforms and misinterprets data such as the SFRA2 resulting in a very unsound proposed housing allocation for Thornbury. Furthermore, the SA has not taken account of the council's own evidence prepared on the assessment of heritage assets around Thornbury (Examination Document SG13). This document was prepared by the council's heritage team and is dated January 2010. It was prepared and available for policy officers to take account of its findings and to use its very significant findings when assessing the option sites for Thornbury. It is evident that the report's findings do not appear in the SA dated March 2010 and are not included in later versions of the document. The council has not prepared a landscape character assessment for the options around Thornbury and has not robustly assessed the impact on the high quality landscape at Park Farm. The loss of some of the highest grade agricultural land at Park Farm does not take account of the availability of lower grade agricultural land elsewhere around Thornbury.

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