

## **Response by Iron Acton Parish Council to Consultation on Draft West of England Joint Spatial Plan**

At its meeting on 18 December 2017 the Iron Acton Parish Council resolved as follows”

**“Iron Acton Parish Council is absolutely and strongly opposed to any expansion of the town of Yate into the Parish of Iron Acton and the green belt separating it from Yate. Iron Acton is made up of communities and historic settlements distinct from Yate and we object to any development that will cause Iron Acton effectively to be subsumed into a larger Yate, even if notionally protected by a 'green separation area' which as proposed clearly would be inadequate. We have no doubt that these proposals would cause serious damage to the integrity of the settlements of North Road/ Engine Common / Nibley Village and Iron Acton Village.**

**We further object to the West of England (the combined planning bodies of South Gloucestershire Council, Bristol City Council, Bath & North East Somerset and North Somerset) describing in the Joint Strategic Plan and associated consultation documents an area as 'North West Yate' when in fact none of that area is in Yate and all of it is in the Parish of Iron Acton. It is a fact that this has misled members of the public leaving most in Iron Acton Parish unaware of the West of England Combined Authority’s current outline proposals in terms of their impact on the parish and its communities.**

**We also object to the West of England's supporting material showing the Algars Drive & Chilwood Close dense housing development under a green 'wash' making it appear that it is a green space contributing to separation between the outlined development proposal and the rest of Iron Acton village.**

**We consider the natural boundaries of Yate to the north and west, starting at the north and describing them anti-clockwise, to be delineated by the railway line running north from Iron Acton Way; Iron Acton Way to the 'Great Western Business Park' roundabout; and the eastern edge of the green belt running south from the roundabout to the A432 Badminton Road. We oppose any expansion of Yate beyond this line into Iron Acton Parish.**

**We regard the failure to take explicit account of the impact of the proposed development on the Iron Acton Conservation Area and the village to be a serious omission. We consider that the proposed development along Nibley Lane towards Iron Acton village would be extremely prejudicial to the rural character and integrity of the conservation area, community and settlement area of Iron Acton village and its separation from the Yate urban area, contrary to stated policies and the purpose of the green belt.**

**We strongly urge that the existing green belt protection between Yate and Iron Acton village should all remain in place. Any development that is absolutely necessary should take place in current non-greenbelt areas. In particular, we consider that the natural direction of expansion of Yate would be on non green belt land north of the existing North Yate New Neighbourhood Area, allowing**

**for the more efficient and effective deployment of the scarce resources available for infrastructure.”**

**Response to JSP Public Representation questionnaire:**

Q1. On which part of the Joint Spatial Plan are you commenting?

Chapter: 4 – Policy Framework

Paragraph: 7.12 - Yate

Policy: 7 – Strategic Development Locations

Key Diagram: Appendix 1 Concept Diagram North West and West Yate

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

Legally Compliant? No

Sound? No

Compliant with the Duty to Co-operate? Yes

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.

Iron Acton Parish Council (IAPC) considers the Joint Spatial Plan (JSP) legally non-compliant 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 North West Yate; it has failed properly to appraise and assess potential locations around Yate/Chipping Sodbury and to demonstrate that ‘North West Yate’ is more sustainable than alternative locations; and South Gloucestershire Council has failed to undertake effective community consultation in line with its Statement of Community Involvement.

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 North West Yate; 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.”

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.”

The Stage 1 assessment of the Bristol and Bath Green Belt in preparation for the spatial strategy looked at all Green Belt land in the four authorities of the West of England and

“confirmed that all of the cells performed 2 or more of the 5 purposes of the Green Belt”.

The Stage 2 assessment focused further work on the locations being examined as potential strategic development locations, including those around Yate/Chipping Sodbury. The aim of the stage 2 assessment was to determine an overall contribution rating for each cell against the five NPPF criteria. These were set out in paragraph 2.8 of “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”):

“2.8 Green Belt purposes 1, 2 and 4 are directly expressed:

- 1 - to check the unrestricted sprawl of large built up areas;
- 2 - to prevent neighbouring towns from merging into one another;
- 4 - to preserve the setting and special character of historic towns;

whereas purposes 3 and 5 are expressed as assistance roles:

- 3 - to assist in safeguarding the countryside from encroachment;
- 5 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.”

Significantly, despite the decision to determine an overall rating for each cell, the methodology paper noted that the NPPF does not specify that land is of greater Green Belt value if it performs more of the five purposes. In other words, an area only needs to contribute to one of the purposes to have Green Belt value. The annex was explicit about the decision not to exclude Green Belt areas when identifying and assessing potential strategic development sites. Paragraph 4.4 said

“Land within the Green Belt was considered as part of the assessment, as the National Planning Policy Framework allows Green Belt boundaries to be altered in exceptional circumstances through the preparation or review of the Local Plan.”

The decision to include Green Belt land in considering possible strategic development sites in the JSP raises a conundrum. The NPPF requires Green Belt changes to be made through the Local Plan process. But local plans must be in conformity with strategic plans which are ‘superior’ in the planning hierarchy. So if a ‘superior’ plan, such as the West of England JSP specifies a SDL in the Green Belt, the South Gloucestershire Local Plan must include that SDL. It cannot be used as a vehicle to reopen the JSP process. This in turn means that any consideration through the local plan process of whether exceptional circumstances existed which justified de-designation of Green Belt land would be nugatory, since the JSP would require such de-designation for the development to go ahead. If the local plan concluded that inclusion of the Green Belt land in the SDL in itself constituted exceptional circumstances, the argument would become circular. The SDL would in effect have extinguished the Green Belt designation in contravention of the NPPF by bypassing its requirements. The only way around this dilemma (without revising the NPPF) would be for the JSP process to demonstrate the exceptional circumstances and the local plan process formally to change the Green Belt boundaries. The draft JSP does not do this.

The West of England JSP is the first to reach the inquiry stage. It has, however, reached this stage without meeting the NPPF exceptional circumstances test and it is therefore defective.

The existing South Gloucestershire Local Plan retains the current green belt boundary west of Yate and makes no proposals for change. The draft JSP includes the proposal for the North West Yate SDL within that Green Belt. The process leading up to the draft JSP has failed to establish that there are exceptional circumstances which justify the major alterations proposed to the Iron Acton Green Belt. This is despite the commitments set out in JSP objective 4:

“To protect and enhance the sub-region’s diverse and high quality natural, built and historic environment and secure a net gain in biodiversity.  
To prioritise development on brownfield sites, optimise densities and retain the overall function of the Bristol and Bath Green Belt.”

If the draft JSP were to be confirmed through the inquiry, it would determine the location of the Yate/Chipping Sodbury SDL on Green Belt land. The outcome of any post facto examination through the local plan of changes to the Green Belt would have been pre-empted.

In its strategic Green Belt Assessment in December 2011 for its Core Strategy, South Gloucestershire concluded that the Iron Acton Green Belt met the assessment criteria for retention, including the preservation of the setting and special characteristics of villages near Yate and safeguarding the countryside from encroachment. The annex “Towards the Emerging Spatial Strategy Green Belt Assessment Stage 2” document summarised the findings for Yate Green Belt areas as follows (paragraphs 3.20-3.21)

“Cells to the south and west of Yate are assessed as making a contribution to Green Belt purposes. Cells contribute to preventing the merger of neighbouring towns in the corridor between the north fringe of Bristol and Yate by assisting in preventing the coalescence of settlements. Most of the cells also contribute to assisting in safeguarding the countryside from encroachment.”

“Cell 22b, north of Engine Common and 21d, west of Yate are identified as making a limited contribution to Green Belt purposes.”

In paragraph 3.43 it summed up its findings

“Considering cells in combination, no substantial areas have been identified which make only a limited contribution to Green Belt purposes. There are no extensive tracts of land which, notwithstanding their current Green Belt status, have been shown to be unnecessary to keep permanently open by reason of their limited contribution to Green Belt purposes.”

In the attached detailed pro forma it concluded in relation to cells 22a and 21c (which together are largely coterminous with the area referred to in the Green Belt Assessment of 2011 and form the substance of the North West Yate SDL):

22a “It is therefore considered that Green Belt designation in this location assists in safeguarding wider open countryside from encroachment, particularly from potential development from Yate’s western and northern edge”; and

21c “Cell makes a contribution to limiting potential merger in the corridor from North Fringe and Yate, by preventing development along the A432 [Badminton Road] between Yate and Coalpit Heath. It also assists in safeguarding the countryside from encroachment”.

Nowhere in the JSP is an argument put forward setting out the NPPF’s exceptional circumstances which would justify this proposed development in the Green Belt. Nowhere in the JSP is there reference to the impact of extinguishing 160 hectares of the Iron Acton Green Belt: major urban encroachment on the 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> century settlements of Engine Common, Iron Acton village and Nibley village; destruction of open countryside; damage to the natural environment including the Frome River, ancient hedgerows and the historic Coach Pond on Dyers Lane; degradation of sections of the Frome Valley Walkway and the Avon Cycleway; extinguishment of a network of historic footpaths criss-crossing the proposed location; and destruction of the rural feel and in some cases closure of Mission Road, Dyers Lane, Nibley Lane, Hope Road and Bridge Road. The population of Iron Acton Parish would be doubled, changing it from an overwhelmingly rural parish with small village and farm settlements into a parish dominated by a major urban encroachment from Yate.

This failure to comply with the Secretary of State’ green belt policy constitutes the first of the grounds on which IAPC considers the proposals legally non-compliant.

#### **b. Failure adequately to appraise potential development locations around Yate/Chipping Sodbury**

Despite its apparent singularity, the Sustainability Appraisal for the JSP is actually a complex of documents prepared at different stages in support of different documents and leading on from each other, making it very difficult for anyone who was new to planning to follow and understand the appraisal process as a whole.

The sustainability appraisal of eight potential development locations around Yate/Chipping Sodbury was undertaken to inform the 2016 consultation on the emerging spatial strategy for the JSP and is contained in four annexes one of which – on locational assessments – stretches to 307 pages. The Sustainability Appraisal documents which support the 2017 JSP document form a further five appendices covering only the (new) North West Yate proposal. Additionally, the 2016 emerging spatial strategy was supported by a further five annexes on assessment of strategic locations. To find whatever analysis formed the basis for the decision to opt for the North West Yate option, therefore, it is necessary to work through 14 complex annexes produced over a period of years. It is clear that non-planners wishing to follow the trail of argument which seeks to justify the North West Yate proposal face a daunting task.

Secretary of State guidance published by the then Office of the Deputy Prime Minister sets out the purpose of a sustainability appraisal (SA) including:

- “2        Develop the Local Plan options including reasonable alternatives

### 3 Evaluate the likely effects of the Local Plan and alternatives”.

It also sets out the five themes (all divided into sub-themes) which form the structure for sustainability appraisals:

- “Theme 1: Improve the health, safety and wellbeing of all”
- “Theme 2: Support communities that meet people’s needs”
- “Theme 3: Develop a diverse and thriving economy that meets people’s needs”
- “Theme 4: Maintain and improve environmental quality and assets”
- “Theme 5: Minimise consumption of natural resources”.

The SA (in the annexes “Towards the Emerging Spatial Strategy: Sustainability Appraisal: Locational Assessments” and its sister document “Summary of Findings for Strategic Locations”) assesses each of the eight Yate alternatives and finds little to distinguish amongst them. In these documents locations YC7 and YC6 together contain within their boundaries the development at North West Yate proposed in the JSP (rather confusingly, location YC7 is called West Yate and includes the area of Iron Acton Green Belt north of the railway line, and YC6 is called South West Yate and includes the area south of the railway line – while YC8 North West Yate has no overlap with the 2017 North West Yate and covers an area east of Dyers Lane). The summary document distinguishes locations YC7 and YC6 from the other six alternatives for only three of the 21 SA sub-themes: 4a (“Minimise impact and where appropriate enhance the historic environment, heritage assets and their settings”) where development at YC7 is seen as more damaging than other locations; 4c (“Minimise impact on and where appropriate enhance valued landscapes”) where development at location YC6 is seen as marginally less damaging; and sub-theme 4f (“Minimise vulnerability to tidal/fluvial flooding (taking account of climate change), without increasing food risk elsewhere”) where development at YC7 is seen as lower risk. It is not at all clear that these add up to sufficient grounds to justify development in these rather than the alternative locations.

Additionally, the detailed Locational Assessments document (on which the summary is based) contains a number of factual errors in the appraisal of area YC7. Under sub-theme 2c (access to community facilities) it asserts that

“the nearest dedicated community centre and post office [is] located in Iron Acton just over 1km to the west and Engine Common a similar distance to the east”.

Under sub-theme 2e (town centre services and facilities) it suggests that

“There are local shops in area YC7.”

Iron Acton’s post office closed decades ago along with the village shop and it would take a stretch of imagination to describe its Parish Hall as a ‘community centre’. There have been no local shops in area YC7 for many years.

Under sub-theme 4b (impact on habitats and species) it states that

“There are no known ecological constraints within YC7. Notwithstanding this there is limited Phase 1 Habitat data for this area so additional work may be recommended.”

In fact, location YC7 includes part of the River Frome Site of Nature Conservation Interest (SNCI), a status conferred on it by the local authority. There is no evidence in the documents that the additional work flagged was undertaken before the decision to opt for development in North West Yate.

The 2016 annex “Assessment of Strategic Development Locations beyond settlement boundaries – Methodology Paper” (not part of the Sustainability Appraisal) set out the approach taken to identify and assess the eight potential sites around Yate/Chipping Sodbury. Paragraph 4.4 said

“Land within the Green Belt was considered as part of the assessment, as the National Planning Policy Framework allows Green Belt boundaries to be altered in exceptional circumstances through the preparation or review of the Local Plan.”

In paragraph 5.4 is said, amongst other things

“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: ...

- High landscape value areas/views of high importance ...
- Sites of Nature Conservation Importance (SNCIs) ... “

The outcome of the assessment was summarised in the further annex “WoE JSP Emerging Strategic HELAA – Assessment of Strategic Development Locations Beyond Settlement Boundaries – Location Dashboards”. The dashboard for Yate and Chipping Sodbury had a sidebar headed “Potential Development Areas” which reads

“Northwest Yate has good proximity to the rail station, Badminton Road and existing development areas, hence there is considered potential in a broad band sweeping from fields north of Yate Town Football Club and south of Mission Road around to the B4059 and turning south to Nibley Lane and the river Frome and continuing south across the Badminton Road including fields west of the Business Park.”

IAPC has not been able to find the reasoning and argument for this sweeping statement set out in any of the published documents. Not only is that a serious defect in the process, but the statement itself contains omissions and inaccuracies. While the accompanying map showed clearly that all of the location referred to was within the green belt area, that it included the Frome river Site of Nature Conservation Interest (SNCI), and the Sustainability Appraisal assessed the landscape in YC7 to be of “medium high/high sensitivity” no reference was made to this despite the criteria (quoted above) set out in the methodology paper.

Confusingly, the statement was made alongside a map which identified location YC8 as North West Yate, but was clearly referring exclusively to locations YC7 and YC6 identified as West Yate and South West Yate respectively. The reference to “good proximity” to Badminton Road was somewhat disingenuous since the bulk of the area described is separated from it by the railway line and the River Frome, while the main “existing development area” for housing is the North Yate New Neighbourhood which abuts location YC1 (North Yate) not YC7 or YC6.

The decision to propose the North West Yate development in the JSP must logically arise from the work described above. Notwithstanding that the proposed strategic development location (SDL) has a different geographical footprint to any of the locations assessed in the 2016 documents, IAPC has not been able to find any further justification beyond the earlier inadequate assessment of these locations. The 2017 suite of JSP documents includes further Sustainability Appraisal annexes, and these are subject to consultation on the same timetable as the draft JSP. In “Appendix D: Appraisal Tables” the North West Yate strategic development location is appraised against all the SA sub-themes. The assessments include the following negative impacts:

4a (historical environment) “There are Listed Buildings and potential for archaeology associated with this historic landscape all around the periphery of Yate. There are a number of Listed Buildings within the SDL area. Some archaeological potential across the SDL area, particularly associated with Nibley village and former Mayshill colliery, and areas in proximity to Acton Court SAM and Iron Acton village.”

4b (habitats and species) “The River Frome forms part of the boundary of the SDL area, and is designated as an SNCI for its open flowing water and bankside vegetation. Fields at Mission Road/North Road – are also designated as an SNCI, again for their species-rich neutral [sic - natural?] grassland interest.”

4c (valued landscapes) “The SDL area is not located in the Cotswold AONB. The majority of Yate is within the Wickwar Ridge and Vale landscape character area, a diverse undulating landscape coverer [sic – covered?] with a mix of farmland, woodland and common. The landscape in this area is considered to be of medium to high/high sensitivity.”

4d (conservation of land) “Development would be greenfield. Development on greenfield land does not contribute to promoting the conservation and wise use of land. Therefore all locations have a negative effect on this objective and there is no apparent scope for mitigation.”

4e (loss of productive land especially best and most versatile) “The area surrounding Yate and Chipping Sodbury contains areas of potential Grades 1, 2, 3 and 4 agricultural land. The majority of the SDL area is made up of potential Grade 3 agricultural land. There is however an area of potential Grade 2 land in West Yate, and a swathe of potential Grade 4 to the south. The area is outside of Flood Zone 3.” [Best and most versatile agricultural land is that graded as 1, 2 and 3a]

4g (surface water flooding and increasing flood risk) “The area is at risk of surface water flooding in 1 in 30, 1 in 100 and 1 in 1000 year events. Surface water flow routes along river corridors, with areas of surface water pooling across the SDL area. Along river corridor there is potential for groundwater flooding to occur at surface. Parts of the area are within a zone where there is limited potential for groundwater to occur.”

5a (access to sustainable transportation) “There are regular bus services between Yate and Bristol, although the quality of local bus services is variable, with services to/from Bristol being caught in traffic congestion. Yate Station is at the western edge of Yate and is served by 1-train per hour (a local service running between

Malvern/Gloucester, Bristol and the South Coast). MetroWest Phase 2 will double the frequency of services from 2021; this improvement would use up the remaining capacity on the network at Westerleigh Junction.”

#### Mitigation or enhancement

“Policy 7.12 requires the development to provide or contribute to a strategic transport package including: Metrobus extension to Yate and Chipping Sodbury, strategic cycle route A432 Park and Ride, Yate Rail Station enhancement, Winterbourne and Frampton Cotterell Bypass and local bus services.”

The “Joint Spatial Plan Strategic Development Location Templates” annex includes a section and map covering the North West Yate SDL. This is discussed in more detail under c. below but it, too, fails to justify the decision to opt for the proposed location rather than any of the others canvassed around Yate/Chipping Sodbury. While it does include some proposals designed to mitigate the downsides identified in the SA, it fails even to attempt to demonstrate that these would be greater in other locations. While it mentions the Green Belt designation of the land it fails, once again, to even mention the exceptional circumstances which might justify green belt development.

The assessment process has also failed to consider properly the transport implications of the North West Yate location and its impact, sustainability and effectiveness. The bulk of the proposed SDL would sit north of the Yate to Thornbury railway line and the River Frome, effectively isolating it from the major arterial route along the A432 Badminton Road, and increasing the load on the already congested and smaller B4058/9 Yate/Bristol Road. Even building bridges across the railway line and river would not of itself prevent traffic adding to congestion on the Yate/Bristol Road. Not only this, but the plan fails completely to consider the significance and impact of the proposed M4 Junction 18A near Emersons Green which has been the subject of meetings between the local MP, Luke Hall, and the Secretary of State for Transport. Should that go ahead it would increase greatly the argument for development to be concentrated south of Yate rather than to the North West, changing fundamentally the relative advantages of the different location options.

The draft JSP is unclear as to whether the object of the Yate SDL is to accommodate population growth endogenous to Yate (the most sustainable option) with associated employment growth, or the far less sustainable objective of increasing dormitory accommodation for Bristol, stoking commuting and the already excessive car dependency in Yate/Chipping Sodbury. Any development to the west or south of the area will be more likely to attract people commuting to work in Bristol. By contrast, developments to the north or east of the area are more likely to support endogenous growth. It is not clear from the family of JSP documents that the West of England authorities had proper regard to these important considerations before opting for the North West Yate location.

The North West Yate JSP proposal is in marked contrast to previous assessments of potential locations for the expansion of Yate for the then Regional Spatial Strategy and subsequent South Gloucestershire Core Strategy. Both focussed on land to the north and east of the Yate/Chipping Sodbury settlement, ruling out development in the green belt to the west and south. No clear explanation is given in the JSP for the dramatic departure from South Gloucestershire’s previous commitment to retaining the Iron Acton Green Belt and the role it plays in preserving the open land between Yate and the settlements of Iron Acton village and

Engine Common, and maintaining the separation of settlements along the B4059/B4058 Yate/Bristol road..

The JSP says in Policy 7.12 on Yate that a

“Green Infrastructure network will reinforce the new Green Belt boundary, protect the river valley, linear settlement of Engine Common and Nibley Village, provide an attractive segregated route along the Frome Valley Walkway”; and

“The historic parliamentary enclosures, which comprise small to medium sized fields, reinforced by a strong mature hedgerow network and large number of trees, north of Mission Road and east and west of North Road will also be protected by a new landscape and or Green Belt designation”,

This is disingenuous. The proposal would in fact damage all of these and the ‘green infrastructure network’ would simply be an attempt to mitigate that damage. It appears to be little more than an aspiration for planting to screen the proposed development from the rump of green belt land. In practice what is proposed would result in the degradation of the current open aspect along the B4059 Yate Road, significant visual intrusion into the Iron Acton Conservation Area, and further development on the historic Engine Common. Reference to protection for ‘historic parliamentary enclosures’ and a ‘strong mature hedgerow network’ north of Mission Road and east of North Road fails to make clear that the proposal for development in the Green Belt would lead to the destruction of exactly the same historic and natural resources south of Mission Road and west of North Road.

This failure properly to set out the basis for the decision to propose North West Yate as the SDL and to demonstrate that it is more sustainable than alternative locations around Yate/Chipping Sodbury constitutes the second of the grounds on which IAPC considers the proposals legally non-compliant.

### **c. Failure to undertake effective community consultation**

By failing to provide a fair and even-handed description of the impact of the North West Yate proposal on the face of the JSP the Combined Authority/South Gloucestershire has failed properly to consult. The NPPF requires the planning authority to undertake community consultation in line with its Statement of Community Involvement (SCI). For the purposes of the JSP that means consultation in each authority’s area should be undertaken according to that authority’s SCI. The IAPC accepts that in South Gloucestershire the consultation followed the process set out in the SCI. However, the Parish Council considers that it departed fatally from the spirit and purpose – to such an extent that it was defective and failed to comply with NPPF requirements. For a consultation to be reasonable and hence compliant the authority should set out for consultees, especially those most likely to be interested (in the case of the North West Yate proposal the parishioners of Iron Acton), clear details of the proposal and its alternatives, and the implications of each, positive and negative. It should do so in an accessible and understandable form; and it must give consultees a reasonable period in which to consider and respond to proposals.

Identifying the proposal in Policy 7.12 as one for development in North West Yate was misleading for consultees since the whole of the proposed location is in Iron Acton Parish,

something mentioned nowhere in the text on page 46 setting out the details. Instead, it refers to

“Land at Yate comprising two broad locations to the northwest and west of Yate”

and throughout refers to Yate as the location without a single mention of Iron Acton, village or parish. Only by delving into the “Strategic Development Location Templates” annex to the JSP and uncovering the section entitled ‘Northwest and West Yate’ does it become apparent that Iron Acton parish might be affected. Extraordinarily, even in the seven page document here there is not a single reference to Iron Acton in the text or on either of the two maps. Only a close scrutiny of the “Appendix 1 Concept Diagram” reveals that what is involved would be a major intrusion into Iron Acton Parish and its Green Belt. An uncharitable reading might conclude that it was a deliberate attempt to misdirect consultees.

Despite an undertaking in the SCI to avoid, where possible, consultations which clashed with the Christmas period the consultation on the draft JSP runs over the Christmas break. Despite an undertaking in the SCI to consult for a minimum of 6 weeks, the consultation period was not extended beyond that minimum despite the impact of the Christmas break. Most Parish Councils meet only monthly (including IAPC). Consideration of, and response to such a significant proposal would normally require at least two meetings. It has also made it more difficult for parishioners and others to respond individually. That was not helped by the fact that the consultation event arranged by South Gloucestershire was held in Chipping Sodbury, rather than in the affected Parish.

The North West Yate SDL was not identified as an option in the November 2016 consultation “Joint Spatial Plan: Towards an Emerging Spatial Strategy”. In the 2016 consultation it was difficult to find in the technical documents exactly which locations were under consideration. This point was made by IAPC in its response to the consultation IAPC. It said:

“The Emerging Spatial Strategy assesses the number of new homes needed in broad locations, but it fails to specify development sites. ... The plan should make clear exactly where housing development would be acceptable. Specifically, within Iron Acton Parish, it should rule out proposals for incoherent and piecemeal development off North Road, including the erosion of Engine Common, a local heritage and amenity area. The existing settlement in North Road should be consolidated and kept separate from Yate. New build in Yate should be contiguous with its existing housing. To maintain the character of Iron Acton village, there should be no significant extension of its footprint”.

Table 1 of the document “Strategic Development Locations and the rationale for inclusion in the emerging spatial strategy” included, under the section “Locations within or partially within the Green Belt” a strategic location termed the “Yate strategic corridor (Yate/Chipping Sodbury)” for up to 2,600 homes. Under the heading “Rationale for inclusion in the emerging spatial strategy” it said:

“Long-term phased greenfield development would also support investment in regeneration and the town centres and improving the range and type of jobs and help to unlock potential brownfield development at the western gateway.”

Again, there was no clue here to the subsequent proposal to overturn South Gloucestershire's long held policies on the Iron Acton Green Belt and the policies of its "Development in the Green Belt Supplementary Planning Document". The failure to flag clearly in the primary documentation the emerging preference for development in the Green Belt (normally considered sacrosanct) effectively deprived local people of their opportunity to make their views known to their elected councillors at both unitary council and parish council levels earlier in the process and has left, as the only option, representations to the inspector at the planning inquiry. This is a technical and daunting stage of the process where the opportunity to influence the outcomes is limited to questions of legality, soundness and duty to co-operate.

It is the view of IAPC that these shortcomings, taken together, constitute three grounds for legal non-compliance.

#### **d. Grounds for considering the draft JSP unsound**

If upheld, the legal non-compliance of the draft JSP on the grounds set out in **a.-c.** above would render the plan unsound. Were the inquiry to conclude, notwithstanding our arguments, that the proposals are legally compliant, the IAPC contends that its arguments would nevertheless demonstrate that the plan is unsound. The plan is:

- **Not justified** – the evidence base is flawed, with gaps and inaccuracies as described
- **Not effective** – the Yate/Chipping Sodbury development would fail to deliver the sustainability objectives set out in national guidance and in the JSP itself (see above); it relies on major infrastructure works (including the extension of MetroWest, MetroBus, the Frampton Cotterell/Winterbourne bypass, new bridges over the railway and the Frome river within the SDL) which are highly ambitious, not currently funded and unlikely be funded through section 16 agreements or Community Infrastructure Levy payments; additionally even if all were delivered they would increase rather than resolve the current chronic congestion around the Great Western Business Park Roundabout on the western boundary of Yate as increased volumes of traffic sought to enter or leave Yate via the roundabout and B roads serving it; it would surround the employment land between Iron Acton Way and Station Road (Yate), which includes many distribution enterprises, with dense housing so that all lorry movements were forced through residential areas increasing nuisance and subjecting residents to raised noise and air pollution levels;
- **Not consistent with national policy** – see above on inconsistency with NPPF and Green Belt policy.

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.

IAPC regards the Joint Spatial Plan to be fatally flawed in the ways set out above. It considers that the only way to remedy this would be to reopen consideration of the Yate/Chipping Sodbury SDL; reappraise and reassess the options for this SDL; publish the revised considerations and re-consult on the new set of options. Failing this the Yate SDL should be struck from the JSP.

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

Yes

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

Iron Acton Parish would be affected in fundamental ways if the proposed North West Yate SDL proceeded. The population of the Parish would more than double, the Green Belt protection of the settlements at Engine Common, Iron Acton village and Nibley village would be fundamentally eroded, and its residents would suffer a serious degradation of their quality of life. Given that IAPC regards the proposal to be the result of a fundamentally flawed process it should be allowed to participate to represent the interests of its parishioners.

Name

Iron Acton Parish Council

Date

18 December 2017