

Churchill & Langford Residents Action Group (CALRAG)
Planning application No 19/P/2713/FUL Response

CALRAG strongly objects to this planning application as follows:

1. NOT PLAN-LED

- 1.1. This planning application contravenes the National Planning Policy Framework (NPPF) 2018 and The Countryside and Rights of Way Act (CRoW2000).
- 1.2. It does not fall within any overarching national or local plan or planning policy.
- 1.3. It does not form part of the North Somerset Local Plan
- 1.4. It is not on the North Somerset Council (NSC) Site Allocations Plan (SAP).
- 1.5. It is not included in the West of England Joint Spatial Plan (JSP).
- 1.6. It contravenes many aspects of NSC's Core Strategy. A particularly notable example is CS32. Note, every single planning application by developers in Churchill Parish since 2017 has been in excess of the limit of 25 houses set by NSC in its revised Core Strategy (10.01.2017).
- 1.7. Over 300 houses have been approved, built or being constructed in a village of 880 houses.

2. CONTRARY TO FINDINGS OF JSP INSPECTORS

- 2.1. **A crucial element of the JSP which caused the Independent Inspectors at Public Examination great concern, was the location of remote Strategic Developments.** This application, following the rejection of the JSP by the Inspectors, completely ignores the Inspectors' report and is in effect turning Churchill Parish into a remote Strategic Development Location (SDL).
- 2.2. In one of the most damning reports ever seen by planning consultants, the two senior, independent, Planning Inspectors (11 September 2019) concluded that the JSP was unsound and recommended withdrawal. One of the major concerns of the Inspectors was that the remote SDLs, such as Churchill, had not been compared to reasonable alternatives on a robust, consistent and objective basis. There are a number of reasonable alternatives close to employment in Bristol or within walking distance of a train station.
- 2.3. The Inspectors' overall conclusion was that there were 'very substantial soundness problems with the plan'.
- 2.4. The selection of 12 SDLs lay at the heart of the plan but fundamentally there was no overall strategy sitting above this.
- 2.5. Furthermore, the selection of the SDLs was **not** made to meet housing needs **where they arise** i.e. employment in Bristol (16 miles).
- 2.6. The inspectors concluded and recommended as follows:
 - 2.6.1. Further work to '**re-justify**' the JSP, particularly with regard to the selection of the SDLs would not be justified or merited. Withdrawal of the plan from examination was the most appropriate option.
 - 2.6.2. The Councils need to reconsider fundamental elements of the JSP including but not limited to the overall spatial strategy and the process and principles by which SDLs are assessed and selected

Therefore, in light of the Inspectors' strongly expressed views, the gravest concerns must be expressed that NSC Planners are entertaining an application for a further substantial development in Churchill and one of such a controversial nature. There is

a justifiable suspicion that NSC had previously adopted an unofficial and unapproved policy of treating Churchill as an SDL without that being formally scrutinised and reviewed through the JSP process. Hence the approval by NSC of at least six substantial applications for a total of over 300 houses to date. But such an approach and such substantial development in Churchill has now been roundly rejected by the JSP Inspectors. For NSC to approve another significant development in Churchill in full knowledge of the JSP Inspectors' highly critical findings would show a breath-taking disregard for the Inspectors' objective assessment and guidance.

3. UNSUSTAINABLE LOCATION. The heavy reliance on car usage for employment, shopping and social trips means that the proposal fails to be sustainable development on the grounds described in paragraphs 8(a) and 8(c) of the NPPF (2018).

3.1. Public transport is unsustainable for commuting to Bristol (Stagecoach representation to JSP Public Examination). Distances and excessive journey times make this unviable.

3.2. CALRAG supports Churchill Parish Council in its refutation of the developer's Transport Statement.

Due to the unsustainable nature of the location the application should be refused under paragraph 38 of the NPPF 2018.

4. EXISTING OVER-DEVELOPMENT

4.1. Over-development - 330 houses added to a village of 880. This is destroying Churchill as a village and decimating its character and rural setting.

4.2. NSC is intent on urbanising Churchill without the authority of any formal planning process. The NPPF requires 'place making' not place destruction.

4.3. Churchill is a rural Mendip village, made up of ancient meadow and orchard, where people have chosen village life which is culturally very different from town life. They value the huge community spirit as demonstrated by the unprecedented number of objections to the JSP which was noted by the Inspectors. People in this village are feeling under constant threat that their way of life is disappearing through bad planning.

4.4. Churchill Parish is the **2nd least sustainable location of the 9 'Service Villages' by NSC's own estimation.** The increase in housing and population in Churchill is unsustainable in respect of medical facilities, (See comments from Mendip Vale Practice Nurse) traffic, school places, road infrastructure, parking, shopping facilities etc.

5. AONB

The nationally protected landscape of the Mendip Hills Area of Outstanding Natural Beauty (AONB) covers 198 square kilometres from Bleadon in the west to Chewton Mendip in the east. The AONB partly lies within the West of England Plan area to the south-west of the wider Bristol area and south-east of Weston-super-Mare. Areas of Outstanding Natural Beauty (AONBs) are some of the UK's most cherished and outstanding landscapes.

5.1. The Countryside and Rights of Way Act (CRoW) 2000 confirmed the significance of AONBs and Section 85 places a statutory duty on all relevant authorities to

have regard to the purpose of conserving and enhancing natural beauty when discharging any function in relation to, or affecting land within an Area of Outstanding Natural Beauty. Potential development proposals outside of the boundaries of AONBs that may have an impact within the designated area are also covered by this 'duty of regard'.

- 5.2. The Mendip Hills AONB Partnership produced the Mendip Hills AONB Management Plan 2014-19 as required by the CRoW Act on behalf of the joint local authorities and the Plan has been adopted by North Somerset Council, Bath & North East Somerset Council, Somerset County Council, Sedgemoor District Council and Mendip District Council. The Management Plan (paragraph 1.4) sets out a Statement of Significance on the special qualities of the Mendip Hills AONB that create the Mendip Hills sense of place and identity and these include views from the Mendip Hills AONB and settlements of Mendip stone, many at the Spring Line, retaining dark skies and a sense of tranquillity.
- 5.3. As set out in Natural England's National Character Area (NCA) profile for the Mendip Hills (141), the area is, "*Renowned for its tranquillity and inspirational qualities ...*" The NCA further recognises that, "*Light pollution from development threatens the extent of the recognised dark skies and out-of-character development is a continuing risk to the essential nature of the area.*"
- 5.4. In the NCA Statement of Environmental Opportunity (SEO1, it asserts that Councils must, "*Safeguard inward and outward views and to the distinctive hill line and conserve and enhance the special qualities, tranquillity, sense of remoteness and naturalness of the area*"
- 5.5. Similarly, the National Planning Policy Framework (NPPF para 115) sets out that, "*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*"
- 5.6. **NSC Landscape Character Sensitivity Assessment 2018 p107** shows that this area is rated as '**High Sensitivity**'. This highest classification of sensitivity cannot be ignored.
- 5.7. The application site lies outside the Churchill settlement boundary and immediately adjacent to the Mendip Hills AONB. Geologically and scenically, it forms part of the Mendip Hills. It is defined in this way by the NSC Landscape Character Assessment (Wardell-Armstrong 2018), and by the current Natural England National Character Areas Assessment (2013).
- 5.8. The position in law of AONBs was greatly clarified by the Countryside and Rights of Way Act (CRoW) 2000. This application will have an unacceptable and harmful impact on the rural character and landscape setting of the surrounding area and on views into and out of the Mendip Hills AONB.
- 5.9. CALRAG does not accept the contrary assessment by Tyler Grange in support of this planning application. This is the result of **a remarkable misinterpretation** based on the examination **of certain unrepresentative and carefully selected view-points**.

- 5.10. Importantly, a further consequence would be a loss of separation and the coalescence of the existing settlements. The proposed site currently provides an essential buffer between the AONB and the A38/A368 junction.
- 5.11. It is notable that **these very same objections were raised in NSC's pre-application advice and cited by NSC officers as a reason to object to the application**. Nothing at all has changed since that advice. The Mendip Hills have not moved and the objection on this ground remains as fundamental as ever.
- 5.12. The increase in light, traffic and noise pollution adjacent to the AONB is unacceptable.
- 5.13. The proposed application lies adjacent to the Queen Victoria Diamond Jubilee Oak and its enclosure including the adjacent Tree Preservation Ordered (TPO) Wellingtonia. This enclosure and railings are Grade 2 listed. They also lie within the proposed Churchill Conservation area.
- 5.14. The whole of the hedgerow (containing many large trees and a bat-flight corridor) – which comprises the A368 boundary of this site - is subject to a tree preservation order. This renders unlawful the proposed amendments to this boundary. **The designation is incompatible with the proposed development**, despite assertions made by the Tyler Grange Arboricultural Impact Assessment.

6. TRAFFIC

- 6.1. **Climate Change Emergency.** 87% of the working population in Churchill commutes to work (2011 Census). This % will have increased in the intervening period. The additional housing already 'in build' in the village will increase the number and percentage of car commuters. This flies in the face of NSC's and Bristol's avowed environmental policies on Climate Change.
- 6.2. **Public Transport** is virtually non-existent and Bristol's recently announced policy will prevent access into central Bristol by diesel cars by 2021.
- 6.3. Yatton train station is 5 miles from the application site in Churchill and access is across an already highly congested double off-set junction in Congresbury. In rush hour, to cross this junction it can take over an hour.
- 6.4. The A368 here is substandard and, due to adjacent properties and stone walls, almost impossible to modify (NSC Banwell Area Transport Study, *Designs for Churchill Parish*, Jan 2003).
- 6.5. The traffic proposals are very dangerous. The access is on to an extremely busy Dinghurst Road which is heavily used by HGVs.
- 6.6. The adjacent footway is of substandard width (NSC Banwell Area Transport Study, *Designs for Churchill Parish*, Jan 2003). This is an extremely narrow pavement frequented by hundreds of children twice a day during term time on route to Churchill Academy and Sixth Form and Churchill Primary School.
- 6.7. The proposed (uncontrolled) pedestrian crossing adjacent to Churchill Gate is quite simply unsafe and entirely unacceptable.

- 6.8. The access onto Skinners Lane is wholly unacceptable. This is a narrow country lane which on a daily basis is full of the parked cars of villagers and also patrons of 2 very popular country pubs.
- 6.9. Traffic generated by the site will exacerbate the already significant traffic problems at Churchill lights.
- 6.10. The trip rate assumptions (AM) - which are based on TRICS data - are dubious, since our own extensive data from local estates shows much higher rates (see JSP Examination paper M6/34).
- 6.11. The current ATC data (DLP Planning Ltd) demonstrates (relative to earlier mid-decade measurements) a sharp increase in A368 traffic and in the heavy vehicle percentage also. HGV damage has already occurred at the Queen Victoria Diamond Jubilee Oak enclosure.
- 6.12. A prospective Banwell bypass will direct additional Banwell/Sandford traffic through Churchill. This in itself will lead to major traffic jams at the Churchill Traffic Lights.
- 6.13. To have a 48- house development disgorging traffic onto an already extremely busy major junction thereby exacerbating already significant traffic issues is completely unacceptable.

7. ECOLOGY – Habitats Regulations Assessment.

- 7.1. The presence here of Greater Horseshoe Bats on each of 3 site surveys indicates this development is unlawful under International Law – and, were this development to be permitted, then NSC would be in breach of Natura 2000 regulations regarding an endangered species. The precautionary principle must apply here and so this overrides all possible local or national assessments (see JSP Examination papers M1/31 and its 15 appendices, together with M1/55).
- 7.2. According to the Ecological Assessment 10824_R03B, the site also supports a substantial number of bat species. The rare nantusias pipistrelle as well as many other wildlife species. As the site is historically rural pasture, there will be a big impact on wildlife habitats. These include badgers, deer, hedgehogs, ravens, buzzards, owls, and a wide range invertebrates and vegetation upon which they feed.

8. FLOODING

- 8.1. Storm water runoff from this site can be intense; it is primarily driven by through-flow from within the steep Mendip slopes immediately behind. The measures proposed to deal with this storm water influx are totally inadequate and the proposed attenuation pond will overflow onto the A368 adjacent to the Churchill Gate junction with the A368. **The assessments made by consultants SDD of DLP Planning Ltd are based upon assumptions which (although often appropriate elsewhere) are unfortunately invalid for this particular site.** Hydrological studies have shown that substantial sub-surface flow draining down from the Mendip Hills passes through this proposed development site.

9. TIMING OF THE APPLICATION/ABSENCE OF ANY PRIOR CONSULTATION

- 9.1. There has been a total absence of consultation with local stakeholders, including neighbours and the Parish Council, during what were evidently very lengthy pre-application discussions with the developer – therefore ignoring guidance set out

in paragraphs 39-41 of the NPPF. Once alerted to the application there has been an overwhelming number of objections to the development from local residents – see planning portal.

9.2. Bearing in mind the General Election and the Christmas break, it appears this application has been deliberately timed to limit public scrutiny and objections. Properties immediately affected by this application have been given a ludicrously tight timeline to submit responses to what is a highly controversial and sensitive application.

9.3. This application further erodes the already very low level of trust that residents of Churchill have in NSC, its planners and its Executive.

CALRAG reserves its right to make further comments about archaeology, ecology and indeed every aspect of this application on the grounds that we have had so little notice and time to provide any more detailed responses on such topics, particularly as the application has been published so close to a general election and our villages' Christmas festivities.

17.12.2019