

Land West of Park Farm Inquiry – Statement on behalf of TRAPP'D

Appeal reference: APP/P0119/W/21/3288019

SGC Planning reference: PT18/6450/O

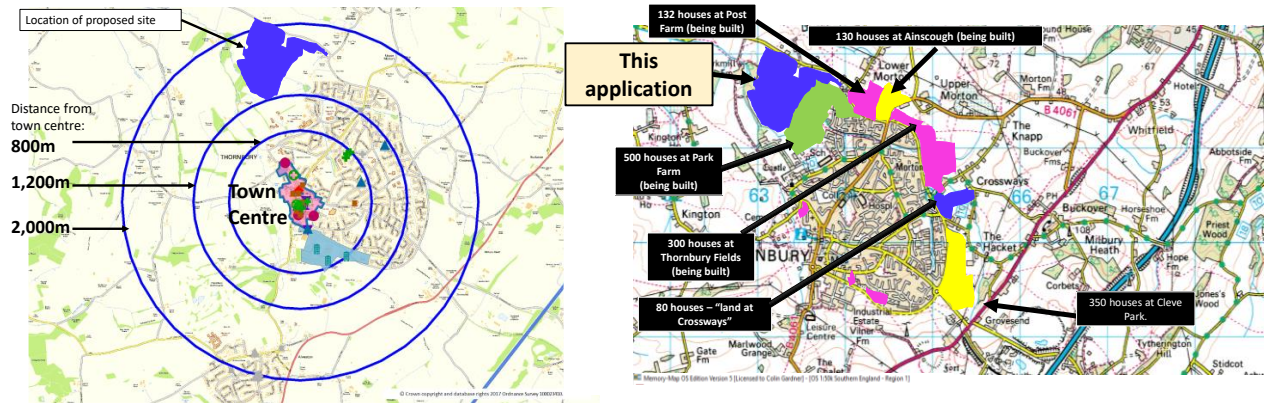
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Introduction to TRAPP'D

1. Madam, I am Co-chair of TRAPP'D – Thornbury Residents Against Poorly Planned Development – which is a housing action group formed in 2016 by like-minded residents who felt that enough was enough in terms of development around the town. We don't have formal membership, but we currently have 560 subscribers to our Newsletter. At our last public meeting in January, we launched a short film about our objection to another proposed development at Buckover which also contains quite a bit of background about what is happening to our town that may be relevant to this case, and I attach a link at the end of this statement for anyone interested to see it.
2. We appreciate the opportunity to speak and hope we can bring something more than just the planning arguments as we see them, but to give the inquiry a sense of how residents *feel* about what is happening to our town. We think it's a good thing that an inquiry takes time to set the scene this way but, to capture this completely, I will need to describe some issues that are perhaps outside the usual planning language norms.
3. When we came together, we knew nothing about planning, so we've had to learn certain terms, and we've come to recognise the special meaning of phrases like "*tilted balance*" and "*the lower end of less than substantial harm*". We understand the point of standardising the meaning of such language to give improved consistency of judgements, although that does have a downside, as we will see in a moment. However, there is one term that we've heard a lot of which sets our teeth on edge; I am talking about the habit of lawyers acting for a landowner or developer to preface any derivative of the word 'house' with the phrase "*much needed*". Why would that sound like fingernails on a blackboard to us? The answer is that this phrase has no special planning meaning but rather is an attempt to confer a noble cause to a speculative commercial venture in the hope of a more favourable hearing. We think this should not go unchallenged.

A journey through Thornbury

4. I would like to kick off with an imaginary journey through our town. We start at the Ship Inn where the inquiry was originally scheduled to take place and turn left onto the A38. Just before we come to the traffic lights, we pass a crucial boundary. This boundary has no signpost, but it marks a frontier at the edge of which the law of unintended consequences is neatly illustrated. I'm talking about the greenbelt, of course, which runs broadly in a north-west to south-east diagonal through the town. Beyond this point is a sort of north-east "frontierland" representing the first point north of Bristol outside of the greenbelt, with landowners seeking great fortune as if in some modern-day gold rush. This is why the shape of the town is being distorted by an urban bulge heading north and east, with the town's centre of gravity marching steadily away from the high street - most clearly seen on the diagrams in our appeal document, repeated below. One rather fitting description I have heard is that it's like a seaside development without the coastline:



5. We continue on our journey, turning left at the traffic lights down Grovesend Road, which could be thought of as the town’s front door. On the right we see Cleve Park with permission for 350 houses, and probably the worst development we’ve seen to date in terms of visual impact, with 11m+ buildings sitting on a hill, bearing down on the town. This one we lost on appeal in March 2018. One interesting aside, this case was also involving a land assembly agent and we argued that by the time the land would be sold, reserve matters agreed and so on, this site would barely, if at all, contribute to the housing supply within five years; well, we’re now deep into the fifth year as we approach the point where the first dwellings are completed.
6. Next, turn right at the roundabout and onto Morton Way with the western edge of Cleve Park on our right until we get to our next destination, the most recently approved site for 69 houses on Crossways Lane, just last Summer. Usefully to mark the spot, Bloor Homes put up a sign stating “land Acquired for another new development”. The emphasis here is surely on the word “another”, which perhaps would be more appropriate if it said “yet another”. The main argument here was that we may just as well fill in the green space between Cleve Park and phase 3 of Thornbury Fields with its 300 houses. This latter development actually included in the Core Strategy that was supposed to take us up to 2027, but only because developers won on appeal before that Plan was adopted.
7. At this point, behind Thornbury Fields we have Bovis with their proposal for 370 houses. This one was rejected on appeal in 2019, with heritage issues being a major factor here, but Bovis haven’t given up and it is back in the most recent ‘Call for Sites’. One interesting aspect of this case was that the Council was firmly set against it because it would have backed directly onto the proposed 3,000 house Buckover site which the Council was supporting in the failed JSP, and the promoters of Buckover were Co-Respondents on that inquiry.
8. We continue our journey to the junction at the end of Morton Way and find ourselves looking directly at the 130 houses at Morton Meadows (aka Ainscough). Go straight across the dog-legged junction onto Butt Lane, past the southern edge of that development, and on our right we immediately come onto the 132 houses of Post Farm.
9. Before completing our journey past Post Farm, we look to our left and we see the 500 houses at Park Farm. This site holds the distinction of being the only development that was not speculative.
10. Finally, once past Park Farm, we reach the site of the North West Thornbury Consortium, the subject of this inquiry, being the largest development ever in Thornbury to reach this stage of the process. By now, if we add a handful of smaller sites elsewhere in the town, we have counted more

than 1,700 houses given permission since 2011, which is an increase in the size of the town of one third – almost all unplanned – with next to no investment in supporting infrastructure.

11. At the end of this tour, I defy anyone to say that what is much needed is another speculative development with yet another 600 houses. What is much-needed is a call to halt this mad scramble to cash in on land values. What is much-needed is to preserve what is left of our green spaces, especially when almost 70% is on precious Best Most Versatile Land – just when we are realising that world events dictate the value of self-sufficiency on crops such as wheat.

Services overstretched

12. Even though adequate access to GP services is usually outside the scope of planning decisions, we believe the measure of patients per GP is a good bell-weather of strain on a town's infrastructure because it is a service that everyone needs and can be measured objectively over time and against other locations. The reality here in Thornbury is that provision of GP services has failed to keep up with the growth of the town, even with only about two thirds of that 1,700 increase having already been built, and the issue has nothing to do with the physical availability of premises. The problem is that the quantum of full-time equivalent GPs has remained static, or even decreased, with most GPs in the town now working part time, whilst the size of the town continues with its uncontrolled expansion. Note that this problem cannot be fixed by building more premises.
13. The last time we measured it at the end of 2017 the service level had climbed to unacceptable levels at 1,810 patients per full time equivalent GP, comparing unfavourably with the South Gloucestershire Infrastructure Delivery Plan which notes that the standard capacity should not exceed 1,700 patients per GP. Since then, the situation has worsened significantly and, prior to the Covid pandemic, it was not possible to obtain a non-urgent appointment in less than 6 weeks.

Travel and Transport

14. I mentioned earlier that there can sometimes be a downside to consistency of planning judgements, and that comes when an early judgement turns out to be incorrect. This happened some time ago on one of the early developments, when it was decided that it was within walking distance of local services. Since then, the argument has been successfully deployed that if Site A is within walking distance, then the same must be true for Site B, and thus the error is perpetuated. We then get to the point whereby the Council considers it futile to continue the argument, and so it becomes common ground between the Council and the appellant that every site is within acceptable walking distance. Well, I am here to tell you they are both wrong. Take it from me as a local resident that almost nobody ever walks to the town centre from any of the developments we have highlighted today. I believe that one of my colleagues within TRAPP'D has submitted detailed evidence about the walking distance from the application site which clearly shows that all main services are well beyond the maximum walking distances set by PSP 11. This inquiry has an opportunity to examine the evidence properly, and we would ask you please to do so.
15. I want to turn now to the issue of bus services. The key point to understand here is that bus services, both around the town and further afield into Bristol, are a vital lifeline for those who rely on them, but they are almost entirely unused as a means for travel to work, with the 2011 census showing the public transport modal share for Thornbury at just 1.7%. Even before the pandemic, buses would circle around the town and into Bristol almost empty. In other words, buses in and

around Thornbury should be viewed as a crucial social service but are irrelevant when it comes to the large-scale movement of people between where they live and where they will work or spend their leisure. Consequently, almost every one of these developments comes with a minimum of one car per household, and no amount of additional bus services will compensate for the cumulative effect of the additional congestion caused.

16. This point was made really clear in a BBC radio programme aired on 7th March entitled “My name is Sam” (see link at the end) about a man with a progressive disability living in the eastern fringe of Bristol, which is within South Gloucestershire. He has a flat adapted for his needs, but only on a temporary basis. The Council had offered him alternative accommodation and told him he had to take it, or else their responsibility to him would be curtailed. You have probably guessed that this alternative was in Thornbury. He points out that this is entirely unsuitable for him because he works in Bristol, as do his carers, and the bus services between Bristol and Thornbury take too long and are too irregular to be of any use to him. He tells the programme maker that “*he doesn’t want to have to live in the middle of nowhere*”.

17. That description seems a bit harsh to me but, in the context of the point he is making, he is right. The situation is further compounded by the recent withdrawal of the T2 service, which provided the only direct link to Bristol via the A38, hence severing key employment destinations from the public transport system. The inescapable conclusion is that if you are reliant on the bus then, unless everything you need is within the town, Thornbury is completely useless to you. This has several connotations for planning:
 - First, if Thornbury is proposed as a location for housing to support the wider population of South Gloucestershire, or even the West of England, it must be for people to commute to work with the private car. This is exactly what TRAPP’D found in our survey of two of the new developments in 2018; two thirds of the new residents had moved from Bristol, and two thirds of the population commute back to Bristol every day.
 - Second, Thornbury is an inappropriate location for social housing for anyone who needs to travel further than the town and must use public transport to do so.
 - Third, the usual argument about contributions to the CIL being channelled towards sustaining bus services, that will resolve the congestion problem caused by the additional houses, does not apply to Thornbury. I would emphasise that the problems of congestion in and around Thornbury at rush hour are not limited to J14 of the M5, but are found all the way down the A38, including the Almondsbury junction and beyond. Furthermore, the agreed work to be done in relation to J14 is merely to extend the off ramp to address the safety issue of northbound vehicles queuing on the motorway to exit that junction; it will do nothing to offset the additional congestion itself at a junction that has possibly the unique feature of a set of part time traffic lights that are switched OFF at the morning rush hour because of the queuing problem tailing back onto the A38.

Unsuitability of Thornbury for Bristol’s overspill / Predetermination of new Local Plan

18. The inquiry will no doubt be aware that the Council is currently consulting on Phase Two of the new Local Plan, and this stage of the consultation explicitly excludes the possibility of some of Bristol’s unmet housing need being exported to South Gloucestershire – the consultation states that the consequence of any such exported housing will be dealt with in a later phase. We will naturally be arguing in the consultation that any additional housing in Thornbury would rely almost

exclusively on the private motor vehicle. Given also that all the Local Authorities within WECA have a mandatory commitment to achieve carbon neutrality by 2030, and that transport accounts for a growing share of the authority's carbon emissions – now at one third of the total – this would be the worst location possible for expansion from the point of view of achieving that mandatory goal, which also happens to be the first stated overarching priority for the Plan. Add to this the fact that the type and tenure of the housing need for urban Bristol is like chalk and cheese compared to the rural parts of South Gloucestershire, and we believe the case for using Thornbury as an overflow to deal with the potential unmet need from Bristol would be unsound. If this appeal was allowed it would, therefore, undermine the consultation process, specifically our right to argue our case of the unsuitability of Thornbury as an overflow for Bristol.

Housing supply

19. In terms of the overall housing supply, we have already said that we are not qualified to comment on the deliverability of the sites listed but, we do take issue with the way the Council has calculated the contribution from small sites, and for this I would refer you to Appendix A of the Housing Supply proofs, and the footnote about small sites supply on the final page. Here it correctly states that *“Monitoring of past completions of small sites reveals an annual average of 253 units since the start of the Core Strategy period”*. However, it then goes on to say that *“To reflect these figures a conservative allowance of 210 dwellings has been assumed”*, but the second sentence doesn't make any sense in the context of the first; in what way does an average of 253 units translate to a conservative figure of 210, and why should the Council be applying an apparently random conservative adjustment to a numerical fact? The NPPF does not say that the small sites allowance should be “conservative”, it says it should be “realistic” with Para 69 stating that *“Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends”*. To the extent that the NPPF requires conservatism to be applied it does so within the provisions for a buffer; it is not for the Council to be factoring in its own random downward adjustments as the data is compiled, it is for the Council to produce its best objective assessment, and then apply the buffer prescribed by the NPPF.
20. If the correct amount of 253 units per annum had been used, then the land surplus / deficit would improve by a total of 215 units or 0.15 years. This may be relevant in the event that the inquiry concludes that the land supply is otherwise close to the 5-year figure and, for good order, it would be worth recording the need for this correction in the Council's assumptions.
21. Even if the inquiry concludes that South Gloucestershire cannot demonstrate a five-year land supply, we contend that this development is particularly ill matched to improving the situation. Experience shows that large developments are very slow in coming to fruition and the involvement of a land assembly agent, such as Barwood or where the original applicant sells on, extends the period between outline permission and reserved matters being agreed. This not only arises because of the time taken to find a buyer or buyers, but because the developer(s) having paid a high price, will want to reconfigure the design making the process of agreeing reserved matters more complex. There are numerous examples in South Gloucestershire, as illustrated by my earlier remarks about Cleve Park. Furthermore, in relation to this appeal there is an additional complication caused by the condition agreed with Highways England which included *“the imposition of a planning condition requiring the implementation of improvement works to Junction 14 prior to the occupation of the 100th dwelling”*. Highways England operates on a five-year Road Investment Strategy (RIS) cycle, currently working through RIS2 (ends 31st March 2025), which

does not include Junction 14. The next cycle, RIS3, is already underway with 32 schemes identified including the improvement of motorway junctions through the Safety and Congestion Fund. As of now Junction 14 is not included and, even if it is admitted, design will not start until April 2027 if not April 2032. Given that the A38 Thornbury Corridor Strategic Transport Study (The Atkins report – April 2019) commissioned by the Council found that junction 14 is already at capacity, and that a full interchange arrangement over two bridges will be necessary (as opposed to the lesser standard dumbbell arrangement), we think it highly unlikely that this work will begin before 2032, including the critical safety work required on the north ramp, without which this housing development cannot proceed past 100 houses. The chance of this proposal contributing any housing within the next five years is therefore vanishingly small and, in our view, it would be a travesty to allow this appeal based on a lack of adequate land supply, only for the development to fail to contribute to a remedy for this situation.

22. For the record, we would also point out that paragraph 2 of the Statement of Common Ground with National Highways is highly misleading in stating that it is common ground that the Local Plan identifies Thornbury as a location for growth, because this statement is only to be found in the JSP which, as we know, has been rejected. Furthermore, the 500 houses on which that statement was predicated in the defunct JSP have since all been permitted as speculative developments, and no re-statement of Thornbury being necessarily proposed for further growth is included in any of the consultations so far for the new emerging Local Plan. As we stand today there is therefore no sense in which an extant or putative Local Plan proposes Thornbury as a location for growth.

Thornbury Neighbourhood Plan

23. That brings me to the Neighbourhood Plan which we now know was approved in a referendum on 31st March, with some 90% of those that voted in favour, and was formally and unanimously adopted by the Council earlier this year. There is a team of residents who have freely given a great deal of their time and effort to produce this plan and have done so amidst a prevailing attitude of scepticism in the town that anything to do with planning, or South Gloucestershire Council, must be a threat in the light of the mad scramble for speculative development that they have experienced. With the ink barely dry on the Neighbourhood Plan it would make a mockery of local planning democracy if this inquiry is seen to be dismissive of residents' wishes, with a risk that it may permanently kill off any constructive engagement with the planning process.
24. With that in mind it is extremely unhelpful to see Mr Matthews' proofs of evidence which paint a picture of this development being entirely in line with the spirit and policies of the Neighbourhood Plan, stating that (my emphasis) *"the appeal proposals do not conflict with **any** of the policies of the TNP, on the contrary they will support the delivery of certain elements"*. This is plainly misleading, and I think there is a need for some intellectual honesty here. Before I come to the individual policies, I think it's helpful to first stand back and look at the context. The Neighbourhood Plan states that what matters most to residents is *"The historic character of Thornbury and the importance of its 'rural feel'"* and *"to avoid becoming part of an urban sprawl"*, and goes on under the heading of Character and Setting to express *"a concern that the continuing expansion of developments around the edge of the town threatens the individual setting and identity of these hamlets/villages to the detriment of the rural character of the area as a whole"*. Looked at from a high level, there is simply no way that this proposed development does anything other than crystallise the fears and concerns that prompted the need for a Neighbourhood Plan in the first place.

25. However, let us now look at the fit with the individual policies. We are agreed that there are 23 policies within the Plan, of which 15 are relevant to this proposed development. Four of these are in line with the aims of the Neighbourhood Plan, those being Policy 7 (energy renewal), Policy 8 (mixed development), Policy 18 (connections through Streamside Walks) and Policy 21 (walking and cycling). The policy on phasing arrangements for infrastructure services (Policy 14) I am unqualified to comment on.
26. That leaves ten policies which, in my view, either directly or partly conflict with the proposal. In appendix NM5 Mr Matthews gives an analysis of each policy which, for most of the ten remaining, are of the “No, but...” variety, essentially saying that the development is not consistent with the policy, but then going on to give an excuse of why he thinks it doesn’t matter. I give below a list of those policies, each with a direct quote from Mr Matthews with the excuse stripped out:
- Policy 1 (Rural character and setting): *“the development is on agricultural land adjacent to the Thornbury settlement edge”*
 - Policy 2 (Neighbourhood Development Frameworks): *“a specific document entitled a Neighbourhood Development Framework has not been submitted”*
 - Policies 3 and 4 (High quality design and Design Review): *“no such process has been undertaken”*
 - Policy 5 (Sustainable design & construction): *“[The] policy [requires]... the application of sustainable design and construction standards over and above those required by building regulations”*. In other words, this application meets a lower standard.
 - Policy 6 (Energy efficiency): *“This policy seeks to encourage buildings which have a net emission of zero or below”*. Again, in other words, this application meets a lesser standard.
27. Three policies appear to be partly, but not completely, met by the application:
- Policy 15 (Leisure opportunities for young people): The application includes a children’s play area, but makes no mention of the required facilities for recreation, sport, informal leisure and youth club provision as far as we are aware
 - Policy 16 (Community facilities): The application contains suitable provision for facilities, but we can find no mention of the required statement establishing phasing and delivery. In other applications we have found provision for “space” for such facilities, but no commitment to fund the actual building, so that the space ends up being an empty eyesore, eventually turned into yet more houses
 - Policy 17 (Green infrastructure, biodiversity and food production): The application may provide green corridors through the new GI network, but will clearly result in a significant loss of food production, being 69% BMV land
28. Finally, Policy 20 (Highways impact) is one where we simply differ completely with Mr Matthews. The policy states that *“Major development proposals which create either individual or cumulative impacts on the highway network will be required to fully mitigate these impacts”* and *“Development proposals which due to their scale, nature or location will adversely affect air quality especially within the town centre should demonstrate what measures will be taken to effectively mitigate emission levels in order to protect public health”*. The only mitigations proposed by the development are firstly the extension of the off-ramp on the northbound exit of junction 14 and provision of the CIL which may go partly towards subsidising bus services. However, as we have seen already, all this will do is address one safety aspect on the M5 and provide a subsidy to a bus

service that will remain almost entirely unused. In no sense do these actions constitute a “full mitigation” of the marginal impact on the road network of this development.

29. I would ask the inquiry to take the Neighbourhood Plan seriously and not allow the applicant to dismiss the policies set out as irrelevant or somehow undefinable as Mr Matthews has done in his proofs.
30. The next question is the critical one of whether the Neighbourhood Plan offers the additional protection of lowering the threshold in which the tilted balance applies from a land supply of five years to one of three years. The appellant argues that this is not the case because the community has not engaged in allocating land for development to meet a recognised housing need. However, this is not quite correct; the Plan starts with the Core Strategy and then allows for subsequently approved speculative development, but it goes further - Policy 8 on Brownfield Land offers its support to the redevelopment of previously developed sites, and positively identifies the Castle School 6th form centre as an example.

Heritage

31. My final point is on the issue of heritage on which it is common ground that highly graded designations are affected by the proposed development. It is sometimes the case that expert witnesses argue over the value of, and harm to, heritage assets that can seem rather obscure to most residents, but that is not the case here. The Neighbourhood Plan sums it up correctly in its introduction by saying that *“Thornbury’s unique character and historic identity is valued by the community including its heritage buildings, its 16th century castle and St Mary’s church which dates back to the 12th century”* and I would like the inquiry to understand that these heritage assets in their setting are highly valued by residents.

Conclusion

32. On behalf of the residents of Thornbury I would ask the inquiry to reject this appeal.

Links to other information

Short film – “Say NO to Buckover”: <https://youtu.be/-Pr5PKzaqI0>

BBC programme: “My name is Sam”: <https://www.bbc.co.uk/sounds/play/m001546r>