

New Local Plan Options Consultation March 2024
Combe Down Allotments
Local Green Space status and Minerals policies.

Summary

This note examines the relationship between Local Green Space designation and the Minerals policies affecting the Combe Down allotments site.

The Bath Allotments Association (AA) considers that the designation of the Combe Down Allotments site as a Local Green Space would not be in conflict with the Minerals policies in the Plan.

Protection under policy LCR 8 (Protecting Allotments) is welcomed, but it is not sufficient to protect the site. The Local Green Space designation is needed to protect this Green space from speculative changes of use.

Given the Climate and Biodiversity Emergencies, this historic allotment site should be given maximum protection under the policies in the New Local Plan, in order to achieve sustainable development of the area.

The various extensions into the allotments have taken a heavy toll on the local growing community. This is a large site of 64 plots, with capacity for more and with many people on the waiting list. There has been a huge increase in the population of the area. This has reduced the community's ability to live sustainable, healthy lifestyles and most importantly, to contribute to tackling climate change.

The Principle of Local Green Space (LGS) designation of allotments

Almost all allotments (including those in private ownership) within Bath are already designated as LGS. A previous nomination in 2015 by the AA to designate the Combe Down allotment as an LGS was accepted, so there can be no “in-principle” reason why Combe Down Allotments should not be so designated¹.

However, the 2015 LGS nomination for the site was removed from the Place Making Plan at the last minute. The Council stated that there had been an oversight, and gave the reason that there would be a conflict between LGS status and the Minerals safeguarding policies which also covered the site. This was a hasty decision and no in-depth examination was made at that point in time – See Appendix 1 for a copy of an email to a local Councillor explaining this.

A second LGS nomination was made by the AA as part of the New Local Plan June 2024 consultation. It is also recommended to be turned down, for the same reason. (see Appendix 2). The consultation also states that as the matter has been subject to full

¹The criteria for designating LGS are set out in paras. 105 to 107 of the National Planning Policy Framework (the Framework).

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examination, the Council does not intend to revisit the issue. The AA contends that no such full examination ever occurred. It is in the interests of fairness, that the nomination should be fully examined in this round of designations.

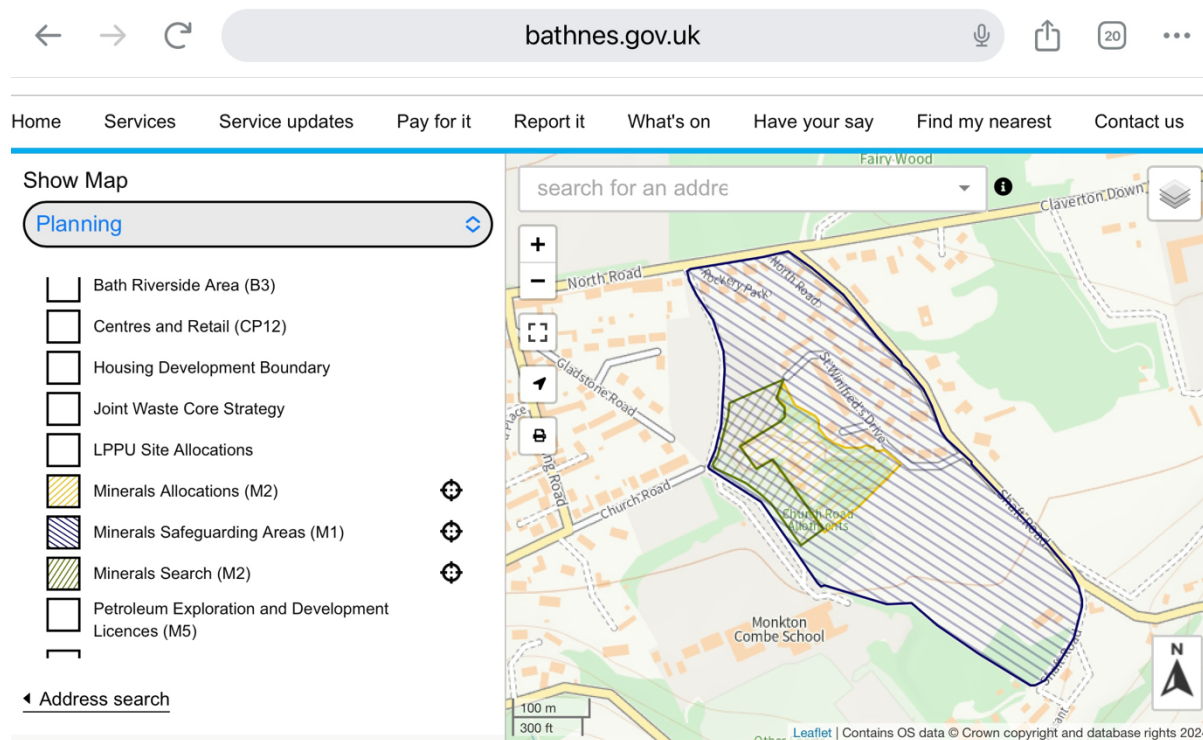
What is the the difference between Green Belt designation and Local Green Space designation?

These two designations are very similar. The Governments policies² require that “policies for managing development within a Local Green Space should be consistent with those for Green Belts.” In other words, proposals for development in Local Green Spaces should be treated the same way as for Green Belts.

However, it is important to understand that Green Belt/LGS status does not automatically rule-out the possibility of development³.

What are the Minerals policies in the current Local Plan and what do they seek to do?

Plan 1. This is an extract from the current Policies map, showing the three minerals policies covering the site.



²The Government explains the effect of LGS designation in paras 105 -107 of the National Planning Policy Framework (The Framework, Dec 2023). All Local Plans must conform with this Framework.

3. (Para 155)

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The Council is required by the Government to adopt policies that ensure that “mineral resources of local and national importance are not sterilised by non-mineral development.”

Policy M1 *Minerals safeguarding.*

This policy aims to avoid the “*needless sterilisation of mineral resources by non-mineral development.*” It also states that “*there is no presumption that any of these areas will be acceptable for mineral working nor should they be used to automatically preclude other forms of development.*”

Policy M1 is an area of 12.8 hectares, covering the houses in St Winifred’s Drive, the former Rock Garden quarry, as well as the playing fields, the allotments and the Rugby grounds.

35% of the M1 area is already within the Green Belt (the Rugby grounds and clubhouse, (4.5 hectares). This area is also covered by policy LCR5 (*Safeguarding existing sport and recreational facilities*).

44% of the M1 area is under houses, the quarry itself and playing fields. Apart from the area covered by M2 (*Preferred area*) on the grass area to the north of the quarry, no further surface quarrying is likely to take place here.

20% of the M1 area is the remaining allotments. Of this the AA estimates that half is currently covered by Policy LCR8 (*Protecting allotments*), but approximately half of this is overlapped by M2 (*Preferred area of search*).

Policy M2 (*Minerals allocations*), is the quarry itself, although the boundary needs updating. There is inconsistency between the maps for the different policies and the actual site boundary of the quarry. On the current policies map above, M2 (*Minerals allocations*) is shown over two sections of allotments, which is incorrect.

Policy M2 Minerals (*Preferred area of search*) marks out where quarry expansion is an area “where planning permission might reasonably be anticipated”. It is limited to a small area west of the quarry, (already partly now taken into the quarry by the latest extension), and to the north (a grassed area). The AA is concerned that the southern line of the M2 (*Search*) area has not been drawn in the right place as it does not line up with the northern edge of the allotments. It should also be noted that the latest extension to the quarry is different to the approved extension area.

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Plan 2. Extract from policies map showing Policy M2 (*preferred area of search*) for future stone extraction.



What are the chances of a conflict between Policy M1 (*Safeguarding minerals*) and Local Green Space designation?

Relevant factors

Rates of extraction are restricted

The quarry operators are restricted by a planning condition⁴ to extracting a maximum of 5,000 tons per year. They have stated that the extraction of the latest extension would take until 2035⁵. Any change to this would require a further permission or a variation to the conditions attached to their planning permission. This would mean more industrial lorry movements through a residential area. It is highly unlikely that an increased extraction rate would be approved.

At current rates, the AA estimates that the M2 (*Preferred area of search*) could supply 50+ years' worth of stone extraction beyond 2035.

There are previous workings on and near the allotment site.

Areas within the existing quarry on the south (allotment) boundary and within the set-aside area have already been worked, and restored. Surface extraction of stone is highly unlikely to

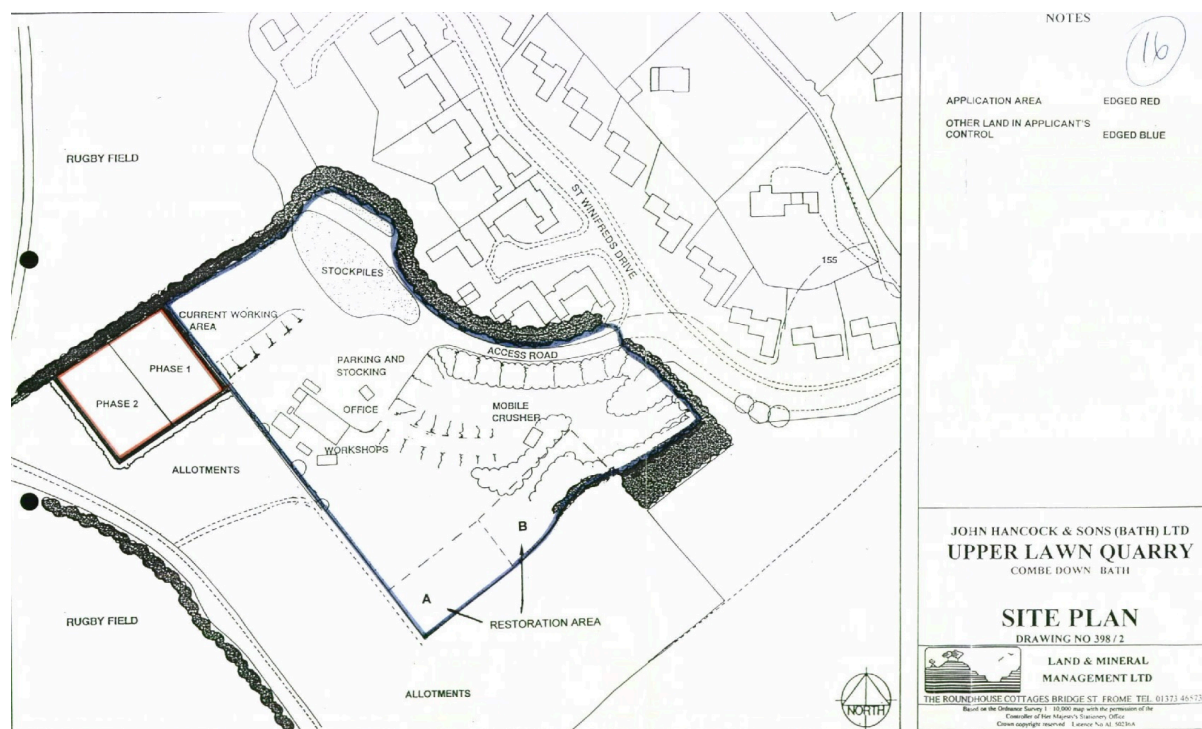
⁴ 16/05548/MINW

⁵Condition 5 of the permission requires that the quarry shall cease extraction by the 31 December 2035, and the area be restored within one year after that.

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expand southwards from the existing quarry site into the allotment site, as that part of the quarry has already been worked and restored. New vehicle access to mine workings from St Winfred's Drive is unlikely to be acceptable.

Plan 3. Previous quarry workings.



Allotments do not need permission for a change of use.

Allotments do not require planning permission on agricultural land, which this site is. They have no impact on the below ground conditions. They would be the best use for safeguarding the mineral resource underground for the very long term, whilst giving a financial return higher than agricultural land.

35% of the M1 (minerals safeguarding) area is already in the Green Belt.

A policy “overlap” between LCR5 (*Safeguarding existing sport and recreational facilities*) and Green Belt already exists on the Rugby Grounds, which is 35% of the M1 area. This is the same as if the allotments were given both LCR8 (*Protecting allotments*) together with LGS status, as the same tests will have to be applied. The proposed LGS coverage of the allotment area would not materially change the impact of existing policy overlaps.

Minerals extraction is allowable in the Green Belt/Local Green Spaces.

The National Planning Policy Framework specifically lists types of development that are “not inappropriate” (in other words that are acceptable in principle) in Green Belts, “provided they preserve openness and do not conflict with the purposes of including land in the Green Belt”. Mineral extraction as one such example.

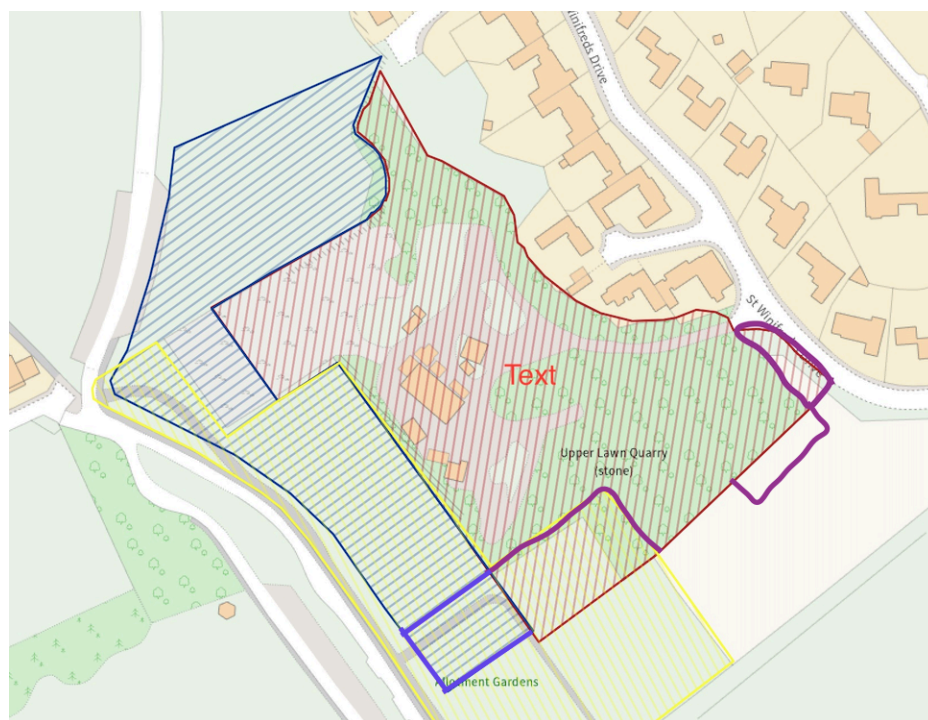
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Conclusions

Given these relevant factors, the AA concludes that LGS designation of the allotments site would not be in conflict with Policy M1, as the need to quarry on this part of the M1 area is unlikely to arise for the foreseeable future. Continued allotment use of the site with LGS protection would in fact support the aims of Policy M1, which is to avoid the needless sterilisation of mineral resources.

What are the chances of a conflict between Policy M2 (Preferred area) and Local Green Space designation?

Plan 4. Corrections needed to Policy M2 (*Allocated*) in purple and suggested alteration to Policy M2 (*Preferred area of search*) in blue.



The AA accepts that there could be a conflict between M2 (*Preferred area of search*) and LGS. However, this is a small area and given the limits on the rate of extraction, this conflict is not likely to arise within the timescale of the New Local Plan or many years beyond that.

If the M2 (*Preferred area of search*) is required for expansion in the distant future, as with Green Belt boundaries, the boundary of the Local Green Space could be reviewed when the Local Plan is reviewed. Exceptional circumstances would need to be demonstrated, but the AA believes that this high test is appropriate, given the importance of the allotments to the community, the availability of M2 (*Preferred area of search*) land to the north and the supply of Bath stone available from other active quarries close by.

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Looking forward – the New Local Plan and beyond.

The New Local Plan aims to provide a planning framework up to 2042, but will be subject to periodic review before that. The quarry operators have clearly stated that they will not need to take further land within the area covered by Policy M2 (*Preferred area of search*) for extraction until at least 2035 (Appendix 5). As the New Local Plan will be reviewed more than once before then, there will be opportunities to review the LGS designation which would cover the M2 (*Preferred area of search*).

In any event, should the demand for Bath stone to be extracted from this quarry increase before 2035, the Planning Authority would be able to balance the priorities and to decide if there were Very Special Circumstances (VSC) to justify the further expansion of the quarry. The AA does not see this as an insurmountable burden, given the status of the city as a World Heritage Site.

Policy M2 (*Preferred area of search*) also partly covers the playing field to the north of the quarry. This area is not in public use and has limited ecological value. It is leased from the same landowner as the allotments and the quarry until 2035. There is no reason why, after 2035, that this area could not be taken for extraction in preference to the historic and much used allotments.

Is Policy LCR 8 (Protecting allotments) sufficient protection for the Allotments?

Whilst nearly all the allotments in the B&NES area are covered by Policy LCR 8 (*Protecting allotments*), Combe Down is currently not fully covered, despite the fact that the whole of the site has been leased for allotment use since 1895. There has never been any right for the general public to access it. The Options proposal to designate the whole site as LCR8 (*Protecting Allotments*) is welcomed. However, this policy alone will not protect the site.

Plan 5. Extract from current Policy Map showing policy LCR8 (Protecting allotments).



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The landowner has announced that, after 130 years, the lease for the site will not be renewed after 2025. The maintenance and security of the site will then be his responsibility. It is highly likely to become the subject of applications for a change of use. This is evidenced by the inclusion of the site in the Options Consultation Housing and Economic Land Availability Assessment (HELAA), along with the adjacent Rugby grounds. (*See ref 4.*)

Given the fact that the allotment site has been subject to mine workings and restorations, it is unlikely to ever be needed for extraction beyond the M2 (*Preferred areas of search*). There is a high risk that there would be pressure for built or other development on this site.

Policy LCR 8 (*Protecting allotments*) cannot protect this leased site from intentional closure by the landowner. Although a replacement site would have to be found if a change of use was proposed, Council officers have not been able to find any site within the ward or even further away, to replace this site, let alone to satisfy the additional demand from new housing developments. This conundrum is City wide.

Why is this allotment site important?

The site is of historic importance within the World Heritage Site, as the oldest site in Bath (1895) and for its significance as part of the story of the community of Combe Down for over 130 years.

The Council has declared Climate and Biodiversity emergencies. Local food growing is a vital way in which ordinary people can change attitudes and lead more sustainable lifestyles.

Allotments are nationally recognised as beneficial for wildlife, in particular pollinators, and they are also key elements in social cohesion. They are also widely recognised as beneficial to mental and physical well-being.

The AA points out that a similar set of policies with varying aims already cover the adjacent Rugby grounds, which is in the Green Belt. Given the demonstrable importance of the allotments to the local community, failure to give the allotments site equal level of protection would appear to be culturally discriminatory.

By creating the maximum level of policy protection for this site, the Council would be following its stated 2 core policies – 1. **To lead the UK in climate and nature action** and 2. **To listen and work with residents to act on their concerns.**

Over 5,300 people, of which 1,643 are residents living in BA1 and BA2 postcodes, have signed a petition to urge the Council to do all in its powers to save this allotment site. The Council must now listen to them and act on its own words.

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Appendix 1

Previous attempt in 2015 to designate the site as LGS

In 2015-16, the B&NES Allotments' Association made a successful application for Local Green Space designation for Combe Down Allotments, as part of the Local Placemaking Plan review. However, the designation was removed at the last minute by the B&NES Divisional Director of Development, in consultation with the Cabinet Member for Homes & Planning, on the basis that LGS designation would conflict with the pre-existing Minerals Allocation Policy. There was no prior consultation with Combe Down Councillors or with the AA. In an email to the local Councillor on 14 November 2016, the Director said:

As the Planning Policy Team Leader for B&NES has explained, the change was necessary to ensure the Placemaking Plan is effective and that two conflicting designations relating to the same area of land are not taken forward. The inclusion of two designations was an oversight and was unfortunately not spotted until the examination. The allotments fall within a mineral safeguarding area and as such may in the future be subject to a planning application for the quarrying of Bath stone, which is in short supply and may be needed e.g. for building restoration projects within the city. Whilst designation as Local Green Space is proposed to be removed the allotments would still be protected under the allotments policy. This requires that any proposal for mineral development would need to ensure that suitable and equivalent allotments are provided in an area that is accessible to the community."

Appendix 2

Reasons given for refusing LGS designation in the New Local Plan options consultation.

"the nomination conflicts with a minerals designation. Planning Practice Guidance (see ref 1) notes amongst other things designating any Local Green Space will need to be consistent with local planning for sustainable development in the area, and designation should not be used in any way that undermines this aim of plan making. For this reason, it would be contrary to the future local planning of sustainable development as outlined under NPPF paragraph 105."

Appendix 3

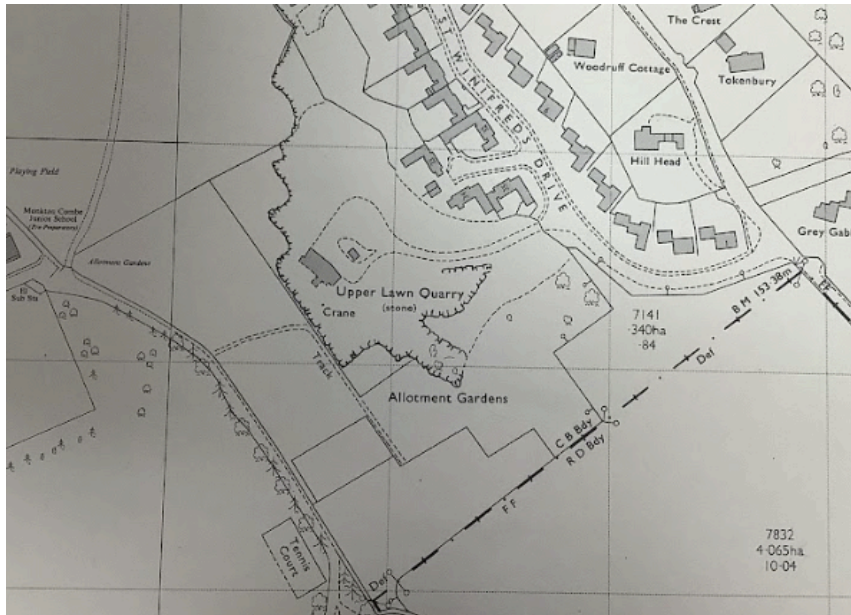
Historic maps.

1899 - 1904, showing overlap of quarry workings and allotments.



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1970 showing the rectilinear plot coverage of the whole site, with quarry incursions.



Appendix 4
Satellite views showing the boundary changes.

1999



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2023



Appendix 5

Extract from Planning Statement supporting 16/05548/MINW

“–it is a matter of fact that by condition 6 to application 00/00384/MINW the quantity of stone leaving the site is limited not to exceed 15 heavy goods loads, and that no more than 5,000 tonnes (or equivalent in cubic metres) of stone shall leave each calendar year. On that basis, and given that Condition No 7 to application 00/02251/MINW limits the maximum depth of working not to be below 43m, (which is equally applicable to the proposed adjoining extension) the total volume to be extracted amounts to the site area (35m x 44m) 1540msq multiplied by the maximum depth (66330mcubed). At 5,000 tonnes a year therefore this will require at least 13.2 years to be extracted. Accordingly the period for extraction should actually be increased by 14 years from 2021 to 2035.”

Appendix 6

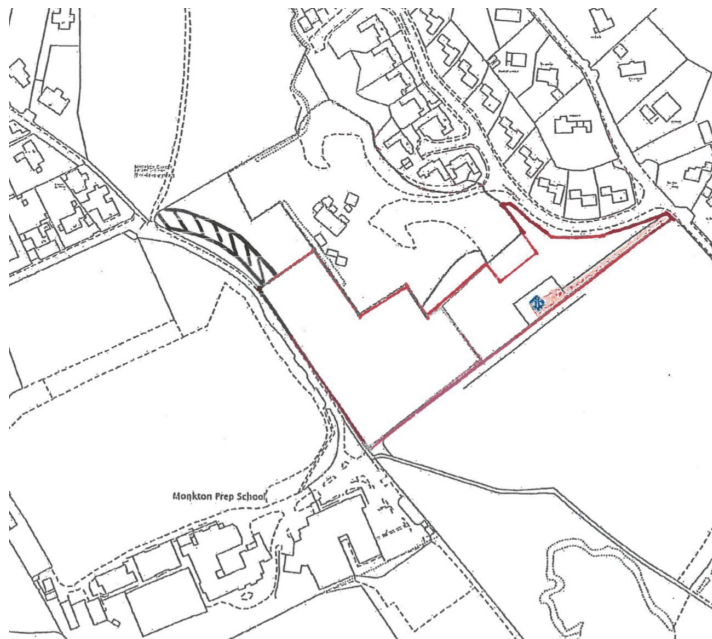
Quarry title land (current).



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Appendix 7

Current Council lease land.(in red) Showing way leave only for access.



References.

1. The full details of the government guidance can be found starting at Paragraph: 005 Reference ID: 37-005-20140306 on Guidance **Open space, sports and recreation facilities, public rights of way and local green space.**
2. Composite Local Plan - Policies Map.
3. Options Consultation Topic Paper: Local Green Spaces. <https://beta.bathnes.gov.uk/sites/default/files/Topic Paper Local Green Space Assessments.pdf>
4. Draft Options Consultation HELAA: https://www.bathnes.gov.uk/webforms/maps/?center=51.38292387723015,-2.38180160522461&zoom=12&base=Ordnance Survey&categories=planning,planning_housingandeconomiclandavailabilityassessmenhela&wfslayers=mlyr-1750015

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