

# GREENWAY!

## *The Forum for residents from Beechen Cliff to Lyncombe Vale*

*from Mrs M Dolan, Local Green Space Officer  
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14 January 2015

Cleo Newcombe-Jones  
Planning Policy  
Bath and North East Somerset Council  
PO Box 5006, Bath, BA1 1JG

Dear Cleo,

### **Land at Beechen Cliff: Local Green Space**

Following your discussion with Mark O'Sullivan last June, I am writing to you on behalf of the Greenway Lane Residents' Forum, supported by the Widcombe Association, the Federation of Bath Residents' Associations, the Somerset Playing Fields Association, the Ramblers Association, the Bath Preservation Trust and the National Trust, to request that the lower part of the Beechen Cliff School playing fields be classified in the new Local Plan as Local Green Space (NPPF §§76-77). We presume, as discussed, that the appropriate vehicle would be the Placemaking Plan.

I attach the detailed proposal, set out as discussed along the lines of a form devised by Cotswold District Council, with a schedule setting out the endorsements received and an illustrative set of photographs. This letter summarises the principal case for designation.

### *Importance of Beechen Cliff*

The Beechen Cliff hilltop as a whole plays a key part in the setting of the City of Bath World Heritage Site, inscribed as such by UNESCO, which declared in the latest revision of a Statement of Significance that its "Georgian buildings ... epitomise the success of architects such as the John Woods, Robert Adam, Thomas Baldwin, and John Palmer in transposing Palladio's ideas to the scale of a complete city, situated in a hollow in the hills and built to a Picturesque landscape aestheticism creating a strong garden city feel". The Statement adds, "Bath's grandiose Neo-classical Palladian crescents, terraces, and squares spread out over the surrounding hills and set in its green valley are a demonstration par excellence of the integration of architecture, urban design, and landscape setting, and the deliberate creation of a beautiful city. Not only are individual buildings ... of great distinction, they are part of the larger overall city landscape that evolved over a century in a harmonious and logical way, drawing together public and private buildings and spaces in a way that reflects the precepts of Palladio tempered with picturesque aestheticism," referring to "a series of interlinked spaces that flow organically, and that visually (and at times physically) draw in the green surrounding countryside to create a distinctive garden city feel".

Hence, in a recent presentation to the Partnership Board for the Setting of Bath, the Council identified as key risks the loss or undervaluing of green spaces, discordant landscape and poverty in the relationship between buildings and open space, and the

deterioration of picturesque character and views and the consequential loss of beauty and delight.

Beechen Cliff is one of the most prominent of the green hills surrounding the World Heritage City. It is significant as a scenic backdrop to many of Bath's major historic buildings. However, it is also important in its own right, both as part of the dense patchwork of green spaces which is recognised as a key part of the essential character of the city, and as itself an object of vital heritage interest and meaning. In *Northanger Abbey* by Jane Austen, for example – one of the recognised triumphs of English literature – a key point in the plot revolves around an excursion to Beechen Cliff, and a walk through its scenery, whose beauty so entrances the heroine that by comparison she “reject[s] the whole city of Bath as unworthy to make part of a landscape”.

Rightly, Beechen Cliff has been substantially protected from the ravages of development. Some housing has been put on its western flank, and the school on the south-west. But the park laid out on the summit is verdant, sitting well with the landscape, and much of the unwooded area of the hill remains as fields, where sheep and horses graze. It is still a place where connoisseurs of Bath's heritage may, as Jane Austen herself no doubt did, wander through thickets of briar and groups of oak and ash, in a minute or two passing from a vista of the World Heritage City itself to a view southwards of the secret valley of Lyncombe, crowded with mixed woodland and wildlife. Approaching the city from the south along the ancient Fosse Way and then the Georgian turnpike route, when one crosses the Wansdyke and passes down a long hill from Odd Down, the main thing in sight for a good while – the promise of the city – is the green extent of Beechen Cliff, with the school's grassy playing fields and their sylvan setting.

It was to recognise this that, when the Council drew up the 2007 Local Plan, all the open land at Beechen Cliff, including the school's playing fields, was given the new designation of “visually important open space”. It is no surprise that in the Council's latest Management Plan for the World Heritage Site, and in the current Local Plan, Beechen Cliff is identified as one of seven “prominent, green hillsides within the built-up area [that] are vital to the City's landscape setting and character”, with the remark that it has been “highlighted as crucial to the setting of the city”. The Management Plan declares as Issue 27 that “The countryside surrounding Bath and green spaces in Bath are integral to the values of the World Heritage Site and also form the wider setting of the city”, identifying seven action points to deal with this challenge. The City of Bath World Heritage Site Setting Supplementary Planning Document, adopted in August 2013, picks up these judgements, and seven pages (pp 100-106) describe in more detail the heritage and aesthetic importance of Beechen Cliff.

#### *Description of land proposed for designation*

We believe that all the open land on the Beechen Cliff hilltop, including the school playing fields, the grazing land to their eastward, the allotments, Alexandra Park and the cliff face itself, merits designation as a Local Green Space. However, our present proposal relates only to that part of the Beechen Cliff hilltop used as playing fields by Beechen Cliff School and informally as open space by others, but excludes that

northerly part of the playing fields built up by landfill to make formal level sports pitches. A sketch plan is attached.

#### *Background of land proposed for designation*

Along with other fields on the south side of the Beechen Cliff hilltop, a beauty spot celebrated by Jane Austen, this land was pasture until 1932, when the then Bath City Council made it the new site of the Bath Boys' School. This green space remains continuous with pastures to the east used for the grazing of horses and sheep, with Alexandra Park, and with the face of Beechen Cliff which is densely wooded.

The whole of the hilltop, including the green space the subject of this proposal, has long been protected. However, this land is potentially more vulnerable than the rest of the hilltop, as is shown by the planning application for housing development by Beechcroft Developments Ltd which was made in the year 2000, though in the end rejected.

Nevertheless, like other parts of the hilltop, this land was allocated as open space or playing fields in the previously adopted Local Plan (2007), where the Council also set out for it the new special category of Visually Important Open Space designed to protect key parts of the green infrastructure of the World Heritage Site. The new Local Plan process is not yet complete. However, following unsuccessful approaches by housebuilders, the hilltop was rejected and found unsuitable for housing in the B&NES SHLAA (latest revision adopted 2013). It is shown on Maps 3, 4 and 6 of the B&NES Green Infrastructure Strategy (adopted 2012) in the category of "historic parks and gardens/priority habitat/accessible open space". The entire hilltop is clearly delineated on the Bath World Heritage Site Setting Supplementary Planning Document (adopted 2013) among 'Green Hillside Forming Prominent Features of the Landscape Setting' of the City of Bath World Heritage Site.

Last year, the Inspector's report of the EIP into the draft Core Strategy commented "I attach particular... importance, to the Green Hillside Forming Prominent Features of the Landscape Setting (Draft SPD, Map 4; adopted SPD, Map 5) as these embody several of the key aspects of the setting of the built city, such as the importance of landform, views from the built-up area to the hills; views from the hills in to the city; and the managed, farmed landscape of much of the setting. These green hillsides include much land within the WHS as well as beyond the boundary." (§122). The hilltop is also on the conservation project list submitted as part of the recent Bathscape Landscape Partnership bid to the HLF, and was selected as a place to be visited by HLF assessors for the bid on 22 July 2014.

#### *Conclusion*

These are exceptionally powerful planning arguments for the classification of the land in question as Local Green Space. However, under the NPPF other criteria, such as ecology or community use, would be enough in themselves to justify the categorisation of land as Local Green Space. The documents attached demonstrate that every one of these requirements is satisfied in this case. We believe that the case for designation is unanswerable.

Yours sincerely

**PROPOSAL BY**  
**THE GREENWAY LANE AREA RESIDENTS' FORUM**  
**supported by the Widcombe Association**  
**for the designation of**  
**LAND AT BEECHEN CLIFF, BATH**  
**as a**  
**LOCAL GREEN SPACE**  
**(National Planning Policy Framework §§76 and 77)**



*Engraving showing Beechen Cliff from the river Avon, reproduced by permission of the Republic of Pemberley website*

1	<b>General Information*</b>
1.1	Name and address of green space
	Part of the Beechen Cliff hilltop used as playing fields, principally by its owners, Beechen Cliff School, but excluding that part of the playing fields built up by landfill to make level formal sports pitches.
1.2	Green space location plan
	Attached at end.
1.3	Organisation or individual proposing green space for designation
	The Greenway Lane Residents' Forum (known as <i>Greenway!</i> ; this is the association representing residents on all sides of the green space). The Forum is supported in this proposal by the other established local neighbouring residents' association, the Widcombe Association, and by a number of other societies and organisations (see below §§6.2 and 6.4).
1.4	Ownership of green space if known
	Believed to be the Beechen Cliff School Academy Trust
1.5	Is the owner of the green space aware of the potential designation?

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\* This form is adapted from a form devised by the Cotswold District Council.

	Yes. The owner's support for designation has been sought, but no response has so far been received.
1.6	Photographs of green space
	Attached and indexed (see Appendix 2).
1.7	Community served by the potential Local Green Space
	<p>In addition to the school itself, the green space serves three different public communities:</p> <p>i) Immediately, local residents from Poets' Corner, Devonshire Buildings and Place (1790s), Greenway Lane and lower Entry Hill, and Poets' Corner and the Bear Flat area, some of whom look out over it, and most of whom use it for general recreation (including for regular exercise and dog walking), for pedestrian travel on local journeys, for community events (see below), and for enjoyment of its green space, its semi-natural environment, its verdure and wildlife, and its historic, artistic and literary associations as part of the Beechen Cliff hilltop;</p> <p>ii) Residents of Bath at greater remove, who enjoy the view of the green space from Combe Down and Foxhill, or travel to use it for dog walking and exercise, for pedestrian travel on local journeys, and for enjoyment of its grassy semi-natural environment, its verdure and wildlife, and its historic, artistic and literary associations as part of the Beechen Cliff hilltop;</p> <p>iii) Visitors to Bath from home and overseas, who may view the green space from Combe Down and Foxhill, or while approaching the city on the Fosse Way (A367), and who use it for enjoyment of its verdure, its semi-natural environment, its wildlife, and its historic, artistic and literary associations as part of the Beechen Cliff hilltop.</p>
2	<b>Planning History</b>

2.1	Is there currently a planning application for the green space?
	<p>There is no current planning application for the green space. An application for development as housing of its western section – the former Home Field of Lyncombe Farm, now the western end of the lower playing field of Beechen Cliff School – was made by Beechcroft Developments Ltd in December 2000, and was rejected by the Council as contrary to planning policies for the retention of the land as playing fields and open space.</p>
2.2	Is the green space allocated for development in the Local or Neighbourhood Plan?
	<p>No. The whole of the Beechen Cliff hilltop, including the green space the subject of this proposal, was allocated as open space or playing fields in the previously adopted Local Plan (2007), where the Council also included it in a new special category of Visually Important Open Space designed to protect key parts of the green infrastructure of the World Heritage Site. There is no Neighbourhood Plan for the area, which is unparished.</p> <p>The new Local Plan process is not yet complete. However, following an unsuccessful approach by housebuilders, the hilltop was rejected and found unsuitable for housing in the B&amp;NES SHLAA (latest revision adopted 2013). It is shown on Maps 3, 4 and 6 of the B&amp;NES Green Infrastructure Strategy (adopted 2012) in the category of “historic parks and gardens/priority habitat/accessible open space”. The entire hilltop is clearly delineated on the Bath World Heritage Site Setting Supplementary Planning Document (adopted 2013) among ‘Green Hillside Forming Prominent Features of the Landscape Setting’ of the City of Bath World Heritage Site.</p> <p>In 2014, the Inspector’s report of the EIP into the draft Core Strategy commented “I attach particular... importance, to the Green Hillside Forming Prominent Features of the Landscape Setting (Draft SPD, Map 4; adopted SPD, Map 5) as these embody several of the key aspects of the setting of the built city, such as the importance of landform, views</p>

	from the built-up area to the hills; views from the hills in to the city ; and the managed, farmed landscape of much of the setting. These green hillsides include much land within the WHS as well as beyond the boundary.” (§122). The hilltop is also on the conservation project list submitted as part of the 2014 Bathscape Landscape Partnership bid to the HLF, and was selected as a place to be visited by HLF assessors for the bid on 22 July 2014.
<b>3</b>	<b>Size, scale and “local nature” of proposed Local Green Space</b>
<b>3.1</b>	<b>Area of green space.</b>
	Around 4½ acres.
<b>3.2</b>	<b>Is the green space an “extensive tract of land”?</b>
	No. The green space is at around 4½ acres a very small area (the average size of a farm in England is about 125 acres – see <a href="http://www.ukagriculture.com/uk_farming.cfm">http://www.ukagriculture.com/uk_farming.cfm</a> ).
<b>3.3</b>	<b>Is the proposed site “local in character”?</b>
	<p>The green space is loosely enclosed by houses. It is accessed directly from Devonshire Buildings and Greenway Lane, and indirectly from Poets’ Corner: these are the principal areas of housing between Wellsway, Lyncombe Vale, Lyncombe Hill and the face of Beechen Cliff.</p> <p>The facts that the green space is used as a play location by toddlers and young children, that it has hosted community events such as a VE Day memorial party and an Olympic Games celebration (see below), and that regular events such as an annual Easter egg hunt are held there, all indicate clearly that it is extensively and intensively used by the local community, which feels comfortable and at home in it. At weekends and during school holidays, in fine weather, there is a steady stream of families with young children entering the green space from Greenway</p>



	<p>Lane, often carrying kites, balls, etc.</p> <p>The value of the green space to the community is also shown by the fact that in 1996, after an avenue of trees along the ancient hedge in Greenway Lane had to be felled because of Dutch Elm Disease, the residents paid for nine trees to replace them, planted them, and watered them for over a year until they were properly established.</p>
<b>4</b>	<b>Need for Local Green Space</b>
<b>4.1</b>	<b>Is there a need for a local green space in this location?</b>
	<p>Other green areas are not far away, in Lyncombe Vale or Bloomfield Road. However, this tumbled part of Bath has many steep hills, which impedes access to green spaces on foot and reduces their accessibility. Being among the flattest of the natural green spaces in the neighbourhood, it is one of the most suitable for games and community activities. Many people from Bloomfield Road have offered their support for this proposal.</p> <p>Evidence of use is the most concrete evidence of need, and people are frequently seen on the footpaths of the green space, plainly using them as pedestrian routes. People come from a distance to walk their dogs on the green space; they are often seen arriving by car. Without this space there would be no opportunity for the recreation and community events exemplified elsewhere in this statement.</p>
<b>5</b>	<b>Evidence to show that “the green space is in reasonably close proximity to the community it serves”</b>
<b>5.1</b>	<b>How far is the green space from the community it serves? Is the site within 2km of the local community?</b>
	<p>The green space is surrounded by housing to the west, south and east: to the west also lies the Bear Flat, which is another natural focus of the local community, being furnished with a public house, a café, bus stops, a post</p>

	office, a number of shops and various other services. Churches lie close to the west and south-west. No part of the features described lies more than half a mile from the site.
5.2	Are there any barriers to the local community accessing the green space from their homes?
	<p>No. The green space consists of public land appropriated by the Council in 1932 and transferred in 2011 (subject to restrictions in the academy's funding agreement) to the Beechen Cliff Academy School. It is criss-crossed by unfenced public footpaths (see 9.3 below) and is open to all (so that signs are displayed forbidding the playing of golf in order to prevent damage to neighbours' windows, and instructing dog walkers to remove their stool in order to protect schoolchildren from toxocariasis). The school land, along with adjoining pastureland, was found to be public open space in an appeal decision of 21 September 1936, a classification which has been repeated in various planning policy documents. Many of the houses in Devonshire Buildings have direct access to the open space from gates in their garden walls, and established rights of way accordingly.</p>
<b>6</b>	<b>Evidence to show that the green space is “demonstrably special to a local community”</b>
6.1	Evidence of support from Parish or Town Council
	<p>The green space lies in an unparished area, so no parish council exists. The established local residents' associations judge that the green space is demonstrably special to the local community for the reasons given in this document.</p>
6.2	Evidence of support from other local community groups or individuals.
	<p>In 2000 a flood of objections from residents was received by B&amp;NES in</p>

	<p>respect of a planning application to convert part of the land to a housing estate. Both established local residents' associations support the present proposal. Messages of support for this proposal have been received from the Bath Preservation Trust, the National Trust, the Bath branch of the Ramblers' Association, the Federation of Bath Residents' Associations, and the Somerset Playing Fields' Association. The terms of these endorsements are attached at Appendix 1. At Christmas and New Year 2014-15, an appeal for support from individuals in the local wards of Lyncombe and Widcombe attracted over 200 messages over a few weeks (see Appendix 4)</p>
6.3	Evidence of support from community leaders
	<p>Faced with the threat of development in 2000, all four of the local councillors opposed it. Ian Gilchrist, Councillor for Widcombe ward, has made clear his support for the present proposal (Appendix 1). David Bellotti, Councillor for Lyncombe ward, has commented "I certainly support the principle of protecting the green fields for all time" [<i>email to Chair of Greenway!, 23 July 2014</i>], and "I can confirm unreservedly that I support the continuing use of the lower field at Beechen Cliff School as a green space and would oppose development" [<i>email to Dr M Dolan, Greenway!, 18 January 2015</i>], but has not offered an express view on this proposal as such. Other Councillors for the Widcombe and Lyncombe wards have been approached for support but have not yet responded. The Chairmen of the two established local residents' associations and the Vice-Chair of the Federation of Bath Residents' Associations (Appendix 1) have supported this proposal.</p>
6.4	Evidence of support from other groups
	<p>Messages of support have been received for the classification as Local Green Space of land at the Beechen Cliff hilltop from the Bath Preservation Trust, the National Trust, the Bath branch of the Ramblers' Association, the Federation of Bath Residents' Associations, the Cotswolds Conservation Board and the Somerset Playing Fields Association. The terms of these endorsements are attached at Appendix 1.</p>

7	<b>Evidence to show that the green area “holds a particular local significance, for example because of its <u>beauty</u>,”</b>
7.1	Is this criterion relevant to this green space?
	Yes.
7.2	Describe why the community feels that the green space has a particular local significance for its beauty.
	<p>The attached photographs show views across the land from all sides. From most viewpoints, many of the views available are traditional, particularly in the nature of the enclosures, which are of stone walls in Cotswold pattern and ancient hedges high in biodiversity, and in a number of mature trees. As a result, notwithstanding that it is now laid out as open space and playing fields rather than the pre-1932 pastureland, it supports the appearance of the wider hilltop as a primarily traditional Cotswold landscape which has changed little in several hundreds of years. The hilltop is described in Jane Austen’s <i>Northanger Abbey</i> as a beauty spot much resorted to by visitors to Bath; and it remains one, though the trees on the cliff face have become overgrown since then, and some hedges have been removed from other parts of it such as the playing fields.</p> <p>This is an important site within the City of Bath Conservation Area and World Heritage Site, and it makes a major contribution to the quality of the environment. As previously stated by a Planning Inspector, the site has great significance as an open space that should be protected (see 2.2 above).</p>
7.3	Green space visibility

	<p>The land is visible from a number of viewpoints to the south, including footpaths in Lyncombe Vale within the Cotswolds Area of Outstanding Natural Beauty. Most importantly, it is held in view for some time by motorists on the A367 as they drive into Bath from the south along the ancient Fosse Way and the Georgian turnpike route, and its green presence arouses their expectations of the World Heritage City, shortly to be satisfied by the world-famous character of the buildings and parklands which lie just beyond its summit.</p>
7.4	Is the green space covered by any landscape or similar designations?
	<p>The green space lies within the City of Bath World Heritage Site and the City of Bath Conservation Area. It also lies within the setting of the Cotswolds AONB, and within the setting of the listed buildings at Devonshire Buildings and Place. See §2.2.</p>
7.5	Is the green space (or the type of green space) specifically mentioned in any relevant landscape character assessments or similar documents?
	<p>The site features prominently in the B&amp;NES Green Infrastructure Plan &amp;c; see §2.2 above.</p>
7.6	Does the green space contribute to the setting of a historic building or other special feature?
	<p>1 The Beechen Cliff hilltop as a whole plays a key part in the setting of the City of Bath World Heritage Site, inscribed as such by UNESCO, which declared in the latest revision of a Statement of Significance that its “Georgian buildings ... epitomise the success of architects such as the John Woods, Robert Adam, Thomas Baldwin, and John Palmer in transposing Palladio's ideas to the scale of a complete city, situated in a hollow in the hills and built to a Picturesque landscape aestheticism creating a strong garden city feel”. The Statement adds, “Bath's grandiose Neo-classical Palladian crescents, terraces, and squares spread out over the surrounding hills and set in its green valley are a</p>

demonstration par excellence of the integration of architecture, urban design, and landscape setting, and the deliberate creation of a beautiful city. Not only are individual buildings ... of great distinction, they are part of the larger overall city landscape that evolved over a century in a harmonious and logical way, drawing together public and private buildings and spaces in a way that reflects the precepts of Palladio tempered with picturesque aestheticism.”

In a recent presentation to the Partnership Board for the Setting of Bath, the Council identified as key risks the loss or undervaluing of green spaces, discordant landscape and poverty in the relationship between buildings and open space, and the deterioration of picturesque character and views and the consequential loss of beauty and delight.

Beechen Cliff is one of the most prominent of the green hills surrounding the World Heritage City. It is significant as a scenic backdrop to many of Bath’s major historic buildings. However, it is also important in its own right, both as part of the dense patchwork of green spaces which is recognised as a key part of the essential character of the city, and itself being an object of vital heritage interest and meaning. In *Northanger Abbey* by Jane Austen, for example – one of the recognised triumphs of English literature – a key point in the plot revolves around an excursion to Beechen Cliff, and a walk through its scenery, whose beauty so entrances the heroine that by comparison she “reject[s] the whole city of Bath as unworthy to make part of a landscape”.

Rightly, Beechen Cliff has been substantially protected from the ravages of development. Some housing has been put on its western flank, and the school on the south-west. But the park laid out on the summit is verdant, sitting well with the landscape, and much of the unwooded area of the hill remains as fields, where sheep and horses graze. It is still a place where connoisseurs of Bath’s heritage may, as Jane Austen herself no doubt did, wander through thickets of briar and groups of oak and ash, in a minute or two passing from a vista of the World Heritage City itself to a view southwards of the secret valley of Lyncombe, crowded with mixed woodland and wildlife. Approaching the city from the south along the ancient Fosse Way, when one crosses the Wansdyke and passes down a long hill from Odd Down, the main thing in sight for a good while – the promise of the city – is the green extent of Beechen Cliff, with the school’s grassy playing fields and their sylvan setting.

Thus, when the Council drew up the 2007 Local Plan, all the open land at Beechen Cliff, including the school’s playing fields, was given the new

	<p>designation of “visually important open space”. It is no surprise that in the Council’s latest Management Plan for the World Heritage Site, and in the latest Local Plan, Beechen Cliff is identified as one of seven “prominent, green hillsides within the built-up area [that] are vital to the City’s landscape setting and character”, with the remark that it has been “highlighted as crucial to the setting of the city”. The Management Plan declares as Issue 27 that “The countryside surrounding Bath and green spaces in Bath are integral to the values of the World Heritage Site and also form the wider setting of the city”, identifying seven action points to deal with this challenge. The City of Bath World Heritage Site Setting Supplementary Planning Document, adopted in August 2013, picks up these judgements, and seven pages (pp 100-106) describe in more detail the heritage and aesthetic importance of Beechen Cliff.</p> <p>2 The green space also forms part of the setting of the Grade II listed Devonshire Buildings and Devonshire Place, erected between 1787 and 1799 following the laying out by the Bath Turnpike Trust of a new road out of the city to the south. Many of the houses in Devonshire Buildings have direct access to the open space from gates in their garden walls, and established rights of way accordingly.</p>
7.7	Is the green space highlighted in literature or art?
	<p>The hilltop as a whole, of which the green space forms an integral part, features prominently in the plot of Jane Austen’s Northanger Abbey, when it was already a beauty spot much resorted to by visitors to Bath, and is referred to as “that noble hill whose beautiful verdure and hanging coppice render it so striking an object from almost every opening in Bath”. It also features in the work of Thomas Hardy (poem: “Midnight on Beechen, 187*”), and is depicted in many pictures and engravings, for example by the post-Impressionist Walter Sickert.</p>
8	<b>Evidence to show that the green space “holds a particular local significance for example because of its <u>historic significance</u>” (if applicable)</b>
8.1	Is this criterion relevant to this green space?

	Yes.
8.2	Are there any historic buildings or remains on the green space?
	<p>At some date the owner of Greenway Cottage in Greenway Lane presented to the Bath City Council Museums forty four flint cores and flakes, many with cortex, which have been dated as Lower Palaeolithic to Late Bronze Age. There is no surviving record of their discovery, but there must be a good probability that they were found in the neighbourhood of Greenway Cottage, and a probability also therefore either that they were found on the green space or that the settlement activity which led to their deposit extended to the green space (<i>Bath City Urban Archaeological Database SRN170; Bath City Museum Sites and Monuments Record B237</i>).</p> <p>The green space forms part of the setting of the Grade II listed Devonshire Buildings and Devonshire Place, erected between 1787 and 1799 following the laying out of a new road out of the city by the Bath Turnpike Trust. Many of the houses in Devonshire Buildings have direct access to the open space from gates in their garden walls, and established rights of way accordingly.</p> <p>A remarkable elliptical building, known as the Temple, was erected in the Victorian period (it is shown on the 1852 Cotterell map), using dressed Bath stone, in grounds which have formed a re-entrant into the green space since at least the 18<sup>th</sup> Century. It was used as a synagogue in the later years of the 19<sup>th</sup> century. It may be viewed by the public only from this green space.</p>
8.3	Are there any important historic landscape features on the green space?
	<p>The hedgerow between the green space and Greenway Lane contains many different species (see §11.4) – an indicator of an ancient hedgerow, and consequently of a high level of biodiversity.</p>



8.4	Did the green space play an important role in the historic development of the village or town?
	No.
8.5	Did any important historic events take place on the green space?
	No; although the notable discussion about the Picturesque between the Tilneys and Catherine Morland in <i>Northanger Abbey</i> takes place behind the summit of Beechen Cliff, in or near the location of this green space.
8.6	Do any historic rituals take place on the green space?
	A children's egg hunt takes place every Easter.
9	<b>Evidence to show that the green space “holds a particular local significance, for example because of its <u>recreational value</u> (including as a playing field)” (if applicable)</b>
9.1	Is this criterion relevant to this green space?
	Yes.
9.2	Is the green space used for playing sport?
	The green space is extensively used by school pupils for playing informal games, often of football. From time to time the School has used the south-western end of it for formal rugby training, apparently to alleviate damage to the pitches on the upper playing fields. Out of school hours it is casually used for informal games by nearby residents.

9.3	Are the public able to physically access the green space?
	<p>There are five public rights of way across the green space as follows:</p> <ul style="list-style-type: none"> <li>i) One PROW from the gate at the south near-centre of the green space running north beyond the boundary of the green space across the built-up playing fields to reach the top of Kipling Avenue.</li> <li>ii) One PROW from the gate at the south-west, east-north-eastward across the green space, to meet (i) near the Temple.</li> <li>iii) One PROW from the gate at the south-west around the boundary of the green space clockwise to meet (i) and (ii) at their junction.</li> <li>iv) One PROW from the gate at the south-west around the boundary of the green space eastward along the boundary hedge and walls to the kissing gate at the eastern end.</li> <li>v) One PROW along the eastern boundary of the green space from (iv) to the school buildings.</li> </ul> <p>These rights of way are of very long standing, being shown for example as substantially similar in the 1852 Cotterell maps.</p> <p>Many of the houses in Devonshire Buildings have direct access to the open space from gates in their garden walls, and established rights of way accordingly.</p>
9.4	Is the green space used by the local community for informal recreation? And since when?
	<p>The green space is in daily use for dog walking, for running and walking, for ball games and for a wide variety of other forms of recreation.</p>
10	<b>Evidence to show that the green space “holds a particular local significance, for example because of its tranquillity” (if applicable)</b>
10.1	Is this criterion relevant to this green space?

	Yes.
10.2	Do you consider the green space to be tranquil?
	<p>CPRE commissioned a survey in 2004<sup>*</sup> to establish the qualities people value most in the English countryside. Nearly three-quarters (72%) said that tranquillity topped the list, reinforcing the importance of tranquil open spaces to residents and visitors alike.</p> <p>The green space is set back from all the surrounding major roads, which include the A4/A36 east-west through route through Bath and the A367 Fosse Way towards Exeter. The nearest road, Greenway Lane, was subjected to traffic calming measures through speed humps and pinch-point management in 2012, and though it is busy at peak hours carries little traffic outside these. Traffic noise is little audible on the green space.</p> <p>Tranquillity is partly a matter of sound volumes and partly one of movement or bustle, all of which are acceptable as tranquil at a higher level when sources proceed from the natural environment: thus the sound of songbirds may be accepted as tranquil even if in a loud dawn chorus, while the noise of a motor-cycle may destroy tranquillity even when attenuated by a considerable distance. The land in question is not tranquil during times when it is intensively used for recreation, especially by school pupils; however at other times the levels of noise and movement are generally low and the quality of tranquillity can be fairly assigned to it.</p>
10.3	Is the green space within a recognised tranquil area?

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<sup>\*</sup> Jackson, S., Fuller, D., Dunsford, H., Mowbray, R., Hext, S., MacFarlane R. and Haggett, C. (2008). *Tranquillity Mapping: developing a robust methodology for planning support*, Report to the Campaign to Protect Rural England, Centre for Environmental & Spatial Analysis, Northumbria University, Bluespace environments and the University of Newcastle upon Tyne.

	The entire hilltop lies within the City of Bath World Heritage Site and the City of Bath Conservation Area. It all lies within the setting of the Cotswolds AONB, and the green space also within the setting of the listed buildings at Devonshire Buildings.
<b>11</b>	<b>Evidence to show that the green space “holds a particular local significance, for example because of the richness of its wildlife”; (if applicable)</b>
11.1	Is this criterion relevant to this green space?
	Yes
11.2	Is the green space formally designated for its wildlife value?
	No
11.3	Are any important habitats or species found on the green space?
	<p>The green space is connected by the broad green corridor of Lyncombe Vale to the nearby Combe Down limestone mines, which, with Bathampton Down Quarries, make up a 15 acre Site of Special Scientific Interest notified in 1991 and designated a Special Area of Conservation because of the Greater and Lesser Horseshoe bat population (<i>Rhinolophus ferrumequinum</i> and <i>Rhinolophus hipposideros</i>). Bats are frequently seen by visitors to the green space, but can be difficult to observe, and habitat is often a helpful guide to their presence. A recent study by Tyler Grange LLP on behalf of Beechen Cliff School, in connection with a planning application for the lighting of artificial games pitches, found that the tree belts, grassland and woodland located on the hilltop provide some possible commuting and foraging habitat for bats,</p>

	<p>potentially including the bats associated with the SSSI/SAC to the south. Greater and lesser horseshoe bats while foraging prefer woodland habitats such as those over much of the hilltop, with grazed pastures such as those to the south-east also important for greater horseshoe bats. Brown long-eared bats (<i>Plecotus auritus</i>), Natterer's bats (<i>Myotis nattereri</i>), whiskered bats (<i>Myotis mystacinus</i>), and Bechstein's bats (<i>Myotis bechsteinii</i>) are often found in woodland, with Daubenton's bats (<i>Myotis daubentonii</i>) also being found about woodland rides and edges. Other habitats favoured include parkland (brown long-eared and whiskered) and overgrown hedges or tree avenues (Bechstein's). The broad tree belts and habitats provide linear linkages through the hilltop. The relatively exposed nature of parts of the hill side and lack of linkages to other suitable habitat could reduce the potential for commuting bats, especially greater horseshoe bats which prefer well defined and sheltered flight lines. However the broad tree belts may provide sufficient shelter to counteract this, and a natural corridor for wildlife is offered by the narrow gap between the wider woodlands of Lyncombe Vale and the playing fields rimmed by hedges and trees in the south-west of the hilltop.</p> <p>The Bath Natural History Society is not aware of any specific work by wildlife recorders on the hilltop in recent years, and important species may be present which have not been identified.</p>
11.4	What other wildlife of interest has been found on the site?
	<p>A broad belt of woodland lies along some of the boundaries of the playing fields, and provides an ecological continuum between the green space and the rest of the hilltop, just as the proximity of the western end of the green space to Lyncombe Vale, with its ancient hedge, offers a close ecological link to the habitats there. This woodland includes beech (<i>Fagus sylvatica</i>), pine (<i>Pinus maritima</i>), ash (<i>Fraxinus excelsior</i>), alder (<i>Alnus glutinosa</i>), silver birch (<i>Betula pendula</i>), field maple (<i>Acer campestre</i>) and sycamore (<i>Acer pseudoplatanus</i>). A number of hedges are found on the hilltop containing a rich medley of species of trees and shrubs, indicative of ancient hedges with high biodiversity and habitat value.</p> <p>The hilltop forms an ecological link between the Avon valley and the woodlands of the Lyn brook and Cam brook combs, the green space</p>

	<p>being the element which brings it closest to the latter, almost bridging the gap represented by Greenway Lane and its houses via a public right of way giving direct access from the Lane to the Lyn combe. Birdlife is profuse, especially crows (<i>Corvus corone</i>), jays (<i>Garrulus glandarius</i>), magpies (<i>Pica pica</i>), house sparrows (<i>Passer domesticus</i>), robins (<i>Erithacus rubecula</i>), blue tits (<i>Parus caeruleus</i>), coal tits (<i>Periparus ater</i>), great tits (<i>Parus major</i>), blackbirds (<i>Turdus merula</i>), thrushes (<i>Turdus philomelos</i>), dunnoek (<i>Prunella modularis</i>), little owls (<i>Athene noctua</i>) and tawny owls (<i>Strix aluco</i>), with many other tits, finches and other genera and the occasional nightingale (<i>Luscinia megarhynchos</i>). Grey squirrels (<i>Sciurus carolinensis</i>) are ubiquitous; badgers (<i>Meles meles</i>) and roe deer (<i>Capreolus capreolus</i>) are not infrequently seen, especially at night.</p> <p>However, the Bath Natural History Society is not aware of any specific work by wildlife recorders on the hilltop in recent years, and other species may be present which have not been identified. There is certainly wildlife of educational interest in the fields to the south-east of the hilltop, where it is known that the school from time to time holds bug-hunts.</p>
11.5	Is the site part of a long term study of wildlife by members of the local community?
	No, although part of the area is used by the school for environmental education, including bug hunts.
12	<b>Evidence to show that the green space “holds a particular local significance, for any other reason”; (if applicable)</b>
12.1	Is this criterion relevant to this green space?
	Yes
12.2	Are there any other reasons why the green space has a particular local significance for the local community?

	<ul style="list-style-type: none"> <li>• The green space is used extensively for community events. It is used from time to time for birthday parties by residents in Devonshire Buildings. On it, the Greenway Lane Social Committee has held a series of communal events, some involving marquees, including in recent years the following: <ul style="list-style-type: none"> <li>○ in 1995 a commemorative celebration of the VE Day 50<sup>th</sup> anniversary;</li> <li>○ in 2000 an event to mark the Millennium;</li> <li>○ in 2002 an event to mark the Golden Jubilee of HM the Queen;</li> <li>○ in 2005 a commemorative celebration of the VE Day 60<sup>th</sup> anniversary</li> <li>○ in 2008 (and – so good they did it twice! – again in 2012) the “Greenway Olympics”.</li> </ul> </li> </ul> <p>Also in 2012 there was held a street party in Greenway Lane to mark the Diamond Jubilee of HM the Queen, some part of which celebrations spilled over into the green space.</p> <ul style="list-style-type: none"> <li>• Every Easter for the last 7 years there has been a children’s Easter egg hunt, organised by a resident in Devonshire Place.</li> <li>• The local community is proud to be able to use a historic Bath hilltop which plays a prominent part in Jane Austen’s and Thomas Hardy’s works, which has been depicted in various historical paintings (for example by the post-Impressionist Walter Sickert), and which forms the setting of the listed buildings at Devonshire Buildings, built in the 1790s on pastureland owned by Edward Collibee.</li> </ul>
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## **Appendix 1**

### **Endorsements of proposed classification of land at Beechen Cliff as a Local Green Space**

Widcombe Association:  
20 July 2014

Mark

I am pleased to confirm that the WA wishes to support the application on the basis you have now agreed on.

Many thanks for the opportunity to be involved in your discussions on Wednesday.

Kind regards

Jan Shepley  
Widcombe Association

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Ramblers Association (Bath)  
20 July 2014

Thanks for alerting me to what is going on around Beechen Cliff and its possible classification as a locally important green space.

As I mentioned when we spoke after the JLAF meeting the other day, I have in the past been active at hearings called to discuss proposals by Beechen Cliff School concerning possible modifications to the rights of way crossing their playing fields, speaking in opposition to them. I am glad to say that the Ramblers Association argument that these open spaces constitute a very important amenity for the city and its inhabitants has so far prevailed. I am sure the RA would wish to support your current efforts in whatever way we can.

Regards



David Waterstone

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National Trust

20 July 2014

Dear Mark

**Beechen Cliff**

I am writing to give my full support to the local residents of Beechen Cliff in their ambitions to classify the area of green space at Beechen Cliff as Local Green Space within the National Planning Policy Framework.

As you are aware the National Trust and the Council were in discussion for a number of years about Trust acquiring the landscape including Beechen Cliff woodland and the neighbouring Lyncombe Hill Farm fields. During that time I came to realise how valued this area was to the local neighbourhood.

I think it is vitally important that spaces like this are protected for the future from development and remain as valued green spaces for use by local residents. I also think it is very important to retain the green fingers of landscape that embrace the built environment, this countryside in the city is what makes the City of Bath such a special place.

I wish you every success with your endeavours

Best wishes



Wendy Stott

*General Manager*

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Bath Preservation Trust

5 August 2014

Dear Mark

Thank you for your email requesting support from BPT for the declaration of land at Beechen Cliff as a Local Green Space (NPPF §§76-77).

Bath Preservation Trust's charitable objectives are to promote the protection and enhancement of the Bath World Heritage Site, Bath's countryside and the amenities of the city.

The residential and visual amenity value and significance of the Beechen Cliff area is particularly high and this is recognised in planning policy documents such as the Council's Green Infrastructure Plan and World Heritage Site Setting SPD. This prominent green area makes a significant contribution to the character of the Bath Conservation Area and special qualities of the Bath World Heritage Site and its landscape setting providing a scenic backdrop to the Georgian city. Thus it is an important green space which BPT would want to see protected, enhanced and enjoyed now and for future generations. I am delighted to confirm the Trust's support for the application.

Joanna Robinson  
Conservation Officer

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FoBRA

15 July 2014

Dear Mark

Thank you for your email seeking our support for the declaration of land at Beechen Cliff as a Local Green Space (NPPF §§75-76).

The Federation's policy is strongly in favour of the protection and enhancement of the Bath World Heritage Site as designated by UNESCO, which identified as among its Attributes of Universal Value the "Green setting of the city in a hollow in the hills" with "Green, undeveloped hillsides within and surrounding the city", "Trees, tree belts and woodlands predominantly on the skyline", and "Fingers of green countryside which stretch right into the city". The extensive green area of Beechen Cliff, including woodlands, grazing fields and playing fields, plays a key role in this, and as you rightly point out has done so since Georgian times. The whole of the area, including the school's green spaces and the allotments, has accordingly been recognised in a series of recent policy documents such as the Council's Green Infrastructure Plan and World Heritage Site Setting SPD. But its importance is not only aesthetic: it is intensively used, as you demonstrate, for a wide range of local community purposes and events, both by its immediate neighbours and by residents from nearby and more distant parts of the City.

I am delighted to confirm the Federation's support for the application.

Regards

Nick Tobin

*Vice Chairman, Federation of Bath Residents' Associations*

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Somerset Playing Fields Association

3 July 2014

Dear Mr O' Sullivan

I refer to recent correspondence and our telephone conversation.

The Somerset Playing Fields' Association campaign for the retention and development of recreational, play and sporting facilities in the Historic County of Somerset.

They support in principle the retention of the playing field at Beechen Cliff School in Bath as public open space for the enjoyment of the public.

Yours sincerely

Richard Young

Secretary/Treasurer

Somerset Playing Fields' Association

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Cllr Ian Gilmore

22 July 2014

Thank you for your email seeking my support (as your local councillor) for the declaration of land at Beechen Cliff as a Local Green Space (NPPF §§76-77).

I am in complete agreement with the principle of protecting and enhancing the Bath World Heritage Site as designated by UNESCO, which identified as among its Attributes of Universal Value the "Green setting of the city in a hollow in the hills". The extensive green area of Beechen Cliff, including woodlands, grazing fields and playing fields, plays a key role in this, as we have noted over recent attempts to include it in the SHLAA. I recognise

that it is used for a wide range of local community purposes and events, both by its immediate neighbours and by residents from nearby and more distant parts of the City.

I am delighted to confirm my support for the application.

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Cllr Ben Stevens

3 February 2015

I, Cllr Ben Stevens BA2 3QA, would like to see the Lower Playing Fields at Beechen Cliff School designated as a Local Green Space.

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Cllr Katie Hall

9 March 2015

You wrote to me recently asking for my support for a proposal by the local community, led by the Greenway Lane Area Residents' Forum with the support of the Widcombe Association and others, for the designation of the lower playing field at Beechen Cliff School as a Local Green Space in terms of §§76 and 77 of the National Planning Policy Framework.

I'm well aware that the Beechen Cliff hilltop as a whole plays a key part in the setting of the City of Bath World Heritage Site. It is not only significant as a scenic backdrop to many of Bath's major historic buildings, but is also important in its own right, both as part of the dense patchwork of green spaces which forms a recognised part of the essential character of the city, and also as itself an object of vital heritage interest and meaning. The north side of the hilltop facing the city is the most critical in this respect, but the south side shares these qualities – and approaching the city from the south along the main Fosse Way and turnpike route one's introduction to the character of the city is just this green extent of Beechen Cliff, with the school's grassy playing fields and their surrounding trees.

Thus in the 2007 Local Plan all the open land at Beechen Cliff, including the school's playing fields, was given the new designation of "visually important open space"; and in the Council's latest Management Plan for the World Heritage Site, and in the current Local Plan, Beechen Cliff is identified as one of seven "prominent, green hillsides within the built-up area [that] are vital to the City's landscape setting and character", with the remark that it has been "highlighted as crucial to the setting of the city".

The ecological value of the playing field area is also significant, since it forms a green finger offering a wildlife corridor between the wider Beechen Cliff hilltop and the river Avon, and the broader countryside to the south running up with the Cotswolds AONB to Lyncombe Vale. Moreover, the playing field land is potentially more vulnerable than the rest of the hilltop, as is shown by the planning application in the year 2000 for housing development by Beechcroft Developments Ltd and subsequent attempts to have the site included in the SHLAA (though both of these endeavours were in the end rejected by the Council).

I am also aware as the Councillor for this ward that the lower playing fields are intensively used out of school hours by the local community: as one of the few relatively level open spaces in the neighbourhood they offer unparalleled opportunities for outdoor exercise, and make a major contribution to public health as a result. They are used for recreation by adults and children, for walking pets, as a pedestrian route and for community events. This no doubt explains why in a three-week period last month the promoters of the Local Green Space had no difficulty in gathering nearly 300 signatures of local residents in support of their proposal.

Finally, I am keenly aware of the excellence of the education provision offered by Beechen Cliff School itself, which needs to be supported and sustained. Sport is a prominent area of activity for the school; and a 1998 OFSTED report found that the playing fields were then small for student numbers, which have since increased, and may increase further as a result of housing developments in the south of the city, so it is hardly likely that the school's needs for playing fields will diminish. But many eventualities are possible before the next Core Strategy is brought forward. In the meantime, I am reassured that designation as a Local Green Space would not curtail the School's ability to offer outstanding education with all the necessary resources. I therefore have no doubt of the community, the heritage, the public health and the environmental importance of retaining this land as a Local Green Space, and am pleased to give my full support to the application.

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*Cllr Bellotti has not given explicit support for the proposal to designate in terms of the NPPF, but has offered the following support (excerpted):*

Cllr David Bellotti

20 January 2015

I can confirm unreservedly that I support the continuing use of the lower field at Beechen Cliff School as a green space and would oppose development.

## **Appendix 2**

### **Photographs supporting the proposal**

The photographs attached are submitted in support of the proposal.

Page 1: community events, family recreation in winter, planting of trees by the community to replace elms lost to disease.

Page 2: planting of trees by the community, community events.

Page 3: community events, landing of hot-air balloon, recreation.

Page 4: teenage football, dog walking, listed building settings, natural beauty, wildlife, ancient hedgerow and mature trees.

Page 5: natural beauty, wildlife, Easter egg hunt, view from Wellsway on approach to Bath, community event, mature tree planted by residents.

Page 6: view from Wellsway, dog training, listed building settings, old wall and hedge, use by school for sports.

Page 7: informal and formal use by pupils, tranquil views, temple.

*[photographs not reproduced in this document]*

## Appendix 3

Maps:

- i) Location of Local Green Space (public rights of way incomplete)
- ii) Boundaries of Local Green Space (public rights of way incomplete)







*[Appendix 4 omitted in this document]*

## Appendix 5

### Two questions

1 In the course of development of this proposal, two bigger issues arose which should be elaborated in a little more detail. These are (i) why does the green space need protection, when it is not currently identified for development?; and (ii) how does this proposal fit with §72 of the National Planning Policy Framework (educational development)?

*Why does the green space need protection?*

2 Though we have over 400 supporters, there are also a few who object. It has been put to us by sceptics that this is not a green space that needs protection. They say that it is not used; or that there is another green space in the locality at Bloomfield Road and that if the latter space is kept then the Beechen Cliff space can readily be abandoned. Or, to the contrary, they argue that the Beechen Cliff space already has protection in various ways, and does not need more; or that “everyone” has always agreed that the space is needed and should not be developed, so that additional protection is otiose.

3 None of these arguments will hold water. The fact that the space is in active daily use both by the School and by the local community is very clearly established by the evidence set out in this document. And there is no competition between the open spaces at Bloomfield Road and Beechen Cliff: they are half a mile apart and separated by the busy Wellsway, serving different patrons in the Oldfield Park/Moorlands and Widcombe Village/Lyncombe Vale areas; the level character of the Beechen Cliff space is unusual in this part of the city, but much valued by those playing ball games, or who are disabled and cannot manage slopes – while the Bloomfield Road space is more extensive; the Council has had so poor a response to its call for Local Green Space proposals that it has been obliged twice over to extend the timetable for submissions, so that the need for Local Green Spaces in the city is absolutely patent. Moreover, it is not possible for this protection to be called upon as and when a need arises: a Local Green Space may only be brought forward in the context of a Local Development Framework process, and these seldom take place more often than every five years.

4 On the other hand, other current protections are evidently not robust. The School’s own unstable and inconsistent attitude to the open space causes anxiety (see below), and it has persistently been very reluctant to communicate with its local community. In the Deposit Draft Local Plan of

January 2002, the open space was to be found within the Bath Conservation Area and the World Heritage Site, and within the setting of the Cotswolds Area of Outstanding Natural Beauty and of the listed Devonshire Buildings; it was classified as protected playing fields, and as part of a special designation of important hillsides “vital to the City's landscape setting and character”. The Inspector, in a determined search for housing sites, rejected the designation of important hillsides altogether, and went on to recommend the development of the Beechen Cliff open space without troubling to consider the impact of this on the World Heritage Site, on the listed buildings, on the AONB, on the public open space or on the ecological issues; the land was only saved by the good sense of the Councillors, who at that time had power to reject an Inspector's findings. Within a few years the developers were back, demanding that the Beechen Cliff open space be declared suitable for development in the Strategic Housing Land Availability Assessment. They were seen off once more by the Council. But the land is clearly under siege: should the Council's vigilance at any time slip for a moment, this vital local amenity will be lost. Given its extremely strong amenity merits as set out in the present document, it is by no means excessive that this land should carry the proper and accurate designation of Local Green Space under the NPPF.

#### *§72 of the National Planning Policy Framework*

5      §72 of the NPPF states, “The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted”.

6      We welcome and applaud this concern for education, and for Beechen Cliff School in particular. However, we consider that the final words of that paragraph imply that it is a policy for the use of development control rather than development planning powers. In particular, we note with surprise the potential implication, in some notes prepared by Council officers to help those making Local Green Space applications, that there might be some conflict between a school's use of land and a Local Green Space designation. Nowhere in the NPPF is there any suggestion that schools should be exempt from planning control, even though it would be open to the Government to grant a GPDO permission with that effect: developments in schools can have significant amenity impacts, and they fall to be considered on their merits just like others. Hence if a proposal were made for school land to become a Local Green Space, that proposal would need to be judged on its own merits;

if any subsequent planning application for the development of the land were later to come forward, that would in turn be judged, as a matter of fact and degree, in accordance with the national and local policies applying to such development on that site, with appropriate weight being given both to §72 and to §76 of the NPPF. All this notwithstanding, it is our contention that, even if §72 were seen to be directed at planning policy as well as development control, the evidence put together in this document is more than sufficient to demonstrate a sound case for designation of the Lower Field as a Local Green Space.

7 There are more specific considerations to suggest that the designation of the playing fields of Beechen Cliff School as a Local Green Space would be in the public interest. The 1998 OFSTED inspection report found that the playing fields were already small for the size of the school, yet faced with financial difficulties the school decided in 2001 to sell the Lower Field to a housing developer (it managed to persuade the DfEE to grant permission for disposal, but the Government's criteria have since been tightened; the project failed at the time because planning permission was refused); pupil numbers have since then increased markedly, and it is far from clear that it would now be in the school's or the public interest for the land to be developed – certainly our Councillors are not of that mind. In 2013 the Chair of Governors reported on the School's first year as an Academy, explaining its ambitions to expand a budding provision for boarding pupils and remarking that the Lower Field would be suitable for this purpose – a plan which on fuller consideration was abandoned. We can well understand that the School, whose academic record is outstanding, has many priorities in managing education, and the future of a patch of land on its periphery will not be among the most salient. Yet, looked at in perspective, the land is important, both to the School and to the local community, as this document shows. The instability of the 2001 and 2013 events suggests that proper scrutiny by the Council would be useful to the School itself in helping it to ensure that the amenity implications of any developments are properly resolved in the public interest. But in any event it should be borne in mind that a declaration of the land as Local Green Space would in no way prevent the School either from exercising its current permitted development rights (for example, for the use of the open land as a temporary car park when there are major events), or from making an application for planning permission to be decided on its merits in the ordinary way.

8 Moreover, we have the evidence of Jane Austen's *Northanger Abbey* to show that as long ago as the early nineteenth century the land behind the summit of Beechen Cliff was used as public open space (referred to in §5.4.6 of the WHS Management Plan); and we know that the land sold to the Council for the erection of the school in the 1930s was assessed by the

Minister of Health at that time as public open space (see extract from conveyance attached). We believe that this long and continuous history of use of the Lower Field as public open space demonstrates that it has, in planning terms, for many years been as a matter of fact in dual use, both as playing fields and as public open space, and we maintain that even if §72 were seen to constrain the case for designating it as a Local Green Space *qua* playing field, it could not constrain the case for designating it as a Local Green Space *qua* public open space.

## Appendix 5a: Extract from 1936 conveyance

Source: B&NES archives

