

South Bristol Link Compulsory Purchase Order 2013

Statement of Case by

Long Ashton Parish Council

June 2014

Summary

1. Long Ashton Parish Council (LAPC) objects to the proposed exchange of land within the parish of Long Ashton as proposed in the Statement of Case prepared for North Somerset Council, dated March 2014
2. LAPC considers the open access land proposed to be provided is not an adequate replacement for the land being acquired in that it is of inadequate quality, lacks the tranquillity of the current land and is not contiguous. It therefore fails the statutory test as set out in s.19(1)(a) of the Acquisition of Land Act 1981 that the replacement land be “equally advantageous” to those who hold rights over it and to the public.
3. Part of the proposed replacement land has been identified in the North Somerset Core Strategy as a potential extension to the Long Ashton Park and Ride and could therefore need to be replaced again at some time in the future. This creates an unacceptable level of uncertainty as to the value of the replacement land, contrary to the guidance contained in paragraph 25 of Appendix L to Circular 04/2005.

Statement of Case

Areas of Land

4. This statement concerns the land listed in the North Somerset Statement of case section 11.7 identified as “Public Open Space (Long Ashton Park and Ride)”
5. These are aggregated into three main areas:
 - a. 01/22, 01/23, land to the west of the Long Ashton Park and Ride (LAP&R). This is designated as area A.
 - b. 02/02, 02/03 and 02/19 land to the west of Brookgate. This is designated as area B.
 - c. 01/19, 01/20, 01/27, 02/22 and 02A/01, Land to the north of the Bristol to Exeter railway line. This is designated as area C.

Nature of the Areas of Land being Acquired

6. The land being acquired lies adjacent to the parish boundary with Bristol. On the Bristol side it is an area of open space, the southern part of which has been designated a Town or Village Green (TVG). The status of the remainder (as TVG or not) has yet to be decided, but currently is open space and lies within the green belt.
7. The land being acquired is currently used for agriculture and is accessible by footpaths. It is surrounded by open space and is valued as a tranquil area, which is close to the city. The Public use routes across this land for exercise and recreation. It is currently cultivated for meadow grass hay production and is an area of rural idyll.

Nature of the Proposed Replacement Land

8. Area A is roughly horseshoe shaped and follows the boundary of a field.
 - a. It is the site of a former tip and has been capped with an impervious layer such that the land is very wet. This area may have the potential for leaching of contaminants making it unsuitable for any form of recreational purpose.
 - b. It is bordered by the A370 to the north, the LAP&R to the east and will be bordered by the SBL to the west. It does not have the tranquillity of the land being acquired.
 - c. Part of the area has been planted with trees as part of the Forest of Avon, limiting its potential for use by the public.
 - d. It has been identified in the North Somerset Core Strategy as a potential extension to the Long Ashton Park and Ride, (policy CS10 item 14). Any use as public open space may therefore be only temporary and any expenditure to improve the land would be wasted. The guidance contained in paragraph 25 of Appendix L to Circular 04/2005

states that the “equality of advantage” between the land to be acquired and the replacement land is the date of the exchange. This cannot be assessed in these circumstances as it is unknown whether the replacement land will be available for use as public open space at the relevant date.

- e. Access to this is currently via largely impassable and unpleasant footpaths which are not well used.
9. Area B comprises two areas, one roughly triangular and the other rectangular, which will be separated by a new access road into Brookgate.
 - a. These areas will be bordered by the industrial estate and the SBL, and therefore are not of the same character as the land being acquired.
 - b. The areas are small and of little use for public recreation.
 - c. The order does not identify any means of access, though if provision were made it may be possible from the cycleway.
 10. Area C is a long narrow strip that runs alongside the railway line.
 - a. The embankment is several metres high. (The SBL will pass under the line so the embankment is at least 5 metres high). The proposed strip of land is very wet because there is runoff from the embankment and there is very little direct sunlight.
 - b. It is not a pleasant area and appears to have little or no use for public recreation.
 - c. Whilst is accessible from Yanley Lane to the west via a somewhat tortuous route, the order does not show any means of public access from east or Bristol end. It therefore can only be considered a “dead end” and is therefore of little, if any, public benefit.
 - d. There are several methane monitoring points alongside this piece of land, serving the nearby, closed Yanley landfill site. This could, therefore, have the potential for public risk from methane percolation through watercourses or leachate contamination as the tip has only recently been capped.
 11. It is for the above reasons that the council’s proposals fail the critical test of the replacement land be equal to or exceeding that of the Public land being compulsorily purchased

Other Information

12. At the public inquiry into the Ashton Vale to Temple Meads (AVTM) Bus Rapid Transport an area of land was proposed as replacement for the public access land at Ashton Fields that will be used by the AVTM. This would fill the horseshoe of area A. LAPC objected to this being used as replacement land on the similar grounds to those in this objection.

LAPC Proposal

13. LAPC propose that the replacement land should include Long Ashton Cricket ground. As this is substantially smaller than the proposed exchange land, an additional area surrounding the cricket field itself should be included. This would provide land of equivalent quality to that being acquired. It has good access and would be a suitable replacement area of public open space. It is recommended that this land should be vested with LAPC in the interests of the community.

Conclusions

14. The proposed exchange land does not satisfy the legal test of being “equally advantageous” as the land being acquired.
15. LAPC proposes that an alternative area, around and including the Long Ashton Cricket ground, should be designated as replacement land.