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| **B&NES Logo** | **Local Plan**Publication Stage Representation Form | **Ref:****(For official use only)**  |
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| **Name of the Local Plan to which this representation relates:** | **Bath and North East Somerset Council**  |
| **Please return to Bath and North East Somerset Council BY 23:59 on the 8th October 2021**Please note that while anyone can comment on consultations on local Planning Policy documents; we cannot accept confidential or anonymous comments and your name (but not any other details) may be published alongside the comments. For more information on what Planning does with personal information please see the [Council’s privacy policy](https://beta.bathnes.gov.uk/council-privacy-policy) and the [Planning specific privacy policy](https://beta.bathnes.gov.uk/council-privacy-notices/planning-privacy-notice).**Please send completed forms to post to: Planning Policy Team, Lewis House, Manvers Street, Bath BA1 1JG****This form can also be** [**completed online**](https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/)**:**[**https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/**](https://consultation.westofengland-ca.gov.uk/bath-north-east-somerset/lppu-draft/)**.** Users who complete the form online will receive a receipt and a link to a PDF copy of the response upon submission. There is also a 'save and return' feature which allows respondents to come back to their incomplete survey response at a later date without losing the information they've already entered as part of their response. Please note that you must have cookies enabled in your web browser to use this feature, and the feature is not available for responses that have already been completed and submitted.If you are having difficulty in submitting representations please contact planning\_policy@bathnes.gov.uk or call 01225 39 40 41 (Option 6) |
| This form has two parts –Part A – Personal Details: need only be completed once.Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make. |

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| **Part A** |
| 1. Personal Details\* |  |  |  |  |  | 2. Agent’s Details (if applicable) |
| \**If an agent is appointed, please complete only the Title, Name and Organisation (if applicable)**boxes below but complete the full contact details of the agent in 2.*  |
| Title |   |   |  Mr |
|   |  |
| First Name |   |   |  Daniel |
|   |  |
| Last Name |   |   |  Millward |
|   |  |
| Job Title  |   |   |  Principal Planner |
| (where relevant) |  |
| Organisation  | Barratt Homes (Bristol) Ltd |   |  Pegasus Group |
| (where relevant) |  |
| Address Line 1 |  c/o Agent |   |  First Floor, South Wing, Equinox North |
|   |  |
| Line 2 |   |   | Great Park Road |
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| Line 3 |   |   |  Almondsbury |
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|   |  |
| E-mail Address |   |   | daniel.millward@pegasusgroup.co.uk |
| (where relevant) |  |

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| **Part B – Please use a separate sheet for each representation** |
| Name or Organisation: |
| 3. To which part of the Local Plan does this representation relate? |
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| Paragraph |  | Policy | SB14, SB24, KE2A,KE5,KE3C andKE3D | Policies Map |  |
| 4. Do you consider the Local Plan is : |
| 4 (1) Legally compliant  Yes No X  |
| 4 (2) Sound Yes No X  |
| 4 (3) Complies with the Duty to co-operate Yes No X  |
| Please indicate as appropriate |
| 5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.  |
| Our other representations have set out our concerns regarding the legal compliance of the LPPU and the Council's compliance with the Duty to Co-operate (DtC). The identification of site allocations to address the housing supply is a sensible approach and so we have no concerns with the legal compliance of this approach or that this conflicts with the DtC.However, we have a number of concerns with the soundness of the site allocations that have been identified. Indeed, we are specifically concerned that a number of these sites may not be delivered, either in whole or in part before the end of the plan period. As such, there are concerns that the LPPU will fail to secure the Council's Housing Land Supply position or pass the Housing Delivery Test for the remainder of the Plan Period. Site AllocationsThe LPPU now acknowledges a predicted shortfall before the end of the plan period against the plan requirement of approximately 1,100 dwellings (down from 1,200 set out in the previous consultation document).To address this shortfall the Partial Review proposes to intensify development on existing and new brownfield allocations and to release Safeguarded Land at Keynsham for development.In regard to **Policy SB14 Twerton Park (Bath City Football Club),** it is noted that there has already been a previous application which was refused at planning committee on the grounds of poor design, harm to the conservation area, harm to residential amenity and lack of parking. Whilst an amended allocation may be able to be achieve an appropriate response to these reasons for refusal, the fact that this site has already been allocated for the last 7 years and an application has been refused on the site, concerns about the site's deliverability remain.For the new allocation at **Policy SB24** **Sion Hill**, the site has known archaeological deposits and there are a number of heritage assets in the immediate area, including a Grade I Listed Building. The site is also prominent in the World Heritage Site landscape which, taken together with the above, means that there are likely to be harms associated with the site's development, harms that will need to be clearly and demonstrably outweighed by the public benefits of the 100 dwellings proposed. The concern is that the need for ‘further site assessments’ could show that the site's capacity for development is less than identified in the LPPU, if developable at all. Therefore, until further evidence or site assessments are put forward to demonstrate that the site can be developed given its historical context, it is not considered that the site is justified as an allocation and there is uncertainty as to whether the development of the site would accord with the NPPF when it comes to the need to preserve designated heritage assets. We would expect to see robust evidence put forward in support of this site allocation accordingly.The **Fire Station Site (Policy KE2a)** has a withdrawn application associated with it. Whilst the proposed mix of uses differs from those previously applied for, one would still expect to see evidence demonstrating that any previous areas of concern can be overcome whilst still delivering a viable scheme.In regard to **Treetops Nursing Homes (Policy KE5)**, which is a new allocation, an application was refused due to the scale of development proposed, its poor design and the negative impact it would have on the wider landscape and Conservation Area. Whilst it may be possible to overcome the reasons for refusal, there remains a question as to whether the development would be viable. It is considered further evidence should be provided to confirm that the previous reasons for refusal can be overcome and that the site is actually viable and can be delivered in the plan period.Turning to the release of **Safeguarded Land at Keynsham (Policies KE3C and KE3D),** the supporting technical transport work for the Placemaking Plan concluded that mitigation would need to be delivered prior to allocating further housing growth. Hence this land was safeguarded but not allocated for future housing. The LPPU states that mitigation options have been reviewed and this has now revealed that additional development can be supported at Keynsham. The Sustainable Transport Strategy for Safeguarded Land at Keynsham has conveniently concluded that there is capacity for around 300 additional dwellings, subject to the implementation of an appropriate mitigation scheme.It also concludes that development of between 300-600 dwellings would require more onerous interventions, including highway capacity and public transport improvements, but is still potentially deliverable. The site allocations identified in the plan would deliver around 330 additional dwellings plus any additional dwellings generated through infilling/windfall development. At present, the Sustainable Travel Strategy sets out a list of interventions; however, these do not appear to include improved highway capacity improvements that would be required to support development of around 300-600 dwellings. Whilst development at Keynsham is generally supported, this should only be in so far as technical matters allow. In the absence of the necessary transport interventions to justify development of around 330 dwellings, the scale of development proposed at Keynsham would likely lead to severe impacts on the local transport network. The Council is left with two options:1. Reduce the scale of growth at Keynsham to the point that the highways impacts are reduced; or
2. Allocate more development at Keynsham to secure the necessary infrastructure upgrades to support the development of more than 300 dwellings.

Under option 2, this would likely necessitate the release of Green Belt land. Whilst Green Belt should only be released in exceptional circumstances, this is likely to be the case here since it would, in conjunction with urban consolidation, represent the most sustainable option to meet an LPA's housing/development needs. As we cited in previous representations, the examining inspector of Wyre Council's Local Plan (February 2019) approved the local plan's release of green belt land at Poulton-le-Fylde because the town is "at the top of the settlement hierarchy, has a good range of services and facilities and is well served by sustainable travel modes, including the borough's only railway station". Given the Council’s focus in the Partial Review on combatting the climate crisis, sites on the edge of the more sustainable settlements (such as Bath and Keynsham) will have a significant benefit in sustainability terms compared to other options elsewhere in the district that would justify their release.In addition to this, a site's function and specifically its lack of contribution to serving the five purposes of Green Belt can also constitute an exceptional circumstance for its release, especially where sequentially preferable options to meeting the housing requirement are limited. The Inspector's report on the Broxtowe Local Plan noted that, *"the need for housing, the lack of alternatives in sequentially preferable locations outside of the green belt and their limited impact on the openness and purposes of the green belt constitute exceptional circumstances".* The previous Issues and Options Plan considered the release of Green Belt land to meet the non-strategic requirements of the JSP which amounted to around 700 dwellings. The residual housing requirement for the proposed Local Plan Partial Review is almost double this and will have to be met by small-medium sized sites (i.e., non-strategic sites) which can be delivered over shorter timeframes. Consequently, in a comprehensive Local Plan Review the Council will have to commit to a comprehensive review of the Green Belt and consideration of sites in the Green Belt to meet the Council’s future housing needs for a 15-year plan period in the most sustainable manner. Settlements outside of the Green Belt are constrained in their ability to accommodate the requisite of development sustainably. This is especially the case if the Council refuses to shift its stance on housing development and primary school capacity in the more rural settlements.There is, therefore, a strong case for a review of the Green Belt to meet the residual housing requirement and other development needs of the Council as part of this Local Plan Review.Barratt Homes' site at Lays Farm is sustainably located on the edge of Keynsham, would logically round off the settlement in this location and would be capable of being delivered in full within the plan period. It would also be able to contribute to the necessary infrastructure package to unlock a greater level of development at Keynsham under option 2. The above notwithstanding, we also have some concerns as to whether site KE3C and KE3D will deliver in full over the remainder of the plan period. I have not been able to locate a delivery trajectory for policies KE3C or KE3D within the evidence base. However, looking at the trajectory for similar sites in Keynsham, the suggestion is that annual completions would be somewhere between 40-80 dwellings per annum (dpa) (Housing Trajectory March 2021). Even assuming an average rate of 60dpa was achieved, detailed permission for both sites would need to have been achieved and all conditions discharged by 2023/24 to be confident that first completions would start in 2024/25, thus allowing the site to deliver in full before the end of the plan period. We would expect to see evidence presented at the examination in public (EiP) to provide sufficient confidence that these sites could be delivered in time.Furthermore, the development of up to 300 homes would be reliant on the delivery of the aforementioned infrastructure package. Whilst we note that there is already a planning application in for one of these sites, it is certainly not a given that all 300 dwellings will be delivered before the end of the plan period, especially as it is unlikely that dwellings could be occupied prior to the delivery of these interventions.Again, this leaves the Council with two options – reduce the complexity of the interventions and reduce the scale of growth at Keynsham accordingly. Or double down and identify more site allocations to ensure sufficient housing is delivered over the plan period. In short, even assuming that the latest transport work is robust, the LPPU fails to provide assurances that its site allocations will all be delivered within the plan period, whilst not having a severe impact on the local highway network. There are, therefore, issues of soundness associated with the plan. The LPPU is unlikely to secure the Council's Five-Year Housing Land Supply PositionThe upshot of this is that the approach is considered to be inadequate in terms of maintaining the Council's HLS position over the remainder of the plan period. Whilst we agree that development should be directed to the most sustainable locations, the plan still needs to demonstrate that it is indeed deliverable. As the Housing Topic Paper notes, over-delivery in previous years cannot be used to reduce the requirement over the plan's remaining years. Furthermore, it is important to ensure that the Council still passes the Housing Delivery Test so as to avoid more severe sanctions and open the district up to speculative development. The proposed allocations, when taken as a whole, do not provide the requisite level of confidence to suggest that this will indeed be achieved.Notwithstanding the above, there is also no indication that *all existing* commitments have been reviewed to confirm that they are still deliverable/are likely to be delivered prior to the end of the plan period. In the absence of such a review, one might expect the Council to apply a *lapse rate* to their projected housing delivery to factor in delays or the failure to deliver housing in certain sites. This would necessitate the identification of additional housing supply sources.Finally, there is no evidence that development of these sites will deliver the required housing numbers, particularly in the context of proposed development management policies which have the potential to impact adversely on scheme viability and deliverability. Indeed, the more onerous requirements coupled with the need to deliver the aforementioned transport interventions at Keynsham raise questions around the deliverability of the safeguarded land (Policies KE3C and KE3D) in particular.The Council is aware of Barratt Homes' site at Lays Farm and its availability, suitability and capability to make a meaningful contribution to the housing requirement over the remainder of the plan period. (Continue on a separate sheet /expand box if necessary) |
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| 6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible. |
| Taken together, we feel that there needs to be either a reduction in the level of development earmarked for Keynsham, or additional housing allocations identified to provide an appropriate contingency and ensure that the district's housing needs are met in full. The current approach is not considered to be sound.As noted above, this this means the Council needs to either:1. Reduce the scale of growth at Keynsham to the point that the highways impacts are reduced; or
2. Allocate more development at Keynsham to secure the necessary infrastructure upgrades to support the development of more than 300 dwellings.

The latter approach is preferred as this would deliver more homes in the second most sustainable location in the district. Whilst this would necessitate the release of land from the Green Belt at Keynsham, we believe this could be justified for the reasons set out above. A number of policies (DW1, KE1, KE2, KE3C, KE3D, KE5, SB14 and SB24) as well as their supporting paragraphs will need to be updated accordingly as well should any of these sites be removed from the plan.(Continue on a separate sheet /expand box if necessary) |
| ***Please note*** *In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.****After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.*** |
| 7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)? |
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|  |  | **No**, I do not wish to participate in hearing session(s) | X | **Yes**, I wish to participate in hearing session(s) |
| Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate. |
| 8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary: |
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| It may be beneficial to provide additional/updated information on the site allocations or on alternative sites which could be allocated. (Continue on a separate sheet /expand box if necessary) |
| ***Please note*** *the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in* *hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.* |