

**Bath & North East Somerset District**

**Secretary**

Nigel Long

40 Courtenay Road

Keynsham

BS31 1JS

Telephone:

Email: nigel.long76@yahoo.co.uk

Website: [www.cpreavonside.org.uk](http://www.cpreavonside.org.uk/)

The Countryside Room, Poole Court

Yate, South Gloucestershire

BS37 5PP

Telephone 01454 322201

info@cpreavonside.org.uk

www.cpreavonside.org.uk

Standing up for Avonside’s countryside

Local Plan Options Consultation

Bath and North East Somerset Council

Manvers Street

Bath

BA1 1JG

16th February 2021

Dear Sir or Madam

**Partial Update of the Bath and North East Somerset Local Plan (Core Strategy and Placemaking Plans)**

The Bath and North East Somerset committee of the Campaign to Protect Rural England (CPRE) has considered the latest proposals to update the Local Plan. We have found much to commend in the plan and have indicated in our comments below that the proposals which have our full support. However we do have some serious concerns on other issues, including in particular the update of the required housing numbers, and have commented on these in detail.

HOUSING

**Consultation on DM17 Affordable Housing**

Core Strategy Policy CP9 sets out goals for the delivery of affordable housing. CPRE would like to have seen a Review centering on how this policy has played out thus far in achieving these goals. It would appear that while overall housing delivery has exceeded targets so far in the Plan period, affordable housing has not. The minimum target for developments over 10 units is 30% and for much of the area it is 40% whereas the actual outcome is under 25%. There must be concern that over the Plan period, an insufficient supply of affordable homes will be delivered. The Review should have explicitly dealt with this issue in the same way the overall housing supply has been addressed and policy modified if required to deliver Core Strategy targets.

The suggested amendments to policy CP9 involve a greater discount for participators in ‘Build to rent’ schemes of 30% rather than the 20% mooted by the Guidance. This is linked with the 30% discount to buyers in the government’s First Homes scheme currently under consideration. Unfortunately, as these schemes are financed by the developers rather than by the government or local authorities, this will only serve to exacerbate the viability problems which are frequently quoted as the reason why affordable housing targets cannot be achieved. CPRE suggest therefore that in the interests of preserving affordable housing supply, the proposed change to Policy CP should not take place.

Core Strategy Policy CP9 sets out goals for the delivery of affordable housing. CPRE would like to have seen a Review centering on how this policy has played out thus far in achieving these goals. It would appear that while overall housing delivery has exceeded targets so far in the Plan period, affordable housing has not. The minimum target for developments over 10 units is 30% and for much of the area it is 40% whereas the actual outcome is under 25%. There must be concern that over the Plan period, an insufficient supply of affordable homes will be delivered. The Review should have explicitly dealt with this issue in the same way the overall housing supply has been addressed and policy modified if required to deliver Core Strategy targets.

The suggested amendments to policy CP9 involve a greater discount for participators in ‘Build to rent’ schemes of 30% rather than the 20% mooted by the Guidance. This is linked with the 30% discount to buyers in the government’s First Homes scheme currently under consideration. Unfortunately, as these schemes are financed by the developers rather than by the government or local authorities, this will only serve to exacerbate the viability problems which are frequently quoted as the reason why affordable housing targets cannot be achieved. CPRE suggest therefore that in the interests of preserving affordable housing supply, the proposed change to Policy CP should not take place.

**Consultation Reference DM36. Policy GB2: Development in Green Belt Villages**

Suggested modification to this policy has three aspects. The first is the conflict between the Core Strategy and the NPPF regarding previously developed land. The Core Strategy states that residential building will only be permitted in villages washed over by the Green Belt if it is infilling and is within the Housing Development Boundary. But the NPPF says that new buildings are inappropriate in the Green Belt with exceptions including the redevelopment of previously developed land. Because of the requirement of consistency with National Policy, it is clear that local policy should permit building on previously developed land within villages washed over by the Green Belt.

CPRE support this change, but are concerned that the distinction between previously developed and agricultural land is not misused. For example, agricultural land which has been turned over to equestrian use is regarded as previously developed and becomes acceptable for residential building. To avoid any further blurring of this distinction, policy should try to ensure that change of use applications from agriculture are not merely a means of indirectly acquiring housing development rights.

The second aspect to the modification concerns the term ‘limited’. Though the Core Strategy specifies development suitable for Green Belt villages is ‘limited’ to infilling within the HDB, the NPPF refers only to ‘limited’ infilling within villages being not inappropriate development. The two uses of the term ‘limited’ have quite different meanings. CPRE suggests that to avoid conflict with the NPPF, the Core Strategy should be amended to state that infill development within Green Belt Villages should be in some sense limited. Infill sites already have some policy limitations in that they are defined as a small gap within a built up frontage suitable for one or two houses. But this should be extended to mean that not all infill sites are suitable for development whether by reason of over expansion of the village, or the preservation of green infrastructure or for some other reason.

The third aspect of the modification has to do with Housing Development Boundaries. The NPPF makes no reference to HDB’s and it specifies that residential development can take place on land which is previously developed whether it is within an HDB, outside an HDB, within a village, or anywhere else within the Green Belt. With limited infilling, the NPPF refers only to villages, so confining infilling to development within the HDB as required by the Core Strategy may not comply with national policy. CPRE offers the following observations. First, villages have no fixed boundaries. The only administrative boundaries are for parishes which generally extend into the countryside beyond built-up areas. Often, there are outlying farms or other settlements which have open countryside between them and the village proper but are still considered part of the ‘village’. HDB’s are usually tightly drawn round the main settlement areas and exclude these outlying properties and the idea behind them is to prevent villages straggling out over the adjacent countryside. They are not fixed and unchanging as they are revised from time to time. They perform a useful function which the CPRE supports, suggesting they be revised and redefined, applied to all Green Belt villages and incorporated into policy with a weight to be judged on a case-by-case basis.

CPRE therefore **strongly supports Option 1** with the following conditions:

1. That spurious attempts to reclassify land use from agricultural to classes supporting the definition of previous development be resisted.
2. That infill will only be supported if it is ‘limited’ in extent as required by the NPPF
3. That HDB’s are retained with strong policy guidance that applications for development outside them will have to be robustly justified.

**Housing Supply**

**Comment on update of housing numbers as invited in 3.5.**

Para 3.5 of the Consultation Document explicitly invites comments on whether the Council is right, or not, to reject using the “Standard Method” as the basis for recalculating the future requirement and size of any shortfall over the plan period.. this is very important because using the Council’s own figures in Para 3.4, the Standard Method produces the result of a shortfall of only 371 dwellings. Given the pressure on suitable land supply and the Government’s own recognition in its revised planning proposals that some areas with high proportions of Green Belt and AoNB may merit reduced “targets”, there is a very strong case in principle to justify the lower “standard method” number.

That case can be established in detail by reference to the parallel Housing Supply Topic Paper as well as the Consultation document, which we have examined in detail as follows:

1. The Core Strategy 2011-2029 (adopted 2014) lays down that 13000 houses should be delivered over the Plan period. This figure is some 4000 greater than the observed housing need, so there is lots of slack built into this figure.
2. This Plan is required to be reviewed after 5 years to see whether actions need to be taken or policies changed to help ensure the Plan targets are achieved.
3. National Policy requires there to be further tests focusing on the progress of the Plan with respect to Housing delivery over the past years and the supply of housing sites over the next 5 years.
4. The Review being carried out shows of the 13000 houses required by 2029, 7320 (56%) houses have been built in half the plan time span (9 years) leaving 5680 (44%) to be completed in the next half.
5. The latest published housing trajectory (see Topic Paper:Housing Supply gives the anticipated number of houses deliverable from the sites already agreed (para 2.5) of 5778. But para 2.15 maintains that subsequent to March 2020, supply from some of these sites cannot be relied on sufficiently so that the ‘realistic’ figure is 5300, which is 380 short of the target. In the B&NES webinar, the major factor identified for this shortfall is Western Riverside and it was stated that this was to do with a doubt whether some of the sites could be delivered within the time period of the Plan rather than the sites not being deliverable at all. This seems a weak argument as the these shortfalls are likely to occur 8 to 10 years in the future, which is surely something that can be addressed by bringing forward the roll-out. In addition an enormous amount of slack is contained within these figures which is designed to cope with factors such as this.
6. Even if it were agreed that a further 380 houses were to be planned for, it seems that there has been very good progress towards achieving the housing objectives of the Core Strategy and that, albeit with fairly minor adjustments, those objectives are on target to be met by 2029. On this basis, a Review would conclude that the policy is a success. Note that the time distribution of housing targets was assumed to be fairly neutral and that there was no pattern of delivery which was part of policy. How, then, can the Review maintain that a further 1200 houses should be built between now and 2029 over and above the 5680 already scheduled?
7. The answer is that there are other considerations in the NPPF (which post-dates the Core Strategy) in the form of a Housing Delivery Test and a 5 year Housing Land Supply Test. It is the Housing Delivery Test which is the primary reason why 1200 more houses are required. The Consultation document makes no mention of the 5 Year Land supply test, though this is discussed at length in the Topic Paper.
8. The Housing Delivery Test (HDT) looks at the delivery of houses over the past 3 years on a moving average basis and compares this with a target delivery. This is interpreted to mean that the target each year is 722 (13000/the 18 years of the Plan period) and that to pass this test each year the average for the past 3 years should be 722 or above.
9. The HDT will be passed in the current period and probably for a year or two after, but in the mid 2020’s, it will fail as the number of houses due to be built falls well below 722. The proposal is therefore to expand the building programme during the remainder of the Plan period to bring completions each year on average to 722.
10. There is no explicit trajectory of delivery within the Core Strategy, other than an uplift some years into the Plan to compensate for a slow start in actual completions. There is an assumption, rather than an intention, of having a balanced delivery over the Plan period. The actual trajectory has been heavily front loaded, mainly, it appears for commercial reasons and particularly the roll-out of the large sites on ex-MOD land in Bath. This is not relevant to the achievement of the Core Strategy goals, yet at least according to the Council’s interpretation, it must as a matter of arithmetic, mean that Housing Delivery Tests in the later part of the Plan period will fail. The absurdity of this is that, were all the housing deliveries in the Plan completed after 2020, the Housing Development Test would be passed even if those deliveries were inadequate to meet the overall goals of the Strategy. There is therefore no valid Planning reason to provide an uplift of 1200 houses within the Plan.
11. Common sense dictates that even in the absence of an explicit trajectory, ‘over delivery’ of housing completed early in the Plan period could compensate for ‘under-delivery’ in the later part. If this were so, the Test would match lower achievement in the later period with lower expectation, and there would be no problem in passing Housing Delivery Tests through to the end of the Plan period.
12. The Consultation document is flawed in a critical respect. The Technical Guidance is clear that ‘*The number of homes required each year is based on the* **lower** *of the housing requirement in local plans or household growth / local housing need plus unmet need, this is carried out for each of the three years.. The final number of homes required sums each year’s* **lower** *figure to calculate the threeyear total number of homes required.’* The use of a 722 annual requirement is incorrect as the lower number provided by the Standard Method should be used (648) which would reduce the uplift needed by 666.
13. Although the 5 year land supply is not explicitly mentioned in the Consultation document, it is important as a further hindrance to the Core Strategy, and is extensively discussed in the Topic Paper. The issue is defined in para 2.9 thus ‘*The NPPF also requires the Council to identify and update a supply of specific deliverable sites sufficient to provide a minimum of 5 years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old ie a five year housing supply’.*
14. As opposed to the Housing Delivery Test, para 2.10 states that ‘*a A 5 year housing land supply to meet the Core Strategy requirement is calculated against* ***the remainder of the requirement to be delivered****. The annualized Core Strategy requirement of 722 is effectively ahead of schedule and the Council is carrying a surplus against the annualized requirement (822 in 2020)’*  It could well be asked why the HDT takes no account of previous over supply of housing whereas the 5 year housing supply test does.
15. However, the reassurance on the ability to pass the 5 year supply issue is claimed to be misplaced. As stated in para 2.11, ‘*as the Core Strategy (which established the strategic policy setting the housing requirement) is now more than 5 years old and as set out by the NPPF, the 5 year housing land requirement is calculated against ‘local housing need’. The standard method for B&NES is 648 per annum for the next ten years.* But (para 2.13) ‘*Unlike calculating the five year land supply against the Core Strategy does not allow the Council to take account of any surplus in supply.*’ It seems completely illogical to have different bases for these two kinds of measurement.
16. It can be convincingly argued (see below) that the correct stance is to use the Core Strategy figures to argue the 5 year land supply issue. In which case, concern about the ability to pass the test through to the end of the Plan is unfounded as there are enough sites in the supply to meet the Core Strategy requirement.
17. The reason for this has to do with confusion of the status of the Plan in terms of whether it is outdated and what is the effect on the review process. The first point to make is that B&NES are not consistent with regard to whether the Core Strategy is up to date or out of date. In the Consultation document para 2.1, it states that ‘*The policies in the Core Strategy and the Placemeking Plan provide the principle policy framework for determining planning applications and appeals. The policies in the Placemaking Plan were found sound in July 2017, so the majority of them are still up to date’.* On the other hand, the view in the Topic Paper in para 2.13 is equally clear that the Core Strategy is out of date.
18. Guidance is very clear that policies on matters such as Housing need which are presented in the Core Strategy are not revalidated as at a later date in other Plan documents such as the Placemaking Plan unless the policies have been recalculated. The fact that the Placemaking Plan was adopted in 2017 does not extend the life of Policies restated in that Plan which were originally expounded in the Core Strategy adopted in 2014. Policies on housing numbers therefore became out of date in 2019 (and the question could be asked as to why review and update was left until the five year requirement was long passed).
19. Therefore, it can be stated that at this point the Topic Paper is correct that the Core Strategy policies are not current, but it is surely incorrect in concluding that the Core Strategy targets should not be used to calculate the 5 year land supply. This is because the process of review and update provides a route to the revalidation of the Core Strategy. Once approved by the Inspector (albeit late), the Core Strategy, as updated by the review, will once again become current.

**Conclusions**

**The increase in housing provision proposed in this consultation cannot be supported as the Core Strategy objectives are well on track to be delivered. Invoking a possible failure of the Housing Delivery Test or of the 5 year housing land supply test does not justify the increases proposed, in large part because of the tests are both inappropriate and incorrectly applied.**

**Specific Sites - B3a**

The statement made following the January 2020 consultation on Local Plan Amendments noted that there were various objections to existing allocated sites including Sulis Down and that these sites would be reviewed in part to reflect the current NPPF. However B3a (land at Odd Down) is still in a list of policies to be kept with no amendment proposed. We find it difficult to understand in the light of  policy NE2 and its proposed amendment highlighting the importance of AONB sites (mirroring the updated NPPF) why this site which is within AONB is not being reviewed. In particular we consider that the policy should be amended to remove any further allocation of houses beyond the 171 already granted planning permission.

**TRANSPORT**

1. General

There are a number of updates of various kinds to transport policies in the local plan. Many of these reflect the need to give significantly greater weight to the “climate emergency”. We warmly welcome most of these proposed changes and the general policy intent that they signal. Our comments are therefore essentially ones of detail or advice about implementation rather than opposition.

1. **Consultation Ref. DM 8: New Policy – Electric Vehicles**

We warmly welcome the introduction of policies relating to the provision of charging points for electric vehicles. Whilst it is tempting to opt for the immediate addition of “active” charging points for all types of development, we are not convinced that this represents the best way forward. One of the current drawbacks of charging technologies is that many of them are slow, and this can be off-putting for prospective owners. Considerable effort is therefore being put into development of new, more efficient charging technologies. We therefore believe it makes sense in general to opt for a proportion of “passive” infrastructure at this stage, thus allowing the introduction of improved technology as it becomes available, without abortive expenditure in the meantime. In terms of the specific options provided, our preferences would therefore be: **Option 1a, Option 2a and Option 3a.**

1. **Transport**

We particularly welcome the refocussing of policies to reflect the Council’s Climate and Ecological Emergencies Declarations.

**Consultation Reference DM29**

**ST1 Promoting Sustainable Travel**

The proposed requirement for development to be located where there are opportunities to travel by alternatives to the private car is clearly highly desirable. However, we believe it needs to go further and make clear that even where such alternatives exist, development must not take place unless it is clearly possible – practically and financially (i.e. can definitely be funded) – to upgrade the provision of public transport in order to accommodate increased demand arising from the development.

We strongly support the proposals on design and on “early delivery” in this section.

1. **Consultation Ref DM30**

**ST2 Sustainable Transport Routes**

Fully support

1. **Consultation Ref. DM 31**

**STA 2A Recreational Routes**

Fully support

1. **Consultation Ref DM 32**

**ST3 Transport Infrastructure**

We welcome strengthening this policy. However, again we believe the changes should go further and make it clear that schemes that are ultimately dependent on increasing infrastructure capacity for private car travel will not normally be approved.

We note with interest the possibility of re-opening Saltford Station which clearly has considerable merit. We would invite further consideration of how this might help to address a long-standing problem for B&NES rural residents, which is that it is very difficult – and increasingly so – for them to access main line rail services without having to go into the main line stations at Bath or Bristol, thus adding to congestion on approaches to the city

1. **Consultation Ref DM33**

**Traffic Management Proposals**

Fully support

1. **Consultation Ref DM34**

**ST6 Park & Ride**

We welcome the concept of broadening the emphasis from the traditional Park and Ride model to one of a multi-purpose “transport hubs” with additional social gain. However, this concept needs significantly more development in order to ensure that it is effective and does not in practice “backfire”. Specifically:

1. If motorists were to find that it became more difficult to park at the main P&R sites there would be a real risk that they would revert to trying to drive into the city centre.
2. We think it unlikely that motorists would switch from internal combustion engine cars to electric vehicles at a hub just to drive into the city centre – nor indeed would this help with congestion.
3. The best way to mitigate these risks is to provide smaller P&R sites across the B&NES area, with buses – often smaller buses – providing services either into the enhanced major P&R hubs or direct into the city centre. This would also genuinely improve access to the countryside for urban residents as well as being highly attractive to residents in rural communities and small towns.
4. The economics of covering all or part of the “hubs” with solar panels need more work and clarification, although we are aware this is already done in Europe and has the advantage of reducing the pressure to place solar panels on good agricultural land, which we strongly oppose.
5. There are other attractive ideas for making the P & R sites into genuine transport hubs, including using them as bases for (electric) car clubs on the “Zipcar” model, and for bike hire for more direct access to the countryside. All such ideas need to be explored.

Importantly, our view is that none of the above would require additional land take at the existing Park and Ride sites, thus avoiding the possible need to take the sites out of the Green Belt, to which CPRE has always been and remains resistant.

We would not support co-location of recycling centres at the Park and Ride Sites. Firstly, recycling sites require a significant amount space and would therefore almost inevitably require an increase in the ‘land take”. Secondly, we see the co-location of recycling centres as likely to detract from the appeal of the new-style “hubs” and to involve a significant change in the traffic “mix”, - large numbers of skip lorries etc – that would inherently add to safety risks for car users and pedestrians and cyclists at the hubs. Recycling centres are best kept separate, using and improving existing facilities (public and private) instead.

1. **Consultation Ref DM35**

**ST7 Transport Requirements for Managing Development**

Fully support

1. **Green belt (amendments to Policy GB2)**

**Consultation Ref DM36**

While this is primarily about housing (residential) development, it has transport implications as well. CPRE favours maintaining the “Housing Development Boundaries (HDBs) and in effect turning them into “infill boundaries” not only because of the need to protect the Green Belt and maintain the separation and coherence of villages, but also because the more housing is allowed to proliferate on the edges of communities, the less easy it becomes to achieve the sustainability objective of “15 minute” communities and avoid reliance on the private car for short journeys as well. For all these reasons, we therefore favour **Option 1.**

**Policy D8 Lighting**

We would like to see this policy strengthened to require the development and application of a lighting management plan. This would require the following of best practice to enable Bath and North East Somerset residents and wildlife to benefit from a healthy night-time lighting environment, while reducing energy consumption to contribute to achieving climate change reduction targets.

We hope that these comments will be considered fully. If you would like to discuss any of them in further detail please contact me in the first instance.

Yours faithfully

Nigel J T Long (Dr)

Secretary

CPRE – Bath and North East Somerset.