

Our Ref: 20.0011/AMD



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8th October 2021

Dear Sir / Madam

Ref: Bath and North East Somerset Local Plan Partial Update – Regulation 19 Consultation

Thank you for the opportunity to submit representations on the above document. On behalf of my client, Redrow Homes Limited (Redrow), I am pleased to set out our response and comments on the Regulation 19 Consultation. These are made further to previous representations made in February 2021 on the Regulation 18 consultation which are attached as Appendix 1 for ease of reference.

As explained below, our representations are also made in the context of Redrow's land interest at Whitchurch, South East Bristol.

In summary:

1. We object to both the soundness and usefulness of preparing a partial review, as opposed to a full review of the Local Plan. This is especially so given work undertaken by adjoining Planning Authorities and the West of England Combined Authority;
2. Related to (1), the Partial Update has a limited 'shelf life' owing to the emerging Spatial Development Strategy work being undertaken by WECA. The Partial Update does not set out a formal commitment for a full plan review and associated timeframes for such.
3. Redrow supports the Council's objective of meeting the shortfall in housing supply to the end of the Plan period;
4. We consider that there is insufficient evidence to demonstrate that the sites identified to address (2) above, will be delivered as relied upon;
5. We believe that both the Partial Update and its associated Sustainability Appraisal have failed to adequately assess reasonable alternatives in justifying the approach adopted;

6. We also strongly believe that the Partial Update should be seen as a positive opportunity to assist in meeting the housing needs of Bristol; and
7. We are concerned that, linked to (5) above, that the Partial Update fails to properly address the Duty to Co-operate in respect of Bristol City Council:

Land at Whitchurch, South East Bristol.

Redrow controls approximately 2.7ha of land at Whitchurch as shown on the Plan attached as Appendix 2. Whilst immediately adjoining the urban edge of Bristol, the site is located within the boundary of Bath and North East Somerset Council (B&NES), and lies within the parish of Whitchurch. The site lies outside the Housing Development Boundary of Whitchurch and within the Green Belt,

Redrow has previously promoted this site both through the now abandoned West of England Joint Spatial Plan and the emerging review of the Bath and North East Somerset Local Plan. Central to the representations made to both Plan documents, and subsequently to the Spatial Development Strategy (SDS) being prepared by the West of England Combined Authorities are those principles established in the National Planning Policy Framework (NPPF) that:

1. Planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (NPPF paragraph 67); and
2. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly (NPPF paragraph 68).

The site has also been the subject of several meetings with Senior Officers at Bath and North East Somerset Council (B&NES) including Mr Richard Daone, Deputy Head of Planning (Policy).

The site is currently laid to pasture and is well contained within existing boundaries defined by trees and hedgerows. The land is bound to the east by the A37 (Bristol Road) and residential development on the opposite side of the road, to the north by residential development, to the south west are sports pitches, including Bristol Barbarians Rugby Club, and to the west it is bound by fields.

The village of Whitchurch has a range of local amenities and is connected to the site via pedestrian footway. The northern boundary of the site is situated approximately 0.45 km south of Whitchurch Primary School, approximately 1 km south of Woodlands Academy school and nursery, and Bridge Farm Primary School is situated approximately 1km north west of the site. A large supermarket and Whitchurch Health Centre are located approximately 1.5 km north west of the site. Furthermore, Whitchurch is well connected to the city of Bristol, being on the south eastern periphery.

In terms of public transport connectivity, Sleep Lane bus stop is located immediately adjacent to the site, with very frequent routes to central Bristol and the village of Street. As such, we

believe that any objective assessment of the site would conclude that the it is appropriate, available, achievable and deliverable.

Redrow has instructed a suite of technical documents including a Landscape and Green Belt assessment that has demonstrated that the site has a very limited role in respect of the purpose and functions of the Green Belt. This conclusion is likely to be further enforced given potential infrastructure proposals for south east Bristol including the Orbital Link Road, park and ride and the potential for the strategic development location as first proposed as part of the JSP process to be resurrected as part of the SDS.

We also note that the Core Strategy and Placemaking Plans followed a sequential approach of focussing development at Bath (as the main centre of employment and services/facilities) followed by Keynsham as the next most sustainable location with the District with only limited residential development directed towards the rural areas. However, as acknowledged in the latest Housing Supply Topic Paper:

“The exception to this approach was the village of Whitchurch, which was identified in the Core Strategy for a more significant scale of development given its close proximity to the city of Bristol. Whitchurch is tightly surrounded by the Green Belt and the allocation of land in the Core Strategy for residential development required land to be removed from the Green Belt.” (Paragraph 4.2 of Housing Supply Topic Paper: August 2021 – our emphasis).

It is our view that the previously adopted approach to Whitchurch, which recognises its proximity to Bristol, remains sound and should be also recognised within the Partial Update as a reasonable alternative to meeting the needs of both B&NES and of Bristol City. As such, the sustainability of Whitchuch as a location for development is referenced at paragraph 53 of the Core Strategy and this is carried forward into the Partial Update.

Partial Review

The decision to undertake a partial update, rather than a full review, of the Plan is not supported and, indeed, is considered to be a missed opportunity to properly and comprehensively plan for the longer term.

Further, whilst Annex 1 “Implementation” of the (now superseded) 2019 NPPF made reference at paragraph 212 to the ability for plans to be updated through “...*a partial revision or by preparing a new plan*”, the equivalent section of current NPPF 2021 removes this reference. On this basis, it is questionable whether a Partial Review/Update complies with National Planning Policy.

It is, in our view, telling that the approach taken by B&NES is at odds with other adjoining authorities in the Region including, For example South Gloucestershire and North Somerset, which are preparing full reviews of their respective Plans. Further Bristol City Council is also progressing a Local Plan review with Regulation 18 consultation programmed for the Spring of 2022 and adoption in Autumn of 2023.

Most important, however, is that the West of England Combined Authority (WECA) intends to undertake statutory consultation on the Mayoral Spatial Strategy in Spring 2022, and final submission to the Secretary of State in early autumn 2022, enabling an Inspectors' report to be expected in Spring 2023 and publication (adoption) as soon as possible thereafter.

Given that B&NES currently envisages the Partial Update being adopted in Summer 2022, it is clear that the document will have to be reviewed almost immediately to bring it in line with the Mayoral Spatial Strategy which will, as acknowledged at paragraph 2.3 of the Housing Supply Topic Paper, establish the future housing requirement.

In our view therefore, by pursuing a Partial Update, the Council will miss the opportunity to undertake the following which renders the draft Plan unsound:

1. Provide a clear and coherent policy basis for the longer term thus providing certainty for residents and businesses alike;
2. Fully assess all reasonable alternatives for development including the potential for Green Belt review;
3. Fully addresses cross-boundary issues as required by the National Planning Policy Framework including the Duty to Co-operate including assisting; and
4. Work in a coordinated manner with adjoining authorities.

In respect of (4) above, it should be noted that the original wording of the Core Strategy, retained within the Partial Update, states at paragraph 77:

"The Core Strategy is programmed to be reviewed about every 5 years to enable flexibility in response to changing circumstances. The review will be informed by regular monitoring as well as ensuring that the Core Strategy evidence base remains up-to-date. The review process will commence in advance of the review date in order to enable the timely and considered preparation and adoption of revised policies. In light of the Duty to Co-operate, the first review will be timed to enable co-ordination with the review of the Core Strategies of adjoining Authorities in the West of England." (Our emphasis).

These objections and other concerns on the Partial Update are referred to further below. Likewise, we fully acknowledge that a Partial Update to any Plan is a complex and difficult task and we do not doubt the efforts that Officers have gone to. However, we are concerned that in this instance, the outcome is a document which has become unwieldy and difficult to understand in terms of its approach and justification and that parts of it remain unaltered from the wording in the Core Strategy and Placemaking Plans when they actually require updating. Furthermore, it will have a very limited lifespan and, crucially, progressing the Partial Update, delays the inevitable task of the Council undertaking a comprehensive plan review that can satisfactorily address the areas of concern set out within this representation.

Housing Land Supply Shortfall

Notwithstanding our concerns that this is a partial update (rather than a full review) of the local plan, we support the Council in both identifying and seeking to address the shortfall in housing land supply.

We note from paragraph 3.5 of the Housing Supply Topic Paper that the Council believes that it can demonstrate a supply of 4,671 dwellings to the end of the Plan period resulting in an estimated shortfall of 1,105 dwellings. In that regard, it should be recognised that the previous iteration of the Housing Topic Paper which supported the Regulation 18 consultation (January 2021) claimed a supply of 5,300 dwellings. This represents a difference of 629 dwellings and the evidence base of the Plan should clearly explain why this has occurred.

Further, paragraph 2.15 of the Topic Paper states:

“The Council’s published 2020 housing delivery trajectory showed there was sufficient supply to meet the Core Strategy requirement. However, in reviewing supply shown in the 2020 trajectory some sites have been identified where housing delivery during the plan period cannot be relied upon to the extent envisaged at that time. Adjusting the anticipated supply from these sites and taking a realistic view on delivery of the remaining sites, plus an allowance for small windfall sites, the latest estimated current supply is around 4,671 dwellings from 2021 up to 2029.” (Our emphasis)

This mirrors a similar statement made at Regulation 18 stage. However, and as previously, the identity of those sites where the Council now considers that supply cannot be relied upon and, indeed, the reasons for this finding, do not appear to be readily available as part of this consultation.

There is therefore some doubt as to the reliability of the Council’s supply figures. As a consequence, uncertainty must exist as to whether the Partial Update’s approach to overcoming the shortfall is adequate and, in terms of the tests of soundness, whether it is justified by robust evidence.

Likewise, it is unfortunate that the Council is not inviting comment on the evidence base and supporting documents that have been published in support of this consultation.

It is also a key concern that the extent of the shortfall, whilst acknowledged in the Housing Supply Topic Paper, does not appear to be set out in the actual Partial Update. This is despite the fact that the Topic Paper acknowledges that

“The partial update is being undertaken in order to address a number of important issues in the short-term which include replenishing or updating housing supply. This is necessary in order address a shortfall in supply.” (Housing Supply Topic Paper-paragraph 1.1).

The consequence of this is that the Partial Update does not, in either its District Wide or its area specific sections, explain the need to identify additional sites to meet the shortfall. The Partial Update also does not provide an overview those additional sites at a single point of the Plan rather the reader must read all sections of the document.

Likewise, the Partial Update does not reflect the fact that the Plan will, in the near future, have to be subject to a further, full review in line the forthcoming Mayoral Spatial Development Strategy which will lead to further sites being identified for development. In that respect, the Partial Review could be considered to be misleading.

Further, sections of the Plan remain out of date and potentially confusing. For example, paragraph 56 and Diagram 3a of the update retain housing trajectories and projections for the plan period and have not been updated to reflect **actual** delivery that has taken place in the Core Strategy was first adopted.

Responding to the Shortfall.

Notwithstanding the above, we support the Council in seeking to address the housing shortfall, however we have concerns as to the approach adopted. These have been set out in previous representations and, in summary we believe:

1. That the shortfall should be considered as a minima rather than a target or upper limit;
2. That, whilst supporting the principle of the reuse of previously developed brownfield sites, that these can often be subject to delay in delivery and abnormal costs for example in respect of site clearance and contamination. The latter often has implications for viability which in turn leads to the reduction in, for example, the level of provision of affordable homes. Therefore seeking to meet approximately 76% of the acknowledged shortfall on brownfield sites represents a high risk strategy particularly given the apparent lack of detailed evidence on delivery;
3. Of the additional capacity of 1,200 dwellings, only 190 are on totally new sites;
4. That the Partial Update has largely not considered opportunities beyond Bath and Keynsham; and
5. Linked to (3) above, the Partial Update has failed to grasp the opportunity to assist in addressing the needs of Bristol raising issues of Duty to Co-operate and being positively prepared.

The basis for these concerns are set out below.

Potential Site Allocations

The Partial Update now identifies eleven sites which are intended to meet the shortfall in housing supply.

- Policy KE3C: East of Keynsham – 210 dwellings
- Policy KE3D: East of Keynsham – 70 dwellings

- Policy SB8 Western Riverside, Bath – 250 dwellings
- Policy SB14 Twerton Park, Bath – 80 dwellings
- Policy SB18 RUH, Bath – 50 dwellings (net new)
- Policy SB24 Sion Hill, Bath – 100 dwellings
- Policy SB25 St Martins Hospital, Bath – 50 dwellings
- Policy KE2b Fire Station, Keynsham – 20 dwellings
- Policy KE5 Treetops Nursing Home, Keynsham - 30 dwellings
- Policy SSV21 Silver Street, Midsomer Norton – 10 dwellings
- Policy SSV22 Former Paulton Printing Works, Paulton – 80 dwellings

It is clear, therefore that the Partial Update remains largely Bath and Keynsham centric and there is no apparent evidence, including in the SA, as to whether reasonable alternatives, including on the edge of Bristol, have been considered.

It is also concerning that, taken together with the safeguarded land at Keynsham, the Partial Update is aiming to deliver 1,200 dwellings to meet the shortfall in supply of 1,105. In other words, should one or more of the sites identified fail to deliver as relied upon, the shortfall, which is in itself a minima, may not be met. This in our opinion represents a fragile response to the housing shortfall.

We note that the Council aims to meet the 76% of the shortfall on brownfield/previously developed land (PDL). In principle, this is supported and commendable, however, the very nature of PDL means that it is often subject to abnormal constraints and uncertainties affecting availability, viability and achievability. These factors often lead to delays in deliverability.

We also note that many of these sites were previously identified at the Regulation 18 version but that the capacity has changed in some instances. For example, Bath Western Riverside was originally identified for 340 dwellings and subsequently reduced to 250, a reduction of approximately 28%. Likewise, the capacity of the Royal United Hospital site has dropped by 50% from 100 dwellings to just 50 dwellings. This again serves to illustrate the uncertainties that exist with PDL sites.

As an overall concern, we note that there still does not appear to be an overarching trajectory that demonstrates when these sites are anticipated to deliver new homes. There is little information as to when, for example, planning applications are expected, when first completions are envisaged or what the rate of delivery will be for each site. As with the land at Keynsham, these sites do not therefore feature in the Housing Supply Trajectory again raising concerns as to the timing of their actual deliverability.

Consequently, we have concerns based on the lack of available information and evidence that these sites may not deliver in the manner and timescales envisaged by the Council. Given the fragility of the response to housing supply shortfall i.e. an over provision of only 95 dwellings until the end of the Plan period, it is clear that should one or more of the sites fail to deliver as relied upon, then the Plan will fail to address the acknowledged shortfall.

Whilst we do not intend to set out our concerns on every site rather we summarise issues relating to key sites below.

Policy KE3C: East of Keynsham

Policy KE3D: East of Keynsham

It is recognised that, due to the approach taken in the Core Strategy, land at Keynsham has been safeguarded for development and is no-longer in the Green Belt. The Regulation 19 Partial Update therefore proposes that, taken together, these sites will deliver 280 dwellings (although it should be noted that the Regulation 18 version proposed 300 dwellings) to assist in meeting the identified shortfall in housing supply.

In previous representations, we raised several concerns over these proposals including that there appeared to be an absence of fundamental information and evidence as to the likelihood that development will come as relied upon by the Partial Update. For example, the Regulation 18 version stated the capacity of the proposals were still “*subject to evidence*” (paragraph 3.13) and the Council itself questioned their deliverability (paragraph 3.14).

Further, paragraph 3.14 of the Regulation 18 Plan stated that if the land was not deliverable, additional infrastructure may need to be provided which in turn will require the removal of further land from the Green Belt to the north of the A4.

Crucially, paragraph 3.14 also stated that where such additional infrastructure, and therefore Green Belt release, is required to make the land at Keynsham deliverable:

“...the Council will need to carefully consider alternative solutions, including greenfield sites to the south of the District and outside the Green Belt, if these are demonstrated to be sufficiently sustainable, as well as smaller, non-strategic greenfield sites on the edge of Bath within the Green Belt.” (para 3.14, our emphasis).

It is therefore clear that there was at the time of the Regulation 18 Plan, significant concerns as to the deliverability of the land at East Keynsham were acknowledged by the Council. There is no commentary in either the Regulation 19 version or any of its evidence base, including the Housing Supply Topic Paper, that demonstrates how, or indeed if, these concerns have been overcome.

At present therefore, and based on the lack of evidence to the contrary, we remain concerned that there is a significant possibility that the land at East Keynsham will not deliver new homes as relied upon during the remaining Plan period.

Given this uncertainty, the Council should have assessed all reasonable alternatives, including through the Sustainability Appraisal (SA), prior to the publication of the consultation to ensure that the approach taken was deliverable, effective and justified in the context of paragraph 25 of the National Planning Policy Framework.

The failure to do so, including not just sites on the edge of Bath that are in the Green Belt but also those that conform with the Plan’s spatial strategy on the edge of Bristol, raises significant concerns as to the soundness of the Plan.

Policy SB8 Western Riverside, Bath – 250 dwellings

Whilst supporting the principle of redeveloping this site, we have commented previously that the regeneration of PDL is often subject to complexities which may lead to a delay in delivery. The earlier stages of the wider redevelopment of Bath Western Riverside serve as a case in point to that statement and whilst we do not in any way doubt the intention to deliver the additional, we urge caution as to whether these will all be delivered in the remaining eight years of the Plan period.

An illustration of the uncertainty that exists on this site and PDL in general, may well be that the January 2021 Regulation 18 Plan identified this site for an additional 340 dwellings which has now been reduced to 250 dwellings.

We also noted at Regulation 18 stage there would appear to be significant work still to be done to establish the planning policy framework to enable this site to come forward. This was stated to include the potential to update the supporting policy framework such as the current Bath Western Riverside Supplementary Planning Document and Masterplan (2008) that applies to this area, however, this was stated to be unlikely *“given the limited resources available to the Council.”* The Regulation 19 Plan does not provide any assurances that this position has changed.

It is therefore apparent that the Council is somewhat off being able to consider an application for this site and the Plan does not set out a timeline for the submission of a planning application first completions from it. Again, SB8 is not included in the Housing Supply Trajectory 2021 and a review of the Council’s online mapping service indicates that there are no relevant live applications on this site. It’s ability to deliver this scale of development in the remaining Plan period is therefore questioned.

On basis of the above, and whilst supporting the principle of redeveloping the site, there must be doubt as to whether it will deliver 250 new homes in the remaining Plan period.

Policy SB14 Twerton Park, Bath – 80 dwellings

Whilst, on the face of it, this is a much smaller site in terms of its potential contribution to meeting the shortfall in supply, it nevertheless serves to illustrate some of the potential uncertainties that the Council is facing.

In particular, we note that planning application (Ref: 19/02276/FUL) was submitted in May 2019. The application was refused by the Council’s planning committee on the grounds of poor design, harm to the conservation area, harm to residential amenity and lack of parking. The Decision Notice is dated 12th March 2020.

That application was for a mixed-use scheme and not just a relatively modest residential development. Indeed, the actual description of development was as follows:

“Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. coliving apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.”

Whilst the Council’s intention of delivering 80 dwellings on this site by the end of the Plan period may therefore initially appear reasonable, it is also clear that this proposal must also deliver the aspirations of the Football Club whilst also overcoming the significant objections to the 2019 application. Policy SB14 also does not specify the quantum of housing to be provided on the site and, again, the site is not identified in the Housing Supply Trajectory 2021.

Policy KE2B: Riverside and Fire Station Site, Keynsham

The Regulation 19 Plan proposes a further 20 dwellings on this site compared to the 15 dwellings identified at Regulation 18 stage. No explanation is provided as to how the additional dwellings have been identified and indeed Policy KE2B does not actually define the number of dwellings to be delivered at this site; rather this is set out in the Housing Supply Topic Paper. This can be contrasted with the specific policy requirement for 2,500sqm of B1 office floorspace.

In addition, the new commentary provided at paragraph 84d of the Partial Update acknowledges that the site has “*complex challenges*” including being in a number of different ownerships.

Given this and the lack of a trajectory setting out how/when the additional 20 dwellings will be delivered, we have significant concerns as to their deliverability.

Policy KE5: Former Treetops Nursing Home, Keynsham – 30 dwellings

Whilst recognising that this is a relatively modest proposal, it should be noted that the Regulation 18 draft identified the site for just 15 dwellings. No explanation has been provided as to how the capacity of this site has doubled since January 2021.

Duty to Co-operate – Bristol City

As stated from the outset, we are concerned that, by undertaking a Partial Review, the Council has missed an opportunity to assess how it can assist in meeting the unmet needs of Bristol City.

The fact that Bristol City Council is not able to meet its housing requirement within its administrative boundary has been known for some considerable time. Indeed, through the abandoned West of England Joint Spatial Plan process, it was a major component of the Spatial Strategy that Bristol’s neighbouring authorities would accommodate unmet need arising from Bristol.

More recently, on the 6th October 2020 Bristol City Council approved the statement ‘*Progressing Bristol’s Development*’, which sets out the approach to development and how the City intends to recover from the impacts of Covid-19. This document explains how the City has been working towards the delivery of 2,000 new homes per year. It is worth setting this target against that which is now established through the Standard Methodology, i.e. 3,200 new homes per year.

Notwithstanding the fact that the statement is based on significantly fewer dwellings than is now required, the statement acknowledges that (even at the lower level) *“The calculated level of new homes needed for Bristol exceeds the physical capacity of the city to accommodate all of them.”* (Page 9 of Bristol City Council ‘Progressing Bristol’s Development’ Statement of 6th October 2020 - Our emphasis)

This statement goes on to state that: *“unmet requirements will be addressed in the years ahead by working with our neighbouring councils to ensure land is made available across the region for new housing development.”* (Our emphasis)

In our view therefore, the Partial Update represents a missed opportunity to positively seek to assist in meeting Bristol’s needs including at settlements such as Whitchurch that are on the edge of the City, immediately adjacent to a key transport corridor and are acknowledged to be sustainable locations for new homes.

The need for Local Planning Authorities to meaningfully work together in a co-ordinated manner to resolve is a cornerstone of a Local Plan’s tests of soundness. This includes the need for a plan to be “effective”, with the NPPF stating that this test of soundness includes ensuring that the Plan is

“...based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground” (NPPF paragraph 35c – Our emphasis).

The NPPF also states that for a Plan to be sound, it must also be “positively prepared” including:

“..providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development” (NPPF paragraph 35a – Our emphasis).

In our opinion, any review of the Local Plan should have sought to address the issue of assisting in meeting Bristol’s needs rather than abdicating that decision to a future review – with no commitment to its timescale. On that basis, we are concerned that the Partial Update does not pass the tests of soundness set out at paragraph 35 of the NPPF (and quoted above) and, furthermore, the 2021 NPPF removes the reference to ‘partial’ review at Annex 1 therefore we query whether it complies with national policy.

It is relevant to note that that the original wording of the Plan (which has been retained in the Partial Update) fully acknowledges the need to co-operate with adjoining authorities. For example, paragraph 80 states:

“Plan reviews will be undertaken in co-operation with neighbouring authorities, particularly in the West of England in accordance with the Duty to Co-operate to ensure that cross-boundary issues are addressed...”

Further, paragraph 82, referencing circumstances at the time, states:

“If the SHMA review demonstrates the continued existence of separate housing market areas for Bath and Bristol, then under the duty to co-operate, B&NES will continue to work closely with the adjoining West of England authorities to consider the most appropriate proposals for accommodating housing needs that could not otherwise be met within the Bristol Housing Market Area.”

Whilst the references quoted above are out of date and should arguably have been updated, the principle of meeting Bristol’s needs is clearly established, however, this has simply not taken place.

The Duty to Co-operate Statement (August 2021) that supports the Partial Update also confirms that consideration of meeting Bristol’s unmet need will take place as part of a full Local Plan review sometime in the future. This is vague and unsatisfactory, particularly as Bristol City Council can only claim a 2.8 year housing land supply (8,900 home deficit) and the position continues to worsen. It is notable and perhaps telling that separate Statements of Common Ground on the Partial Update exist between B&NES and Wiltshire, South Gloucestershire, Mendip and Somerset County Councils but **NOT** with Bristol City Council.

Paragraph 3.3 of the Duty to Co-operate Statement does state that

“There have been ongoing informal officer discussions with Bristol City Council officers regarding the LPPU and they have raised no issues in respect of the LPPU for consideration. Therefore, no Statement of Common Ground is considered to be necessary.”

No further detail is given and it is unclear why the fact that no issues have apparently been raised justifies the lack of a statement of common ground, rather this should be exactly what is set out in such a statement. Therefore there must be very real concern that *“informal officer discussions”* do not satisfy the tests of soundness requirements of paragraph 35 of the NPPF.

Conclusions

Redrow objects to the basis of a Partial Update being undertaken by B&NES and, for the many reasons set out within this representation, there are significant deficiencies which render the draft plan unsound.

The Council’s stated intention of addressing the shortfall in housing supply up to the end of the Plan period is welcomed in principle. We consider, however, that there is a lack of

evidence in support of the Partial Update's approach, including in respect the deliverability of those identified sites, raising significant questions as to whether shortfall will be met and, fundamentally, whether the Plan is sound including in the context of paragraph 35 of the NPPF.

We have also raised concerns that the Partial Update has failed from the outset to review reasonable alternatives in accordance with National Policy. This includes the lack of consideration given to other options that comply with the Core Strategy's spatial strategy (including at Whitchurch) either as an alternative or in addition to the sites that have been identified to meet the shortfall in supply.

Of fundamental concern is that, by undertaking a Partial (rather than a full) review of the Plan, the Council have missed an opportunity to positively contribute to assisting Bristol City's needs in the context of the Duty to Co-operate. In our view, and based on the information available to us, the Partial Update cannot be considered to be sound in the context of paragraph 35 of the NPPF.

Notwithstanding the above, these comments are intended to be helpful to the Council and Redrow would welcome an opportunity to further discuss with Officers its land at Whitchurch. In our opinion, this site accords with the spatial strategy of the Core Strategy and represents a sustainable and deliverable opportunity for new homes as either an alternative or in addition to those sites that have been identified. It would also assist in meeting the needs of Bristol thus strengthening the Plan's approach to the Duty to Co-Operate.

In the meantime, Redrow reserves its right to present the concerns set out above at the future Examination of the Partial Update.

Yours faithfully



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Enc. Appendix 1: Regulation 18 Representations on behalf of Redrow Homes Ltd.
Appendix 2: Land at Whitchurch, South East Bristol

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Regulation 18 Representations on behalf of Redrow Homes Ltd.

Our Ref: 20.0011



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17th February 2021

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In summary:

1. We generally support those policies aimed at addressing the climate emergency, subject to the detailed comments below;
2. Redrow supports the Council's objective of meeting the shortfall in housing supply to the end of the Plan period;
3. We consider that there is insufficient evidence to demonstrate that the sites identified to address (2) above, will be delivered as relied upon;
4. We believe that both the Partial Update and its associated Sustainability Appraisal have failed to adequately assess reasonable alternatives in justifying the approach adopted;
5. We also strongly believe that the Partial Review should be seen as a positive opportunity to assist in meeting the housing needs of Bristol; and
6. Are concerned that, linked to (5) above, that the Partial Update fails to properly address the Duty to Co-operate in respect of Bristol City Council.

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Development Strategy (SDS) being prepared by the West of England Combined Authorities are those principles established in the National Planning Policy Framework (NPPF) that:

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2. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly (NPPF paragraph 68).

The site has also been the subject of several meetings with Senior Officers at B&NES including Mr Richard Daone, Deputy Head of Planning (Policy).

The site is currently laid to pasture and is well contained within existing boundaries defined by trees and hedgerows. The land is bound to the east by the A37 (Bristol Road) and residential development on the opposite side of the road, to the north by residential development, to the south west are sports pitches, including Bristol Barbarians Rugby Club, and to the west it is bound by fields.

The village of Whitchurch has a range of local amenities and is connected to the site via pedestrian footway. The northern boundary of the site is situated approximately 0.45 km south of Whitchurch Primary School, approximately 1 km south of Woodlands Academy school and nursery, and Bridge Farm Primary School is situated approximately 1km north west of the site. A large supermarket and Whitchurch Health Centre are located approximately 1.5 km north west of the site. Furthermore, Whitchurch is well connected to the city of Bristol, being on the south eastern periphery.

In terms of public transport connectivity Sleep Lane bus stop is located immediately adjacent to the site, with very frequent routes to central Bristol and the village of Street. As such, we believe that any objective assessment of the site would conclude that the site is appropriate, available, achievable and deliverable.

Redrow has instructed a suite of technical documents including a Landscape and Green Belt assessment that has demonstrated that the site has a very limited role in respect of the purpose and functions of the Green Belt. This conclusion is likely to be further enforced given potential infrastructure proposals for south east Bristol including the Orbital Link Road, park and ride and the potential for the strategic development location as first proposed as part of the JSP process to be resurrected as part of the SDS.

In summary, and consistent with our representations below, we believe that this site offers an available, appropriate and sustainable opportunity for delivering new homes in the shorter timeframe and is capable of assisting in meeting the housing need of both B&NES and Bristol City.

Bath and North East Somerset Local Plan Partial Update

We are pleased to set below out our comments on the suggested amendments to individual policies. Please note that we do not comment on every policy at this stage but reserve the right to do so in the future as the Partial Update progresses.

DM 1 Net Zero Carbon Construction Policy & DM3 Amendments to Policy CP1

We note the commentary on the Future Homes Standard (FHS) set out in paragraphs 2.9 and 2.10 of the Partial Update. As stated, the FHS was consulted on by central Government in early 2020 and, subsequent to the publication of the Partial Update, the Government's response to the comments received was published on 19th January 2021.

As this represents the first stage of a two-part consultation on proposed changes to Part L (Conservation of fuel and power) of the Building Regulations, the outcome of the entire process should be considered in formulating future policy.

Notwithstanding this, Redrow embraces the concept of reducing the impact of housebuilding on the environment. In June 2020, Redrow was nominated as a Top 3 Housebuilder in the UK for Sustainability through the Global Good Awards and has won a gold award for the fourth year in a row by the Next Generation benchmark. The Benchmark rigorously evaluates the annual progress the homebuilding sector has made in delivering sustainable development and recognises the Company's sustainability strategy, management and progress.

Redrow's Carbon Target is to reduce the carbon intensity of its construction operations and offices by 10% by 2022 (2017 baseline) adopting a "fabric first" approach.

DM2: New Build Non-Residential Development (amending and updating/replacing Policy CP2 and SCR1 Non-residential development)

We have no comment on this amendment at this stage.

DM3: Amendments to Policy CP1

We have no comment on this amendment at this stage.

DM 4: New Policy Whole Life Cycle Carbon Assessment

Redrow supports, in principle, the Whole Life Cycle Carbon approach. The Company's Environmental Policy Statement confirms its commitment to incorporate environmental considerations into the design of new homes to minimise environmental impacts across the whole product lifecycle, including procurement of materials, construction methods employed, and the end use by our customers.

DM5: Amendments to Policy CP3 – Renewable Energy

Redrow supports in principle renewable energy generation. However, it should also be acknowledged that the ability to do so will vary depending on infrastructure, site specific factors and viability. We request that reference is made to this in the supporting text to the policy.

**DM6: New Policy Emerging policy approach for harnessing wind energy; and
DM7 New Policy Harnessing wind energy**

We have no comments on these new policies at this stage.

DM 8: New Policy Electric Vehicle

Redrow supports the provision of electric vehicle charging points within new residential development per dwelling, not for all parking spaces. However, this must be subject to other considerations including the availability of infrastructure and viability which may be outside of a developer's control and these factors should be recognised in the policy. It is also important that the new policy does not set an unrealistic aspiration especially given that the Government consultation on amending Building Regulations has not yet concluded.

DM 9: Amendments to Policy NE3: Sites, Species and Habitats

Redrow supports policies aimed at protecting and conserving the most important sites, species and habitats. This is evidenced by the fact that Redrow's "Nature for People" strategy, developed in partnership with The Wildlife Trusts was launched in 2020.

We do, however, request that further consideration be given to the suggested amendment to criterion 1 of the policy which, as proposed, states:

"Development that would adversely affect, directly or indirectly irreplaceable habitats, will not be permitted"

The National Planning Policy Framework (NPPF) however, states:

"Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists." (NPPF, para 15 c) – our emphasis).

We therefore suggest that the Plan Update is amended in line with the NPPF and also seeks to provide guidance as what constitutes an "irreplaceable habit" as, for example, set out in Annex 2 of the NPPF.

DM 11 New Policy for Biodiversity Net Gain

Redrow has made a public commitment to biodiversity net gain including, where possible, to exceed the 10% cited in the Environment Bill. Therefore, of the three options presented, we suggest Option 1 to the most appropriate.

That said, the Plan should, in our opinion, include an appropriate mechanism and guidance for how net gain can be delivered. For example, there may be occasions when 10% net gain cannot be delivered on-site but any deficit could be rectified by contributions off-site. At this time, the Partial Update provides no guidance on this and therefore it is unclear as to how the new policy will be applied in practice.

Consultation references DM12 to DM36 (inclusive)

We have no comments on these proposed amendments at this time.

Section 3 – Addressing Housing Land Supply

We commend the Council for taking the opportunity of the Partial Update to address the Housing Land Supply shortfall that exists and welcome the statement made at the Local Plan Partial Update webinar on Housing Supply (2nd October 2021) that this matter could not wait until the (full) Local Plan Review.

We also note (paragraph 3.1 of the Partial Update) that the Council believes that it can rely on the supply of 5,300 new dwelling until the end of the Plan period. In that regard, the Housing Supply Topic Paper (January 2021) states:

“... the Council’s latest published housing delivery trajectory shows that there is sufficient supply to meet the Core Strategy requirement of around 13,000 homes. The trajectory shows an estimated supply of around 5,800 dwellings from committed sites between 2020 and 2029. However, in reviewing this supply some sites have been identified where housing delivery during the plan period cannot be relied upon to the extent envisaged in the current trajectory. Adjusting the anticipated supply from these sites and taking a realistic view on delivery of the remaining sites, plus an allowance for small windfall sites, the latest estimated current supply is around 5,300 dwellings up to 2029.” (Housing Topic Paper (January 2021) para 2.15 – our emphasis).

The identity of those sites where the Council now considers that supply cannot be relied upon and, indeed, the reasons for this finding, do not appear to be readily available as part of this consultation. Consequently, we reserve the right to comment further on the Council’s supply figures. Likewise, it is unfortunate that the Council is not inviting comment on the evidence base and supporting documents that have been published in support of this consultation.

Notwithstanding the above, we support the Council in adopting housing requirement derived from the Housing Delivery Test and in identifying a shortfall of 1,200 dwellings. Our concerns are, however, that:

1. The shortfall should be considered as a minima rather than a target or upper limit;
2. That, whilst supporting the principle of the reuse of previously developed brownfield sites, that these can often be subject to delay in delivery and abnormal costs for example in respect of site clearance and contamination. The latter often has implications for viability which in turn leads to the reduction in, for example, the level of provision of affordable homes. Therefore seeking to meet approximately 83% of the acknowledged shortfall on brownfield sites represents a high risk strategy particularly given the apparent lack of detailed evidence on delivery;
3. That the Partial Update has largely not considered opportunities beyond Bath and Keynsham; and
4. Linked to (3) above, the Partial Update has failed to grasp the opportunity to assist in addressing the needs of Bristol raising issues of Duty to Co-operate and being positively prepared.

The basis for these concerns are set out below.

Duty to Co-operate – Bristol City

We note that at paragraph 1.13 of the Partial Update acknowledges the Council's obligations under the duty to co-operate. Paragraph 1.14 then specifically refers to the "*main cross boundary strategic issue*" as being the need to work with South Gloucestershire, Wiltshire and Mendip Councils in order to deliver the Plan's proposals for Keynsham.

It is surprising that, under the Duty to Co-operate section of the Plan, no reference is made to cross-boundary working with Bristol City Council. This, in our view, represents a missed opportunity to assist Bristol with meeting its own housing needs which should also be considered to be a cross boundary strategic issue not least because it is widely acknowledged that Bristol is unable to meet its needs within its own administrative boundaries.

The failure to consider the needs of Bristol through the Partial Update is of even greater import given that:

- Both Bristol's Core Strategy (June 2011) and its Site Allocations and Development Management Policies Local Plan (July 2014) are out of date;
- Bristol's Local Plan Review is not anticipated to be subject to a (further) Regulation 18 review until Autumn/Winter 2021 at the earliest; and
- The latest Standard Method for calculating housing requirements sets a minimum figure of 3,196 dwellings per annum for Bristol compared to the Core Strategy requirement of 1,320 dwellings per annum; that is to say an increase of over 240%.

We therefore request that the Council reconsiders the potential to assist in meeting the housing needs of Bristol including through the allocation of our client's site at Whitchurch. In that respect, it should also be acknowledged that such an approach would be in accordance with the spatial strategy set out in the B&NES Core Strategy. For example, paragraph 3.7 of the Partial Update states:

"The existing spatial strategy directs development to the most sustainable locations in the District, minimising the need to travel especially by car and restrains growth in less sustainable locations likely to generate increased travel by private car, including villages".

Further, and of direct relevance to our client's site, paragraph 3.9 of the Partial Update states:

"The Core Strategy also directed a more strategic level of growth to Whitchurch given its comparative sustainability in terms of links to job opportunities and services & facilities in Bristol."

Land North and East of Keynsham

It is recognised that, due to the approach taken in the Core Strategy, land at Keynsham has been safeguarded for development and is no-longer in the Green Belt. The Partial Update therefore proposes that 300 dwellings will be provided at this location to assist in meeting the identified shortfall in housing supply.

We do, however, have several concerns over this proposal including that there appears to be an absence of fundamental information and evidence as to the likelihood that development will come as relied upon by the Partial Update. For example, the capacity of the development is stated to be still “*subject to evidence*” (paragraph 3.13) and the Council itself questions whether it is deliverable at paragraph 3.14.

Further, paragraph 3.14 states that if the land at Keynsham is not deliverable, additional infrastructure may need to be provided which in turn will require the removal of further land from the Green Belt to the north of the A4.

Crucially, paragraph 3.14 states that where such additional infrastructure, and therefore Green Belt release, is required to make the land at Keynsham deliverable:

“...the Council will need to carefully consider alternative solutions, including greenfield sites to the south of the District and outside the Green Belt, if these are demonstrated to be sufficiently sustainable, as well as smaller, non-strategic greenfield sites on the edge of Bath within the Green Belt.” (para 3.14, our emphasis).

It is therefore clear that there are significant concerns as to the deliverability of the land at Keynsham and that these are acknowledged by the Council. Perhaps as a consequence of this uncertainty, there is no readily available detailed timeline for its delivery either in the Housing Supply Topic Paper or the Housing Land Supply Trajectory (as referenced in paragraph 2.6 of the Topic Paper).

At present therefore, and based on the lack of evidence to the contrary, it is difficult not to conclude that there is a significant possibility that that the land at East Keynsham will not deliver new homes as relied upon during the remaining Plan period.

Given this uncertainty, the Council should have assessed all reasonable alternatives, including through the Sustainability Appraisal (SA), prior to the publication of the consultation to ensure that the approach taken was deliverable and effective. This is, in our view, the purpose of an “Options” document.

The failure to do so, including not just, as suggested by paragraph 3.14, sites on the edge of Bath that are in the Green Belt but also those that conform with the Core Strategies spatial strategy on the edge of Bristol, raises significant concerns as to the soundness of the Plan when tested against paragraph 35 of the NPPF.

Potential Site Allocations

In addition to the land at Keynsham, the Partial Update identifies a further nine sites which are intended to meet the shortfall in housing supply.

- Policy SB7 Green Park West and Sydenham Park, Bath – 300 dwellings
- Policy SB8 Western Riverside, Bath – 340 dwellings
- Policy SB14 Twerton Park, Bath – 90 dwellings
- Policy SB18 RUH, Bath – 100 dwellings (net new)
- Roseberry Place, Bath – 80 dwellings

- Station Road, Bath – 10 dwellings
- Fire Station, Keynsham – 15 dwellings
- Treetops Nursing Home, Keynsham - 10-15 dwellings
- Radco site, Westfield – 50 dwellings

It is clear, therefore that the Partial Update is almost completely Bath and Keynsham centric and there is no apparent evidence, including in the SA, as to whether reasonable alternatives, including on the edge of Bristol, have been considered.

It is also concerning that, taken together with the safeguarded land at Keynsham, the Partial Update is aiming to deliver 1,295 dwellings to meet the shortfall in supply of 1,200. In other words, should one or more of the sites identified fail to deliver as relied upon, the shortfall, which is in itself a minima, may not be met. This in our opinion represents a fragile response to the housing shortfall.

We note that the Council, with the exception of the safeguarded land at Keynsham, aims to meet the shortfall on brownfield/previously developed land (PDL). In principle, this is supported and commendable, however, the very nature of PDL means that it is often subject to abnormal constraints and uncertainties affecting availability, viability and achievability. These factors often lead to delays on deliverability.

As an overall concern, we note that there does not appear to be an overarching trajectory that demonstrates when these sites are anticipated to deliver new homes. Whilst the Partial Update (with one exception) provides a site-by-site summary of the constraints and opportunities that exist, there is little information as to when, for example, planning applications are expected, when first completions are envisaged or what the rate of delivery will be for each site. As with the land at Keynsham, these nine sites do not therefore feature in the Housing Supply Trajectory 2020 again raising concerns as to the timing of their actual deliverability.

Consequently, we have concerns based on the lack of available information and evidence that these sites may not deliver in the manner and timescales envisaged by the Council. Given the fragility of the response to housing supply shortfall i.e. an over provision of only 95 dwellings until the end of the Plan period, we do not intend to set out our concerns on every site rather we summarise issues relating to key sites below.

Policy SB7 Green Park West and Sydenham Park, Bath – 300 dwellings

Whilst this site is proposed for a significant number of dwellings in the context of the recognised housing shortfall, unlike the other proposed sites, the Partial Update does not provide any further information on its context, key opportunities and constraints and the policy options (constraints). Likewise, it is also not included within the Council’s Housing Supply Trajectory.

As it stands, therefore, there is an absence of evidence in the Plan as to how and when the site will come forward. If this evidence is available, it should be readily accessible as part of this consultation otherwise the soundness of the proposal must be questioned in accordance with NPPF paragraph 35.

Policy SB8 Western Riverside, Bath – 340 dwellings

Whilst supporting the principle of redeveloping this site, we have commented previously that the regeneration of PDL is often subject to complexities which may lead to a delay in delivery. The earlier stages of the wider redevelopment of Bath Western Riverside serve as a case in point to that statement and whilst we do not in any way doubt the intention to deliver the additional 340 dwellings, we urge caution as to whether these will all be delivered in the remaining eight years of the Plan period.

We note from the Partial Update that there would appear to be significant work still to be done to establish the planning policy framework to enable this site to come forward. This is stated to include replacing the adopted Site Allocation Policy SB8 with an up-to-date planning policy framework to ensure that it better reflects the Council's priorities with regards to the climate and ecological emergency.

The Partial Update also states that there is the potential to update the supporting policy framework such as the current Bath Western Riverside Supplementary Planning Document and Masterplan (2008) that applies to this area. Unfortunately, the Plan places doubt on the Council's ability to deliver such updates *"given the limited resources available to the Council."*

It is therefore apparent that the Council is somewhat off being able to consider an application for this site and the Plan does not set out a timeline for the submission of a planning application first completions from it. Again, SB8 is not included in the Housing Supply Trajectory 2020 and a review of the Council's online mapping service indicates that there are no relevant live applications on this site. Its ability to deliver this scale of development in the remaining Plan period is therefore questioned.

Finally in respect of this proposed site, we note that the Partial Update (page 58) states:

"The overall dwelling capacity of the site will be increased to around 1,750. (Currently 928 homes are assumed to be delivered during the plan period, this will increase by 340 to around 1,270 homes. Around a further 480 homes are anticipated to be delivered beyond the plan period)."

Unfortunately, we can find no evidence as to how this step change in delivery during the Plan period has become possible and indeed whether the market can accommodate this level of development from one outlet or whether there is any overlap and/or double counting with the further 48 dwellings anticipated beyond the Plan period.

On basis of the above, and whilst supporting the principle of redeveloping the site, there must be doubt as to whether it will deliver 340 new homes in the remaining Plan period.

Policy SB14 Twerton Park, Bath – 90 dwellings

Whilst, on the face of it, this is a much smaller site in terms of its potential contribution to meeting the shortfall in supply, it nevertheless serves to illustrate some of the potential uncertainties that the Council is facing.

In particular, we note that planning application (Ref: 19/02276/FUL) was submitted in May 2019 . As set out in the Partial Update, the application was refused by the Council’s planning committee on the grounds of poor design, harm to the conservation area, harm to residential amenity and lack of parking. The Decision Notice is dated 12th March 2020.

What the Partial Update doesn’t make clear is that the application was for a mixed-use scheme and not just a relatively modest residential development. Indeed, the actual description of development was as follows:

“Mixed-use redevelopment of Twerton Park and adjoining land, comprising of; replacement spectator stand, new east terrace and playing pitch (levelling with 3G surface); 12no. affordable dwellings (C3 Use), 33no. coliving apartments (Sui Generis); 356 beds of student accommodation (Sui Generis); community function space (D1 Use); gymnasium (D2 use); commercial units (A1/A2/A3/A4/A5 and AA Uses); modifications to the external appearance of the existing retail and residential units (providing 6no. additional apartments) between 105 and 116 High Street; associated landscaping and public realm works.”

Whilst the Council’s intention of delivering 90 dwellings on this site by the end of the Plan period may therefore initially appear reasonable, it is also clear that this proposal must also deliver the aspirations of the Football Club whilst also overcoming the significant objections to the 2019 application. Again, the site is not identified in the Housing Supply Trajectory 2020.

Conclusions

Redrow supports in principle, and subject to the comments set out above, much of the Partial Update’s proposals in respect of amending its Development Management policies to reflect the Climate Emergency. Indeed, and as set out above, many of the matters raised are already addressed in the Company’s own strategies.

The Council’s stated intention of addressing the shortfall in housing supply up to the end of the Plan period is also welcomed in principle. We consider, however, that there is a lack of evidence in support of the Partial Update’s approach, including in respect the deliverability of those identified sites, raising significant questions as to whether shortfall will be met and, fundamentally, whether the Plan is sound including in the context of paragraph 35 of the NPPF.

We have also raised concerns that the Partial Update has failed from the outset to review reasonable alternatives in accordance with National Policy. This includes the lack of consideration given to other options that comply with the Core Strategy’s spatial strategy (including at Whitchurch) either as an alternative or in addition to the sites that have been identified to meet the shortfall in supply.

In effect, rather than being a Regulation 18 “Options” consultation, the approach set out to address the shortfall is more akin to a statement of the Council’s “preferred strategy”.

It is also considered that the Council should have positively grasped the opportunity of assisting Bristol City's needs in the context of the Duty to Co-operate.

Notwithstanding the above, these comments are intended to be helpful to the Council and Redrow would welcome an opportunity to further discuss with Officers its land at Whitchurch. In our opinion, this site accords with the spatial strategy of the Core Strategy and represents a sustainable and deliverable opportunity for new homes as either an alternative or in addition to those sites that have been identified. It would also assist in meeting the needs of Bristol thus strengthening the Plan's approach to the Duty to Co-Operate.

Yours faithfully



Alistair Macdonald MRTPI

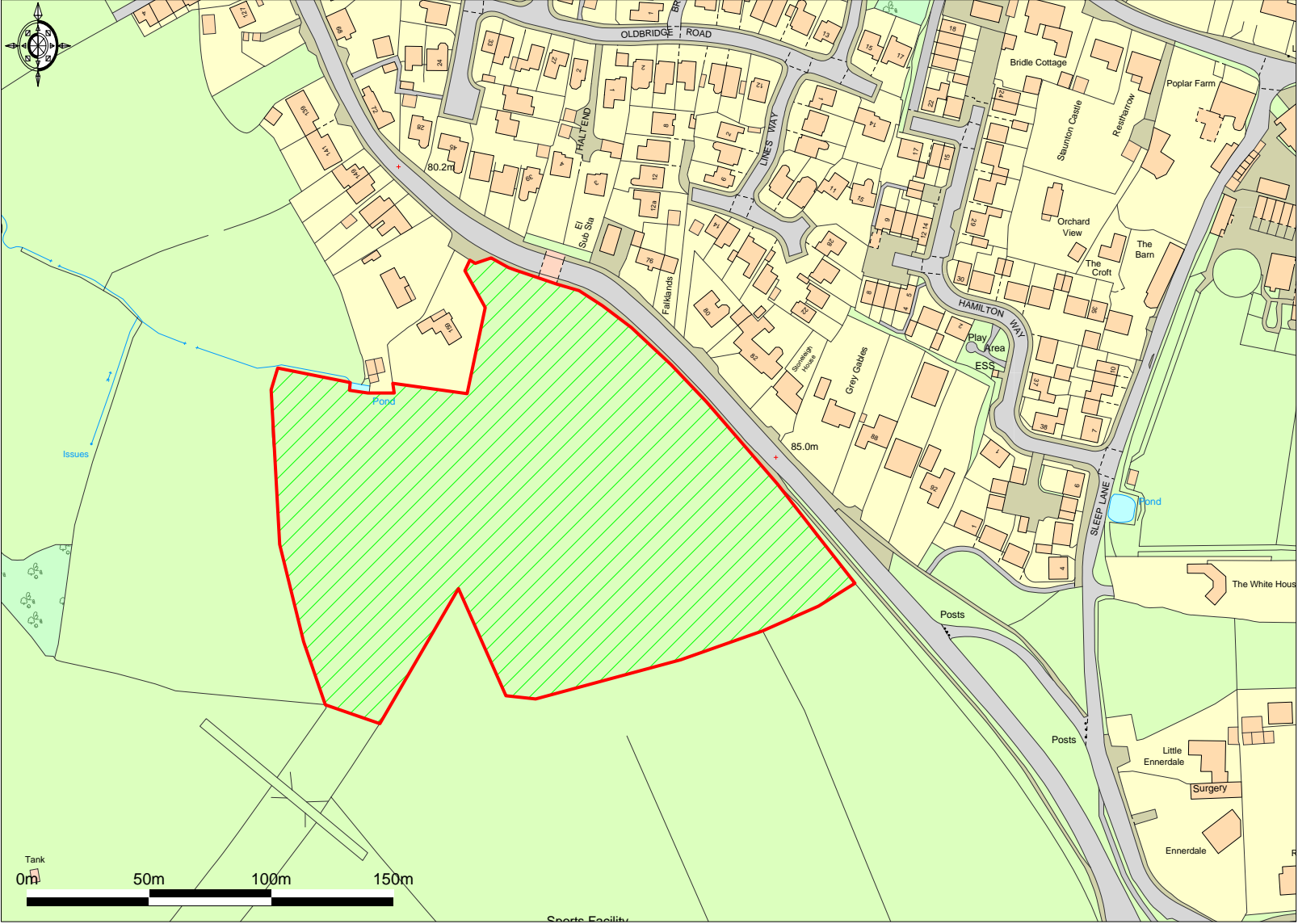
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Enc. Appendix 1: Land at Whitchurch, South East Bristol

Land on the South and East side of Bristol Road, Whitchurch, Bristol, BS14 0PU
6.58 acres (2.66 hectares)



Appendix 2:

Land at Whitchurch, South East Bristol

Land on the South and East side of Bristol Road, Whitchurch, Bristol, BS14 0PU
6.58 acres (2.66 hectares)

