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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 | Edward Ware Homes | | |  | | Pegasus Group |
| (where relevant) | | | | | |  |
| Address Line 1 | c/o Agent | | |  | | First Floor, South Wing, Equinox North |
|  | | | | | |  |
| Line 2 |  | | |  | | Great Park Road |
|  | | | | | |  |
| Line 3 |  | | |  | | Almondsbury |
|  | | | | | |  |
| Line 4 |  | | |  | | Bristol |
|  | | | | | |  |
| Post Code |  | | |  | | BS32 4QL |
|  | | | | | |  |
| Telephone Number |  | | |  | | 01454 945 625 |
|  | | | | | |  |
| 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 | 5a-5c | Policy |  | 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. | | | | | |
| Paragraphs 5a – 5c summarise the scope and approach that the Council have taken as part of the Local Plan Partial Update (LPPU). However, the below comments broadly relate to the general approach taken by the Council which runs throughout the LPPU and so may be viewed as general comments on the Plan as a whole.  Legal Compliance  To be effective Local Plans must be kept up to date, hence we have concerns about the proposed Partial Review of the BANES Local Plan and consider that a full Local Plan Review (LPR) should be undertaken.  Under Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012, it is a legal requirement for all Local Plans to be reviewed at least every five years (2019 National Planning Policy Framework (NPPF) Footnote 18).  The BANES Core Strategy (CS) was adopted in July 2014, and hence is more than five years old. Indeed, CS Policy DW1 refers to a review of the adopted CS in 2016, which has not taken place and is now long overdue. As set out in 2021 NPPF, reviews should be completed no later than five years from the adoption date of a Plan and consider changing circumstances affecting the area, or any relevant changes in national policy.  Furthermore, the 2021 NPPF (para 22) states that strategic policies should look ahead over a minimum 15-year period from adoption to anticipate and respond to long-term requirements and opportunities. The adopted Core Strategy end date of 2028/29 is only eight years away.  The Council need to prepare a full review of the new Local Plan in order to comply with Regulation 10A of the TCPA.  Furthermore, the LPPU has not properly justified the policies subject to review. The PPG[[1]](#footnote-1) states that where the LPA decides to not update policies, this needs to be justified. As we noted in previous representations, the LPPU has attempted to explain why certain policies are/are not being updated. In simple terms, it is important that the Council ensure that it reviews all of its adopted policies, even if it is not the intention to update them.  The PPG goes on to state that:  *"if a local planning authority decides that they do not need to update their policies, they must publish the reasons for this decision within 5 years of the adoption date of the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating."[[2]](#footnote-2)*  Whilst the Council’s commitment to a Partial Review of the local Plan is a start, it is considered that a more comprehensive level of assessment needs to be undertaken, particularly with key strategic policies (such as the housing requirement), to confirm why these are not being updated. Reference will, naturally need to be made to PPG Paragraph: 065 Reference ID: 61-065-20190723 when considering whether policies need to be updated or not.  Duty to Co-operate (DtC)  Section 33A(3)of the Planning and Compulsory Purchase Act 2004 sets out the activities which bodies subject to the DtC must co-operate on. Paragraph (3)(d) of section 33A of that Act provides that such bodies will be subject to the duty when undertaking activities that can reasonably be considered to prepare the way for the preparation of development plan documents, marine plans and other local development documents. Plan reviews prepare the way for the preparation of such documents as they involve an assessment of whether policies in a plan need updating.  Engagement with neighbouring authorities and prescribed bodies needs to occur before a final decision on whether to update policies in a plan is made, as such engagement may influence that decision (PPG Paragraph: 075 Reference ID: 61-075-201907230).  Given the dates of the Statements of Common Ground (SoCG) and the timeline of engagement provided within them, it would appear that engagement with neighbouring authorities took place after the decision to update specific policies was taken.  Soundness  We would also highlight that the LPPU does not appear to have considered affordable housing delivery over the plan period to date and how this specifically needs to be addressed by the LPPU.  The Core Strategy identified a housing requirement of around 13,000 dwellings, of which around 3,290 needed to be affordable. Since 2011, the Council have delivered 2,221 affordable dwellings to 2019/2020. This leaves a residual requirement of 1,069 affordable dwellings to be delivered over the remainder of the plan period.  The Housing Topic Paper does not deal with affordable housing delivery specifically and the Housing Trajectory data on affordable housing completions are incomplete. The LPPU needs to review this residual requirement against the housing trajectory to provide confidence that sufficient affordable housing will be delivered over the remainder of the plan period. The identification of a number of brownfield sites is potentially problematic for affordable housing delivery given that viability issues coupled with vacant building credit will likely reduce the amount of affordable housing coming forward.  Furthermore, depending on the scale of the infrastructure required to facilitate development at Keynsham, it is possible that a reduced affordable housing requirement will be delivered here, relative to the need.  The LPPU cannot be found sound until it demonstrates that it will be effective in meeting affordable housing needs over the remainder of the plan period.  Similarly, the same approach is required for self-build housing. There has been no consideration of how the Local Plan is supporting self-build housing and whether Policy H4 needs to be reviewed to address this.  In both instances, should it be confirmed that the plan is failing to deliver affordable housing and self-build plots to meet the district's needs, the overall approach and relevant policies (e.g. H4) will need to be reviewed and updated accordingly.  (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. | | | | |
| It is our view that the LPPU be upgraded to a Local Plan Review in line with the other WECA partners' approach in accordance with Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012.  It is also suggested that additional evidence is provided to confirm that the DtC has been passed.  We also suggest that the LPPU cannot be considered effective until the Council has provided evidence that it will meet affordable housing and self-build needs within the district. Depending on the outcome of this review, the Council may conclude that the Plan requires a more thorough review, additional site allocations need to be identified and/or policies need to be updated (e.g. H4).  (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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| To provide additional input and insight to the inspector on these matters, especially in the context of any significant changes to National Policy or other material considerations.  (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.* | | | | |

1. Ibid. [↑](#footnote-ref-1)
2. PPG Paragraph: 070 Reference ID: 61-070-20190315 [↑](#footnote-ref-2)