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CF/20104



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Dear Sirs

**Representations to the Regulation 19 Pre-submission Draft Consultation of the Local Plan Partial Update (LPPU)**

Please accept this letter as representations to the Bath and North East Somerset (B&NES) Local Plan Partial Update Regulation 19 consultation (August 2021 – October 2021). The representations have been prepared by Black Box Planning on behalf of Taylor Wimpey UK Limited and Vistry Group in respect of their collective land interests at Whitchurch only. Land at Whitchurch, illustrated by the accompanying plan (Appendix 1).

The land is capable of delivering between 450 and 700 new homes along with generous areas of public open space and associated infrastructure. The area was previously promoted for up to 2,000 dwellings in the now abandoned West of England Joint Spatial Plan (JSP) when delivery of a new A37-A4 link road was being mooted by the JSP authorities. The site could now come forward as a non-strategic site through the local plan and it presents a reasonable alternative for sustainable housing delivery in the context that should the LPPU require any greenbelt release for meet the identified housing needs of the district.

The focus of these representations is the scope of the Partial Review and the treatment of Green Belt land and draft Policy SCR6 'Sustainable Construction for Residential Buildings'.

As with any Development Plan policy, it is fundamental that all plan-making decisions and policies meet the tests of soundness as set out within the NPPF. These form the basis of our consideration of the consultation document.

NPPF Paragraph 16 considers that plans should:

- a) Be prepared with the objective of contributing to the achievement of sustainable development;
- b) Be prepared positively, in a way that is aspirational but deliverable;

- c) Be shaped by early, proportionate, and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
- d) Contain policies that are clearly written and unambiguous, so it is evident how a decision-maker should react to development proposals;
- e) Be accessible through the use of digital tools to assist public involvement and policy presentation; and
- f) Serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies within the Framework, where relevant).

NPPF Paragraph sets out the tests of soundness at Paragraph 35 as follows:

- (a) Positively prepared – 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;
- (b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- (c) Effective – deliverable over the plan period, and 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; and
- (d) Consistent with national policy – enabling the delivery of sustainable development in accordance with policies within the Framework.

The scope of any local plan review should consider the range of development plan policies and objectives and whether it is necessary or relevant for these to be reviewed in accordance with NPPF, paragraph 33.

*“Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary<sup>18</sup>. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.”*

Footnote 18 of paragraph 33 also reminds plan making authorities that Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 places a legal requirement for local plans to be reviewed every five years.

As indicated as the outset of the pre-submission draft, it is understood that the LPPU is being undertaken in advance of the forthcoming West of England Combined Authority (WECA) Spatial Development Strategy (SDS) in order to address a range of issues considered to be urgent for the development plan, including the climate and ecological emergency declaration, as well as replenishing housing supply in the context of the adopted core strategy requirement. Furthermore, it is stated that the scope of the LPPU is confined without significantly changing the strategic policy framework of the adopted plan including strategic housing requirements. In that context, it is understood that the LPPU only seeks to release green belt land for housing previously identified as safeguarded for development.

In addition, it is understood that the Council intends to undertake a full review of the local plan following publication of the WECA SDS which is scheduled for publication in 2023.

With this understanding of the LPPU, we would reiterate the points raised in our previous representations to the Regulation 18 consultation, including that the partial review of the local plan has a potentially short shelf-life and NPPF paragraph 68 requires planning policies to identify appropriate supply of deliverable sites for years one to five of the plan period, and also specific developable sites or broad locations for growth for 6-10 years, and for years 11-15 where possible. In this context, the LPPU is considered inadequate and relies too heavily on the SDS process coming forward in a timely fashion.

In respect of policy DW1, clarification is required in relation to the reference land at Whitchurch. The proposal maps indicate there is no amendment to the Green Belt proposed at Whitchurch, but page 6 of the schedule of amendments lists 'land at Whitchurch' alongside the former safeguarded land at East Keynsham (KE3C and KE3D), saved allocation at South West Keynsham (KE4) and the Ride site at Odd Down (SB26). It appears this is a drafting error, as there is no other reference to land at Whitchurch in the proposal maps, diagrams or schedule of changes. However, if any further amendment to the greenbelt is being considered, it should be recalled that the exceptional circumstances test at Paragraph 141 of the Framework must still be satisfied.

Furthermore, it is prudent to recall that the adopted Core Strategy was prepared and examined against the exceptional circumstances test as set out in NPPF (March 2012). Paragraphs 83 and 84 of the Framework (March 2012) outlined the requirement for exceptional circumstances as follows:

*“83. Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans which set the framework for Green Belt and settlement policy. Once established, Green Belt boundaries should only be altered in exceptional circumstances, through the preparation or review of the Local Plan. At that time, authorities should consider the Green Belt boundaries having regard to their*

*intended permanence in the long term, so that they should be capable of enduring beyond the plan period.” (superseded)*

*84. When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.” (superseded)*

The Government revised Green Belt policy within the Framework in February 2019 with the new paragraph 137, subsequently renumbered to paragraph 141 under revisions July 2021, setting out the requirements for the plan-making authority before concluding that exceptional circumstances exist:

*“Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to **demonstrate that it has examined fully all other reasonable options for meeting its identified need for development.***

In this context, should the local plan partial review propose the allocation of land for housing development that requires green belt release, including through any modifications that may be necessary during examination of the plan, it is necessary for all reasonable alternatives to be tested, and it follows therefore that a full review of all green belt sites would be necessary to provide a robust evidence base for the local plan in accordance with paragraph 141. In that context, land at Whitchurch falls to be considered as an inherently sustainable location for growth.

#### **Policy SCR6**

Policy SCR6 of the pre-submission draft LPPU relates to sustainable construction for residential buildings. Taylor Wimpey UK Ltd and Vistry Group support the Council’s ambition to achieve more energy efficient homes and a fabric first approach to sustainable construction.

Policy SCR6 seeks to press ahead of forthcoming updates to Building Regulations Part L known as the Future Homes Standard which will be introduced by 2025. The Government intends that the Future Homes Standard will ensure all new homes have the highest levels of energy efficiency and low carbon heating. The consultation stages on the Future Homes Standard thus far and its formal introduction by 2025, along with an interim measure to come into effect in June 2022 requiring 31% increase in the carbon reduction requirement above Part L, are intended to ensure the development industry and associated supply chains for necessary materials and technology can appropriately transition to the delivery of the Future Homes Standard. Policy SCR6 as drafted is therefore considered unsound, as it is not effective. It risks stifling the delivery of new housing which remains a principal priority for the planning system to address housing shortages. A more balanced approach is required in the policy reflecting the transition to the Future Homes Standard in 2025.

In respect of the reference to utilisation of both on site renewables for energy demands, and district heating networks where available, the policy should also make provision for viability considerations for such requirements. There is a lack of evidence to justify the policy to suggest such requirements are broadly deliverable and viable.

To be found sound, Policy SCR6 therefore requires revision to provide a degree of flexibility for feasibility and viability considerations to be factored on a case by case basis to ensure the policy aspirations are deliverable wherever possible without stifling housing delivery.

In conclusion, land at Whitchurch should be considered as a reasonable alternative should the Council consider release of any green belt land for development as part of the local plan partial review including through any modifications that may arise during examination in public. Taylor Wimpey UK Limited and Vistry Group would also respectfully request modifications to policy SCR6 as detailed above.

Should you have any queries regarding the above representations or require any further information regarding my clients site, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Conor Flanagan', with a long horizontal flourish extending to the right.

**Conor Flanagan MRTPI**  
Director

Cc: Chris Dolling – Taylor Wimpey Strategic Land  
Felicity Crawford – Vistry Group

Enc: Appendix 1 – Site Location Plan, Land at Whitchurch