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Dear Sir/ Madam,

THE BATH AND NORTH EAST SOMERSET LOCAL PLAN (2011 TO 2029) PARTIAL UPDATE PROPOSED SUBMISSION DRAFT CONSULTATION – REPRESENTATIONS ON BEHALF OF PLACES FOR PEOPLE (HOMES) LTD

These representations are submitted on behalf of Places for People (Homes) Ltd in respect of their land interests at Keynsham. These representations are made in the context of those land interests and in pursuit of a sound development plan review process. The comments and recommendations made herein relate to the Bath and North East Somerset (B&NES) Local Plan (2011-2029) Partial Update ‘Proposed Submission Draft’ Consultation. The representations are submitted on a constructive basis in pursuit of a Plan review that can robustly withstand examination in due course.

Introduction

Places for People (Homes) Ltd (herein PfPHL) is a joint venture between Places for People (an established registered provider and homebuilder) and St Congar (a national land promoter).

PfPHL owns the freehold of approximately 4 hectares of land to the North of Bath Road, Keynsham, which forms part of the area allocated under Policy KE3a of the adopted development plan, and which comprised part of the North Keynsham Strategic Development Location (SDL) identified within the now withdrawn draft Joint Spatial Plan (JSP). PfPHL supported the principle of the SDL through the JSP and appeared at the examination, presenting evidence that sought a constructive resolution of the strategic flaws in the plan-making process that were exposed during the hearings and were reflected in the Inspectors’ advice. PfPHL remains committed to a plan-led development strategy at Keynsham and wishes to support the Council, including collaborating constructively with the Council and adjoining landowners, in delivering sustainable growth to the north and east of Keynsham through a review of the development plan in accordance with due process.

PfPHL made representations to the Partial Update ‘Commencement’ Consultation in June 2020 and the ‘Options’ Consultation in January 2021, prior to which representations were made in support of the allocation of the land for residential use through the Local Plan Review (2019). A full description of the landholding is contained within the HELAA: Call for Sites submission (dated June 2020), a copy of which is enclosed with these representations. The land north of Bath Road, controlled by PfPHL is a vital component of the likely strategic

growth area because it can deliver the principal access point from the A4, which will facilitate wider transport infrastructure improvements that will ultimately be required to support future strategic levels of growth at Keynsham.

Critical in this regard, in the context of the approach to plan-making on which the Council is consulting, is the status of the land controlled by PfpHL to the north of Bath Road. The land falls partly within the strategic mixed use residential and employment allocation (KE3a) to the east of Pixash Lane, and partly within the Green Belt that adjoins the edge of the urban area. The Green Belt component of the site comprises the former Broadleaze Nursery and adjoining paddock to the east.

A planning application for the part of the site that falls with the KE3a allocation was submitted on 14 July 2020 (Ref: 20/02479/OUT). It seeks outline planning permission for a development of up to 5,700 square metres (GEA) of commercial development and, at the time of writing, is expected to be determined at the meeting of the Planning Committee scheduled for 17 November 2021.

The new introductory text proposed for inclusion as paragraph 5a of the district-wide Development Management Policies Document acknowledges that the Local Plan Partial Update (herein LPPU) is only an interim measure and that a full review of the Local Plan will be undertaken alongside the West of England Combined Authority (WECA) Spatial Development Strategy (SDS), which will become the strategic tier of the development plan within B&NES on publication; scheduled for 2023. In respect of this, and notwithstanding the live planning application mentioned above, the site will be promoted through the forthcoming SDS as part of a strategic growth area to the north and east of Keynsham.

The recommendations and comments contained within these representations are formulated to support the Council in preparing a comprehensive, up to date, sound Plan under the terms of paragraph 35 of the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG); and to support the delivery of growth at Keynsham.

Vision and District-Wide Strategy

Paragraph 29a

As outlined in previous submissions to the Partial Update (LPPU) process the Council is undertaking a review of what it considers are 'strategic' policies having regard to the provisions of the NPPF. It states in terms that all policies within the Plan, including those subject to review and updating via this process, are strategic in nature. This immediately invites a conflict with paragraph 22 of the NPPF which requires that all strategic policies should be framed to address a minimum 15-year period from adoption, which the current process does not do. Furthermore, the Council has chosen to review the plan only partially, and therefore the strategic policies within it, addressing some policies, which are of a detailed nature, while leaving those that are clearly strategic (such as the housing requirement) to a future full review. This conflict should be resolved and focus via this review placed only on policies that are of a non-strategic nature, thereby avoiding conflict with the NPPF.

Volume 1: District-Wide Strategy and Policies

Amendments to Existing Policy DW1 (District-Wide Spatial Strategy)

Amendments to Policy DW1 propose to release land to the east of Keynsham for development. The adopted Local Plan safeguards the land for future development beyond the end of the current plan period¹ (2029) under Policy KE3b. Release of the land is contingent upon a review of the Local Plan taking place and the clear intent within the construction of the Policy governing its possible future development is that such development would take place in response to meeting a future housing requirement determined following a review of the Local Plan. If the purpose of KE3b was to designate the land as a reserve housing site to meet potential shortfalls occurring against the adopted Plan's housing requirement, the policy would have stated as much. The intent within the Policy and the explanatory text is that the land should be brought forward only following a review of the housing requirement, which is not taking place via this review process. The Council will need to be prepared to justify and explain clearly why the approach proposed is sound and appropriate in the context of the proposed review process. PfPHL has no in-principle objection to the allocation of this land in the manner proposed but considers that the removal of the land from the Green Belt and the safeguarding of it was undertaken to address different circumstances to those that now prevail. Comments regarding the wording of the specific policies (KE3C and KE3D) and the associated evidence base are made later in this representation.

Proposed New Policy SCR6 (Sustainable Construction Policy for New Build Residential Development)

The LPPU proposes to delete adopted Policy CP2 (Sustainable Construction) and replace it with two new policies (SCR6 and SCR7). Policy SCR6 advises that new build development will aim to:

“Achieve zero operational emissions by reducing heat and power demand then supplying all energy demand through onsite renewables”.

As set out in PfPHL's representation to the 'Options' Consultation in January 2021 a drive to mandate the provision of zero carbon new build homes is taking place at national level through the introduction of the Future Homes Standard (FHS). The Government's response² to the FHS consultation that took place in 2019 confirms that the FHS will deliver homes that are 'Zero Carbon ready'. The Government intends to implement the FHS in 2025: a full technical specification for the FHS has been accelerated and will be consulted on in 2023, followed by the introduction of the necessary legislation in 2024. Ahead of the implementation of the FHS in 2025, the Government is introducing an interim uplift to Part L of the Building Regulations which will include provisions for low carbon heating systems and heat pumps as primary heating technology in new homes. The interim uplift is proposed to take place in 2021 and will encourage homes that are future-proofed for the longer term. These homes will be expected to produce 31% less CO2 emissions compared to current standards.

¹ Paragraph 96.

² The Future Homes Standard: 2019 Consultation on changes to Part L (Conservation of Fuel and Power) and Part F (Ventilation) of the Building Regulations for new dwellings: Summary of responses received and Government response (January 2021)

The Government's FHS response also confirms that the Planning and Energy Act 2008 will not be amended in the short-term – new planning reforms will instead clarify the longer-term role of local planning authorities in determining local energy efficiency standards. In absence of amendments to the Planning and Energy Act 2008 via the Deregulation Act 2015 (or other means), it is acknowledged that local planning authorities can set energy efficiency standards in development plan policies that exceed building regulations; and can impose reasonable requirements for a proportion of energy use to be from renewable sources.

In this respect paragraph 150 of the NPPF makes clear that any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards. The PPG clarifies that, when setting any local requirement for a building's sustainability, LPAs should do so in a way consistent with the Government's zero carbon buildings policy and adopted nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners and will need to be based on robust and credible evidence, paying careful attention to viability. The FHS is the direction of travel for nationally established technical standards. The Government recognises that the FHS will be challenging to deliver in practice, and it is for this reason that interim measures are proposed to ensure that all parts of industry are ready to meet the Future Homes Standard from 2025. The Government's response states:

“As well as delivering high carbon savings without relying on additional carbon offsetting measures, the option 2 specification achieves a balance between making progress towards the Future Homes Standard while providing industry with the time it needs to develop the supply chains and skills that will be necessary to deliver the Future Homes Standard and accounting for market factors”³.

“The 2021 uplift will ensure the delivery of high-quality homes that are in line with our broader housing commitments and encourage homes that are future-proofed for the longer-term. We need as many homes as possible to be built with low carbon heating going forwards and the feedback we received from developers based on our consultation proposals indicated that many will start to do so under option 2, therefore increasing the capacity of supply chains and readying installer skills for the introduction of the Future Homes Standard.”⁴

PfPHL's representation to the 'Options' Consultation in January 2021 highlighted that onerous policy requirements can have a significant impact on the deliverability of residential development sites, notably those that are already burdened by significant remediation (e.g Brownfield sites) and infrastructure costs. The Government is clear that the FHS transitional arrangements are intended to support the successful delivery of the FHS in 2025, enabling the market and supply chain to adapt, and taking into consideration market factors. This is not the approach proposed through Policy SCR6. By introducing a policy that seeks to accelerate the timetable for mandating the provision of dwellings with zero operating omissions the Council risks compromising the deliverability of existing sources of housing supply that are yet to receive planning permission, and which were identified at a time when such obligations were not in place. The proposed strategy risks undermining one of the key objectives of the Plan review, which is to boost housing land supply. Promoters and developers bringing forward site allocations contained within the adopted Local Plan would not have anticipated the changes to policy now proposed.

³ Paragraph 3.10

⁴ Paragraph 3.12

It is acknowledged that policy advises that *“where the use of onsite renewables to match total energy consumption is demonstrated to be not technically feasible (for example with apartments) or economically viable, renewable energy generation should be maximised and the residual carbon must be offset by a financial contribution”*. It is not clear, however, how contributions would be spent to achieve net zero in operation. If off-site solutions are proposed by the Council, against which contributions would be sought, details should be set out and consulted upon in advance.

For the reasons set out above it is considered that Policy SCR6 is unsound on the basis that it is not justified; one of the four tests of soundness set out at paragraph 35 of the NPPF. To rectify this issue, it is recommended that the policy is withdrawn and that adopted Policy CP2 is retained as currently worded. Policy CP2 requires development to maximise energy efficiency and integrate the use of renewable and low carbon energy but does not set out specific requirements. This would mean that the policy would not become out-of-date as Building Regulations are revised as proposed, or when the FHS is introduced in 2025.

Proposed New Policy SCR7 (Sustainable Construction Policy for New Build Non-Residential Buildings)

For the reasons already described above in comments relating to Policy SCR6 the proposed policy provisions detailed under SCR7 are unnecessary given the direction of travel at Government level (uplift to Building Regulations and introduction of FHS) and risk compromising the deliverability of non-residential allocations that are yet to receive planning permission, and which were identified at a time when such obligations were not in place. The policy is therefore considered unsound on the basis that it is not justified, one of the four tests of soundness set out at paragraph 35 of the NPPF. As with Policy SCR6, the situation can be rectified through withdrawal of the policy and the retention of adopted Policy CP2 as currently worded.

Proposed New Policy SCR8 (Embodied Carbon)

Policy SCR8 advises that large new build developments (50+ dwellings or 5,000+ sqm commercial floor space) are required to submit an Embodied Carbon Assessment that demonstrates a score of less than 900kg/sqm of carbon can be achieved. The supporting topic paper⁵ indicates that this approach is the same as that taken by the London Plan, which requires submission of a Whole Life-Cycle Carbon Assessment for development proposals referred to the Mayor. The topic paper also advises that:

*“The West of England Authorities are working towards updating the evidence base to explore the possibility of introducing Whole Life Cycle Carbon Assessments as part of future policy in each authority’s New Local Plan.”*⁶

“As the evidence base to support the new Local Plans is still emerging the proposed policy in the partial update takes a cost neutral approach requiring an embodied energy assessment is undertaken and submitted alongside a planning application that demonstrates the total carbon of the development is of a level that is aligned with current construction industry practice. The assessments submitted can then be used as part of the evidence to support future requirements in the new Local Plan when further

⁵ Topic Paper: Zero Carbon Construction (August 2021)

⁶ Paragraph 4.9

evidence on the cost and practicalities will be available and industry has become familiar with the assessment process.”

While PfpHL support the principle of carbon reduction policies, it is apparent from the topic paper that the assessment of embodied carbon is a policy objective which is yet to be fully explored and remains work in progress. The extract above demonstrates that this is an objective that would more appropriately be addressed as part of the full review of the Local Plan at a time when the evidence base and methodology for carrying out such assessments is clearly established. At the moment the introduction of a policy via the partial update of the Plan appears premature. Furthermore, it is important to note that:

- Policy SI2 of the London Plan does not specify a specific score that must be achieved by the development.
- Neither the topic paper nor the evidence base documents⁸ explain how the proposed target of 900kg/sqm has been determined.

Therefore, while the Council’s ambition is respected, the absence of a robust evidence base supporting the policy means it is premature to include such a policy in the LPPU. Policy SCR8 is therefore unsound on the basis that it is not justified, as required by paragraph 35 of the NPPF. The policy should be withdrawn.

Proposed New Policy SCR9 (Electric Vehicles Charging Infrastructure)

As set out in PfpHL’s response to the Options Consultation the Government intend to introduce a requirement for Electric Vehicle Charging Points under Schedule 1 to the Building Regulations 2010. The expectation, therefore, is that Policy SCR9, will be superseded in due course. On this basis there is a strong case for concluding that the policy is unnecessary.

Notwithstanding the above, the proposed policy would require all parking spaces in new developments (residential and commercial) to have access to electric vehicle charging infrastructure. However, detail on the more specific requirements (level of ‘active’ and ‘passive’ infrastructure provision, speed of charger etc.) are delegated to the Transport and Development Supplementary Planning Document (SPD) which is subject to a separate public consultation.

PfpHL has no objection to the principle of requiring all new parking spaces to have access to electric vehicle charging infrastructure (subject to viability). However, as set out in their response to the Options Consultation PfpHL advocates the use of passive infrastructure on both residential and non-residential developments as such an approach enables new developments to adapt in line with changing habits.

The final paragraph of Policy SCR9 states:

⁷ Paragraph 4.10

⁸ Cost of carbon reduction in new buildings (December 2018) and West of England Carbon Reduction Requirement Study (April 2019)

“Where the costs of providing the necessary capacity in the local electric grid infrastructure connections to support electric vehicle infrastructure are abnormally high the applicant must provide evidence to robustly demonstrate why they are not able to comply with the above policy.”

While the intention of the above paragraph clearly relates to viability, the wording is vague and may be interpreted in a manner that impedes delivery of development. The issues being:

- It is unclear what is meant by ‘abnormally high’.
- Site-specific circumstances may result in the provision of electrical vehicle charging points rendering a scheme unviable. In such a circumstance the level of electrical vehicle charging point provision should be considered in the context of all other infrastructure requirements.

To rectify the above issue and ensure that the policy is sound the final paragraph should be amended to read as follows:

“Where the applicant has demonstrated that a scheme is unviable the Council may accept a reduced level of electrical vehicle charging point provision.”

Proposed New Policy NE3a (Biodiversity Net Gain)

The Government’s Draft Environment Bill contains mandatory net gain requirements for new developments. The Bill is at an advanced stage and is expected to obtain Royal Assent in the near future. As such, it is unnecessary for the LPPU to contain a policy that sets requirements that will be determined at national level.

Furthermore, in recognition of the administrative issues associated with introducing the net gain requirement (passing of secondary legislation, finalising methodology etc.) the Government has indicated that there is likely to be a two-year transitional period between Royal Assent and the net gain requirement coming into force. Policy NE3a does not include a transitional period and as such risks compromising the deliverability of housing and employment development during the period when these issues are resolved.

The absence of a transitional period means that Policy NE3a is unsound on the basis that it is not justified, one of the four tests of soundness set out at paragraph 35 of the NPPF. The situation can be rectified through the withdrawal of the policy.

Amendments to Existing Policy NE1 (Development and Green Infrastructure)

PfPHL has no in-principle objection to the amendments proposed to Policy NE1. However, some amendments are required to ensure that the policy is deliverable in practice. For example, there will be some sites where location and/or the nature of the use mean it is not possible to deliver community benefits or link to existing GI networks. Suggested amendments are set out below.

- 1 a) it can be demonstrated that the proposed development design will maximise opportunities for effective and functional Green Infrastructure (GI) focusing on the use of nature-based solutions to, where feasible, deliver community benefits.”

2 b) a GI “proposal” demonstrating how GI has been incorporated into the scheme to increase function and improve connectivity of GI assets, demonstrate the delivery of a range of nature-based solutions and, where feasible, include links to existing the local and strategic networks and providing new connections between existing and/or new linear wildlife habitats.

Amendments to Existing Policy ED2A (Strategic and Other Primary Industrial Estates)

Representations were made to the R.18 Options consultation in respect of Policy ED2A, which are reproduced below. The only changes to the policy that have been made since the earlier consultation relate to Use Class classifications to which the policy relates. Considering submissions relating to the proposed release of safeguarded land at Keynsham, and the justification for this within the context of the LPPU process, it is once again contended that the Council should be approaching existing allocated development land within the parameters of the existing spatial strategy more flexibly as a means of addressing potential housing shortfalls. In this regard PpPHL maintains its position with regard to the need to introduce flexibility to ED2A (and ED2B) as an available means of responding to housing supply shortfalls within the existing plan period.

The consultation document refers to the advice within the NPPF that Local Plans should give significant weight to supporting economic growth and notes that pursuant to this objective the Placemaking Plan includes two policies designed to facilitate new industrial development and to protect and manage existing industrial sites. Paragraph 2.87 then refers to ‘evidence’ (the source of which is not defined) which shows that since the start of the plan period in 2011 the loss of existing industrial land has been greater than was anticipated, and its replacement, under the policy provisions of the development plan, has not been achieved. It is also asserted that ‘evidence’ shows that demand for industrial space is increasing beyond that forecast at the time the Local Plan was prepared. It is therefore apparent that the policy framework is not effective or fit for purpose having regard to the provisions of the NPPF. If demand for floorspace is not being satisfied it must be the case that the location and quality of premises that the policy framework is both facilitating and protecting are not aligned with market demand. Put simply, policies are not allocating land of the right type in the right place and are protecting the wrong sites. The policy framework needs to be reviewed, but that review should be of a more fundamental nature, which is beyond the scope and remit of the partial update.

To put this into context, there is reference to the loss of around 60,000sqm of floorspace from Bath since 2011, yet the policy response is not to allocate further space to compensate directly for this reduction, because this would extend beyond the scope of the partial update; instead it is proposed to apply protection under the provisions of Policy ED2a to a c.2,000sqm building on the Lower Bristol Road, and to the Wansdyke Business Centre on Oldfield Lane, which comprises of a range of 22 small business units, the largest offering less than 250 sqm of space. It is hardly an appropriate or proportionate response to the challenges being faced by businesses wishing to invest in the Bath market. The document acknowledges that identifying sites to service the Bath market should be a priority for policy makers, because while Keynsham may be able to accommodate some of the demand focused on Bath it is more likely that failure to respond positively will result in business relocating to alternative locations (Avonmouth/Sevenside, Swindon/Chippenham/Wiltshire). The partial update is unable to offer an effective or proportionate response to this challenge, which should be approached in a coordinated and comprehensive way to ensure that the development plan provides the right type of land to meet the requirements of a 21st century economy.

The proposed changes to Policy ED2a are predicated upon the findings of the Employment Growth and Employment Land Review (March 2020). This is a document prepared for the Council by consultants appointed to provide advice to inform the Local Plan review that was being carried out pursuant to the JSP. While some of the parameters within the report were adjusted following withdrawal of the JSP and the abandonment of the previous plan review process, the terms of reference and the period of study/evaluation were not changed. Accordingly, the report considers the period 2016-36 when making policy recommendations, not the adopted plan period 2011-2029; it cannot therefore be given weight in this context given that it was not commissioned to inform this process. It is neither relevant, nor focused tightly on supporting and justifying the policies concerned, as required by the NPPF⁹. Furthermore, it does not form part of the evidence base supporting the Options consultation. The Procedure Guide for Local Plan Examinations (November 2020)¹⁰ is clear that the LPA should submit for examination all evidence on which policies are based, with all such evidence having been subject to public consultation.

PfPHL has no comment to make on the additional employment sites that are proposed for inclusion within the scope of Policy ED2a under consultation ref.DM26. However, the following comments relate to the principle of continuing to apply the terms of the policy in a rigid manner, and particularly to the protection currently afforded under Policy ED2a to the allocated employment land at East Keynsham (Policy KE3a).

PfPHL considers that a review of Policy ED2a is necessary for two reasons: firstly, having regard to points outlined above the policy is clearly not effective because it is not supporting economic growth or responding to the needs of the commercial market. To do so properly and effectively the policy should be revisited through a full-review of the Local Plan, which could address actual demand for modern fit-for-purpose employment floorspace both within the district and across the WECA area. Secondly, in the context of a partial update of the Local Plan, the scope of which is limited to the application of existing development management policies in the context of perceived housing land supply challenges, it is necessary to examine opportunities to flexibly apply existing employment allocation policies in the short-term. Such an approach would be justified in the context of the proposed review because there would be no need to amend the spatial strategy through the utilisation of land already identified for development, and because guaranteeing a five-year supply of housing land is prioritised by national policy above maintenance of an employment land pipeline.

A more flexible approach to the protection of existing employment land in the short-term can also be justified in the context of what are likely to be changing patterns of demand for employment land and floorspace as the economy adjusts to the effects of the Covid-19 pandemic. It is highly likely that conventional patterns of demand will change as the economy recovers; working patterns are likely to shift and space requirements will adjust over time as businesses rationalise their premises requirements. In this context it is entirely reasonable to adopt a more pragmatic and flexible approach to the application of existing employment policies pending the completion of the strategy for economic recovery and growth that is being prepared for the sub-region under the emerging SDS.

Having regard to all the aforementioned factors the Council's employment land strategy, and the evidence that purports to underpin it, are clearly out of date. In the interim, therefore, rather than seeking to bolster the protection afforded to such land under the provisions of Policy ED2a, the Council should instead be applying a

⁹ NPPF para.31

¹⁰ PINS paras 1.9-1.13

greater degree of flexibility to offer the potential for such land to be re-purposed to support housing delivery in the face of identified shortfalls in housing land supply, or other policy objectives.

The land controlled by PFPHL north of Bath Road is partially allocated for employment uses, with protection to such afforded under Policy ED2a. An outline application for generic policy compliant commercial uses has been made, on which a decision is pending, but no end user has been identified. There has been no substantive interest in developing the site by a commercial end-user, despite the allocation since the Core Strategy was adopted in 2014.

Historic masterplanning exercises associated with the emerging JSP and Local Plan covering the wider North and East Keynsham strategic growth location proposed mixed residential, leisure and employment uses over a wide area north and south of the railway line. It is anticipated that this exercise will re-commence in the context of development requirements that will arise against the SDS and the distribution of employment generating uses across the full extent of the likely development area will be examined as part of the overall masterplan. It is important to note that in this wider area there is land to the north of the railway line that could only accommodate commercial land uses because of constraints such as flood risk and noise. Accordingly, it is reasonable to anticipate that the protection currently applied to the employment component of Policy KE3a by Policy ED2a will fall away, at least in part, when the land is again considered as a strategic growth location, and masterplanning re-commences.

PfPSL continues to support the use of its land, and the adjoining land to the north of World's End Lane and the railway, for residential purposes and in this respect advocates that the Council recognises the future potential of the land now by supporting a more flexible application of the terms of Policy ED2a. The land is already allocated for development, is deliverable now without the need for significant transport infrastructure improvements and can contribute towards housing delivery in the period to 2029.

For the reasons set out above, Policy ED3a is not considered to be an appropriate strategy when reasonable alternatives are considered. It is therefore unsound on the basis that it is not justified; one of the four tests of soundness set out at paragraph 35 of the NPPF. To rectify this issue the policy needs to be amended to allow for a more a more pragmatic and flexible approach taken in respect of existing and identified employment land.

Amendments to Existing Policy ST1 (Promoting Sustainable Travel)

The proposed amendments to Policy ST1 include several additional requirements to be met by new development proposals. One of which requires that:

“1) Development is located where there are, or will be at the time of development, a range of realistic travel opportunities to provide genuine alternatives to private car usage and where opportunities to reduce travel distances exist”

The above requirement relates to the location of development and would change Policy ST1 from a development management policy to a 'strategic spatial' policy. As outlined earlier in this letter it is not appropriate to make amendments of a strategic nature through a partial review of a Local Plan as it invites a conflict with paragraph 22 of the NPPF. To rectify this conflict with the NPPF and ensure that the policy is sound the requirement must be deleted.

Amendments to Existing Policy ST5 (Traffic Management Proposals)

The amendments to Policy ST5 add further requirements to Policy ST5 to reflect the Council's emerging 'Liveable Neighbourhoods' document. One of the amendments seeks to substitute 'should aim' with 'will be expected' in the 'Traffic Management' section. It is important to note that there may be site specific circumstances which mean that it is not possible for schemes to comply with all the requirements. On this basis it is recommend that the policy wording is amended to 'will be encouraged' to ensure that the policy remains flexible and adaptable to site specific circumstances.

It is also unclear what is intended when referring to implementation of these principles on 'a trial basis to enable changes to be made in consultation with the council and community'. To ensure that the policy is sound this text should be removed.

Amendments to Existing Policy ST7 (Transport Requirements for Managing Development)

The amendments proposed to Policy ST7 seek to delegate the setting of detailed requirements on matters such as the content of Transport Assessments / Statements and parking provision to the Transport and Development Supplementary Planning Document (SPD) which is subject to a separate public consultation. While PfPHL has no in principle objection to this approach it is important to recognise that an SPD does not have the same statutory force as the Development Plan. The Council should not seek to convey Local Plan status onto the requirements of an SPD as it will not have been subject to scrutiny via a Local Plan Examination.

Volume 3: Keynsham

Proposed New Policy KE3C (East of Keynsham - Former Safeguarded Land) and Proposed New Policy KE3D (East of Keynsham - Former Safeguarded Land)

Policy KE3B of the adopted Local Plan removes the land subject to Proposed Policies KE3C and KE3D and safeguards it for possible development beyond the end of the current plan period (post-2029). The LPPU proposes to delete Policy KE3B and allocate the land for development during the current period, with allocations for 210 dwellings (KE3C) and 70 dwellings (KE3D).

A reason for not allocating the safeguarded land back in 2017 was the understanding that significant highway improvements would be required to allow growth beyond what was allocated by Policy KE3A (Land Adjoining East Keynsham Strategic Site Allocation). However, the consultation document advises that further work has been undertaken which indicates that the implementation of measures to support modal shift away from motorised private transport to public transport and non-motorised travel could create sufficient headroom in the local highway network to allow the land to be released for development with a smaller package of highway improvements than was previously considered necessary.

PfPHL has no in principle objection to the safeguarded land being brought forward at this time, providing that there is explicit confirmation that the highways modelling that has been undertaken assumes a baseline position that includes existing development commitments, including the entire KE3A allocation. In this respect it is noted that the Sustainable Transport Strategy (STS) for Safeguarded Land at Keynsham (August 2021) states the following at paragraph 3.2.1:

“The Paramics model has been validated to a 2019 base as part of a wider study considering strategic development locations in North Keynsham. The model includes an allowance for committed development in Keynsham, primarily at Somerdale, Southwest Keynsham and Hygge Park.”

It is unclear from the above text as to whether the entire KE3A allocation has been included in the baseline as the term ‘Hygge Park’ is used variously to refer to the whole allocation, and to the residential element only developed by Crest Nicholson. It is essential that this point is explicit so that the evidence base is suitably robust. In the case of highways evidence this requires a capacity assessment to utilise a baseline that includes all committed developments (permissions and allocations). To this end amendments, in addition to confirmation that the STS has included the entire KE3A allocation in the baseline, are necessary.

The following amendments are required in respect of the ‘Context’ sections for both Policy KE3C and KE3D (which are identical):

~~The 2017 Placemaking Plan analysed the highways capacity in Keynsham and concluded that mitigation would need to be delivered prior to allocating further housing growth determined that a mitigation package comprising highway infrastructure improvements around the town should be implemented prior to the safeguarded sites removed from the Green Belt (KE3b) being released for development via a future review of the development plan. Hence this land was safeguarded but not allocated for future housing. It has however been removed from the Green Belt.~~

Highway Mitigation opportunities have been reviewed following the Climate and Ecological Emergency Declarations to ensure that they meet the Council’s requirements to maximise sustainable transport improvements and the Council now supports a sequential approach to managing traffic on the network at Keynsham, which prioritises demand management measures and encourages modal shift away from the private car towards public transport and sustainable travel modes as the most appropriate mitigation strategy before major strategic interventions including Metrobus and Mass Transit are brought forward. This has included identifying measures which will also shift some existing car trips to sustainable modes in order to release capacity for additional housing growth in advance of major strategic interventions such as metrobus and Mass Transit. Thus, the Council’s position remains that mitigation is required to deliver growth, but the content of the mitigation package has been updated to meet the requirements of the Climate Emergency, enabling the safeguarded land to be allocated for much needed housing. Planning proposals for the safeguarded land should provide a comprehensive transport assessment that follows this approach, and which demonstrates that sufficient capacity can be created on the network against the baseline position (comprising existing development commitments) to accommodate traffic from the site without causing additional congestion or compromising the safe operation of the highway network. Such a strategy may include the payment of contributions towards off-site highway improvements that are necessary to support the development and the safe operation of the transport network in and around Keynsham.

The following amendments are required in respect of Policy KE3C:

8. Be accompanied by a Travel Plan and Transport Assessment, which assesses in detail the mitigation requirements of an individual site. The highway capacity analysis in the Transport Assessment must

include all committed developments (permissions and existing allocations) in the baseline. Prior to first occupation mitigation proposals for the site must deliver, but not be limited to, the following:

The following amendments are required in respect of Policy KE3D:

6. Be accompanied by a Travel Plan and Transport Assessment, which assess in detail the mitigation requirements of an individual site. The highway capacity analysis in the Transport Assessment must include all committed developments (permissions and existing allocations) in the baseline. Prior to first occupation mitigation proposals for the site must deliver, but not be limited to, the following:

Yours sincerely,

Tony Clements

Tony Clements (Oct 5, 2021 15:37 GMT+1)

Tony Clements

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211004 BANES Partial Update Proposed Submissions Draft Consultation - Representations (1)

Final Audit Report


2021-10-05

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