



Planning Policy Team  
Bath and North East Somerset Council  
Lewis House  
Manvers Street  
Bath  
BA1 1JG

62260953

8 October 2021

Dear Sir / Madam,

## **BATH AND NORTH EAST SOMERSET LOCAL PLAN PARTIAL UPDATE PUBLICATION CONSULTATION (REGULATION 19)**

We write on behalf of Standard Life Assurance Limited (SLAL), owners of The Maltings Industrial Estate (herein 'The Maltings'), in response to the Bath and North East Somerset Local Plan Partial Update Publication consultation.

### **BACKGROUND**

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These representations are submitted further to earlier representations, which were submitted to the Options Consultation on behalf of SLAL in February 2021, supporting the ongoing protection of identified Strategic Industrial Estates (which included The Maltings) (Policy ED2A).

The Maltings adjoins the Hartwells Garage site and includes an access route through to the Hartwells site from Brassmill Lane. As such, SLAL's previous representations also requested amendments to draft Policy PMP:SB15, which relates to the redevelopment of the Hartwells site, in order to ensure that the site is redeveloped in an appropriate way, without compromising The Maltings or its operations. However, SLAL's recommended changes to draft Policy SB15 have not been included in the current draft of the Local Plan and no changes have been proposed to the policy.

Since our last representations, an outline planning application (ref: 19/01854/OUT) for the redevelopment of the Hartwells site for a residential and student accommodation led scheme was allowed at appeal on 22 March 2021. SLAL was a Rule 6 Party in the appeal proceedings and appeared at the Public Inquiry in objection to the scheme due to its impact on the operation of The Maltings.

Nevertheless, the appeal decision is now subject to a legal challenge by SLAL and, on 6 October 2021, a judge found SLAL's claim to be arguable on all grounds. As such, it will be listed for a substantive hearing in due course. Furthermore, SLAL's legitimate planning concerns about the redevelopment of the Hartwells site remain. We do not consider that the concerns have been addressed by either the appeal scheme or the current draft of the Local Plan Partial Update.

These representations are therefore submitted to reiterate the points that SLAL has made previously and to confirm that, without our recommended changes being made, the draft Local Plan Partial Update is unsound. Our representations are provided below, and we have considered



these in terms of the tests of soundness set out in paragraph 35 of the National Planning Policy Framework (NPPF) (2021)

## **POLICY ED2A - PROTECTION OF EMPLOYMENT LAND**

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SLAL previously noted the very important fact that the Council's evidence base identifies that there has been a significant loss of industrial land since 2011. Furthermore, there has been an increase in demand for industrial space and limited opportunities to provide new industrial land, especially in Bath. These situations remain. As such, there is a clear need for new employment land and also, most significantly, to retain and protect existing employment sites, especially those that are identified as Strategic or Primary Industrial Estates, such as The Maltings.

SLAL's representations to the Options Consultation supported Policy ED2A and the proposals to maintain the level of protection that is already applied to identified Strategic Industrial Estates, such as The Maltings. This level of protection has been carried through to the current Publication version of the Local Plan Partial Update. As such, SLAL still supports Policy ED2A and considers it to be sound.

## **POLICY SB15 - FORMER HARTWELLS OF BATH SITE**

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SLAL previously suggested a number of amendments to Policy SB15 to ensure that the site is redeveloped in an appropriate manner. The amendments sought to address the following matters:

- Ensuring adequate and suitable access and egress, by taking all vehicular access from Newbridge Road to the north, rather than from The Maltings;
- Preventing the intensification of the use of the existing right of way through The Maltings, by requiring evidence to demonstrate that the burden on The Maltings would not be increased by the redevelopment of the Hartwells site. In addition, requiring appropriate mitigation and management measures to be agreed and secured before planning permission is granted;
- Avoiding highway and pedestrian safety issues, by limiting the density of the site; and
- Removing ambiguity, by clarifying that uses other than Use Class C3 are acceptable on the site only if they would not compromise the delivery of family and affordable housing.

However, these amendments have not been incorporated into the wording of draft Policy SB15 in the current Publication version of the plan. As such, the issues raised above have not been addressed and the policy is unsound for the following reasons:

- It has not been positively prepared, as it fails to address the need to retain and protect important and Strategic employment sites such as the Maltings, a matter which was identified in the Council's evidence base; and
- It is not consistent with national policy as it conflicts with Paragraph 81 of the NPPF, which requires Local Plans to give significant weight to supporting economic growth and productivity.

In light of the above, our suggested amendments should be made to Policy SB15 (as summarised above and as set out in our earlier representations to the Options Consultation and enclosed with this letter), in order to protect The Maltings as a Strategic Industrial Estate and to ensure that the policy is sound.

## **CONCLUSION**

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The Publication version of the Local Plan Partial Update is unsound as it fails to properly address an identified need to protect existing industrial estates, such as The Maltings.



The planning application for the Hartwells Site remains the subject of a legal challenge by SLAL and they continue to have legitimate planning concerns about the redevelopment of the site. As currently worded, Policy SB15 allows the redevelopment of the adjacent Hartwells site, without ensuring that The Maltings and its operations are protected. The policy therefore is not consistent with the requirement of the NPPF to give significant weight to economic growth and productivity.

As such, we request that our suggested amendments to SB15, that were set out in our enclosed representations to the Options Consultation, are taken into account.

If you have any queries please do not hesitate to contact me or my colleague, Fraser Dann.

Yours faithfully

A handwritten signature in black ink that reads 'L. Bending'. The signature is written in a cursive style.

Louise Bending  
Associate Director

Cc : Ms Amanda Cowking - Aberdeen Standard Investments

Enc: SLAL'S previous representations to the Options Consultation including proposed amendments to draft Policy SB15