

## Matter 4 Written Statement - KeynshamNow

**Question 57 under Matter 4:** Area Policies and allocations: Keynsham. “The explanatory text to the adopted Core Strategy and Placemaking Plan states that Policy KE3B safeguards land at East of Keynsham for development beyond the end of the plan period. What is the justification for the proposed allocation of this land now, and is the allocation of the land consistent with national policy as expressed in paragraph 143 of the NPPF?”

B&NES Council’s Planning Committee made a significant and controversial **premature planning decision** on 4<sup>th</sup> May that was in direct contravention of the existing Local Plan (policy KE3B). That was to approve the outline planning application 20/02673/OUT from Mactaggart and Mickel Homes Ltd for construction of 213 dwellings etc. at Withies Green, Keynsham (i.e. policy KE3C) before the LPPU Public Examination. That was despite nearly 600 objections including robust objections from Saltford Parish Council and Keynsham Town Council, representing the two most directly affected Town/Parish council areas.

That planning decision has undermined the Inspector’s Public Examination of the LPPU by pre-empting the Inspector’s Examination Report as if it has no bearing or influence on such a major and controversial planning decision. The outline planning permission also contravenes NPPF (2021) paragraph 140 that requires such changes to be made through the preparation or updating of [local] plans.

That outline planning application, 20/02673/OUT, was submitted in July 2020. A further few months’ wait for the Inspector’s Examination findings before B&NES Council reached a decision would be considered reasonable and appropriate in the circumstances. A successful challenge for that delay, that is necessary to enable compliance with national and local planning policies, would be unlikely. The democratic process that allows the community and its elected representatives to make representations to the B&NES LPPU Public Examination for KE3C itself has thus been denied.

The Local Plan and 3 NPPF policies contravened by the planning decision of 4<sup>th</sup> May are:-

**B&NES Local Plan policy KE3B** (“development of the safeguarded land will be granted only when it is proposed for development following a review of the Local Plan.”)\*

*We argue that the updating of a Local Plan is not complete until the review including the Public Examination Report confirms soundness and legal compliance.*

**NPPF (2021) paragraph 143(d)** (“When defining Green Belt boundaries, plans should: ... “make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development”).

The contraventions detailed above are exacerbated by the strong opposition in the community, hence nearly 600 objections, and in the objections from the local Town and Parish Councils to the planning application for KE3C. That level of opposition should have informed B&NES Council of the need to fully test the development’s soundness and legal compliance through the Public Examination process prior to granting planning permission, especially as it had refused permission for this site’s development in 2018.

A similar planning application for 200 houses on this site (18/01509/OUT) was REFUSED by B&NES Council in December 2018. The reasons for refusal given then included that the release of the safeguarded land had not been allocated through a Local Plan Review(!) and that “*the existing road network in the vicinity of the site has insufficient capacity to*

*accommodate the increase in traffic likely to be generated by the proposed development*". Prolonged periods of traffic congestion in the Keynsham area have demonstrably worsened since 2018 hence the strong opposition to the new application 20/02673/OUT that B&NES Council has chosen to discount.

We are concerned that the Council has failed to allow the justification, sound evidence and very special circumstances for deleting policy KE3B to allow KE3C's development to be properly tested and examined by the LPPU Public Examination. A genuine need to develop KE3C (now incorporating the change of use for a Green Belt land parcel) before 2029 remains unproven.

SPC contends that B&NES Council has undermined confidence and trust in its own Local Plan and to plan-led land use planning in the B&NES area. This sets a dangerous precedent that will be exploited by developers and others seeking to develop parcels of land including Green Belt land that are otherwise afforded protection by Local Plan and NPPF policies.

### **Recommended Actions**

B&NES Council's action as detailed above creates a precedent that other Local Planning Authorities might wish to follow whilst this Public Examination's decisions affecting KE3B, KE3C and KE3D are also undermined by its actions. Therefore, **we recommend that the Inspector continues to seek a full and evidence-based answer from B&NES Council to Question 57 as it applies to KE3C and KE3D.**

If the Inspector is not completely satisfied that the case for the deletion of policy KE3B this early in the Local Plan period and before 2029 is sound or legally compliant, **and/or** that B&NES should not pre-empt the Public Examination and contravene the NPPF or change the use of a parcel of non-safeguarded parcel of Green Belt land as part of an expanded KE3C, **we strongly recommend that the Public Examination Report should either:**

- (a) recommend that B&NES Council submits its planning decision of 4.5.2022 concerning 20/02673/OUT to the Secretary of State for final determination on whether the outline planning permission it granted was sound and met the test of very special circumstances to justify the KE3C housing development, with or without KE3C's expansion to include non-safeguarded Green Belt land, before 2029, or
- (b) ask the Secretary of State to call in the decision as a matter of urgency, again for the Secretary of State to determine.

Recommendation (b) is our preferred option as urgency is now required to prevent the development from progressing. Such action should also help towards restoring the community's trust and confidence in the B&NES Local Plan's ability to prevent unsuitable developments from receiving planning permission.