

Saltford Environment Group representation to the Examination into the soundness and legal compliance of the B&NES Local Plan Partial Update (LPPU)

Question from the Inspector addressed by the new evidence in this representation under Matter 4: Area Policies and allocations: Keynsham:-

Question 57 “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?”

NEW EVIDENCE (B&NES Council’s Controversial Planning Decision of 4th MAY 2022)

001. Saltford Environment Group (SEG) fully supports the representation dated 3rd May 2022 submitted by Saltford Parish Council and the case made in that representation, i.e. there is no justification, sound evidence or very special circumstances for the proposed deletion of policy KE3B (Safeguarded Land at East Keynsham) that in turn would allow the inappropriate bringing forward before the end of plan period (2029) of additional housing developments in policies KE3C (East of Keynsham), 210 dwellings, and KE3D (East of Keynsham Safeguarded Land), 70 dwellings by Minsmere Rd.

002. However, **B&NES Council’s Planning Committee made a significant and controversial planning decision on 4th May that was in direct contravention of the existing Local Plan (policy KE3B)** whilst undermining the Inspector’s Public Examination of the LPPU by pre-empting the Inspector’s Examination Report as if it would be of no consequence. The southernmost field of the development is outside of the safeguarded land designation and is within the Bristol and Bath Green Belt. Its removal of Green Belt status and thus changing the Green Belt boundary via this planning permission is in **direct contravention of NPPF (2021) paragraph 140** that requires such changes to be made through the preparation or updating of [local] plans.

003. 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, on 4th May B&NES Council’s Planning Committee approved the outline planning application 20/02673/OUT from Mactaggart and Mickel Homes Ltd for construction of 213 dwellings etc. at Withies Green, Keynsham (policy KE3C).

004. That planning application was submitted in July 2020, almost 2 years ago, so 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, and the necessary delay to enable compliance with national and local planning policies unlikely to be successfully challenged.

005. The democratic process for planning allowing the community and its elected representatives to make representations to the B&NES LPPU Public Examination has thus been denied.

006. B&NES Council has contravened its own 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.**”) the updating of which is not complete until the review including the Public Examination Report confirms soundness and legal compliance.

007. B&NES Council by its decision to ignore the potential findings of the Public Examination and proceed with granting outline planning permission for KE3C has contravened NPPF (2021) at paragraphs 16 (c), 140, and 143(d) as follows [*relevant parts highlighted in bold text*]:-

16 (c) Plans should:- “be shaped by early, proportionate **and effective engagement between plan-makers and communities**, local organisations, businesses, infrastructure providers and operators **and statutory consultees**;”

140. Once established, **Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of**

plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period... etc.

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;”

008. SEG therefore contends that the soundness of the LPPU Public Examination has been undermined by B&NES Council. That is through the Council’s failure to ensure that the justification, sound evidence and very special circumstances for deleting policy KE3B to allow KE3C’s development has been properly tested and examined in the Public Examination including determining whether a genuine need to develop KE3C and a new parcel of Green Belt land has actually been proven.

009. Furthermore B&NES has contravened the planning policy requirement in the NPPF to effectively engage the community as required in NPPF paragraph 16 (c). This omission is made worse by the strong opposition in the community and in the objections from the local Town and Parish Councils to the planning application for KE3C that should have alerted B&NES Council of the need to test the development through the Public Examination process prior to granting planning permission. A similar application for 200 houses on this site (18/01509/OUT) was REFUSED in December 2018: the reasons for refusal given then by B&NES Council 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 has demonstrably worsened since 2018.

CONCLUSION

010. **B&NES Council has undermined confidence and trust in its own Local Plan and set a dangerous precedent** that will be exploited by developers and others that want to develop parcels of land including Green Belt land that are otherwise afforded protection by Local Plan and NPPF policies. B&NES has brought its own policy approach to plan-led land use planning into disrepute.

011. B&NES Council’s actions in pre-empting and undermining the Public Examination could easily create an unwelcome precedent that other Local Planning Authorities might follow whilst there also remains the unresolved situation for KE3D that is also compromised by the decision. Therefore, SEG asks the Inspector to seek a full and evidence-based answer from B&NES Council to Question 57 as it applies to KE3C and KE3D.

012. **If the Inspector is not completely satisfied that the case for the deletion of policy KE3B is sound and legally compliant and/or that B&NES should not pre-empt the Public Examination and contravene the NPPF or remove a parcel of non-safeguarded parcel of Green Belt land as part of an expanded KE3C without the Local Plan review, SEG asks that the Public Examination Report either:**

(a) recommends 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 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) asks the Secretary of State to call in the decision as a matter of urgency, again for the Secretary of State to determine.