

EXAM 1A

Bath and North East Somerset Council Response to Inspector's Initial Questions Letter (EXAM 1)

7th March 2022

**Bath & North East
Somerset Council**

Improving People's Lives

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1. **Question 1: Would the Council confirm whether, should it be necessary, you wish me to recommend modifications to the LPPU that would make it sound and compliant with the legislative requirements as per Section 20(7C) of the Planning and Compulsory Purchase Act 2004 (the 2004 Act)?**

B&NES Response

- 1.1. Yes, the Council wishes the Inspector to recommend modifications to the LPPU that would make it sound and compliant with the legislative requirements.

2. **Question 2: The Council has provided with the submission documents a schedule of errata (CD-SD003) Whilst some factual corrections are proposed, the changes to Policy wording and text appear to be potential MMs in my view. Please confirm whether these changes constitute MMs or AMs?**

B&NES Response

- 2.1. Yes, the changes listed below are considered to constitute Main Modifications.
Volume 1 District Wide
 - Pages 31-34 Policy NE3 Sites, Habitats and Species
 - Pages 53 Para 387e
- 2.2. All other changes included in the schedule of errata are considered to be Additional (Minor) Modifications.

3. **Question 3: When was that review (initial 5 year review of policies) undertaken, was any consultation undertaken and are the relevant documents available to view? If not, please add them to the examination library.**

B&NES Response

- 3.1. The initial 5 year review of policies, was undertaken in 2016 to inform preparation of the Local Plan (2016-2036) (see Commencement Document, November 2016 – CD-SD059), aligned with the preparation of the West of England Joint Spatial Plan (JSP). This initial review was undertaken before the Placemaking Plan was adopted and was therefore, only of the Core Strategy policies at that stage. Preparation of the Local Plan 2016-2036 progressed with a part 1 options consultation under Reg 18 in winter 2017 (CD-SD060) focussed on spatial strategy and strategic sites issues. A subsequent options consultation took place under Reg 18 in winter 2018 with publication of a further options document (CD-SD061). It was at this stage that the Placemaking Plan policies were reviewed and made available for public consultation. The preparation of the Local Plan (2016-2036) ceased due to the withdrawal of the JSP.

3.2. A subsequent review was also undertaken to inform the Local Plan Partial Update in April 2020 ([CD-SD054](#)) as set out in response to question 4 below.

4. Question 4: I note that CD-SD025 in paragraph 2.3 sets out that a review of the Local Plan was undertaken in 2020. Please confirm whether that review is that set out within the Launch document as CD-SD053. That document was subject to consultation. Did that consultation lead to any change in the list of Policies to be reviewed in the LPPU?

B&NES Response

4.1. The LPPU Commencement Document ([CD-SD053](#)) sets out the proposed scope and programme for the partial update and the LPPU Policy Review document ([CD-SD054](#)) sets out the policy review. Both documents were published alongside each other in April 2020 for public consultation.

4.2. The key issues raised on the Commencement Document and Policy Review document were summarised in paragraphs 7.4 and 7.5 of the Reg 19 Consultation Statement ([CD-SD028](#)). The key issues summary and the Council's responses are included in Annex 1 of the Consultation Statement ([CD-SD028](#)).

4.3. The consultations on both the Commencement Document and Policy Review Document and the Options Document (under Reg 18), as well as evidence review, led to changes in the policies proposed to be updated in the LPPU in the draft LPPU (reg 19 document). Appendix 1 (prepared in response to the Inspector's questions) sets out the policies proposed to be updated in the April 2020 LPPU Policy Review document and the policies proposed to be updated in the draft LPPU (Reg 19 document).

5. Question 5: Where in the evidence base may I find a summary of the comments received to the Commencement Document consultation? Were any comments received from the Duty to Cooperate bodies?

B&NES Response

5.1. Paragraphs 7.4 and 7.5 of the Reg 19 Consultation Statement ([CD-SD028](#)) set out the summary of the comments received to the Commencement Document consultation. For convenience and ease of reference the comments received from the Duty to Cooperate Prescribed Bodies on the Commencement Document are presented in Appendix 2.

6. **Question 6: To assist me regarding the period to which the DtC applies, please confirm when the formal decision was made by the Council to prepare the LPPU, and the date of the commencement of work on it.**

B&NES Response

- 6.1. The formal decision to prepare the LPPU (CD-SD56) and to update the Local Development Scheme was made by the Cabinet in March 2020. The revised Local Development Scheme (CD-SD057) recorded for the first time the decision to prepare the LPPU.

7. **Question 7 Would the Council please provide a summary of the strategic cross-boundary matters addressed by the policies of the LPPU?**

B&NES Response

- 7.1. The strategic cross-boundary matters which arose during the preparation of the LPPU were extremely limited due to the constrained nature and purpose of the LPPU. As a consequence, Policy CP3 on Renewable Energy ([CD-SD001](#), pp.12 to 19) is the only strategic cross-boundary matter addressed by the policies of the LPPU.
- 7.2. Following the withdrawal of the Joint Spatial Plan, the West of England Combined Authority (WECA) embarked on the preparation of the Spatial Development Strategy (SDS). The West of England Combined Authorities (Bristol, North Somerset, South Gloucestershire) need to review their Local Plans alongside the SDS which would be the primary vehicle for addressing strategic, cross-boundary issues.
- 7.3. As the formal withdrawal of the Joint Spatial Plan in early 2020 led to a delay to the review of Local Plans, B&NES considered that a Partial Update of the Local Plan was necessary in the interim to address the urgent issues identified through the Local Plan review and set out in the Commencement Document (see [CD-SD053](#)) and subsequent preparation stages (at Reg 18 and Reg 19).
- 7.4. However, before B&NES made a decision to formally commence preparation of the Local Plan Partial Update (LPPU), it discussed in late 2019/early 2020 the proposal with WECA and the three West of England Unitary Authorities. This was done via the internal, sub-regional working arrangements (Heads of Planning/Directors' meetings). As a result of these meetings B&NES was asked to prepare a report addressing the concerns of the Heads of Planning & Directors' (see Appendix 3.)
- 7.5. The conclusions of these discussions are set out in Appendix 4. Bristol, North Somerset, South Gloucestershire and WECA did not object to B&NES undertaking the LPPU provided it did not undermine the role and purpose of the SDS. Specifically, it was made clear that the "*policies to be reviewed address only local issues and do not cut across the strategic nature of the SDS*" (Appendix 3, para 10)

and “DtC would not be an issue in light of the scale of growth and the site size and the contained nature of the PR (Partial Review) (para 2.10 of Appendix 3, Annex 1).”

- 7.6 B&NES therefore embarked on the preparation of the LPPU with a Cabinet report in March 2020 which also reviewed its LDS. The Cabinet report made clear the precise function and scope of the LPPU, as is summarised in paragraphs 5(b) & (c) on p.3 submission draft of the LPPU ([CD-SD001](#));

“5a. The Council is required to review the Local Plan every five years in order to determine whether it remains fit for purpose or whether all or part of it needs to be updated. A review of the Plan has identified that a number of policies need to be updated. However, a full review of the Local Plan can only be undertaken alongside the West of England Combined Authority Spatial Development Strategy (SDS). As the SDS is scheduled for publication in 2023, B&NES is undertaking a Partial Update of the Local Plan in the interim, to address a number of issues.

5b. In March 2019 the Council declared a climate emergency and pledged to enable carbon neutrality in the district by 2030. An ecological emergency has also been declared in response to the escalating threat to wildlife and ecosystems. The Council has also reviewed its corporate strategy. The Council’s overriding purpose is to improve people’s lives and its core policies are addressing the climate and ecological emergency and giving people a bigger say. As this is a partial update to the existing Plan, and not a new Plan, the scope of the changes is confined to those areas that can be addressed without significantly changing the strategic policy framework of the adopted Plan i.e. the spatial priorities; the spatial strategy; or the strategic housing and job growth requirements in the Core Strategy & Placemaking Plan.

5c. The scope of the partial update is therefore, confined to:

- *Updating policies in order that they better address the climate and ecological emergencies*
- *Replenish housing supply in order that the Core Strategy housing requirement can be met and the necessary supply of housing land maintained*
- *Addressing a limited range of other urgent local issues e.g. related to the ‘green recovery’*
- *Amending policies for clarity and to ensure they are aligned with up to date national policy”*

- 7.7 B&NES has prepared the LPPU alongside working with WECA and the other two WECA Unitary Authorities (UAs) on the SDS. The strategic cross-boundary matters that arose between the WECA authorities and with adjoining authorities are being addressed through the SDS and are documented in the three published SDS

Statements of Common Ground (CD-SD062-64). As a consequence, and not unexpectedly, other than issues related to a site allocation at north-east Keynsham (see para 7.15 below), no strategic cross-boundary matters with the West of England UAs arose during the preparation of the LPPU. As such the duty to co-operate was not engaged in this respect.

- 7.8 As B&NES did not have an equivalent agreement and relationship with adjoining non-WECA authorities, (Wiltshire, Mendip, Somerset), a number of potential strategic cross-boundary matters were discussed with these authorities during the preparation of the LPPU. Those strategic cross-boundary matters that arose in relation to those non-WECA authorities during the preparation of the LPPU are documented in the respective Statements of Common Ground, and now summarised.
- 7.9 The SoCG with **Mendip District Council** ([CD-SD033](#)) focussed on resolving the issues raised by Mendip District Council (MDC) in their response to the January 2021 Options (Reg 18) consultation. In subsequent discussions, MDC confirmed that their comments on the Options (Reg 18) consultation were not objections, rather that they were seeking clarity on the purpose and scope of LPPU. Following further officer discussions, MDC was content with the proposed way forward on and the scope of the LPPU. The points raised in the Reg 18 consultation response and outlined in the Statement of Common Ground were as follows:
- MDC's view was that the timetable for preparing the LPPU was unrealistic and rather than the LLPU, a preferable approach would be to carry out a full review of housing need in B&NES, based on up-to-date evidence, and to define new spatial growth options, and a revised list of development sites that can deliver a new housing requirement figure. This approach would be proactive and forward-looking, helping address housing need issues in B&NES for the longer term. At subsequent officer meetings with MDC, B&NES further explained the rationale for the LPPU. MDC did not subsequently raise this issue.
 - With regard to employment land, MDC noted that that the existing B&NES Local Plan policy had not been effective – with losses of employment land exceeding expectations, and more limited delivery of new employment land. In order to fully understand the requirements for employment land, a more comprehensive assessment of the Functional Economic Market Area, the components of economic need, and a more detailed analysis of the suitability, availability, achievability, and deliverability of employment land is required. In particular, MDC was concerned about the impacts of the Somer Valley Enterprise Zone (EZ). B&NES explained that a full review of the employment land requirements was being undertaken via the SDS. The proposal for a Local Development Order (LDO) at the EZ ensures that greater detail in respect of the proposed development, uses and infrastructure improvements will be assessed

and established. This will enable any implications for the MDC area to be better considered. It was agreed that MDC be engaged in and consulted upon the LDO, including the process of B&NES Council determining and approving it.

- MDC supports engagement on cross-boundary infrastructure and other topics building on discussions in relation to its Local Plan Part 2 examination. However, it does consider that the partial review constrains a more comprehensive discussion on the most optimal locations for planned growth and how growth can be delivered alongside infrastructure improvements. B&NES explained that this would need to take place in the context of the SDS and that a short-term update to B&NES Housing Land Supply would not inhibit this process. B&NES accepted MDC's conclusion that it is not able to accommodate any of B&NES housing need. As such through the LPPU, B&NES is meeting full its identified housing need (as established via the Core Strategy housing requirement). MDC is supportive of this approach;
- In relation to renewable energy, MDC noted that the LPPU made reference to opportunities and constraints in the Mendip Hills AONB and that the landscape sensitivity evidence, which is used to support the case for wind energy generation was 'artificially' restricted to the B&NES local authority boundary. The Authorities agreed to continue working together on any cross boundary implications arising from renewable energy generation, and in particular landscape impacts;
- MDC noted that there are Green Infrastructure issues that require a more strategic approach and that evidence prepared at the West of England level (i.e. the West of England Joint Green Infrastructure Strategy) will shape future infrastructure proposals. The Councils agreed to continue to liaise on potential green infrastructure links and ecological networks between the local authority areas to support health and wellbeing of communities and nature recovery in further support of the climate and ecological emergency;
- MDC noted that a Statement of Common Ground had been prepared between B&NES Council and Somerset County Council relating to highways matters and it was agreed by all parties that in terms of highways considerations, there is no severe cumulative impact that arises from the B&NES Local Plan Partial Update on the Mendip administrative area.

7.10 The SoCG notes that the outcome of the discussion was that MDC is content with the proposed way forward on and scope of the LPPU.

7.11 The SoCG with **Wiltshire** ([CD-SD031](#)) highlighted;

- That B&NES accepted Wiltshire's position that the County would be unable to accommodate any B&NES housing need
- The need to share an understanding of any shifts in travel to work patterns, but both authorities agreed that this would be a matter dealt with via the WECA SDS, Wiltshire Local Plan Review and the new B&NES Local Plan.
- Ongoing discussions on the transport evidence base to the LPPU including how B&NES was supporting growth in sustainable travel demand, primarily with consideration to demand within and to / from Bath.

- 7.13 The SoCG confirms that Wiltshire Council is supportive of the preparation of the LPPU, that any cross boundary matters with Wiltshire arising from its preparation are very limited and that dialogue will continue as necessary.
- 7.14 The SoCG with **Somerset County** ([CD-SD034](#)) focussed on transport matters in light of the functions of the County. The potential implications of the transport proposals were considered and both authorities agreed that no severe cumulative impact arises from the B&NES LPPU. As such no strategic cross boundary matters arise with Somerset County Council and the Duty is not engaged.
- 7.15 Whilst SoCG were not generally needed with the West of England UAs due to the scope of the LPPU and arrangements agreed, a SoCG was prepared with **South Gloucestershire** ([CD-SD032](#)) because a site specific issue arose during the preparation of the LPPU. The assessment of potential housing sites in the LPPU entailed reviewing a strategic site at North Keynsham near the boundary with South Gloucestershire. In light of the very close proximity of the site to South Gloucestershire, B&NES discussed the potential implications with that authority. This did not infringe on the wider approach agreed with West of England UAs. It should be noted that in the end as set out in the draft LPPU (Reg 19 document) smaller sites were allocated on the eastern edge of Keynsham (land removed from the Green Belt and safeguarded for development in the Core Strategy) and the SoCG with South Gloucestershire ([CD-SD032](#)) outlines any cross boundary implications discussed in respect of these sites.
- 7.16 In relation to Bristol CC discussions were held between transport officers of both authorities in respect of the transport policy approach in the LPPU and evidence relating to proposed site allocations (see Appendix 5 for notes of a meeting held in April 2021). As a result, it was concluded there were no strategic cross boundary matters with Bristol CC relating to transport arising from the LPPU and that, as noted in the Duty to Co-operate Statement ([CD-SD030](#)), the LPPU site allocations do not result in a severe cumulative impact on the highway network. Therefore, in respect of Bristol CC the Duty was not engaged.

7.17 The issues arising from discussions with other prescribed bodies are set out in paras 4.1 to 4.6 of the LPPU Duty to Co-operate Statement ([CD-SD030](#)).

7.18 For completeness, the WECA SoCG confirmed the nature of the strategic cross-boundary matters that the SDS was addressing. Of note;

- [WECA SoCG v. 1](#) published September 2020 (CD-SD062) states that in respect of housing the West of England authorities have agreed to work collaboratively on preparing a Local Housing Needs Assessment (LHNA) for the WECA Area and North Somerset to identify the quantitative and qualitative housing needs of the sub-region, including Affordable Housing. The West of England authorities have also agreed to work jointly on housing land availability, to ensure that they have a clear and consistent understanding of the potential housing land available in the sub-region.
- [WECA SoCG v2](#) published September 2021 (CD-SD063) includes Table 1 that provides a summary of engagement between the West of England authorities, including Bristol.

7.19 In conclusion, the evidence documents that a limited number of potential strategic, cross boundary matters arose during the preparation of the LPPU, but only one policy in the LPPU, Policy CP3 on Renewable Energy ([CD-SD001](#), pp.12 to 19) addresses a strategic cross-boundary matter. This was the concern by MDC that, in relation to the LPPU policy on renewable energy, the landscape sensitivity evidence was restricted to the B&NES local authority boundary whereas any proposals may have an impact on landscape in Mendip. This was resolved by the Authorities agreeing to continue working together on any cross-boundary implications arising from renewable energy generation, and in particular landscape impacts. MDC concluded that no change was needed to the policy.

8. Question 8: The specific Statements of Common Ground (SOCG) with neighbouring Local Planning Authorities set out records of main engagement activity (commencing in January 2021). Where is the evidence of cooperation with the DtC bodies for the plan preparation period up to this point? Would the Council please provide notes of relevant meetings with DtC bodies held under the DtC?

B&NES Response

8.1 The confined nature of the LPPU generated very limited strategic cross boundary issues which substantially reduced the need for DtC activity throughout the preparation of the LPPU. This was substantially the case for the West of England UAs, but also for other adjoining authorities.

- 8.2 Before January 2021, the primary DtC activity was through consultation on the Commencement document in April 2020 when all adjoining authorities were asked for their views on the purpose of the LPPU, including its proposed scope, its relationship to other plans, the process of preparing it and programme for its preparation. In particular, feedback was invited on the proposed content of the LPPU. All the DtC bodies were sent notification of consultation at each preparation stage and invited to submit comments (see Appendix 6).
- 8.3 At the start of the LPPU preparation, B&NES officers met with counterparts from Wiltshire Council and Mendip District Council on 24th January 2020. A range of cross-boundary matters were discussed, primarily relating to the JSP and WECA SDS. At this meeting the remit and constrained scope of the LPPU were outlined, confirming the focus of the LPPU on addressing urgent issues specific to B&NES. Notes of the meeting is attached as Appendix 7.
- 8.4 This meeting was followed by notification of and consultation on the Commencement Document ([CD-SD053](#)) (see Appendix 6). None of the neighbouring authorities felt it necessary to respond to this consultation in light of the confined nature of the LPPU, which was clearly set out in the Commencement document.
- 8.5 In light of the limited nature of the LPPU and the concurrent engagement on the SDS with both WECA and the authorities neighbouring WECA, it was not necessary to undertake much engagement with neighbouring authorities, outside of formal Reg 18 and Reg 19 consultations. This is evidenced in the lack of response to the Commencement document. That activity which was undertaken is set out in the SoCG and is considered to be proportionate to the LPPU purpose and scope.
- 9. Question 9: Where in the evidence would I find a summary of the outcomes of the DtC, such as any joint studies and/or decisions? If this is not set out, please provide it.**

B&NES Response

- 9.1 For the reasons set out in the response to Question 7, only a few DtC discussions were needed and hence there are very limited decisions. These are documented in the SoCGs as summarised in paras 7.9 to 7.18 above. No joint studies were needed to support the LPPU and the only significant decisions was the agreement by B&NES and MDC to continue working together on landscape sensitivity evidence in light of the potential impacts on Mendip of LPPU Policy CP3 on Renewable energy.

- 10. Question 10: I see that no SOCGs has been provided between the Council and either Bristol City or North Somerset Councils. Whilst I note that there have been informal officer discussions with these Councils, no evidence of this has been provided. Would you please confirm if there are strategic cross-boundary matters relevant to these Council's arising from the preparation of the LPPU and the progress, if any, made in addressing them?**

B&NES Response

- 10.1 For the reasons set out in the response to Question 7, no strategic cross-boundary matters arose during the preparation of the LPPU relating to Bristol City or North Somerset Councils. As such the Duty to Co-operate was not engaged and no Statements of Common Ground are needed. Any strategic cross-boundary matters are being addressed as part of the preparation of the SDS and are documented in the three SDS SoCG. Both Authorities were formally consulted twice on the LPPU and on both occasions neither considered it was necessary to raise any issues, or even respond. Both Bristol and North Somerset have subsequently confirmed to B&NES that the preparation of the LPPU raised no strategic, cross boundary issues warranting a SoCG (Appendix 8).
- 10.2 Whilst preparing its own Local Plan, North Somerset has continued to be part of the West of England internal liaison and no issues in respect of the LPPU for consideration have been raised. In its preparation of its new Local Plan North Somerset formally engaged B&NES in July 2020 and October 2021 (see Appendix 9). In the latter, North Somerset requested that B&NES consider whether it is able to accommodate some of the North Somerset housing requirement within its area. B&NES responded by advising North Somerset that this is a sub-regional strategic matter which is being addressed through the WECA Spatial Development Strategy (SDS).

Conclusion on Duty to Co-operate questions

- 10.3 In respect of the requirements in s.33A of the Planning and Compulsory Purchase Act 2004, the constrained nature of the LPPU has meant that there was very little scope to engage the Duty to Co-operate during the preparation of the LPPU. Strategic cross-boundary issues between B&NES and the other WECA Authorities were largely addressed via the SDS, and B&NES took a precautionary approach to document potential, DtC issues with the non-WECA neighbouring authorities as documented in the published SoCG. Of these, only one strategic cross-boundary issues arose, this was the LPPU renewable energy policy and the agreement reached is set out in the SoCG with Mendip.

- 11. Question 11: Where in the evidence base would I find the reasons why alternative sites to those proposed to be allocated were assessed as being either not reasonable alternatives, or found to be reasonable alternatives, but found unacceptable?**

B&NES Response

- 11.1. The limited housing supply shortfall that needs to be met by replenishing supply through the LPPU significantly constrained the reasonable alternative sites that needed to be assessed in the SA. The approach to identifying sites for allocation to replenish the housing supply is set out in 'The Purpose and Scope of the LPPU' Topic Paper ([CD-SD025](#)) (section 4) and the Sustainability Appraisal ([CD-SD005](#))(section 2). It was also informed by the Housing & Employment Land Availability Assessment (HELAA) (CD-HOU001) at each stage of plan preparation.
- 11.2. As stated in the draft SA report ([CD-SD005](#)) para 2.4, the scope of the LPPU is confined to those areas that can be addressed without changing the spatial priorities, spatial strategy or the strategic housing and job growth requirements set out in the Core Strategy. The approach taken aligns with guidance in the NPPG (paragraph: 062 Reference ID: 61-062-20190315) that plan review should be proportionate to the issues in hand and it can then updated in whole or in part.
- 11.3. The sites identified for allocation, as well as the reasonable alternatives that were considered and rejected, were selected following the Core Strategy spatial priorities, spatial strategy and locational sequential approach (as described in the Topic Paper on the purpose and scope of the LPPU, [CD-SD025](#)). This was in the context of and in order to meet the limited level of housing supply shortfall. The Core Strategy locational sequential approach prioritises the development of brownfield sites and focuses residential development at Bath (as the main centre of employment and services & facilities), followed by Keynsham as the next most sustainable location within the District. Whilst some residential development is directed towards the Somer Valley, this was mostly a consolidation of existing commitments. Limited residential development was then directed to the more sustainable villages (albeit no allocations in the villages needed to be considered through the LPPU in order to meet the supply shortfall). The selection of sites for consideration (both those allocated and the reasonable alternatives) also used information gathered through the Housing and Employment Land Availability Assessment (HELAA) at each stage (the latest published version is [CD-HOU001](#)).
- 11.4. The draft SA report CO-SD005 Table 10 'Summary appraisal results of the Options' (page 48 – 51) (Full details Appendix C of the draft SA report) shows the alternative sites identified and considered to inform the Options (Reg 18) document. Some sites are retained in the draft LPPU (Reg 19 document), but some sites were rejected, such as SB10 Roseberry Place and the reasons for rejection are set out in Table 10 of the SA Report ([CD-SD005](#)).

- 11.5. Additional sites were also reviewed following the Options consultation and one of the new sites proposed through the consultation, 'Kingswood Playing Field', identified and considered as a reasonable alternative site as it is within the Bath city boundary and not in the Green Belt. However, it was considered unsuitable due to the negative effects on the landscape and ecology (please see [CD-SD005](#) Appendix D page 80).
- 11.6. Other sites promoted through the HELAA did not need to be assessed in the SA because they were not considered to be reasonable alternatives as (1) they were considered unsuitable via the HELAA; (2) they did not accord with the Core Strategy spatial priorities (e.g. they were important employment sites, designated Local Green Space etc); or (3) based on the Plan's spatial strategy and using the locational sequential approach, sufficient sites were identified to meet the housing supply shortfall and therefore, other promoted sites further down the locational sequence did not need to be considered. The results of this process, confirming which sites were or weren't considered to be reasonable alternatives and the reasons why, is set out in the table (this internal document was not previously published, but is now appended to EXAM 1A at Appendix 10).
- 11.7. In relation to Green Belt sites, whilst the Core Strategy locational sequence included considering and allocating Green Belt sites adjoining Bath and Keynsham, it was not necessary, within the context of the limited LPPU housing supply shortfall and the exceptional circumstances tests of the NPPF paras 140 and 141, to consider removing additional land from the Green Belt in that the supply shortfall could be met on non-Green Belt (and mainly brownfield) sites in accordance with the spatial strategy. Many sites within the Green Belt were promoted through the HELAA, however, for the reasons set out above these sites were not considered to be reasonable alternatives. It should be noted that through the Options document (Reg 18) the Council did consider and consult on the possibility of releasing further land at North Keynsham from the Green Belt not for reasons of meeting the housing supply shortfall, but in order to help facilitate substantial infrastructure improvements and longer term comprehensive development of the wider area, encompassing the land currently safeguarded in the Core Strategy.
- 11.8. Additional potential sites were also promoted by landowners/developers through the Reg 19 consultation (August-October 2021) and the reasons that they were not considered to be reasonable alternative sites are set out in pages 9 – 12 of the SA update Appendix H ([CD-SD007](#)), which responds to the consultation comments.

- 12. Question 12: The National Planning Policy Framework (NPPF) in paragraph 22 states that strategic policies should look ahead over a minimum 15-year period from adoption. The LPPU covers the remainder of the plan period of the Core Strategy and Placemaking Plan to 2029, and so the amended strategic policies would not look ahead a minimum of 15 years. Where would I find the justification for this?**

B&NES Response

- 12.1. The purpose and scope of the LPPU and the justification for the strategic policies not looking ahead a minimum of 15 years is principally set out in two Topic Papers on 'The Purpose and Scope of the LPPU' ([CD-SD025](#)) and 'Housing Requirement and Housing Supply' ([CD-SD026](#)).
- 12.2. As explained in the above Topic Papers longer term plan making is being addressed through the WECA Spatial Development Strategy (SDS) and the associated new Local Plan for B&NES. Both these plans are likely to have a plan period from 2022-2042 and as such will include strategic policies looking ahead a minimum of 15 years.
- 12.3. In order to address urgent issues in B&NES and to help 'bridge the gap' whilst the SDS and new Local Plan is being prepared the Council has progressed and prepared a partial update of its Local Plan (comprising the Core Strategy and Placemaking Plans). The scope of the LPPU is necessarily confined to these urgent issues and cannot pre-empt decisions to be taken through the SDS. Within this context it is entirely appropriate that the LPPU does not extend the current plan-period of 2029. As set out in the Housing Requirement and Housing Supply Topic Paper ([CD-SD026](#)) this approach is consistent with Bedford Borough Council's recently adopted Local Plan which has a plan-period up to 2030.
- 12.4. One of the purposes of the partial update is to revise and update the Local Plan (Core Strategy and Placemaking Plan) to reflect policy changes in the NPPF 2019 and 2021. Both the Core Strategy and Placemaking Plan were adopted prior to the NPPF paragraph 21 requirement that Plans should make explicit which policies are strategic. As set out in the submission draft LPPU ([CD-SD001](#)) all the Core Strategy and Placemaking Plan policies are considered to be strategic. As set out above, in addition to addressing urgent issues within B&NES policies have been updated to ensure alignment with NPPF 2019 and 2021. This ensures that whilst the strategic policies do not look ahead a minimum of 15 years they are aligned with current national policy. This means they will form a sound and appropriate basis for decision-making up to 2029. The LPPU policies will then be replaced by policies in the new Local Plan upon its adoption, currently scheduled to be in 2024.

12.5. The scope of the Update, including the Plan period, has been clearly outlined at each stage of plan preparation and subject to consultation. This includes both the Commencement Document (CD-SD053) and Options Consultation Document (CD-SD042). The Council's response to comments raised on these documents also explains why the LPPU does not look ahead 15 years. The response is set out in the Reg 19 Consultation Statement Annex 2 page 1 (CD-SD028). It states that *'the new Local Plan is already in preparation alongside the West of England Spatial Development Strategy. This is a partial update, rather than a new plan. Its scope is clearly set out in both the commencement and options documents and is confined to that which is necessary to meet key priorities and urgent issues.'* *'This is a partial update of the Local Plan. Following review the housing requirement is not being amended. A new housing requirement for B&NES covering at least a 15-year period will be established through the WECA Spatial Development Strategy (SDS) and a new Local Plan for B&NES will be prepared to deliver this requirement. The partial update should not prejudice strategic decisions to be made in the SDS.*

13. Question 13: Is the aim of the Plan to provide a five year housing land supply? If it is, for each site forming part of the five-year supply please can the Council complete the deliverability proforma included as Appendix 1 to this letter?

B&NES Response

- 13.1. It is the intention of the plan to provide a five-year housing land supply. Details of the method of calculation have been provided in the housing supply topic paper ([CD-SD026](#)). At adoption the five-year housing land supply will be based on the monitoring data from April 2022.
- 13.2. The information provided in Appendices 11a & 11b gives evidence for sites in the housing trajectory as published in April 2021 ([CD-HOU002](#)). The council will conduct the 2022 housing construction/completions monitoring surveys at the end of March 2022. These figures will then be collated into the updated housing trajectory for April 2022.
- 13.3. The inspector is advised that since the April 2021 trajectory was published a number of new large sites have been permitted which will be added to the trajectory in 2022. Likewise sites that were assessed to be deliverable in 2021 will all be reviewed following the housing construction monitoring site visits.
- 13.4. Appendix 11a large sites lists all sites of 10 dwellings or more within the April 2021 ([CD-HOU002](#)) housing trajectory that have planning permission. Appendix 11a small sites lists all sites of less than 10 dwellings which have planning permission at the 31st March 2021. Appendix 11b lists all sites in the housing trajectory which are either allocations or have outline consent.

- 13.5. In the case of small sites which are sites with a capacity of less than 10 and less than 0.5ha in area the council makes an annual allowance for each spatial strategy area (i.e. Bath, Keynsham, Somer Valley and the rural area). This figure is based on small sites with planning permission. All small sites with planning permission meet the definition of deliverable. The total figure is divided by five to provide an annual figure for the five year supply for each spatial strategy area. This is reported in the published housing trajectory. As such details of all small site permissions have been provided, but it is not possible to provide a predicted year of completion for small sites. As with large sites these figures will be reviewed following the housing count in March 2022. Some sites within the small sites list will have been completed and new sites will have been permitted between April 2021 and March 2022.
- 13.6. It is the intention to provide the inspector with an updated housing trajectory with a 1 April 2022 base date towards the end of April 2022.
- 14. Question 14: The NPPF in paragraph 69 sets out that local planning authorities should identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare. Can the Council explain whether the Local Plan meets this requirement and provide any assessment which shows this, and if not, are there any strong reasons why this NPPF target cannot be achieved?**

B&NES Response

- 14.1. The council's housing trajectory reports the total delivery on small sites (sites which are less than 10 and less than 0.5ha in area) within the spatial strategy areas of Bath, Keynsham, Somer Valley and the rural area. Monitoring of past delivery and current planning permissions shows that more than 10% of the housing requirement has been and will continue to be delivered on small sites. Over the past ten years delivery on small sites has been an average of 25% of total housing delivery.

2011/12	2012/13	2013/14	2014/15	2015/16
35%	31%	22%	29%	20%
2016/17	2017/18	2018/19	2019/20	2020/21
19%	20%	21%	13%	37%

- 14.2. As set out above in order to calculate delivery on small sites within the five year supply the total number of small sites permissions are divided by 5 to provide an annual delivery figure. The figure beyond the five years is then based on past and current delivery trends. Below is the predicted figure for small site delivery for the current monitoring year and the proportion of predicted total housing delivery.

Predicted small site delivery for 2021/22	23%
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15. Question 15: Are there implications of the changes to the Building Regulations for the Policies of the submitted Plan?

B&NES Response

- 15.1. There are no significant implications from the updated Building Regulations on the LPPU policies. LPPU policies set out higher energy efficiency standards than the minimum requirements proposed by Part L of the Building Regulations 2010 (2021 edition) and the eventual 2025 Future Building Standards and Future Homes Standards.
- 15.2. Responding to the comments received through the Future Homes Standards consultation, the Government confirmed that *“new planning reforms will clarify the longer-term role of LPAs in determining local energy efficiency standards”* and *‘To provide some certainty in the immediate term, we will not amend the Planning and Energy Act 2008, which means that local authorities will retain powers to set local energy efficiency standards for new homes.’* Therefore, it is considered appropriate that the LPPU policies set higher standards (justified by evidence) than the minimum standards set though the Building Regulations.
- 15.3. One minor implication of the Building Regulations changes may relate to the LPPU policy for residential new builds (SCR6) using a different metric to Part L1 2021, with the former using energy usage intensity (kWh) and the latter using carbon reduction (tCO₂). However, to calculate tCO₂, the kWh of a building is required so this implication can be easily addressed in deriving and comparing values from the different metrics.

16. Question 16: Where in the evidence base can I find information on the Air Quality Management Areas, associated Air Quality Management Plans and the Bath Clean Air Plan and what bearing have these had on the Plan?

B&NES Response

- 16.1. Information on the Air Quality Management Areas, Air Quality Management Plans, and the Bath Clean Air Plan can be found in the Sustainability Appraisal Scoping Report ([CD-SD046](#)). Please see s.3, pages 8-13.
- 16.2. The overarching strategies for climate change and sustainable transport within the LPPU seek to reduce the production of harmful emissions and contribute to improving air quality, not only within the AQMAs, but across the whole district.

- 16.3. Key policies of note include policies CP1 (Retrofitting existing buildings), CP3 (Renewable Energy), SCR6/7 Sustainable Construction), SCR8 (Embodied Carbon), SCR9 (EV charging), ST1 (Sustainable Travel), ST2A (Active Travel Routes), ST3 (Transport Infrastructure), ST5 (Traffic Management Proposals) ST6 (Transport Interchange), and ST7 (Transport Requirements for managing development). These new policies respond to the recommendations/measures included in the Air Quality Management Action Plans, such as requiring electric vehicle charging points for each new property, encouraging provision of cycle parking, influencing the design of developments to improve access to public transport, cycling and walking routes, and identifying, influencing, and publicising pedestrian and cycle facility improvements and cycle routes.
- 16.4. Air Quality Management Plans, strategies and related baseline information have informed the preparation of the Sustainability Appraisal (SA) objectives, including Objective 9 (Reduce land, water, air, light, noise pollution) (see baseline information used to prepare objective 9 at [CD-SD005](#) Appendix B, page 14). Each of the key policies included in the LPPU have been tested against Objective 9 within the SA, alongside all other SA objectives.
- 16.5. With regards to draft site allocations in the LPPU, future planning applications submitted to the local authority shall be assessed against policy PCS3 in the Placemaking Plan ([CD-SD016](#)), which remains unchanged. This policy only permits development that does not give rise to polluting emissions which have an unacceptable adverse impact on air quality, and requires any new development within an AQMA to be consistent with the relevant local air quality action plan. As such, these air quality related policy requirements are not repeated within the development requirements set out in the draft site allocations.
- 16.6. However, site specific requirements relating to issues linked to reducing air pollution, such as measures to promote walking and cycling, are included within site allocation development requirements. For example, policy KE3C (East of Keynsham – former safeguarded land) requires development to, amongst other measures, provide new pedestrian and cycle crossing facilities over the A4, demonstrate support for metrobus and Mass Transit Plans, prioritise pedestrians and cyclists over private vehicles, provide cycle route improvements to LTN1/20 standards within Keynsham, and provide new active travel connections close to the site. These requirements respond to the measures set out in the Keynsham and Saltford Air Quality Action Plan.

17. Question 17: Are there implications of the Environment Act 2021 for the policies of the submitted Plan?

B&NES Response

- 17.1. The Council does not consider that there are implications for the policies of the LPPU with the passing of the Environment Act 2021.
- 17.2. The Amendments to Policy NE3 and new policy as relates to the 10% Biodiversity Net Gain (BNG) were drafted in liaison with Natural England and propose to require BNG in advance of the Environment Act transitional period in response to the Council's climate and ecological emergency declarations. It is proposed to include the approach to the implementation of BNG within an updated Planning Obligations SPD and BNG guidance note.
- 17.3. There are however opportunities within the LPPU to refer to the approved Environment Act 2021 and update text references (as minor or additional modifications).

18. Question 18: Policy SB19 proposes changes to the provision of sports facilities at the University of Bath. Where in the evidence base may I find a justification for this, or an up-to-date assessment of sports and recreation facilities for the plan area?

B&NES Response

- 18.1. Background Paper: Maintaining and Enhancing Sports Facilities for the Claverton Campus Masterplan (CD-BTH001a) sets out the rationale for the development of outdoor sports facilities at the University. The allocation will result in the loss of three full-size grass pitches and a junior training pitch on the East Playing Fields, two to provide built development (academic and residential) and one plus the junior training pitch to accommodate the new 3G pitch. However, the Background Paper concludes that despite the loss of 3 pitches (one is a small training pitch), a new all-weather surface 3G pitch will increase the capacity and facilitates significantly more matches and sport participation than the current 3 grass pitches, as well as providing more flexibility facilitating different types of sports.
- 18.2. It is important to note that the East Playing Fields were removed from the Green Belt for potential development through the B&NES Local Plan 2007 and carried over to the Placemaking Plan SB19. As stated in para 236 of the Placemaking Plan Volume 2 Bath ([CD-SD017](#)), the University has purchased the Sulis Club to potentially increase playing pitch capacity from the 2007 baseline. The adopted Policy SB19 also allows new development on the Medical Sport Pitch and Tennis Courts but these areas are proposed to be retained through the LPPU revised SB19.

18.3. Regarding the assessment of sports and recreation facilities for the wider plan area, the latest strategy (Playing Pitch Strategy) was published in May 2016 which informed the preparation of the original Placemaking Plan Policy SB19. It was not updated to inform the LPPU as the overall strategy should not change, but it will be updated to inform the preparation of the new Local Plan. As recommended by the Playing Pitch Strategy, the University is now preparing a Community Access Agreement formalising the community access to facilities on Claverton Campus.