

Supplementary representation from Saltford Parish Council to the Examination of the B&NES Local Plan Partial Update (LPPU)

This supplementary representation is **new evidence that is additional** to SPC's representation of 3.5.2022 submitted to the Public Examination. As in that evidence, this supplementary evidence addresses the Inspector's **Question 57 under Matter 4**: Area Policies and allocations: Keynsham. The Inspector's question was "... *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?*"

Further to SPC's representation dated 3rd May 2022 (attached as annex #1 and #2), B&NES Council's Planning Committee made a significant and controversial **premature planning decision** on 4th 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.

The southernmost field of the expanded development area is outside of the safeguarded land designation and is within the Bristol and Bath Green Belt. Its change of use for recreational purposes, normally an acceptable use of Green Belt land, and its addition to a development so as to allow a development to proceed before and without a public consultation in a Local Plan's Public Examination of its review (i.e. update), is unsafe and undemocratic. There has not, for example, been a test to determine if that "change of use", either wholly or in part, near Manor Road Community Woodland and open fields in the Green Belt would be acceptable to the community, as represented by the Town Council and B&NES Council, in a stand-alone planning application. It is open to question whether such a change of use, either wholly or in part, would be permitted without the new housing development due to the detrimental effect on the openness of the remaining Green Belt at this location.

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 4th 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.")*

**SPC contends 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 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").

NPPF (2021) paragraph 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.).

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.

That 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.

SPC is 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, as SPC’s 3rd May representation showed.

SPC contends that B&NES Council has undermined confidence and trust in its own Local Plan and to planned 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.

RECOMMENDATION FROM SALTFORD PARISH COUNCIL

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, **SPC recommends 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, **SPC strongly recommends 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 SPC’s 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.

Saltford Parish Council
7 June 2022

ANNEX #1

Saltford Parish Council representation (approved by SPC 3.5.2022) to the Examination into the soundness and legal compliance of the Bath & North East Somerset Local Plan Partial Update (LPPU)

Question from the Inspector addressed by the new evidence in this representation: -

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?”

Due to recent evidence described in this representation and for reasons of Government Planning Policy, **SPC requests that the proposed deletion of policy KE3B (Safeguarded Land at East Keynsham) be cancelled** to prevent the inappropriate bringing forward before the end of plan period (2029) of additional housing developments of 280 dwellings in policies **KE3C (East of Keynsham)**, 210 dwellings, and **KE3D (East of Keynsham Safeguarded Land)**, 70 dwellings by Minsmere Rd.

NEW EVIDENCE

Further to Saltford Parish Council’s original representation of 5 October 2021, B&NES Council publicised in January 2022 data from the Government’s annual Housing Delivery Test (HDT) revealing that **B&NES Council is far exceeding the targets set in its Local Plan to deliver new homes for residents.**

In the past three years before January 2022 (2018-19, 2019-20 and 2020-1) 3,100 new homes, including 700 affordable homes were built across the district representing a delivery rate of almost double at 184% of the target of 1,688 set in the Local Plan.

Despite this success rate in building new homes, B&NES Council is nevertheless proposing to bring forward the building of 280 new homes on safeguarded Green Belt land between Saltford and Keynsham through deleting policy KE3B to bring forward policies KE3C and KE3D despite the existing harm arising from recent new Local Plan housing developments in Keynsham as described in our original representation (at Annex).

If those unsound policies (KE3C and KE3D) are permitted to proceed, despite B&NES Council’s high success rate in building new homes, that will contribute further to severe road congestion in the Keynsham area due to insufficient transport infrastructure whilst losing valuable green space and its potential use for ecological recovery.

RELEVANT GOVERNMENT PLANNING POLICY & LOCAL IMPACTS

The high proportion of Green Belt and AONB in Bath and NE Somerset puts a responsibility on B&NES Council to protect that land from development and **set lower housing delivery targets** than the standard method allowed by Government in such situations unless there are fully justified very special circumstances; Saltford Parish Council has seen no evidence that lower targets have been set.

B&NES has provided **no justification** or sound evidence of the very special circumstances required (NPPF 2021 para. 140 and 147) to permit the new development proposed for safeguarded Green Belt land (KE3C and KE3D) within the plan period to 2029, i.e. for bringing those developments forward by deleting policy KE3B.

Those housing developments are unnecessary, do not contribute to sustainable development (i.e., are contrary to NPPF 2021 paragraphs 8b – social, 8c – environmental, and 143a - for meeting identified requirements for sustainable development) and will exacerbate the harm to the local community in and around Keynsham arising from the existing delivered Local Plan developments at Keynsham as described in our original representation. That representation is reproduced at Annex for reference and covers policies KE3C & KE3D:-

- **housing land supply:** the **lack of green space** (i.e. **non-provision of new public parks**) to cater for the residents of the new housing in the existing Local Plan resulting in **harm to remaining local Green Belt and wildlife habitats**;
- **Transport:** namely traffic congestion and consultation request for Saltford Station site options; and
- **Biodiversity net gain:** higher targets, use of local knowledge, and implementation timing.

Saltford Parish Council (3 May 2022)

ANNEX #2

Text of agreed response submitted by Saltford Parish Council in response to B&NES Council's Local Plan Partial Update and SPD consultation

Response resolved at SPC's 5 October 2021 meeting, item 11

Housing Land Supply – KE3c & KE3d

1.1 The proposal to develop the safeguarded land east of Keynsham is premature and does not take account of the need to respond proactively to the climate and ecological emergencies. A short-sighted "predict and provide" approach to new developments in response to central Government targets is highly questionable and ignores the local need to protect green field and Green Belt land that has the potential to improve our local ecology which in turn is increasingly necessary to underpin local and national future food security.

1.2 Brownfield sites and the re-purposing of (former) retail sites close to existing low carbon transport routes should be prioritised for development. No green field or (safeguarded) former Green Belt land should be developed until all appropriate brownfield and former retail sites have been developed and only then should a review be undertaken to reveal the most sustainable way forward taking account of ecology, climate change impacts, reducing the need to travel, green space for leisure and other sustainable development considerations.

1.3 If B&NES considers it has insufficient brownfield sites then it should apply an "**ecological recovery and development land trade**" approach with neighbouring local planning authorities in the West of England (WECA) area. This could be by providing biodiversity net gains through improving its existing green field and Green Belt land to allow neighbouring LPAs to use their "excess" of brownfield sites to meet housing targets (based on genuine need, not demand) in exchange for B&NES undertaking the biodiversity improvements.

1.4 **The lack of public green space**, i.e. public parks, near where people live needs rectifying as a priority before further new housing developments are built. Developers should be required to fund the cost of providing new green recreational space for new housing otherwise the cost of infrastructure and related day-visitor facilities in the countryside and other green parks/spaces surrounding the development falls to the LPA.

1.5 A serious omission from the new developments east of Bristol (in Bristol, B&NES and South Glos) in recent years has been the lack of large new public parks with water facilities (e.g. boating lakes) to cater for the recreational needs of the inhabitants of those new homes. The consequence has been several health and safety problems for riverside areas which were occurring increasingly frequently before the easing of the Covid-19 lockdowns; the lockdowns simply highlighted and amplified the problems. Hot and sunny weekends, Bank Holidays and school holidays result in many householders in existing and new developments with small or no gardens justifiably seeking out water-side areas to picnic, party, swim, use paddle boards etc., or simply relax during their visit. Large cities have traditionally been provided with large public parks (e.g. Victoria Park in Bath) but the growing urban sprawl surrounding cities including Bristol and Bath can be a disaster for local communities and wildlife that become local tourist hot spots.

1.6 The Bristol to Bath River Avon is a Site of Nature Conservation Interest (SNCI). Natural habitats and adjacent local communities, whose own recreational space increasingly becomes

a no-go area for locals during periods of hot and sunny weather, require better protection from visitor pressure as inhabitants of new housing developments descend in large numbers on riverside areas along the Avon Valley due to the lack of spacious public parks where they live. The lack of public parks reduces the quality of life for visitors and local communities alike whilst putting wildlife habitats at greater risk. Furthermore, local residential roads near visitor hot spots are blocked as the carrying capacity for parking is greatly exceeded.

Modification(s) SPC considers necessary to make the Local Plan legally compliant and sound:-

No development of the safeguarded (former Green Belt) land at East of Keynsham shall be taken forward until B&NES Council has

- (i) examined and agreed options with neighbouring LPAs in the WECA area on an **“ecological recovery and development land trade”** approach to ensure appropriate biodiversity net gains can be achieved across the West of England [ref para. 1.1 - 1.3 above];
- (ii) new transport infrastructure has been provided that successfully overcomes existing traffic congestion at peak times arising from existing development at East Keynsham;
- (iii) new additional transport infrastructure is provided to facilitate new transport associated with any new development on the safeguarded land; and
- (iv) made a requirement for developers to adequately fund the provision of green recreational space appropriate to household provision. B&NES Council will review the provision of public green space (public parks) for the existing housing provision east of Bristol. This review will be undertaken in co-operation with neighbouring LPAs in the WECA area with the aim of meeting the objective for the West of England including B&NES itself providing sufficient recreational green space (public parks) close to where people live thus reducing the need to travel for exercise, leisure purposes and quality of life whilst simultaneously protecting wildlife habitats (including SNCI, the River Avon) and local communities from negative visitor impacts.

Biodiversity Net Gain

1.1 SPC welcomes the commitments from B&NES Council. As an appropriate response to the ecological emergency, SPC recommends a more ambitious and higher target than 10% Biodiversity Net Gain for developers. Local ecological knowledge and insight, if available (e.g. from an appropriate wildlife NGO), can help optimise gains for each development and therefore is likely to be necessary to calculate an appropriate target for each development. The overarching objective would be to help overcome the biodiversity losses and negative impacts that have resulted from existing developments in the B&NES area that have been permitted in the 2014 Core Strategy as well as in other previous post-war housing and other developments.

1.2 In any event, the target could helpfully be expressed as a minimum, e.g. “a minimum [15%] Biodiversity Net Gain”, to allow for some developments to exceed [15%] where

conditions allow. This could encourage and enable greater ambition for biodiversity improvements funded by developers.

1.3 Work on actually creating the net biodiversity gain should precede not follow the site clearance and building of new developments with opportunities taken to move rare or important species, seed banks etc. from the site being developed first. Due to the climate and ecological emergency the time delay of creating a net biodiversity gain should be factored into calculations. Otherwise, the situation gets worse as climate and ecological tipping points are crossed (e.g., species loss/collapse) before recovery has even started.

Proposed additional paragraphs (modifications):-

In response to the ecological emergency, B&NES Council will seek higher target than 10% Biodiversity Net Gain for developers using local ecological knowledge and insight (e.g., from an appropriate wildlife NGO) to optimise gains for each development and therefore is likely to be necessary to calculate an appropriate target for each development. The overarching objective is to help overcome the biodiversity losses and negative impacts that have resulted from existing developments in the B&NES area since the post-war era. Any target shall be expressed as a minimum, e.g., "a minimum [15%] Biodiversity Net Gain", to allow for some developments to exceed [15%] where conditions allow.

The creation of the net biodiversity gain shall precede not follow the site clearance and building of new developments with opportunities taken to move rare or important species, seed banks etc. from the site being developed first. Due to the climate and ecological emergency the time delay of creating a net biodiversity gain should be factored into calculations to avoid the situation worsening where climate and ecological tipping points are crossed (e.g., species loss/collapse) before recovery has commenced.

Transport

1.1 If the cumulative effect of new housing developments leading to the current levels of traffic congestion around and within Keynsham and on the A4 corridor between Bristol and Bath had been correctly predicted when the original 2014 Core Strategy and other developments to the east of Bristol and in South Gloucestershire were permitted, it is doubtful that any LPA seeking to protect not reduce the quality of life of residents would have agreed to such negative consequences of that over-development that has evidently occurred (see also SPC's response concerning policy KE3c East Keynsham for the main other negative consequence for existing inhabitants and SNCI habitat).

1.2 No new housing developments proposed in the LPPU should proceed until the past underestimation of transport infrastructure capacity has been rectified.

1.3 SPC supports this commitment from B&NES Council that any new developments should be preceded by new transport infrastructure. In view of the above SPC asks that new transport infrastructure requirement after rectification has been completed. New segregated cycle paths should be part of the new transport infrastructure prior to new developments to maximise their use and a transfer away from the car from the outset.

1.4 It would be unwise to assume that increased home-working as a likely consequence of the Covid-19 pandemic would reduce local travel. An increase in local (short) daytime journeys by car to replace some of the commuting journeys could be a likely outcome until a modern integrated public transport system has been developed and is operating.

1.5 SPC respectfully reminds B&NES Council that air pollution from traffic is not just restricted to tail pipe emissions (NOx etc.). Air pollution of particulates from tyre wear, brake dust and road surface wear are widely recognised as another consequence of both fossil fuelled vehicles and (often heavier) EVs. However, in recognising the importance of a switch from fossil fuelled road vehicles to EVs, SPC welcomes the commitment by B&NES Council to provide "Fast and Rapid charging facilities to car parks across the district in 2021" as we understand the provision in B&NES to be well behind some other West of England areas.

1.6 SPC welcomes the positive commitment of B&NES Council to explore the potential for re-opening Salford Station. This should be on the existing station site for the reasons previously articulated by SPC (and SEG's Salford Station campaign).

1.7 SPC supports new segregated cycle paths along the A4 corridor and on connecting routes wherever possible to provide greater safety of cyclists and encourage greener transport. The Keynsham Bypass (A4) and the A4 east of Salford towards Newbridge and Bath would greatly benefit from dedicated cycle paths.

1.8 New transport infrastructure where land is lost for that infrastructure should not be immune to meeting the B&NES net gain target for biodiversity.

Modification(s) SPC considers necessary to make the Local Plan legally compliant and sound: -

No new housing developments proposed in the LPPU shall proceed until the existing shortfall in transport infrastructure capacity has been rectified.

New segregated cycle paths shall be part of the new transport infrastructure prior to new developments to maximise their use and a transfer away from the car from the outset.

B&NES Council recognises that it is too early to assume that increased home-working as a likely consequence of the Covid-19 pandemic will reduce local travel due to the potential increase in local (short) daytime journeys by car to replace some of the commuting journeys.

Air pollution from tail pipe emissions (e.g. NOx) shall be monitored by B&NES Council along or near major road transport corridors. B&NES Council shall also investigate the means to monitor particulates from tyre wear, brake dust and road surface wear and implement such monitoring on main road transport corridors where technically feasible.

Amend existing Para 616 (re. Salford Station)

"The next step will be to consider and identify a preferred option/site for the new station. However, it may need to be addressed as part of any future Local Plan review."

to read

"The next step will be to consider and identify a preferred option/site **in consultation with Salford Parish Council**. However, it may need to be addressed as part of any future Local Plan review."

Where new transport infrastructure is provided and undeveloped land* is developed for that purpose, such development shall meet the B&NES Council net gain target for biodiversity.

*Principally green field or previously developed derelict land that has a high ecological value.

Salford Parish Council, 5 October 2021