

To: Chris Griggs-Trewarthen

Application No: 20/02673/OUT

Site Address: Land Parcel 0005, Bath Road, Keynsham

Proposal: Residential and related development comprising approximately 213 dwellings, replacement sports pitch to facilitate expanded primary school, means of access thereto, associated open space, landscaping, access roads, footways/cycleways and infrastructure works

Date Received: 31<sup>st</sup> July 2020

Date Out: 7<sup>th</sup> December 2021

Further to the ongoing correspondence since we first received this planning application on 31<sup>st</sup> July 2020 the landscape has changed due to the consultation on the B&NES Local Plan Partial Update and the associated Supplementary Planning Documents. On that basis I felt it useful to start a new chain of correspondence to provide clarity and transparency to the Applicant and the general public.

The previous consultation advice from my colleague Darren Cox remains on the public file.

## **Introduction**

The Local Highway Authority has reviewed the Applicant's proposed mitigation measures and compared with the mitigation requirements as presented in the emerging Local Plan Partial Update (LPPU). We recognise the delivery challenges in terms of two separate land parcels coming forwards at different times, the timing of metrobus/Mass Transit, and some of the land not being in the control of the Applicant or being HMPE. This response sets out our position on the matter, including a proposed solution to enable development to come forward to deliver both much needed housing and transport mitigation. We are clear on our policy position, but we also seek to present a pragmatic solution to bridge the gap between policy and delivery.

We have also taken into consideration the submitted "*Review of Sustainable Transport Strategy for Safeguarded Land*" prepared by KTC dated September 2021 which was submitted to the planning case officer via an email dated 8<sup>th</sup> September 2021.

## Policy Basis

The 2017 Placemaking Plan (PMP) is the made Development Plan for the B&NES area. The PMP was subject to Examination and has been adopted. The PMP, and associated transport evidence base, is very clear on Keynsham. The PMP allocated the maximum acceptable level of housing which could come forward in Keynsham without further highways mitigation. The Transport Evidence Explanatory Note for the Placemaking Plan, (CH2M, April 2016) demonstrated that the network would be saturated following the level of development proposed. The Safeguarded Land was removed from the Green Belt in a proactive move to enable much needed housing to come forward in future, subject to the delivery of appropriate mitigation, but it was explicitly not allocated at that time.

It should be noted that, at that time, the mitigation envisaged was a link road between the A4175 and A4, which represents a major piece of highways infrastructure. That originally envisaged infrastructure was subject to an Options Assessment Report and was publicly consulted on as part of the B&NES Strategic Transport Studies in November 2018 titled 'A4 Bristol to East Keynsham Corridor Study', link below.

<https://www.bathnes.gov.uk/services/parking-and-travel/transport-plans-and-policies/strategic-transport-studies-consultation>

The benefit of plan-led development is that mitigation can be planned comprehensively, rather than piecemeal development coming forward with the justification that its impact in isolation is not "severe". The application seeks to consider the development in isolation against the baseline of a fully delivered PMP effectively to "re-set" the baseline, and seeks to justify that there is a threshold of development which could be delivered without mitigation that could be described as not having a "severe" impact. This is contrary to the position of the made Development Plan, which is that no more development can come forward without mitigation.

The Local Highway Authority position is consistent between the made PMP, and the emerging LPPU - the saturated highways network requires mitigation to enable further development to come forward.

Since the A4 Bristol to East Keynsham Corridor Study consultation in 2018 B&NES has declared a Climate Emergency, and thus the specific approach to what that mitigation is has changed. Rather than delivering highway capacity, the emerging LPPU seeks measures to enable mode shift from existing trips and for development which comes forward to be low carbon. The mitigation measures within the LPPU will deliver "headroom" on the existing congested network through mode shift. Thus, the effect of reducing background traffic levels in itself is direct mitigation for proposed development, regardless of the level of development trips which utilise the exact measures.

The emerging LPPU needs to be read as a whole. In addition to the site-specific policies, the emerging LPPU refreshes the transport policies (ST1-8) to meet the needs of the Climate Emergency. These policies, and indeed the policies within the 2017

PMP, support the site-specific approach taken to the Safeguarded Land. ST1 fundamentally supports the approach to significantly enhance opportunities for sustainable travel, and requires, at point 4, that “*mitigation for traffic impacts maximises opportunities to achieve mode shift towards sustainable transport modes before proposing traffic capacity enhancements.*” Policy ST7 requires that “*users of the development benefit from genuine choice in their mode of travel through opportunities to travel by sustainable modes,*” and that “*provision is made for any improvements to the transport system required to render the development proposal acceptable. Improvement requirements will maximise opportunities to travel by sustainable modes.*”

The NPPF states

- 104. *Transport issues should be considered from the earliest stages of plan-making and development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued;*
- 106. *Planning policies should: d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);*
- 110. *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users;*

It is therefore clear that National and Local (existing and emerging) Planning Policy requires measures to enhance sustainable modes, both from a traffic impact and a provision of opportunities for sustainable travel perspective. Thus there is a strong justification for the mitigation measures proposed within the LPPU site specific policy, regardless of modelled traffic impact against a revised baseline within the STS report.

It is unreasonable to ‘cherry pick’ policies within the draft LPPU that support a desire to develop a currently unallocated site without taking the document as a whole in terms of the site specific requirements as well as the refreshed transport policies.

## **Measures**

Turning to the measures themselves, the LPPU has been informed by the Sustainable Transport Strategy (STS) produced in relation to the Safeguarded Land and potential additional future housing growth. Due to the simultaneous drafting of these documents, the LPPU policy refers to earlier draft measures in a previous version of the STS. For the avoidance of doubt, it is B&NES Council’s intention to update the LPPU Policy to reflect the content of the published STS. KTC’s response to the STS Report helpfully sets out the Applicant’s position in relation to the STS measures as published, and identifies the mitigation proposed by the Applicant. This is a good basis against which to set out the Local Highway Authority position.

As stated above, the policy position is that the full package of mitigation needs to be delivered in order to enable any additional development to come forward. They are needed to provide sustainable transport opportunities to users of the new development,

and, importantly, to enable mode shift from existing car trips to create headroom on the network through trip banking. The measures are discussed below:

- 1) Bus stop improvements on the A4. The Applicant identifies that shelters are in place, and proposes to provide Real Time Information. **This is agreed and resolved.**
- 2) Town Centre bus service improvements. The Applicant does not consider this to be required for the development as residents will be able to walk and cycle to the town centre. As mentioned above, the trip banking effect of this measure is required regardless of potential propensity for residents to use the service. The STS discusses the value of this measure in terms of revising the model of town centre bus services to integrate with future metrobus services. We recognise that the metrobus is not currently operating to Keynsham, however this is a committed scheme which will be in place in c.3-5 years. Therefore the best use of resources is for a town centre bus service to be provided to coincide with the introduction of metrobus, and B&NES will need to accept short term harm to the network to not unreasonably hold up housing delivery when a solution is committed. However, we require the Applicant to provide a financial contribution towards this measure, for B&NES to introduce at the appropriate time. **This remains to be agreed.**
- 3) LCWIP Improvements. The Applicant has proposed improvements between Grange Road in Saltford (needed due to the impact of an additional vehicular access on heavy flows of school children to Wellsway School), to Keynsham Town Centre. However, there is a section broadly between the junction with the old Bath Road, and the access to the Wellsway School from Bath Road where no improvements are proposed. It is stated that this is because the land required is not either highway maintained at public expense (HMPE) or in the Applicant's control. B&NES is in the process of investigating the land ownership to understand the issue. Key to this will be whether there is likely to be a willing landowner from whom the land can be acquired to deliver a LTN1/20 standard scheme. **A high proportion of this measure is agreed and resolved, but this section remains to be agreed.**
- 4) Connection to the Bristol Bath Railway Path. The Applicant is prepared to offer a contribution but has concerns about delivery due to land outside of their control. B&NES Property Team has advised that it is progressing land assembly and will be in a position to make all the land available for this scheme. We therefore consider that the scheme needs to be directly delivered by the Applicant. However, we appreciate that as the land is not currently within B&NES's control, the applicant may be reticent to agree to this. We therefore propose a suitably worded clause, whereby if B&NES is unable to provide the land by a set date, established to allow the scheme to be delivered prior to occupation, a contribution will be taken in lieu of scheme delivery. This will provide the Applicant confidence that housing delivery is not tied to an external land assembly process upon which they cannot exert control. **This remains to be agreed.**

- 5) Active Travel connection through Memorial Park to the Rail Station. The Applicant proposes an alternative link to that proposed in the STS. We have not reviewed the deliverability of this link, although we are aware that there may be technical issues which may need to be addressed to deliver this, such as gradient and an existing by-law which prevents cycling within the park. However, as there are alternative options in the LCTS, we consider it reasonable at OPA stage for this to be addressed by a planning condition. **We consider this matter agreed and resolved.**
- 6) Liveable Neighbourhoods (LN) measures in the Chandag Estate. The Applicant does not consider this to be directly related to the development and therefore does not propose to provide this. However, as set out above, measures designed to create headroom on the network are inherently related to the acceptability of the development. We recognise that LN measures are best introduced by the LHA, particularly due to the need for community consultation and Traffic Regulatory Orders. **Therefore we require a contribution for this measure. This remains to be agreed.**

## **Access**

The access proposals for this development take a direct access from the A4 by way of traffic signal control junction. It has the potential to conflict with and potentially prejudice a strategic intervention enshrined with the JLTP4 (West of England Joint Local Transport Plan 4).

A foundation stone of addressing the Climate Emergency within the WoE is the creation of a Mass Transit network. The forerunner to this along the A4 corridor is the introduction of a bus based mass transit system.

This project is committed through the adopted JLTP4 and is a named scheme, Bristol to Bath Strategic Corridor (BBSC) being actively progressed in partnership with the West of England Combined Authority and Bristol City Council. Public engagement was undertaken between July and September 2021 to gather the views of the public on the current challenges and issues affecting travel along the A4 corridor between Bristol and Bath. Please use the link below to keep updated on the project.

<https://travelwest.info/projects/improvements-on-a4-bristol-to-bath>

Significant funding through the Transforming Cities Fund and the City Region Sustainable Transport Settlement has been allocated or earmarked for this project. A DfT Strategic Outline Case (SOC) is in the process of being finalised for submission to the WECA Joint Committee for approval (January 2022) to DfT Outline Business Case (OBC).

At this SOC stage of development there are options being developed and considered for interventions along the A4 to prioritise public transport and create LTN1/20 compliant cycling provision. It is important that any access proposal responds well to this transformational project. During the OBC stage which is due to be undertaken in 2022 public and stakeholder engagement will be undertaken that will help inform option

assessment and development of a preferred option. At this time there will be a greater degree of certainty on the interface between the development and the strategic project that will allow a detailed design to be developed.

**It is therefore the Local Highway Authority's position that the details of the access should be removed from this outline consent and be a reserved matter. This remains to be agreed.**

## **Delivery**

Our position is that the full package of measures is required to make the development acceptable, for the reasons set out in this note. If the full package is not delivered, then either alternative measures to achieve the same aims will need to be provided, or the development is not acceptable and we will recommend objection.

We recommend to the LPA that this principle is established in the drafting of the S.106 or a suitably worded Grampian-style planning condition. If necessary, we are prepared to defend this position at Appeal or at the LPPU Examination in Public.

Notwithstanding this, we need to be pragmatic to ensure delivery and that the measures meet the CIL Tests. We have established that the obligations are a) *necessary to make the development acceptable in planning terms*, and b) *directly related to the development*.

We need to ensure that the delivery mechanism enables contributions to be c) *fairly and reasonably related in scale and kind to the development*. We consider that the measures proposed in the STS, and subsequent incorporation into the emerging LPPU, are fair and reasonable in relation to the scale of the total Safeguarded Land development, particularly as no traffic capacity mitigation is sought. We recognise that the Withies Park application does not constitute the full allocation, and therefore contributions need to be proportionate to its scale. Furthermore, the delivery mechanism also needs to ensure:

- Individual measures are fully funded and do not rely on unidentified funding sources to be delivered.
- The responsible party must have a reasonable prospect of being able to deliver the measure

We require all aspects of the measures set out above, with the exception of those for which a contribution is proposed, to be directly delivered by the applicant. For the avoidance of doubt, this is measure 1, the majority of measure 3 (potentially all subject to land ownership check), and measures 4 & 5.

The six measures are all interlinked and will be combined as a single package termed "Keynsham Safeguarded Land Transport Mitigation" (KSLTM). The S.106 for each of the parcels of Safeguarded Land will include a proportionate contribution from each of the land parcels towards the delivery of the package. This will be payable in full, with

sufficient time prior to first occupation to ensure delivery. It is recognised that it would not be reasonable to impose a planning obligation or condition which makes the commencement of the Withies Park development beholden to either the metrobus project or the commencement of the other Safeguarded Land parcel. We therefore reluctantly accept that there may be a short period of time where development has commenced, but the full package of measures is not in place. This acceptance is on the basis that there is a reasonable prospect of the remainder of the measures being in place in the short term as those projects can both be considered as “committed.” This in no way prejudices our overarching position that the full package of measures is required to make development acceptable.

The approach of combining measures into a package will ensure that contributions can be put towards delivering measures in full, rather than only partially funding multiple measures. This will maximise the benefit which can be delivered by the first tranche of contributions, recognising that there may be a delay prior to full funding.

In order to determine the appropriate level of contribution, it will be necessary for all measures to be fully costed, including Optimism Bias, design, project management, contingency etc. This will then determine the total cost of the KSLTM, which will be shared pro-rata between the developers to identify their total S.106 KSLTM liability. The cost of directly delivered measures can be deducted from the developer’s total liability. If this approach is agreed, including the methodology by which the contribution is arrived at, we consider that the planning application can be taken to planning committee for their determination. However, the exact contribution required will need to be incorporated into the S.106 agreement prior to its execution.

We await a response from the Applicant confirming the approach set out above.

If you have any queries about the above recommendation, please contact me.

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