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## **Yatton Neighbourhood Development Plan 2017-2026**

### **Submission Version**

### **Examination Report**

A Report to North Somerset Council into the Yatton Neighbourhood Development Plan 2017-2026 Submission Version

By Independent Examiner, Jeremy Edge BSc (Hons) FRICS MRTPI

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**18<sup>th</sup> January 2019**

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## Introduction and Role of the Independent Examiner

- 1.1 Neighbourhood Planning is an approach to planning introduced by the Localism Act 2011 which provides communities with the power to establish the priorities and policies to shape the future development of their local areas. This Examination Report sets out the findings of the independent examination of the Yatton Neighbourhood Development Plan 2017-2026 Submission Version.
- 1.2 My role as an Independent Examiner, when considering the content of a neighbourhood plan is limited to testing whether a draft neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended). The role is not to test the soundness of a neighbourhood development plan, or to examine other material considerations.
- 1.3 Paragraph 8 of Schedule 4B (2) to the Town & Country Planning Act 1990 (as amended), states that the Plan must meet the following “basic conditions”;
- it must have appropriate regard for national policy;
  - it must contribute towards the achievement of sustainable development;
  - it must be in general conformity with the strategic policies of the development plan for the local area;
  - it must be compatible with human rights requirements and
  - it must be compatible with EU obligations.
- 1.4 In accordance with Schedule 4B, section 10 of the Town & Country Planning Act 1990 (as amended), the examiner must make a report on the draft plan containing recommendations and make one of the following three recommendations:
- (a) that the draft order is submitted to a referendum, or
  - (b) that modifications specified in the report are made to the draft order and that the draft order as modified is submitted to a referendum, or
  - (c) that the proposal for the order is refused.
- 1.5 If recommending that the Plan proceeds to a referendum, I am also then required to consider whether the Referendum Area should extend beyond the Yatton Neighbourhood Development Plan, (YNDP) designated area to which the Plan relates. I make my recommendations at the end of this Report.
- 1.6 I am independent of the qualifying body, associated residents, business leaders and the local authority. I do not have any interest in any land that may be affected by the Plan and I possess appropriate qualifications and experience.

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- 1.7 I was appointed to undertake the independent examination of the submission version of the YNDP on 11<sup>th</sup> June 2018.
- 1.8 The Regulation 16 Consultation in relation to the submitted YNDP ran for a six-week period of between 8 January 2018 and 19 February 2018. I have been supplied with the following documents submitted to North Somerset Council via the Council’s websites comprising:
- Yatton Neighbourhood Development Plan (Submission Version) for the Period 2017-2026
  - Yatton Neighbourhood Development Plan for the Period 2017-2026: Basic Conditions Statement
  - Yatton Neighbourhood Development Plan for the Period 2017-2026: Statement of Community Involvement
  - Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report, Yatton Neighbourhood Plan, November 2017
- 1.9 The background documents which I have taken into consideration in undertaking this examination are listed in Appendix 1.
- 1.10 The YNDP explains that the area that has been selected to be covered by this neighbourhood plan comprises the western part of the Parish of Yatton. The residual eastern part of the Parish was identified to be covered by the Claverham Neighbourhood Plan. The YNDP helpfully identifies the extent of the entire Yatton Parish in Figure 1 and the boundaries of the YNDP, covering the settlement of Yatton and surrounding countryside on Figure 2 in the submission version of the Plan. I understand that both neighbourhood plan areas were designated on 24 April 2015.

## Yatton – Background

- 1.11 The YNDP briefly outlines the history of the settlement, explaining that Yatton lies on a ridge within the North Somerset Levels and Moors, an area historically known as the Northmarsh. Cadbury Hill, an Iron Age hill-fort and local nature reserve provides good views across the surrounding wetland landscape.
- 1.12 Significant growth and change in the character of the settlement occurred in the mid nineteenth century with the advent of the railways increasing accessibility, particularly to Bristol. Despite the proximity to Bristol, the YNDP notes that the settlement of Yatton has retained its independence and character. The YNDP further notes that there are two Sites of Special Scientific Interest (SSSI) within the parish: Biddle Street SSSI and Kenn Moor SSSI, designated by English Nature in 1994 and 1995 respectively. The Plan notes that the drainage channels (rhynes), provide a habitat for nationally rare water beetles, snails and a wide



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- 1.14 Part 5 of The Neighbourhood Planning (General) Regulations 2012, “the Regulations”, makes provision in relation to procedure for making neighbourhood development plans. To fulfil the legal requirements of Regulation 15(2) of Part 5 of the Regulations, the Consultation Statement should contain the following:
- details of people and organisations consulted about the proposed Neighbourhood Plan;
  - details of how they were consulted;
  - a summary of the main issues and concerns raised through the consultation process; and
  - descriptions of how these issues and concerns were considered and addressed in the proposed Neighbourhood Plan.
- 1.15 The Consultation Statement should also demonstrate that there has been proper community engagement and that it has informed the content of the Plan. It should also make it clear and transparent that those producing the plan have sought to address the issues raised during the consultation process. Consultation and community engagement is a fundamental requirement of the Regulations, the process of plan-making being almost as important as the plan itself.
- 1.16 The consultation was launched on the weekend of Saturday 25<sup>th</sup> and Sunday 26<sup>th</sup> July 2015, followed by the questionnaire survey during the week commencing 28<sup>th</sup> October, until 9<sup>th</sup> February 2016, with the Regulation 14 Consultation running over an extended period from 27<sup>th</sup> February 2017 until 30<sup>th</sup> August 2017.
- 1.17 Following the preparation of the submission version of the Plan, the Regulation 16 consultation was undertaken by North Somerset Council. This consultation took place over six weeks between 8 January 2018 and 19 February 2018. The submission version YNDP and accompanying documents were available to the public through North Somerset Council’s online consultation system, online and available to view at Yatton library and Weston-super-Mare library during that period.
- 1.18 The Statement of Community Involvement (SCI), otherwise known as the Consultation Statement, explains the chronology of events in the preparation of the YNDP commencing with an initial consultation to ascertain key themes in July 2015, the preparation of a questionnaire survey, included in Annex 1 and the results in Annex 2 to the SCI respectively. The SCI explains that the findings of the initial questions were used by the Steering Group to devise a comprehensive questionnaire, publicised through the Yatton Parish Council in late October 2015 (shown in Annex 3 and Annex 4 of the SCI). 947 responses were received during the period October 15<sup>th</sup> 2015, to February 9<sup>th</sup> 2016, the results being recorded in Annex 5 of the SCI, showing four key themes; Business, Environment, Housing, and Transport upon which the YNDP was subsequently formulated.
- 1.19 The Regulation 14 consultation appeared to be principally targeted at the residents of Yatton with a copy of the draft plan being delivered to each household and feedback forms distributed requesting completed

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forms be returned via collection points at the Library, Mendip Vale Surgery, The Post Office, or at Clive's / Yatton News by 17<sup>th</sup> April 2017. I am satisfied that there was adequate publicity to accord with the requirements of Regulation 14 (a). Concerning satisfying Regulation 14 (b) the Consultation Statement notes that the draft plan was delivered to all addresses in Yatton. The Council has also confirmed that it received a copy of the Regulation 14 version of the draft YNDP, thus satisfying Regulation 14 (c).

- 1.20 I am satisfied that the approach of the Steering Group as explained in the Consultation Statement has been undertaken on an open and transparent basis and that the Steering Group has responded appropriately in undertaking revisions to the Regulation 14 consultation version YNDP followed by the preparation of the Submission Version of the Plan, forwarded to North Somerset Council with the associated SCI, Basic Conditions Statement and SEA/HRA screening report, for pre-examination consultation by North Somerset Council between 8 January 2018 and 19 February 2018.
- 1.21 On 28th August 2018, I raised concerns regarding the content of the Consultation Statement and Basic Conditions Statement concerning various deficiencies. As no complaints had been raised regarding these deficiencies during the Regulation 16 consultation and to avoid a waste of public resources, it was agreed that the most appropriate way forward would be to pause the examination process whilst the Parish Council re-drafted both the Consultation Statement and Basic Conditions Statement, but without making any changes to the submitted version of the YNDP and then re-consult the public again for a period of 6 weeks. This process was undertaken, the revised Consultation Statement and Basic Conditions Statement being completed in September 2018 and published on the Council's web-site.
- 1.22 In undertaking the Autumn 2018 consultation, the Council made the position clear to the previous Regulation 16 respondents that this involved no alteration to the examination version of the Plan. The information from NSC to the consultees explained that the purpose of the further consultation was to explain that the original Statement of Community Involvement and Basic Conditions Statement had been withdrawn and substituted with amended versions and that this consultation was to provide a further period of consultation on the revised documents to ensure that there is an additional opportunity for comments to be made by interested parties. The deadline for comments was noon on Monday 19 November 2018. In publicising the further consultation, NCS explained that;
- No changes have been made to the Neighbourhood Plan itself; and
  - There was no need to resubmit previous comments in relation to the YNDP since comments made during the previous submission consultation in January and February 2018 remained valid.
- 1.23 This consultation resulted in only two additional comments. Natural England replied advising that the amended Statement of Consultation and Basic Condition Statement had been reviewed and that they had no further comments to offer.

- 1.24 The second reply was from Mr Davis on behalf of Persimmon, dated 16<sup>th</sup> November 2018. Whilst I am grateful to Mr Davis for his further comments, the purpose of the further consultation was essentially to ensure that there were no further parties who might have felt excluded from the earlier consultations and who wished to make comments specifically in relation to the revised Statement of Community Involvement and Basic Conditions Statement. Notwithstanding the purpose of this further consultation, I have had regard to Mr Davis' further comments in undertaking this examination, but the points he has made in relation to Policy HP 1 (Strategic Gap) and Policy EP 2 (Local Green Space) were already clearly understood as also are his comments regarding Regulation 14 consultation which took place between February and May 2017 and the alleged lack of consultation with landowners in relation to the formulation of the LGS policy. Consequently, I do not consider it necessary or that it would materially assist me to hold a hearing to consider these issues further.
- 1.25 For the purpose of this examination report, all subsequent comments relating to the Consultation Statement / Statement of Community Involvement (SCI) and the Basic Conditions Statement (BCS) refer to the revised statements prepared in September 2018.

### Consultation Summary

- 1.26 The YNDP has been subject to extensive consultation over three years. In relation to Regulation 15(2), the SCI explains that in consulting on the plan, all households in Yatton received a copy of the draft plan and were asked to fill in a response form and deliver this to one of four collection points before 17th April 2017. The SCI explains that the main areas of concern from the Regulation 14 consultation related to:
- proposals for Local Green Space and amendments to the sites proposed for LGS designation;
  - indicative routes for new footpaths; and
  - a section on flood protection.
- 1.27 The SCI notes that as a consequence, the draft Plan was amended, presented to Yatton Parish Council at the meeting on September 11th, 2017. At which the Council approved the Plan without further changes.
- 1.28 I am satisfied that the YNDP Consultation Statement complies with Section 15(2) of part 5 of the Regulations and that the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.

### Basic Conditions

- 2.1 The revised Basic Conditions Statement has been prepared appropriately and YNDP policies have been informed by the background evidence gleaned from the questionnaire surveys prepared and analysed by the Parish Council as indicated in the SCI. These draft policies have been assessed by the Parish Council



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against the strategic policies of the Core Strategy as well as having regard to the national policies and advice set out in the National Planning Policy Framework (NPPF).

### Conformity with the National Planning Policy Framework (NPPF).

- 2.2 On 24<sup>th</sup> July 2018, the Ministry of Housing, Communities and Local Government published the NPPF (2018). Annex 1 to the new NPPF states at paragraphs 212- 214:

*“212. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this replacement Framework has made. This should be progressed as quickly as possible, either through a partial revision or by preparing a new plan.*

*213. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).*

*214. The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.....”*

- 2.3 Footnote 69 to paragraph 214 states:

*“69 For spatial development strategies, ‘submission’ in this context means the point at which the Mayor sends to the Panel copies of all representations made in accordance with regulation 8(1) of the Town and Country Planning (London Spatial Development Strategy) Regulations 2000, or equivalent. For neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.”*

- 2.4 In the light of these transitional arrangements it is not necessary at present to examine the YNDP against the revised national policy guidance issued on 24<sup>th</sup> July. Therefore, the YNDP has been examined in relation to the national planning policies of the NPPF (2012). All references to the NPPF concerning the draft planning policies of the YNDP are therefore to the NPPF (2012) in this examination report.

- 2.5 The NPPF advises that all plans should be based upon the presumption in favour of sustainable development with clear policies that guide how the presumption should be applied locally. Paragraph 16 of the NPPF acknowledges that the application of the presumption in favour of sustainable development will have implications for how communities engage in neighbourhood planning. In particular neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development and plan positively to support local development, shaping and directing development in their area that is outside the strategic elements of the Local Plan. The NPPF explains at paragraph 183, that neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need. Parishes and neighbourhood forums can use neighbourhood planning to:
- set planning policies through neighbourhood plans to determine decisions on planning applications; and
  - grant planning permission through Neighbourhood Development Orders and Community Right to Build Orders for specific development which complies with the order.
- 2.6 The Basic Conditions Statement (BCS) provides, in Table 2, a summary of how the YNDP draft policies and objectives conform to the twelve key planning principles set out in the National Planning Policy Framework. The BCS also assesses the draft YNDP policies against the NPPF policy advice on specific land use planning issues, where relevant. In advising qualifying bodies as to what having regard to national policy means, the Planning Practice Guidance<sup>1</sup> explains that a, “*...neighbourhood plan or Order must not constrain the delivery of important national policy objectives.*” The BCS prepared in relation to the YNDP sets out in tabular form in Table 2 how this will be achieved.
- 2.7 Appendix 3 to the BCS helpfully assesses the extent to which the draft YNDP policies conform to the National Planning Policy Framework (2012).

### Achieving sustainable development

- 2.8 The Basic Conditions Statement describes how the YNDP objectives and policies have been prepared reflecting the presumption in the NPPF in favour of sustainable development by reference to the core planning principles within the NPPF through which environmental, economic and social benefits will be derived. I acknowledge that the general thrust of the draft policies in the Neighbourhood Plan will contribute to achieving sustainable development by seeking positive improvements to the quality of the natural, built and historic environment, as well as in people’s quality of life as outlined in the BCS. Where policies would benefit from modification or removal in some instances, I have made recommendations in order that the YNDP, if taken forward to referendum should deliver sustainable development, if the Plan is

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<sup>1</sup> Planning Practice Guidance, Paragraph: 069 Reference ID: 41-069-20140306, Revision date: 06 03 2014

subsequently made.

- 2.9 Paragraph 184 of the NPPF requires that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area and that neighbourhood plans must be in general conformity with the strategic policies of the Development Plan. Furthermore, neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. I am content that the YNDP, subject to the recommended policy alterations is in general conformity with national and adopted local planning policies and that the YNDP does not promote less development than set out in the adopted Core Strategy or undermine its strategic policies. The YNDP if made, subject to the recommendations in this examination report and a successful referendum, would effectively shape and direct sustainable development in the Yatton designated area within North Somerset to 2026. I am also content that the YNDP complies with the provisions of paragraph 185 of the NPPF which seeks to avoid duplication of adopted planning policies covering the same geographic area, at the neighbourhood spatial scale.

### Conformity with Strategic Policies of the development plan

- 2.10 The Basic Conditions Statement confirms that the strategic policies of the development plan for North Somerset are set out in the Adopted Core Strategy. The Core Strategy advises at paragraph 1.1 that this planning policy document sets out the broad long-term vision, objectives and strategic for North Somerset up to 2026. The Basic Conditions Statement explains that the table at Appendix 1 to the Basic Condition Statement demonstrates how the policies in the Neighbourhood Plan are in general conformity with the adopted North Somerset Core Strategy. I agree that the YNDP policies, together with the suggested amendments, are in general conformity with the strategic policies in the core strategy.

### EU obligations

#### Strategic Environmental Assessment (SEA) and Habitats Directive

- 2.11 A screening opinion was prepared and subsequently issued by North Somerset Council, dated November 2017, because if made, the YNDP will become a statutory development plan document. As such, there is a legal requirement to assess the policies and proposals against the requirements of European Union Directive 2001/42/EC; also known as the “Strategic Environmental Assessment (SEA) Directive”. The objective for SEA is: “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, and environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” (SEA Directive, Article 1). A full SEA is only required if the plan proposals are likely to have significant environmental effects. The screening report assessed the likelihood of this.

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- 2.12 The Habitats Regulations (2010) requires an assessment of land use planning proposals associated with neighbourhood plans. The assessment process examines the likely significant effects of the different spatial options on the integrity of the European wildlife sites of nature conservation importance within, close to or connected to the plan area. European wildlife sites are areas of international nature conservation importance that are protected for the benefit of the habitats and species they support. This assessment is known as a Habitat Regulation Assessment (HRA).
- 2.13 The screening opinion prepared and subsequently issued by North Somerset Council, dated November 2017 concluded that there are unlikely to be any significant environmental effects arising from the Yatton NP. As such the Plan did not require a full SEA to be undertaken. Similarly, the Habitats Regulation Assessment concluded that there were unlikely to be any significant effect on protected species or their habitats and therefore a full HRA was not required. The screening undertaken by North Somerset Council at the draft plan stage advised that if changes were made to the plan post consultation, then these should be considered, and revised screening completed as necessary. No call for further screening has arisen as far as I am aware.
- 2.14 The position regarding the likely effects on designated European protected sites under the Habitats Directive 92/43/EEC changed as a consequence of the decision in *People over Wind, Peter Sweetman v Coillte Teoranta*<sup>2</sup>. This decision has potentially altered the current UK position in relation to appropriate assessments under the Habitats Directive. The guidance issued by PINS<sup>3</sup> in May 2018 to assist Examiners and Inspectors in the light of this judgment draws the distinction between the more relaxed approach in the English planning system, following the decision *Hart DC v SSCLG, Luckmore Limited & Barratt Homes Limited* [2008] EWHC 1204 (Admin). This advice sets down the steps in re-considering whether the re-screening of the Local Plan, and / or a Neighbourhood Plan is appropriate.
- 2.15 At the time of writing, I understand that MHCLG proposes to make an amendment to regulations to ensure neighbourhood plans that are ‘screened in’ to the assessment process can continue to progress, following an Appropriate Assessment. As I understand matters, the likely Appropriate Assessment proposals would consider any impacts alongside mitigation measures, following the same process as assessments for Local Plans. It is understood that the proposed change would not be applicable retrospectively but may be effective from late December 2018.

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<sup>2</sup> Court of Justice of the European Union (CJEU) in the matter of *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17).

<sup>3</sup> Consideration of avoidance and reduction measures in Habitats Regulations Assessment: *People over Wind, Peter Sweetman v Coillte Teoranta*, PINS NOTE 05/2018, 09 May 2018,

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- 2.16 On the understanding that such changes would not apply retrospectively, I am satisfied that the conclusion reached in relation to the Appropriate Assessment by North Somerset Council still holds and that in considering the YNDP, a full Habitats Regulation Assessment is not required. As a consequence, for example, there would be no development phasing expectations in line with the provision of waste-water capacity for new development.
- 2.17 The Basic Conditions Statement expressly confirms that the YNDP conforms to the European Conventions and Regulations. In relation to screening for Strategic Environmental Assessment, and the need for Habitats Regulation Assessment, this has been undertaken and the conclusions drawn by North Somerset District Council and I am content that the conclusions are reasonable for the purpose of examining the YNDP.

#### Convention on Human Rights

- 2.18 The Basic Conditions Statement confirms that the YNDP has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. This statement is justified through the extensive engagement with the community and stakeholders as indicated in the Statement of Consultation. Appropriate care has been exercised throughout the preparation and drafting of the Plan to ensure that the views of the whole community have been considered.

#### Basic Conditions – Interim Conclusion

- 2.19 Subject to my findings and recommended changes as set out in this examination report, the Yatton Neighbourhood Development Plan contains policies relating to the development and use of land within the Neighbourhood Plan area and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012.
- 2.20 The BCS states that the period to which the YNDP relates is from 2017 until 2026 to align with the adopted North Somerset Core Strategy. The foreword to the YNDP refers to the time period of the Plan running to **2036**. This is incorrect and appears to be a typographic error in the first sentence of the penultimate paragraph on page 2. It should read, “to 2026”. This must be corrected if the Plan is to be taken forward to referendum.
- 2.21 I am content that the YNDP policies do not relate to excluded development, being county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
- 2.22 I also concur that there was adequate consultation and engagement with the community on the emerging draft Neighbourhood Plan, as required by Regulation 14 of the Neighbourhood Planning (General)

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Regulations 2012 agree that the Statement of Community Involvement meets the requirements set out in Paragraph 15 (2) of the Regulations.

- 2.23 Subject to the recommended policy modifications in this examination report, the Plan has appropriate regard to national policy and will contribute towards the achievement of sustainable development. In evaluating the YNDP submission draft policies in this examination report, I have assessed the extent to which these policies are consistent with the strategic planning policies in the adopted Core Strategy in considering each policy and the Plan as a whole.
- 2.24 The screening opinion prepared and subsequently issued by North Somerset Council, dated November 2017 concluded that there are unlikely to be any significant environmental effects arising from the Yatton NP. As such the Plan did not require a full SEA to be undertaken. Similarly, the Habitats Regulation Assessment concluded that there were unlikely to be any significant effect on protected species or their habitats and therefore a full HRA was not required
- 2.25 I make my comments in respect of specific draft policies in Section 4 and more generally in the Conclusions section of this report below.

## Background Documents

- 3.1 The background documents referred to in this examination report are listed in Appendix 1.

## Yatton Neighbourhood Development Plan for the Period 2017-2026 – Planning Policies

- 4.1 The submission draft YNDP sets out a vision for the designated area which is aspirational and positive, seeking to build on the rural character of the settlement to meet the needs of local people over the life of the Plan. This has been distilled into a series of town planning objectives to deliver the Plan's vision. These are:
- Protect the Green Belt;
  - Recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it;
  - Support the transition to a low carbon future;
  - Contribute to conserving and enhancing the natural environment and reducing pollution;
  - Make the fullest possible use of public transport, walking and cycling.

- 4.2 These objectives have in turn set a framework for the preparation of the neighbourhood plan policies.
- 4.3 I now consider each of the YNDP draft planning policies and the related explanatory text within the Plan. In accordance with paragraph 184 of the NPPF, neighbourhood must be in general conformity with the strategic policies of the Local Plan. The strategic policies for the area are those to be found in the adopted Core Strategy (January 2017). This sets out the broad long-term vision, objectives and strategic planning policies for North Somerset up to 2026, the time horizon for the YNDP.
- 4.4 Where, in my opinion, the explanatory text to the YNDP requires some alteration, those changes suggested in this report are advisory and for clarification, they are not mandatory in order to meet the Basic Conditions test. If the YNDP is to proceed to referendum, the recommended alterations to the policies must be accepted in order that the Plan may move forward to that stage. In that event, the explanatory text relating to the policies subject to alteration may require some modification to reflect the modified policies. Such changes will be a matter for the Parish Council, doubtless in conjunction with the Planning Department of North Somerset District Council to redraft. I have provided some pointers to where NPPF (2012) and Core Strategy references need to be altered in the explanatory text associated with the YNDP policies.
- 4.5 Comments on the pre-submission draft Plan from North Somerset Council (NSC) were made through the planning officer's report to the NSC Executive on 5<sup>th</sup> December 2017. This report recommended that the YNDP should proceed to examination, making a number of helpful comments both generally and specifically in relation to the submission draft YNDP policies. These comments have informed my assessment of the Plan.

## Business Policies

**POLICY BP 1. Development proposals will have to demonstrate that footways, bicycle routes and car and bicycle parking contribute to provision of convenient access for all users to customer-facing businesses.**

- 4.6 The only Regulation 16 reply in relation to this policy was from Congresbury Parish Council.
- 4.7 The explanatory text within the YNDP advises that the purpose of the policy and the intention is to increase trade for local businesses through ensuring adequate car and bicycle parking provision and the existence of safe walking and cycling routes. The policy justification also relates to sustainability initiatives to promote walking and cycling routes through and around Yatton, *"indicating places where refreshments can be obtained, bicycle parts bought, and repairs effected, and good places to relax and enjoy the village and the surrounding rural environment"*. The policy objective of BP 1 might equally be regarded as a transport

rather than as a business use policy, particularly as I note that the policy would apply to all development in Yatton.

- 4.8 Congresbury Parish Council is in favour of this policy supporting local businesses and providing a 'village centre' to which residents and visitors can relate and reach by different means including sustainable travel options. Congresbury, like Yatton is defined as a local centre outside Weston Super Mare in the retail hierarchy, but the population of Congresbury in June 2015 of 3,497<sup>4</sup>, is less than half that of Yatton at 8,340 (estimated) in mid-2014<sup>5</sup>. Yatton would thus be expected to draw some trade from Congresbury and it is therefore unsurprising that the parish is supportive of policies that would enhance accessibility to Yatton by safe routes and adequate car and bicycle parking, together with other measures including improvements that increase the safety of pedestrians and cyclists.
- 4.9 The Basic Conditions Statement points to paragraphs 18-20, 23 and 29 of the NPPF for support. This policy will assist in promoting economic growth and sustainable development as well as encourage sustainable means of travel. Enhancements to accessibility within the settlement to ensure convenient means of access, should help safeguard and enhance the vitality and viability of Yatton as a service centre. The policy is therefore in accord with the objectives of the NPPF and the Core Strategy, Policy CS32, designed to enhance the overall sustainability of service villages including Yatton, where development:
- Does not result in significant adverse cumulative impacts (such as highway impacts) likely to arise from existing and proposed development within the wider area;
  - The location of development maximises opportunities to reduce the need to travel and encourages active travel modes and public transport; and
  - It demonstrates safe and attractive pedestrian routes to facilities within the settlement within reasonable walking distance.
- 4.10 As drafted, the policy would not easily translate into a useable development management policy, related to possible planning harm that might be generated by development and the means by which a proportionate judgment might be reached as to whether harm might be overcome.
- 4.11 I note that the policy intention is that Policy BP1 would apply to all development proposals in the YNDP area. To be acceptable, this policy needs to assess the likely traffic impact on all commercial activities within

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<sup>4</sup> "How Congresbury has grown", A report for Congresbury Parish Council, Tom Leimdorfer and Stuart Sampson, June 2015 <http://www.congresbury-pc.gov.uk/Congresbury-Parish-Council/UserFiles/Files/Neighbourhood%20Development%20Plan/Reports/How%20Congresbury%20has%20grown.pdf>

<sup>5</sup> Yatton Ward Profile, Business Intelligence Service, Research and Insight, North Somerset Council <https://www.n-somerset.gov.uk/wp-content/uploads/2016/08/Yatton-ward-profile.pdf>



the central area of the village where most business activity is to be found, not simply “customer facing businesses,” as it would be impossible to disaggregate these in relation to traffic assessment from other activities in the central area of the village. In order to assess whether development proposals are likely to cause a significant impact, this is only likely to be determined through traffic impact assessment. This would also involve assessing the means of mitigating likely harm as a consequence of the proposed development, where appropriate. In general, the likely scale of proposed development within Yatton, other than larger scale housing development, is unlikely to generate planning impacts sufficient to warrant the need to improve highway infrastructure within the central area of the village where business activity is concentrated. It would not be appropriate for the planning system to correct existing deficiencies in highway and associated infrastructure in Yatton, however, new development should be expected to mitigate harmful traffic impacts, objectively identified, through traffic assessment. Accordingly, I have recommended an alternative wording for Policy BP1 which I believe would secure the planning objective sought in the YNDP Objective BO 1. “To maintain a thriving local economy by supporting businesses based in Yatton.

- 4.12 Revised Policy BP 1, if accepted, would be compatible with national and strategic local adopted policy and should assist development management and decision making. The revised draft policy is included in Appendix 2. If this recommendation is accepted, the explanatory text will need revision to reflect the need for the neighbourhood plan policy to incorporate traffic assessment to mitigate harm from likely traffic impact on accessibility to business activity in the central area of this settlement.

**POLICY BP 2. Development proposals should contribute to clear definition of the central part of the village, from Cherry Grove to Well Lane. This can be achieved by such measures as distinctive design features and creation of convenient crossing points, so that this section of Yatton High Street becomes a social space where people shop, do business and spend time.**

- 4.13 This policy focuses on the central business area of Yatton where most retail activity is located. The objective of the policy as set out in the YNDP is to slow traffic and increase pedestrian safety, making the central part of the village around Pages Court (The Precinct) more pleasant to use, thereby encouraging and promoting local trade.
- 4.14 The Basic Conditions Statement indicates that the draft policy is compatible with the national planning policy advice in the NPPF (2012) at paragraphs 18-20, 23 and 58, ensuring economic growth, the vitality of our retail centres and the importance of good design. At the local level, again Core Strategy CS32 provides relevant strategic policy guidance for the service villages in North Somerset including Yatton, pointing to the importance of design, form and scale of development respecting and enhancing local character, contributing to place making and the reinforcement of local distinctiveness.

4.15 There were no Regulation 16 comments in respect of this draft policy.

4.16 From a development management perspective, this policy would benefit from some modification to assist decision makers in determining the acceptability of specific development proposals. I recommend that a criteria-based policy would more helpfully assist in the achievement of the YNDP ambitions as recommended in Appendix 2.

### Environmental Objectives

4.17 There are three environmental objectives in the YNDP as follows:

- EO 1. To protect the rural character of Yatton by enhancing:
  - Local wildlife habitats and biodiversity;
  - Valued landscapes including trees and hedgerows;
  - The “dark skies” over Yatton.
- EO 2. To enhance access to the surrounding countryside, green spaces, public spaces, and sports and leisure facilities.
- EO 3. To ensure that the provision of open space for sports and recreational facilities is maintained at an appropriate level to meet the existing and future needs of the community.

4.18 These translate into four related planning policies within the YNDP. Each are considered below:

### Environment Policies

**Environment Policy EP 1. Where appropriate, development proposals should contribute to improved access from the residential parts of Yatton to local footpaths, and to the upkeep and maintenance of new and existing local footpaths.**

4.19 Policy EP1 is justified in relation to NPPF policy in the BCS as being compatible with the policy advice in paragraphs 69, 73 and 75. In my opinion, to the extent that these references may be valid, Paragraph 75 which encourages protection and enhancement of public rights of way and access through planning policy is most apt, including seeking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks by local authorities. In relation to the Core Strategy and the relevant strategic policies, the BCS suggests that Core Strategy policies CS9 and CS10 are relevant which respectively give “Priority will be given to the management, maintenance, upgrading and extension of the public rights of way network ” and “Shared priorities within the Sustainable Community Strategy identify the following aims in relation to transport: improved highways and pedestrian access. Layouts and land use distributions must be based on a network of cycleways/footpaths and public transport routes that ensure safe, convenient and direct access to local services.”

- 4.20 The Regulation 16 replies included a single representation on this policy from Faith Moulin, stating that Policy EP1 is not an environment policy. Indeed, to the extent that the Core Strategy policy references said to support Policy EP1, these are Green Infrastructure and Transport Policies respectively.
- 4.21 In relation to likely planning impact, I fail to see that there could be any land use planning policy expectation that development proposals should be expected to contribute towards the maintenance and upkeep of existing public footpaths. Within the Core Strategy, the only development proposal where footpath improvements are included as a policy expectation is in relation to the former airfield redevelopment at Winterstoke Park, Weston Super Mare where a phased total development of 2,400 dwellings is anticipated together with employment development of 3,600 jobs. The Core Strategy refers to the delivery of footpaths as part of this major development project, but there is no mention of funding their maintenance and up keep, which for public rights of way would be the responsibility of North Somerset Council as highway authority.
- 4.22 I therefore recommend that this policy be amended as indicated in Appendix 2. If the YNDP proceeds to referendum, for clarity a cross reference to Figure 8 showing the location of public footpaths within the YNDP designated area in the supporting text would be relevant and helpful. Furthermore the inclusion of a reference in the explanatory text to the interactive map at: <http://www.n-somerset.gov.uk/my-services/leisure/parks-countryside/prow/find-public-rights-way/> which provides this information and which is likely to be maintained over time, detailing changes to the footpath network, would also be helpful.

**Environment Policy EP 2. New development proposals should not harm the local distinctive landscape. To this end, Local Green Space status will be proposed for the areas listed below, which are in addition to those listed in the North Somerset Site Allocations Plan. Local Green Space designation means that development will not be approved in these areas.**

**Horsecastle Park.**

**An area off Grange Farm Road.**

**The Orchard at The Grange, off Kenn Moor Road.**

**The Gang Wall ancient flood defence and path.**

**Two areas near the north end of Stowey Road.**

**Derham Park green.**

**An area off Heathgate.**

- 4.23 Environment Policy EP 2 relates to the proposed designation of Local Green Space at 7 locations as detailed in the draft policy.

- 4.24 The BCS explains that the proposed Local Green Space (LGS) designation accords with the NPPF policy advice in paragraphs 76 and 77 being not extensive tracts of land, close to the local community they serve, and holding local significance. The BCS notes that conformity with the Core Strategy strategic policies arises by reference to Policy CS1: Addressing climate change and carbon reduction. Whilst keeping these local spaces open as LGS may give rise to assisting in carbon reduction and addressing climate change, the same will be true of a significant array of other sites in this predominantly rural area and would not give rise to sufficient reason for designation these 7 specific sites, as explained in the NPPF at paragraphs 76 and 77. Paragraph 76 advises that, “Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period” and Paragraph 77 notes that, “...Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:
- where the green space is in reasonably close proximity to the community it serves;
  - where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
  - where the green area concerned is local in character and is not an extensive tract of land.”
- 4.25 The YNDP points out that from the survey and consultations undertaken in preparing the draft Plan, between October 2015 and January 2016, residents voiced their opinions about living in Yatton. The YNDP notes that the most popular response to the question posed concerning the best thing about living in Yatton was “access to the countryside”, cited by 66% of respondents and 72% of residents chose “access to the countryside” or “rural character” as a key benefit of living in Yatton. Residents also indicated their appreciation of the public rights-of-way along the Strawberry Line and over Cadbury Hill, where 54% of residents selected these as among the six best things about living in Yatton.
- 4.26 The YNDP further explains that Yatton has a recognised deficit of public green spaces within the settlement boundary. This is helpful to help justify the need for additional public open space but in itself does not necessarily provide justification that the individual sites promoted in the YNDP for the LGS designation are demonstrably special to the local community. That justification is provided in the YNDP at pages 18 and 19. The evidence is generally thin and the sites are not explicitly supported by other parties making Regulation 16 submissions with the exception of Congresbury Parish Council which supported designation of the Gang Wall, where the justification is based on significant historical significance provided in the Congresbury draft neighbourhood plan explaining and confirming that this medieval drainage bank and associated ditches, constructed before 1382 to separate the drainage areas of Yatton Moor to its west, and Congresbury Moor to its east, stating that this monument is virtually complete. The Congresbury draft Neighbourhood Plan explains that it is also extremely unusual for such a bank to have no road along its surface. I agree that for

reasons of local historical significance that the Gang Wall is demonstrably special and should be designated as Local Green Space to the extent of its length within the designated area of the YNDP. I further note that LDS designation for the length of Gang Wall in the adjoining Parish of Congresbury is also proposed within the draft Congresbury Neighbourhood Plan, as shown on Map 8 to that Plan and in draft Policy EH3 – Local Green Space.

- 4.27 Other than the Gang Wall, a convincing case has not been made that the sites are demonstrably special to warrant designation as LGS in the YNDP. I accept however that all of the proposed sites are in reasonably close proximity to the communities that they serve, are local in character and are not extensive tracts of land. I also have taken into consideration the Regulation 16 comments from Biodiversity / Green Space in the comments made by Mr. B. Smith of the Environment Agency supporting the need for green spaces to be preserved and enhanced to improve the rich biodiversity of the area within the YNDP. These representations did not specifically extend to the proposed LGS designations, but related more generally to the protection of “...green spaces including wetlands or water bodies (e.g. rivers, streams, ditches) as these provide ecological interest and diversity”.
- 4.28 Also of relevance are the Regulation 16 representations made by Mr. Paul Davis of Persimmon Homes Severn Valley (Persimmon), objecting to Environment Policy EP2 and in particular the proposed designation of Local Green Space at the orchard, comprising land at The Grange off Kenn Moor Road, Yatton.
- 4.29 Mr Davis notes that as drafted the policy says, ‘Local Green Space will be proposed for the areas listed’ and therefore, it is an *intention to allocate* Local Green Space rather than a specific allocation without an explanation of how Local Green Space will be formally allocated following submission of the YNDP. However, as LGS can only be designated when a plan is prepared or reviewed, the only reasonable construction that can be applied is that the YNDP policy intention is that the sites promoted as LGS in the YNDP should be designated through this Plan making process.
- 4.30 Mr. Davis’ second reason for raising his objection to the LGS designation is the lack of evidence to support the allocation of any of the Local Green Spaces. This is a statement with which I broadly concur. Certainly in the preparation of the YNDP there has been no assessment such as that made by North Somerset Council, during the preparation of the Site Allocations Plan where the Council produced a background document in March 2016 at the consultation draft stage, updated in October 2016 at the submission stage, which included an assessment of each Local Green Space against five factors – beauty, historic, recreation, tranquility and wildlife, together with a written justification for each area. This methodology gave rise to an evidence base for the allocation of Local Green Space in North Somerset, which Mr. Davis argues could prove to be an appropriate template for addressing the allocation of proposed Local Green Space in Yatton. I broadly agree with those sentiments whilst accepting the need to balance what may be reasonable to achieve for reasons of proportionality, by way of collecting evidence for neighbourhood plan preparation, but in general certainly more could have been undertaken to justify the LGS sites proposed, however in my opinion, there is sufficient evidence to justify allocation of the Gang Wall as LGS.

- 4.31 Mr. Davis helpfully points to a pragmatic solution that may overcome the Parish Council’s wish that the orchard should remain open by way of a development agreement which would limit development of the Orchard to the provision of an access road leading to the housing site which Persimmon proposes to develop. This reflects the comment made in Schedule 1 of the adopted Site Allocations Plan, April 2018<sup>6</sup> which states:

“No development in the orchard.

The provision of an access road across the orchard will only be considered if alternative access arrangements cannot be made and subject to a suitable scheme being agreed with Natural England. Should a suitable scheme not be agreed, alternative access arrangements must be made.”

- 4.32 Appendix 4 to Persimmon’s Regulation 16 representations, being the Ecological Surveys Addendum, for Land at Moor Road, Yatton, carried out by Clarkson and Woods, ecological consultants commissioned by Persimmon in December 2017 includes the recommendation that a Landscape and Environmental Management Plan (LEMP) should be prepared, as advised in the earlier Ecological Survey Report (May 2015), that will cover how retained habitats and newly planted areas should be managed so as to maximise biodiversity value and achieve the objectives of ecological mitigation and compensation. The consultant’s advice was that the LEMP should also set out any measures necessary to ensure protected species are appropriately accommodated within the operational site. The report advised that implementation of a long-term ecologically driven management plan can help to ensure the long-term survival of the orchard trees and the Orchard Tooth Fungus. This report concluded that without the management of these trees, it is possible that within 20 years all the existing apple trees within this field may be lost, but that new planting and long-term management provides an opportunity to retain and safeguard the longevity of Orchard Tooth Fungus. By contrast, there is no indication of who or how the orchard would be managed in the event that LGS designation were to be made and in the light of this report, if the Parish Council’s reasons include the conservation of trees with rare Orchard Tooth Fungus, the proposed management plan that would be offered as part of a wider development proposal would appear to be the most effective means of achieving that outcome.
- 4.33 In reaching a conclusion on Environment Policy EP 2, whilst there are assertions that the sites promoted as LGS in the YNDP are important to the local community, the case has not been made that they are demonstrably special, other than the proposals for the inclusion of the Gang Wall. I am also aware that the Sites and Policies Plan, Part 2, adopted by NSC as planning policy guidance in April 2018 includes other LGS

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<sup>6</sup> Sites and Policies Plan, Part 2, SITE ALLOCATIONS PLAN, 2006-2026, North Somerset Council, April 2018

designated sites in Yatton following an earlier district wide assessment, but not those advanced in the YNDP.

- 4.34 In reaching a conclusion on Environment Policy EP 2, for reasons of local historical significance I agree that the Gang Wall is demonstrably special to the local community and should be designated as Local Green Space, to its extent within the designated area of the YNDP. Insufficient evidence has been offered to justify designation of the other sites. I therefore recommend that Environment Policy EP 2 be amended as indicated in Appendix 2. If this recommendation is accepted, it will also be necessary to revise YNDP Figure 6 to delete reference to the following sites as LGS:
- Horsecastle Park;
  - An area off Grange Farm Road;
  - The Orchard at The Grange, off Kenn Moor Road;
  - Two areas near the north end of Stowey Road;
  - Derham Park green; and
  - An area off Heathgate.

**Environment Policy EP 3. New development proposals must incorporate amenity areas for planting with appropriate indigenous trees.**

- 4.35 The BCS notes that Policy EP 3 conforms to the NPPF (2012), paragraphs 57 and 58. The policy advice in paragraph 58 of the NPPF underscores the intention of this policy, but for development to function well, create a strong sense of place and optimise site potential it will not always be appropriate for development proposals to incorporate amenity areas for planting with appropriate indigenous trees as an absolute requirement as the draft policy dictates. Indeed paragraph 58 of the NPPF advises that proposals should aim to be broader in approach than is suggested in draft Policy EP 3. As to the strategic policies in the Core Strategy, the BCS indicates that draft policy EP 3 conforms to Policies CS1: Addressing climate change and carbon reduction, CS4: Nature conservation and CS9: Green infrastructure. It is essentially Policy CS9, relating to the provision of green infrastructure which is most relevant in respect of this policy where the Core Strategy advises at paragraph 3.136, that trees greatly contribute to the value of green infrastructure regarding landscape quality, amenity and the environment. The explanatory text notes that retention of trees and tree planting, together with other green space, can assist combating climate change and flooding, by absorbing CO<sub>2</sub> and moisture and reducing excessive run off. In urban areas such provision can also have a welcome cooling effect in summer, through providing shade and promoting evaporation.
- 4.36 As to Regulation 16 comments, this draft policy gave rise to an objection from Faith Moulin who commented that the imperative requirement that new developments 'must' incorporate amenity areas for planting with appropriate indigenous trees was impracticable. Faith Moulin also raised the issue of maintenance and management of associated with tree planting which imposed a long-term cost on developers and council alike.

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- 4.37 The policy as drafted is too inflexible and as commented by Faith Moulin in relation to many development proposals, will not be practicable. However, positively promoting tree protection and planting, particularly native trees, for public amenity, climate change mitigation, benefits to biodiversity, health and recreation remain important planning considerations and worthy of support and encouragement associated with new development proposals.
- 4.38 To overcome the inflexibility of the draft policy, I recommend that it be modified as indicated in Appendix 2.

**Environment Policy EP 4. Development proposals must help to maximise “dark skies” by ensuring that all new or replacement external lighting (including street lights and floodlights) uses “full cut-off” designs that do not emit light above the horizontal, and that it is dimmed or switched off late at night.**

- 4.39 This draft policy promotes the objective of seeking to retain dark skies and limit the impact of light pollution on the rural character of Yatton.
- 4.40 The BCS notes that this policy conforms to the NPPF advice in paragraph 125 which notes that by encouraging good design, planning policies and decisions, should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and enhance nature conservation.
- 4.41 As to the Core Strategy the BCS indicates that this YNDP policy conforms to Policy CS1; Mitigating climate change, although I note that there is no express policy requirement to reduce illumination levels at night or promote “dark skies”.
- 4.42 There were no Regulation 16 comments or observations relating to Policy EP 4.
- 4.43 Guidance on light pollution and how to consider light within the planning system is provided in the Planning Practice Guidance, published on 6 March 2014 by the Ministry of Housing, Communities & Local Government<sup>7</sup>. The guidance provides advice concerning the factors that should be considered when assessing whether a development proposal might have implications for light pollution having regard to where light shines, when light shines, how much light shines and possible ecological impact. The policy as drafted is too simplistic and is unlikely to be appropriate for all development proposals in the area, particularly in relation to impact on wildlife.
- 4.44 There is increasing reference both in the lighting design and local authority worlds to ‘Dark-Sky’ Compliance or ‘Dark-Sky’ Policy.

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<sup>7</sup> Paragraph: 002 Reference ID: 31-002-20140306      Revision date: 06 03 2014



- 4.45 Dark skies planning policies have been influenced by the activities of the International ‘Dark Sky’ Association (IDA) with regards to the avoidance of light pollution. The IDA originated in the United States in 1988 and its goals were to be effective in stopping the adverse environmental impact on dark skies by building awareness of the problem of light pollution and of the solutions. Internationally the IDA aim to educate everyone about the value and effectiveness of quality night time lighting. Part of the advice centres on the avoidance of direct illumination to the sky from luminaires and understanding of how surfaces and brightness can affect indirect or reflected light pollution to the sky. Initially led by the scientific and astronomical community, and whilst not mandatory in either the United States or internationally, the advice from the IDA has been slowly adopted within the international lighting design community as good design practice for night-time external lighting.
- 4.46 In the United Kingdom the policy has in various levels begun to filter through to local council policy. Appropriate guidance for external lighting for new development proposals is provided by the Institute of Lighting Engineers (ILE) Guidance notes for the reduction of obtrusive light, 2011<sup>8</sup>. Yatton would fall within Environmental Zone E2 with reference to Table 1 below.
- 4.47 Table 1 – Environmental Zones Surrounding Lighting Environment Examples

<b>Table 1 – Environmental Zones</b>			
<b>Zone</b>	<b>Surrounding</b>	<b>Lighting Environment</b>	<b>Examples</b>
E0	Protected	Dark	UNESCO Starlight Reserves, IDA Dark Sky Parks
E1	Natural	Intrinsically dark	National Parks, Areas of Outstanding Natural Beauty etc
E2	Rural	Low district brightness	Village or relatively dark outer suburban locations
E3	Suburban	Medium district brightness	Small town centres or suburban locations
E4	Urban	High district brightness	Town/city centres with high levels of night-time activity

- 4.48 The obtrusive light limitations for exterior lighting installations for general observers is provided in Table 2 below. For new development in Yatton, the appropriate sky glow upward light ratio of the installation (%), light intrusion into windows (lux), light intensity (candelas) pre and post curfew and the building luminance pre-curfew (candelas / m<sup>2</sup>) for Environmental Zone E2 will be relevant. The default curfew time of 23:00 hours would be reasonable.

<sup>8</sup> Guidance Notes for the Reduction of Obtrusive Light GN01:2011 Institute of Lighting Engineers

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- 4.49 Also, in general, external lighting design endeavours to ensure that:
- all night-time lighting is concentrated in the appropriate areas;
  - upward lighting is minimised;
  - light pollution is minimised; and
  - energy consumption is minimised.
- 4.50 To endeavour to provide a helpful policy solution to the draft policy which had significant public support, the policy proposed in Appendix 2 is based on the Guidance Notes for the Reduction of Obtrusive Light GN01:2011 Institute of Lighting Engineers (ILE) is recommended, if the Plan is to be taken forward to referendum.
- 4.51 Table 2 - Obtrusive Light Limitations for Exterior Lighting Installations – General Observers

**Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers**

Environmental Zone	Sky Glow ULR [Max %] <sup>(1)</sup>	Light Intrusion (into Windows) E <sub>v</sub> [lux] <sup>(2)</sup>		Luminaire Intensity I [candelas] <sup>(3)</sup>		Building Luminance Pre-curfew <sup>(4)</sup>
		Pre-curfew	Post-curfew	Pre-curfew	Post-curfew	Average, L [cd/m <sup>2</sup> ]
E0	0	0	0	0	0	0
E1	0	2	0 ( 1*)	2,500	0	0
E2	2.5	5	1	7,500	500	5
E3	5.0	10	2	10,000	1,000	10
E4	15	25	5	25,000	2,500	25

**ULR** = **Upward Light Ratio of the Installation** is the maximum permitted percentage of luminaire flux that goes directly into the sky.

**E<sub>v</sub>** = **Vertical Illuminance in Lux** - measured flat on the glazing at the centre of the window.

**I** = **Light Intensity in Candelas (cd)**

**L** = **Luminance in Candelas per Square Metre (cd/m<sup>2</sup>)**

**Curfew** = **the time after which stricter requirements (for the control of obtrusive light) will apply**; often a condition of use of lighting applied by the local planning authority. If not otherwise stated - 23.00hrs is suggested.

**\*** = **Permitted only from** Public road lighting installations

**(1) Upward Light Ratio** – Some lighting schemes will require the deliberate and careful use of upward light, e.g. ground recessed luminaires, ground mounted floodlights, festive lighting, to which these limits cannot apply. However, care should always be taken to minimise any upward waste light by the proper application of suitably directional luminaires and light controlling attachments.

## Housing Policies

**Housing Policy HP 1. A Strategic Gap will be proposed to the north of Yatton in order to maintain the distinctive identities of the separate villages of Yatton, Kenn and Kingston Seymour, and also to protect the character and setting of the northern gateway to Yatton.**

4.52 The BCS states that there are no Strategic Gap policies in the NPPF to which this policy might conform but that the provision of Strategic Gaps has its policy base within Core Strategy, Policy CS19.

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- 4.53 YNDP Policy HP 1 is said in the BCS, to conform to paragraph 109 of the NPPF by preserving the sense of place and avoidance of coalescence of Yatton with other developments to the north. It supports the re-use of land in built-up areas by encouraging development inside, rather than outside, settlement boundaries on greenfield sites.
- 4.54 Congresbury Parish Council supported the additional strategic gap to prevent coalescence of the villages of Yatton, Kenn and Kingston Seymour, noting that there is currently a designated strategic gap between Yatton and Congresbury in its relevant Regulation 16 consultation response.
- 4.55 Obliquely related to this policy, Network Rail’s Regulation 16 reply commented that it would seek the removal of the level crossing at Westmead Ryhne, which is a Public Rights of Way level crossing by way of development contributions on the grounds of public safety, as the line speed is 100mph with 136 trains per day travelling along this section of the railway. Network Rail sought the refusal of any development of land which would result in a material increase or significant change in the character of traffic using a rail crossings unless, in consultation with Network Rail, it can either be demonstrated that the safety will not be compromised, or where safety is compromised serious mitigation measures would be incorporated to prevent any increased safety risk as a requirement of any permission.
- 4.56 Objections to this draft policy were raised by Pegasus Planning on behalf of Yatton Rugby Club and by Paul Davis of Persimmon Homes Severn Valley.
- 4.57 Persimmon’s objection to Policy HP1 is that in North Somerset the principle of strategic gaps is established by Core Strategy Policy, CS19 and detailed boundaries for the identified strategic gaps are defined in the Site Allocations Plan under Policy SA9 and shown on the proposals map. On behalf of Yatton RFC, Pegasus Planning made a similar objection that the creation of a strategic gap to the north of Yatton is not in conformity with the strategic development plan for North Somerset and as such fails one of the Basic Conditions for neighbourhood plans as this is a strategic policy, the function of the Core Strategy and not the neighbourhood plan. The same comment was made forcefully by the planning officer at NSC in the Report to the Executive on 5<sup>th</sup> December 2017, although for the reason that the gap stops at the Parish boundary and not the adjacent settlement; an additional strategic gap would therefore be a matter for a review of the District Plan.
- 4.58 The inclusion of a Strategic Gap policy in the YNDP is simply not appropriate and would be likely to undermine the strategic policy objectives of the adopted Core Strategy. To that extent the YNDP could not be said to be in general conformity with the strategic policies contained in the development plan for the area of the authority, or any part of that area. This would mean that the YNDP would fail the Basic Conditions test under paragraph 8 of Schedule 4b to the Town and Country Planning Act 1990 (as amended). For this reason, I recommend that Policy HP 1 be deleted from the YNDP. If the Parish Council accepts this

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recommendation, it will be necessary to amend the submission draft YNDP by removing Figure 10: Proposed Strategic Gap to the North of Yatton and deleting all references to Policy HP 1 in the YNDP.

**Housing Policy HP 2. The currently derelict brownfield site off Mendip Road should be designated for housing. It has good transport links and is within easy walking distance of the main village amenities.**

- 4.59 The Basic Conditions Statement advises that Policy HP 2 contributes to the provision of housing in Yatton through site allocation over and above that identified in the Local Plan (Site Allocations Plan April 2018) and is supported by NPPF, paragraph 111 by allocating housing development on a brownfield site.
- 4.60 The BCS notes that the proposed development of this rectangular site fronting Mendip Road conforms with the policy advice in NPPF paragraph 47 contributing to housing delivery in the village. It would also conform to the advice in paragraph 111 to encourage the effective use of land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 4.61 As to the Core Strategy, the BCS states that Policy HP 2 conforms with Policy CS14: Distribution of new housing in the service villages where there will be opportunities for small-scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations, with priority be given to the re-use of previously developed land.
- 4.62 This housing site allocation attracted little comment consequent upon the pre-examination consultation, however Miss Brown a long term and local resident commented that adequate car parking needs to be provided for the development as well as adequate electrical power as the local infrastructure is not able to cope with the current load.
- 4.63 Anna Curvan raised concerns during the pre-examination consultation about flood risk resulting from the redevelopment of this site, despite it being extensively developed with areas of hard standing and large industrial buildings. She was concerned that the housing proposals would lead to capacity problems causing a danger of flooding not only on to the moors but also into the gardens in Lodge Close where the land is lower than the Titan Ladder site.
- 4.64 Mr Smith of the Environment Agency responded to the Regulation 16 consultation concerning Policy HP 2, seeking on redevelopment of this site , also known as the Titan Ladders site, that the policy should include appropriate flood resilience measures.
- 4.65 I am aware from the information in the public domain regarding proposals (17/P/2377/F) for the development of 37 dwellings on this site, that flood risk has been carefully considered and that there is no

objection to housing development from the Environment Agency due to flood risk. On checking the Environment Agency's online flood risk map it is apparent that there is a comparatively low risk of flooding on this site, in common with other development that has taken place along Mendip Road adjacent to this site. Core Strategy Policy CS3 supports the sequential approach to the location of development (with preference for Flood Zone 1), required by the NPPF. The site is within Flood Zone 1, with the adjoining field to the west defined as Flood Zone 3, which benefits from flood defences. On the basis of the evidence available, I do not consider that subject to appropriate flood risk mitigation measures being implemented, it would be inappropriate to allocate this previously developed site for housing based on the risk of flooding as a likely development impact on the subject site or nearby land already in residential use.

- 4.66 Mr Davis on behalf of Persimmon objected to the proposed site allocation on the grounds that there is no assessment of need above that identified in the Local Plan or of local housing need in Yatton and that there is no assessment of the suitability of the site for housing, the only justification in the Basic Conditions Statement being it conforms to Core Strategy Policy CS14 by identifying a brownfield site within the settlement boundary.
- 4.67 Being within the Settlement Boundary of Yatton, the site conforms to Policy SA 2 of the Site Allocations Plan, adopted April 2018. There is no guidance in the policy as to the indicative housing mix, density or any access or boundary treatment sought. It is simply a housing allocation, the site benefitting from good accessibility being within easy walking distance of the main village amenities.
- 4.68 As the site is in a derelict state, but otherwise within a housing area on the edge of the settlement it appears suitable for housing redevelopment although there appears to be no guidance as to the likely site conditions. I note that the site has been the subject to a planning application by Yatton Developments Ltd for a proposal comprising the demolition of existing buildings and erection of 37 no. dwellings with associated vehicular access improvements, parking, hard/soft landscape works and drainage. This planning application (Reference 17/P/2377/F) was considered by North Somerset District Council's Planning and Regulatory Committee on 14 November 2018. The Committee Report recommended planning permission be granted for this development subject to planning conditions and a planning agreement.
- 4.69 In view of the priority to be given to previously developed land for housing development in accordance with Core Strategy Policy CS14, I concur that this site should be allocated for redevelopment for housing. To assist development management, I recommend the draft policy be amended as shown in Appendix 2, if the Parish Council decides to proceed to referendum with this Plan.

**Housing Policy HP 3. Any housing designated as "affordable" should, as a condition of planning, remain as rented housing association accommodation or be part of a shared ownership scheme.**

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- 4.70 The affordable housing policy HP 3 is justified as being in accordance with national planning policy by reference to advice in paragraphs 50 and 111 of the NPPF. The policy is also said to be supported by Core Strategy policies CS15 and CS16 promoting mixed and balanced communities and affordable housing respectively.
- 4.71 This draft policy engendered objections from Persimmon and Pegasus Group.
- 4.72 Mr Davis of Persimmon objected to this policy because the approach should embrace all affordable housing tenure types, including for example low cost homes for sale. Reference to ‘affordable housing as defined in National Policy and Guidance’ in the policy would provide flexibility to include all affordable housing tenure arrangements, now and in the future. Secondly, Mr Davis complained that the policy reference to, ‘rented housing association accommodation’ is also contrary to the NPPF definition and should be amended to refer to ‘other registered providers’ as provision of affordable housing is not limited to Housing Associations. Importantly, Mr Davis drew attention to the third paragraph of Policy CS16 which states that *“The precise size and type of affordable housing to be provided on individual sites will be determined through negotiation, guided by the Strategic Housing Market Assessment, data from the housing needs register, and local housing needs surveys,”* but not by a prescriptive policy controlling affordable housing tenure in the form of draft Policy HP 3.
- 4.73 Mr Bullock of the Pegasus Group on behalf of Yatton RFC, raised concerns over the effectiveness of planning conditions to adequately enforce affordable housing planning policy stating that conditions would be neither appropriate or justified, particularly given the strategic policy content of the Core Strategy, noting that the provision of affordable housing is secured via legal agreements forming part of the planning permission. Mr Bullock also drew attention to Government housing policy and the home ownership incentives such as right to buy provided enabling Council and housing association tenants to buy their homes at discounted prices, which would conflict with the proposed restriction in HP 3.
- 4.74 I also note that the draft policy was considered unacceptable by NSC officers in preparing advice in their Report to the NSC Executive on 5th December 2017, notwithstanding that the Executive was advised that the YNDP met the criteria necessary under Schedule 4B of the 1990 Town and Country Planning Act (as amended) and could proceed to publicity and examination. The reasoning for the NSC officers’ objection to the policy was that affordable rented properties could be bought under the right-to-buy/acquire arrangements, the proceeds then used to develop another rented affordable housing unit, however, the registered provider would be under no obligation to replace the unit in the same locality. This could lead to a reduction in the stock of affordable housing available to that community.
- 4.75 NPPF paragraph 50, which provides advice on the delivery of a wide choice of high-quality homes, widening opportunities for home ownership and the creation of sustainable, inclusive and mixed communities. The

third bullet point in this paragraph, dealing with affordable housing policy, advises local planning authorities that the agreed policy approach contributing to the objective of creating mixed and balanced communities should include policies which are sufficiently flexible to take account of changing market conditions over time. By contrast, draft Policy HP 3 risks fossilising affordable housing and reducing choice in Yatton. This would run counter to national and district planning policy of providing flexibility. Whilst it is possible for neighbourhood plans to control local affordable housing provision through appropriate planning policy, the extent to which this is possible will be constrained by NPPF and adopted strategic Local Plan, or Core Strategy policies. In addition, adequate evidence as to need, to justify such policy aspirations should be demonstrated. In this instance YNDP Policy HP 3 would conflict with NPPF paragraph 50 through being too restrictive and not encompassing all forms of affordable housing available. No evidence to why in Yatton, affordable housing should be restricted to only affordable rent and shared ownership tenures has been provided in support of this policy.

- 4.76 Accordingly, and for the reasons outlined above I recommend that Policy HP 3 is not compatible with national and district wide strategic planning policy and should be deleted from the YNDP.

**Housing Policy HP 4. Urban Drainage systems are encouraged for minor development schemes. Pumped schemes for surface water drainage are strongly discouraged and will not be accepted for schemes with more than nine dwellings without full on-line back-up equipment and standby power supplies to ensure continued drainage in the event of mains failure. Furthermore, if a site and its pumped drainage are to be in multiple ownership (i.e. a series of freeholds), a long-term maintenance-funding scheme and a plan for the lifetime of the development is to be provided. The drainage scheme submission for outline applications for schemes, or parts thereof, ultimately larger than minor developments, should include:**

- a. A preliminary drainage layout drawing sufficient to demonstrate that drainage of the site is feasible;**
- b. A ground investigation report (for infiltration);**
- c. Evidence of a third party agreement for discharge to their system in principle.**

- 4.77 The BCS notes that this policy was added late in the YNDP preparation derives support from the NPPF at paragraphs 95 and 99, whilst at the local level conforms to strategic policy advice contained within Policies CS1, (climate change mitigation), CS2 (sustainable design and construction) and CS3 (Environmental impacts and flood risk management).
- 4.78 NCS in its Report to the Executive on the YNDP submission version of the Plan, supported this policy for the use of sustainable urban drainage systems but was critical of the content of the rest of the policy concerning dependency on pumped drainage as a means of controlling drainage and alleviating flood risk. In particular the officer's report highlights concern over:

- Lack of relevant evidence;



- Management of pumping stations in the event that these are not taken on by Wessex Water, giving rise for contingency arrangements to be provided;
- Need for a risk assessment to be given in the maintenance manual;
- “Infiltration” beyond the settlement boundary where the land becomes water logged in winter due to the ground conditions giving rise to a need for groundwater monitoring over several seasons on major developments;
- Areas on the out skirts or edges of Yatton are susceptible to ‘water logging’ in winter, due to ground conditions, necessitating infiltration tests and groundwater considerations; and
- Lack of viability in relation to part c) of the policy concerning the provision of third party landowner agreements allowing discharge of water over their land.

4.79 The Environment Agency’s Regulation 16 response raised objection to the policy, noting that, “...*there should be a presumption against any surface water system requiring a pumped discharge. This is not sustainable and will inevitably lead to failures at some point in the future. SuDs systems should be incorporated for all development if ground conditions are suitable*”.

4.80 Persimmon in its pre-examination consultation comments raised a number of detailed points regarding the construction of the draft policy, but overall, concluded that the policy was unnecessary because delivery of flood management infrastructure is adequately covered in Sites and Policies Plan Part 1 Development Management Policies, in Policy DM70.

4.81 In reviewing this policy, it is not clear why the YNDP only seeks to encourage sustainable urban drainage systems for developments of up to 9 dwellings. It is also not clear why the BCS indicates that the NPPF at paragraphs 95 and 99 supports this policy, as those at 100 – 104 inclusive, deal with flood risk management and mitigation. As to the Core Strategy, Policy CS 3, draft Policy HP 4 does not add to the strategic policy on flood risk management and mitigation, or indeed the development management policy guidance in North Somerset Council’s adopted Development Management Policies, Sites and Policies Plan, Part 1, Policy North Somerset Council (Policy DM70).

4.82 In conclusion, having regard to the advice in the Planning Practice Guidance, Paragraph: 061 Reference ID: 7-061-20140306, Revision date: 06 03 2014 on how neighbourhood planning should take account of flood risk and the comments made by the consultees summarised above and the general lack of justification for this policy, I recommend that it should be deleted if the Plan is to be taken forward to referendum.

### **Transport Objective**

TO 1. To make journeys to, from and within Yatton safer and more sustainable.

- 4.83 The transport objective to improve sustainability of travel and journey safety to, from and within Yatton is supported by three draft neighbourhood plan policies. I consider these below having regard to:
- national policy;
  - the extent to which these transport policies contribute towards the achievement of sustainable development; and
  - are in general conformity with the strategic policies of the development plan for the local area.

### Transport Policies

**Transport Policy TP 1. New housing developments should contribute to the aim of making travel along Yatton High Street safer for all users.**

- 4.84 The BCS explains that the three transport policies in the YNDP are supported by NPPF paragraphs 29- 30 in the NPPF. Regarding the strategic policies in the Core Strategy, the BCS advises that Policy TP 1 conforms to Policy CS10 (Transportation and movement) and Policy CS 11 (Parking).
- 4.85 I note that in the Report to the Executive, the North Somerset Council planning officers made no further comment on the draft transport policies in their report or the accompanying appendix.
- 4.86 This policy is supported by Faith Moulin in her Regulation 16 consultation reply, although expresses some disappointment that more sustainable modes of transport are not explicitly supported.
- 4.87 General support for all traffic policies in the YNDP was provided by Congresbury Parish Council which supports any improvements that mitigate the impact of through traffic in Yatton would have a positive impact on the traffic in Congresbury and would improve the safety of residents and visitors using the B3133, which corresponds to Yatton High Street.
- 4.88 Mrs Craske’s pre-submission comments concerning the three transport policies are described variously as a “cop-out”, missed opportunity, ineffectual and lacking in substance. Mrs Craske notes that the means of achieving a safer environment for movement within Yatton are not considered in the Plan. She suggests a monitored 20 mph speed restriction would offer the prospect of enhanced safety along Yatton High Street and possible weight restrictions to discourage heavy goods vehicle traffic. Whilst commenting that a by-pass is needed, Mrs Craske’s suggested traffic calming measures, including car parking improvements that might reduce congestion, improve visibility for all users of the High Street thereby assisting traffic movement and enhancing safety, would appear reasonable and deliverable. However, to be funded by new housing development, as the Policy implies, a clear nexus would need to be established between likely traffic impact caused by vehicle movements associated with and proportional to traffic generated by new housing development in Yatton.

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- 4.89 Mr Cumming, whilst not supporting a by-pass, (which is not proposed by the YNDP) similarly supports the introduction of a 20-mph zone through the village, together with other possible measures such as footway widening. Juley Howard also supports a 20-mph zone through the village and suggests the establishment of a permanent road safety group, noting that there have been two fatalities due to road traffic accidents within a period of 11 years in the village.
- 4.90 During my inspection of the village on Tuesday 12th June I was aware of significant traffic flow on the B3133 in both directions. Traffic congestion and safety are plainly existing issues on Yatton High Street and would appear to need intervention to remediate those existing problems. Policy TP 1 could assist in improving traffic safety based on overcoming planning harm related to housing development, but given the local appreciation of the problem and what appear to be practical and relatively low cost solutions suggested, it is unfortunate in the preparation of the YNDP that these and other measures have not been tested by highway consultants, if only on a preliminary basis to bring identify measures to which development proposals might be expected to contribute.
- 4.91 Also, it is not clear why contributions for traffic safety improvements should be limited solely to residential development in Yatton as it would appear likely that all forms of land use development within the YNDP designated area are likely to have some interaction with the village and cause some traffic impact on Yatton High Street. A more equitable requirement would appear to be a policy requiring all development likely to cause a significant traffic impact on the High Street should be subject to a traffic impact assessment with a view to making proportionate financial contributions towards traffic mitigation and safety measures. Without specifying what these might be and thereby being in a position to calculate the cost of provision, it would not be possible to assess a fair contribution or tariff associated with development proposals.
- 4.92 It is also unclear that in order to make travel along Yatton High Street safer for all users, why more sustainable modes of transport, as encouraged in the NPPF, (paragraph 30) are not mentioned in this policy but separated out to draft Policy TP 2.
- 4.93 Finally, the justification for the policy appears somewhat confused. The BCS states that, “Our policy supports this Core Strategy aim by emphasising the need for safe routes through and within the village.” This policy justification suggests that the policy objective is wider than simply focusing on securing traffic improvements on the High Street. A widening of the policy to include other routes within the village would fit better with the YNDP transport policy objective TO 1: To make journeys to, from and within Yatton safer and more sustainable.
- 4.94 In conclusion, whilst well intentioned, this draft policy is too vague to offer any land use development management advantage over and above the adopted Core Strategy and Development Management policies for the area. There is no clarity as to what improvements might be sought, the level of contributions that might be expected and why these should be restricted to residential development rather than the impacts

from a wider range of land uses causing an adverse impact on Yatton High Street. For these reasons I recommend that Policy TP 1, should be deleted if the YNDP is to proceed to referendum.

**Transport Policy TP 2. Acceptable plans and designs of any new infrastructure, community facility, development, or traffic management scheme in Yatton will:**

- a. Include measures for pedestrians and cyclists that offer positive provision that reduces delay, diversion and danger;**
- b. Ensure permeability and future-proofing, to maximise the ability of residents to use convenient and attractive pedestrian and bicycle routes through the village.**

- 4.95 As indicated concerning YNDP Policy TP 1, the BCS notes that the three transport policies in the Plan are supported by NPPF paragraphs 29 - 30 in the NPPF. Regarding the strategic policies in the Core Strategy, the BCS advises that Policy TP 2 conforms to Policies CS1: Addressing climate change and carbon reduction and CS10 (Transportation and movement).
- 4.96 Transport Policy TP 2 is supported by Faith Moulin in her Regulation 16 consultation reply. Her comment that cycling and walking should be encouraged within the village, would be met to the extent that this policy supports these modes of movement associated with development.
- 4.97 As previously noted, general support for all traffic policies in the YNDP is provided by Congresbury Parish Council, which supports any improvements that mitigate the impact of through traffic in Yatton which would have a positive impact on the traffic in Congresbury and which would improve safety for users of the B3133 (Yatton High Street).
- 4.98 In the light of the consultation comments and national and strategic local transport planning policy advice in the Core Strategy, I recommend that Policy TP 2 be amended as set out in Appendix 2 if the Parish Council decides to proceed to referendum with this Plan.

**Transport Policy TP 3**

**Policy Design and highways proposals that mitigate the impact of through traffic will be supported. Proposals may include:**

- a. Use of on-street parking as a traffic calming measure for through traffic where appropriate;**
- b. Street design that discourages parking that would obstruct the passage of those on foot or bicycle, or public transport and service vehicles.**

- 4.99 The third transport policy seeks to mitigate the impact of through traffic in Yatton. The Basic Conditions Statement indicates that support for this policy is compliant with and supported by paragraphs 29 and 30 of the NPPF and by Core Strategy Policies CS10: Transportation and movement, and CS 11: Parking.

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- 4.100 Comments from the pre-submission consultation from Congresbury Parish Council again supported the policy in common with TP 1 and TP 2. Mr Cumming supported measures for traffic calming generally. Other consultees raised concerns including Mrs Craske who opined that all transport policies represented a lost opportunity and the policies were ineffectual and lacking in substance, whilst Mr Pittman acerbically observed that the aim of Policy TP3 of “reducing delay” to traffic in Yatton High St but using “on street parking as a traffic calming measure” would work against each other.
- 4.101 Also of relevance, but not addressed in the BCS, the advice in NPPF at paragraph 35 advises that development should create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establish home zones. The advice includes consideration of the needs of people with disabilities by all modes of transport. Paragraph 36 of the NPPF points to the use of Travel Plans to facilitate these considerations.
- 4.102 Turning to the Core Strategy policies, YNDP Policy TP 3 is not compliant with the criteria set out for transport schemes in Policy CS10 which aims to:
- improve road and personal safety and environmental conditions;
  - mitigate against increased traffic congestion;
  - enhance the facilities for pedestrians, including those with reduced mobility, and other users such as cyclists;
- 4.103 As to CS Policy 11, this aims to ensure a balance between good urban design, highway safety, residential amenity and promoting town centre attractiveness and vitality. In particular, in achieving that balance, new developments must seek to maximise off street provision whilst assessing where on-street provision may be appropriate, ensure that the road network is safe for all users.
- 4.104 It is not at all clear to me that the approach and direction of Policy TP 3 would lead to the creation of safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians. Indeed, the consequences are likely to be the reverse of those intended and a disincentive to walking and cycling in the village. This policy appears to have been poorly prepared and not supported by either the NPPF or Core Strategy notwithstanding the claims in the Basic Conditions Statement.
- 4.105 In the light of these conclusions, I am of the opinion that Policy TP 3 would not promote the objective of achieving sustainable development. Therefore, if the YNDP is to be taken forward to referendum, I recommend that Policy TP 3 should be deleted.

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## Summary

- 5.0 I set out the summary of my findings below.
- 5.1 In accordance with the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 5, I am satisfied that the submission plan proposal is not a 'repeat' proposal (i.e. the District Council has not refused a submission under paragraph 12 or Section 61E and it has not failed a referendum).
- 5.2 I am satisfied that Yatton Parish Council is the body who submitted the Plan and is a qualifying body for the purposes of making a neighbourhood development plan. The Designation of Yatton Neighbourhood Area was approved in accordance with the Neighbourhood Planning (General) Regulations 2012 and with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. It was formally designated by North Somerset Council on 24 April 2015.
- 5.3 Concerning the requirement to comply with the requirements of the Town and Country Planning Act, 1990 Schedule 4B, Paragraph 6 (2) (c) and the Neighbourhood Planning (General) Regulations (as amended) – Regulation 15, I confirm that North Somerset Council has submitted the following in a satisfactory form:
- (i) A map identifying the area to which the Plan relates;
  - (ii) A consultation statement (which contains details of those consulted, how they were consulted, summarises the main issues or concerns raised and how these have been considered and where relevant addressed in the proposed neighbourhood development plan under Regulation 15 (2) (a));
  - (iii) The proposed neighbourhood development plan; and
  - (iv) A statement explaining how the neighbourhood development plan meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;
- 5.4 As to public consultation, the process and management of the community consultation has been satisfactory following re-consultation in autumn 2018 and I am confident that the revised Consultation Statement outlining the terms of reference and actions of North Somerset Council, the supporting survey evidence, consultation correspondence and feedback leading to the formulation of draft policies and subsequent pre-submission and submission plan consultation on the Plan policies adequately fulfils Section 15 (2) of Part 5 of the Neighbourhood Planning Regulations 2012 and Section 16 of these Regulation in relation to publicising the consultation opportunities during the preparation of the YNDP.
- 5.5 The Plan has been examined against national and adopted planning policy of North Somerset Council. A revised Basic Conditions Statement in a satisfactory form has been prepared which meets the 'Basic Conditions' requirements of paragraph 8 (2) of Schedule 4b to the 1990 Act;

- 5.6 The YNDP meets the definition of a ‘Neighbourhood Development Plan’ in that it sets out policies in relation to the development and use of land in the neighbourhood area and therefore complies with the requirement of the Planning and Compulsory Purchase Act 2005, Section 38A (2).
- 5.7 The ‘Neighbourhood Development Plan’ (as defined under Section 38A), specifies the time period for which it is to have effect in section in its title, covering the period 2017 to 2026, thereby satisfying the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (a).
- 5.8 I confirm that the YNDP does not include any policies relating to excluded development, including minerals, waste or nationally significant infrastructure projects, as defined s61K of the Town & Country Planning Act 1990 (as amended). Thus, the requirement of the Planning and Compulsory Purchase Act 2005, Section 38B (1) (b) is also satisfied.
- 5.9 As required by the Planning and Compulsory Purchase Act 2005, Section 38B (1) (c), I am also satisfied that the YNDP does not relate to more than one neighbourhood area and that there is no other Neighbourhood Development Plan in place within this designated neighbourhood plan area.

## EU OBLIGATIONS

### Strategic Environmental assessment and Habitat Regulations Assessment

- 5.10 In 2017, North Somerset Council undertook a screening exercise to establish if a Habitat Regulation Assessment or Strategic Environmental Assessment is required to meet any environmental concerns arising from the Neighbourhood Plan.
- 5.11 Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan which in this case is taken to be the North Somerset Core Strategy. The Core Strategy was subject to a full Sustainability Appraisal which included a SEA assessment. This ensured that there were no likely significant effects which would be produced from the implementation of the Core Strategy and if so ensured mitigation measures were in place. The Council considered in 2017 that there is general conformity between the Yatton Neighbourhood Plan and the Core Strategy and that there are no significant changes introduced by the Yatton Plan. As such it may be concluded that the implementation of the Yatton Neighbourhood Plan would not result in any likely significant effects upon the environment and therefore no need for SEA.
- 5.12 The resultant report dated November 2017, has been subject to consultation with Historic England, Natural England and the Environmental Agency. All of the statutory authorities concurred with the Council that a HRA or SEA is not required. The prescribed conditions are therefore met in that the ‘making’ of this Neighbourhood Plan is not considered likely to have any significant effect on a European site (as defined in

the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects).

#### Compatibility with human rights requirements

- 5.13 The Basic Conditions Statement confirms that the Neighbourhood Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights. The Neighbourhood Plan has been prepared with appropriate input from the community and stakeholders. Throughout the preparation and drafting of this Plan the views of the community were sought to avoid any unintentional negative impacts on particular groups.
- 5.14 The YNDP does not conflict with human rights as set out in the European Convention on Human Rights, or the Human Rights Act 1998, having regard to the draft policies and suggested amendments, as a consequence of this examination. I am of the opinion that there are unlikely to be any prejudicial effects on Human Rights and the related Equality Act 2010 if the Plan were to be made in accordance with my recommendations in this examination report.

## Conclusions and Recommendations

- 6.0 I conclude that the YNDP policies, subject to my recommended alterations as set out in this examination report, will contribute to the attainment of sustainable development within the Designated Area comprising the settlement of Yatton. I also conclude that, subject to the recommendations in this report being accepted, the Plan would meet the basic conditions as defined in the Localism Act 2011, Schedule 10 and Schedule 4B, 8 (2) of the Town and Country Planning Act 1990.
- 6.1 I am satisfied that subject to the recommended policy revisions being accepted, that the draft YNDP has given adequate regard to the policies in the National Planning Policy Framework (NPPF 2012) and other relevant national planning guidance and would be in conformity with the strategic policies of the North Somerset Council in the adopted Core Strategy which was approved on 10th January 2017 and sets out a spatial strategy comprising the broad long-term vision, objectives and strategic planning policies for North Somerset up to 2026.
- 6.2 If the recommended changes to the YNDP policies are accepted, I believe that the Plan will make a positive contribution to sustainable development, promoting economic growth, supporting social wellbeing, whilst



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conserving the natural and historic environment within the designated area and meet the neighbourhood planning, “basic conditions” in terms of:

- having appropriate regard to national planning policy;
- contributing to the achievement of sustainable development;
- being in general conformity with the strategic policies in the development plans for the local area;
- being compatible with human rights requirements; and
- being compatible with European Union obligations.

6.3 I therefore recommend that in accordance with Schedule 4B to the Town and Country Planning Act 1990, paragraph 10 (2), b) that the modifications specified in this examination report are made to the draft YNDP and that the Plan as modified is submitted to a referendum.

#### Referendum Area

6.4 It is the independent examiner’s role to consider the referendum area appropriate if the Qualifying Body wishes to proceed to the referendum stage. In the event that the Town Council wishes to proceed to a referendum with this Plan, I consider that the referendum area should extend to those persons entitled to vote resident in the Designated Plan Area.

**Jeremy Edge BSc FRICS MRTPI**  
**18<sup>th</sup> January 2019**

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## Appendix 1

### Background Documents

In examining the YNDP I have had regard to the following documents:

1. Town and Country Planning Act 1990 (as amended)
2. The Planning and Compulsory Purchase Act 2004 (as amended)
3. Planning (Listed Buildings and Conservation Areas) Act 1990
4. The Community Infrastructure Levy Regulations 2010
5. Localism Act 2011
6. Neighbourhood Planning (General) Regulations 2012
7. National Planning Policy Framework 2012
8. Planning practice guidance - GOV.UK <https://www.gov.uk/government/collections/planning-practice-guidance> Ministry of Housing, Communities & Local Government
9. Yatton Neighbourhood Plan designated area
10. Yatton Neighbourhood Development Plan (Submission Version) for the Period 2017-2026
11. Yatton Neighbourhood Development Plan for the Period 2017-2026: Basic Conditions Statement – July 2017
12. Yatton Neighbourhood Development Plan for the Period 2017-2026: Statement of Community Involvement
13. Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA) Screening Report, Yatton Neighbourhood Plan, November 2017
14. North Somerset Core Strategy, re-adopted 10 January 2017
15. North Somerset Council Development Management Policies, Sites and Policies Plan Part 1, Adopted July 2016
16. North Somerset Council Site Allocations Plan, Sites and Policies Plan, Part 2, April 2018
17. Congresbury Neighbourhood Development Plan 2018-2036
18. Institute of Lighting Engineers (ILE) Guidance notes for the reduction of obtrusive light, GN01:2011

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## Appendix 2

### Recommended Revised Policies

#### **POLICY BP 1**

**Development proposals which are considered likely to have significant transport impacts on footways, bicycle routes and car and bicycle parking capacity in Yatton will be supported, where accompanied by a Transport Assessment (TA). The scope and nature of the assessment should reflect the scale of the development and the extent of the transport implications of the proposal but would be expected to provide information on the following:**

- **baseline conditions in Yatton including a description and analysis of existing transport conditions;**
- **a description of the proposals and their expected transportation impacts, including trip generation by all transport modes in Yatton village centre, comprising the central part of the High Street from Cherry Grove to Well Lane;**
- **proposed servicing and parking arrangements cross referenced to the application drawings;**
- **a parking survey to detail existing parking conditions and an assessment of the potential in Yatton village centre;**
- **an assessment of the net impacts of the proposal on the transport network and where appropriate the measures proposed to mitigate the transportation impacts of the development on footways, bicycle routes and car and bicycle parking capacity within Yatton; and where appropriate,**
- **a Travel Plan which outlines the measures to increase the use of sustainable transport modes to reduce car-based travel from the site to Yatton village centre.**

#### **POLICY BP 2**

**Development proposals will be supported which contribute to the clear definition of the central part of the High Street from Cherry Grove to Well Lane through their contribution to local distinctiveness. This will be through use of appropriate**

- **architectural design features, materials and landscaping; or**
- **measures which respond to local character and history; and where appropriate**
- **promote convenient crossing points to enhance pedestrian safety and encourage pedestrian use of this section of Yatton High Street as a social space where people meet, shop, transact business and spend time.**

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**Environment Policy EP 1. Development proposals which contribute to improved access from residential areas of Yatton to local public footpaths will be supported.**

**Environment Policy EP 2. The Gang Wall ancient flood defence and path is designated as Local Green Space as identified on Figure 6 in the Plan and is accorded special protection from development other than in very special circumstances.**

**Environment Policy EP 3. Development proposals incorporating amenity areas for planting with appropriate indigenous trees, where appropriate, will be supported.**

**Environment Policy EP 4. Development proposals which are subject to development control and incorporating external lighting designed to conform to The Institute of Lighting Engineers (ILE) Guidance notes for the reduction of obtrusive light, 2011 for Environmental Zone E2, will be supported.**

**External lighting for new development will normally be expected to demonstrate that:**

- all night-time lighting is concentrated in appropriate areas;
- upward lighting is minimised;
- light pollution is minimised; and
- energy consumption is minimised.

**Housing Policy HP 1 – deletion recommended**

**Housing Policy HP 2. The brownfield site at 191-201 Mendip Rd, Yatton is allocated for residential redevelopment. Development proposals for residential redevelopment, subject to appropriate flood risk mitigation measures will be supported.**

**Housing Policy HP 3 – deletion recommended**

**Housing Policy HP 4 – deletion recommended**

**Transport Policy TP 1– deletion recommended**

**Transport Policy TP 2. Development proposals which:**

- a. **Include measures for pedestrians and cyclists to enhance traffic safety; and**

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**b. encourage walking and cycling through well designed pedestrian and bicycle routes through the village; will be supported.**

**Transport Policy TP 3– deletion recommended**