

Congresbury Neighbourhood Development Plan

Examiner's Clarification Note

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

Initial Comments

The Plan provides a clear and distinctive vision for the neighbourhood area. In particular it addresses a series of important issues in a positive and effective fashion.

The layout and presentation of the Plan is good. The various maps add to its depth and interest. The differences between the policies and the supporting text is very clear. The combination of text, charts and maps maintains the interest of the reader throughout the document.

Points for Clarification

I have read the submitted documents and the representations made to the Plan and have visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. The comments made on the points in this Note will be used to assist in the preparation of my report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan:

Policy H1

How does c) relate to Core Strategy policy CS32 and its paragraph 4.85?

Is e) necessary in this policy when it is addressed (and cross-referenced in the submitted policy) in EH2?

In f) on what basis has the figure of 150 dwellings been reached? The text on page 15 largely provides the same information without providing further detail.

What is meant by section g) of the policy? As I read this part of the policy it suggests that higher densities will be allowed closer to the village centre than elsewhere. Is this interpretation correct?

Policy H2

Part a) appears to conflict with Core Strategy Policy CS32 and paragraph 4.85. In addition, what is the significance of the 25-dwelling limit on any site within the settlement boundary?

In b) how does the threshold of 5 dwellings relate to national policy and the contents of Core Strategy Policy CS16?

In section b) on what basis is a higher figure of affordable housing applied than that in Core Strategy CS16? Is there evidence to support such an approach?

Sections d) and e) are written as ambitions and 'encouragements' to certain types of development. I am minded to recommend modifications to that the two sections become supportive policies? Does the Parish Council have any comments on this proposition?

Policy H3

Are the sites allocated in the Plan? The language used is 'potential' housing site allocations. This suggests uncertainty. In any event are the sites deliverable?

Site A – is access from Station Close possible in technical and ownership matters?

Site B – is access onto Station Road possible given the proximity of the pedestrian/cycle crossing to the former access into the station site?

Site D – is access onto the B3133 technical possible given the convex nature of the road alignment? Would any redesign work to the Smallway junction (presumably with the A370) affect the viability of the proposal?

The sites are identifiable on Map 3. However, they do not provide clarity for development management purposes. Could the sites be shown separately on A4 or A5 plans?

Policy H4

What is the size of the site? At first glance it appears that it would be able to accommodate more than 10 dwellings

Is access into the site possible in safety and ownership terms?

Which part of the site is the lower part of the site?

Is the second part of the policy (on allocations) policy or supporting text?

Policies T1/T2/T3/F1

These policies are more about wider improvements to infrastructure and the use of CIL/Section 106 funding than policies. I am minded to recommend that they become non-land use policies/community actions. Does the Parish Council have any comments on this proposition?

Policy F2

This is a very good policy.

Policy EH1

This policy reads more as an ambition for action and further work rather than as a land use policy. I am minded to recommend that it becomes a community action? Does the Parish Council have any comments on this proposition?

Policy EH2

I saw the sensitivity of the landscape when I visited the neighbourhood area. However, is this policy needed beyond normal countryside policies? What certainty, if any, exists for the garden village development at Churchill/Langford?

Policy EH3

I can see that the justification refers to the NPPF criteria. Has any detailed work been undertaken to assess the three proposed sites against the three criteria?

Is a) The Gang Wall the same structure that was identified as Local Green Space in the Yatton NDP? Does the Gang Wall form the boundary between the two parishes?

Has the extent of the King George V Local Green Space been specifically defined to exclude the area identified for the potential community/sports pavilion?

The policy identifies the three proposed local green spaces. However, it does not apply a policy approach to the defined areas. To remedy this issue and to provide the clarity for the development management process, I am minded to recommend a modification that applies the matter of fact approach to such designated areas in paragraphs 76 and 78 of the NPPF. Does the Parish Council have any comments on this proposition?

Policy EH5

The first part of the policy reads as an ambition. I am minded to recommend that it becomes a community action? Does the Parish Council have any comments on this proposition?

Policy E1

In part a) on what basis are potential alternative residential uses highlighted? Should this part of the policy take account of permitted development rights?

In part b) I suggest that the policy is clarified so that it applies only insofar as planning permission is required. In most cases such permission will not be needed. In part c) I suggest that 'support' replaces 'encourages'. Does the Parish Council have any comments?

What is meant by parts d/e? In particular is the Plan identifying them as employment sites?

Map 9 – has no key. What does it show? In the event that the Plan proposes the identification of the sites in d/e where are they located?

Representations

Does the Parish Council have any comments on the various representations made to the Plan?

Protocol for responses

I would be grateful for comments from the Parish Council by 10 May 2019. North Somerset Council may be able to assist in answering the second question on Policy EH2. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please could it all come to me directly from North Somerset Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Congresbury Neighbourhood Development Plan.

24 April 2019