

Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan 2020-2026

**A report to North Somerset Council on the Abbots
Leigh, Ham Green, Pill and Easton-in-Gordano
Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by North Somerset Council in March 2021 to carry out the independent examination of the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 6 April 2021.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on two specific issues. The first is the Plan's identification of four Improvement Areas. The second is safeguarding its attractive and distinctive character and ensuring that any new development takes account of this character.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
14 May 2021

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan 2020-2026 (the Plan).
- 1.2 The Plan has been submitted to North Somerset Council (NSC) by Pill and Easton-in-Gordano Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the existing development plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity and support specific housing types.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by NSC, with the consent of the two parish councils, to conduct the examination of the Plan and to prepare this report. I am independent of both NSC and the parish councils. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Section 8 of this report.

Other examination matters

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 Having addressed the matters identified in paragraph 2.6 of this report I am satisfied that all of the points have been met.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement
- the NSC SEA/HRA Screening report.
- the seven background documents.
- the representations made to the Plan.
- the parish councils' responses to the clarification note.
- the adopted North Somerset Core Strategy.
- the adopted North Somerset Site Allocations Plan.
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 6 April 2021. I observed the social distancing arrangements in place at that time. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I concluded that the Plan could be examined by way of written representations. I was assisted in this process by the comprehensive nature of many of the representations.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the parish councils have prepared a Consultation Statement which is proportionate to the Plan area and its policies.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (April to May 2020). It provides the details of the responses to the pre-submission Plan in Table 1. This contributes significantly to the legibility of the relevant information and the wider analysis helps to describe how the Plan has progressed to its submission stage.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It includes details about:
- the preparation of a dedicated website;
 - the use of the two monthly local newsletters to share information on the Plan;
 - an extensive series of meetings (as listed in Section 6 of the Statement);
 - an extensive series of one-to-one meetings (as listed in Section 6 of the Statement);
 - the meetings with landowners;
 - the organisation of workshops; and
 - the organisation of a series of exhibitions (as listed in Section 9 of the Statement)
- 4.5 The appendix of the Statement sets out a summary of the community publicity and surveys. It demonstrates the thorough way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. It also gives a degree of local flavour and distinctiveness to the Statement. This analysis helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by North Somerset Council. It ended on 15 March 2021. This exercise generated representations from the following organisations:
- Abbots Leigh Civic Society
 - Abbots Leigh Parish Council
 - Baywood Developments Limited

- Brinkgreen Limited
- British Horse Society
- Pill and Easton-in-Gordano Parish Council
- Clevedon Town Council
- CLH Pipeline Systems
- The Coal Authority
- First Crockerne Pill Guides
- Treasure Homes Limited
- Persimmon Homes
- Pill Youth Club
- Ham Green Residents
- Highways England
- Forestry Commission
- Stokes Morgan Planning Limited
- L&Q Estates
- National Grid
- Environment Agency
- Natural England
- Pill and District Community Land Trust
- Sport England
- Trustees of Captain Wills

- 4.7 Representations were also received from 111 local residents. Several offered support for the wider Plan. Others made specific objections to the proposals for affordable housing as set out in Policy HO2.
- 4.8 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parishes of Abbots Leigh and Pill and Easton-in-Gordano. Its population in 2011 was 5627 persons living in 2446 households. It was designated as a neighbourhood area on 25 August 2016.
- 5.2 The neighbourhood area is irregular in shape. Its eastern boundary is the River Avon. The M5 runs through its northern part and marks a clear distinction between the commercial area (based on the Royal Portbury Docks) to the north and the residential communities to the south. The A369 (Portishead to Bristol) provides the principal road access within the neighbourhood area and provides separate access to the individual communities. Pill is located around its historic harbour on the River Avon. Ham Green and Easton-in-Gordano are located to its immediate east and west respectively. Abbots Leigh sits in open countryside to the south of Pill. The neighbourhood area is heavily influenced by the Green Belt. The whole of the parish of Abbots Leigh and the more recent St. Katherine's Park estate at Ham Green lie within the Green Belt. The built areas of Pill & Easton-in-Gordano are surrounded by Green Belt, as is Royal Portbury Dock.
- 5.3 Pill is the largest settlement in the neighbourhood area. Its history and building traditions are heavily-influenced by its former role as a port alongside the River Avon. Its street pattern is focused around the historic harbour. Its traditional village centre is based around the junction of Station Road and New Road. This part of the village is also affected by the former railway line (and which having already been opened to freight traffic to the Port is now anticipated to be re-opened for passenger traffic from Portishead to Bristol in 2023). The commercial and community centre of the village is now based on and around the Pill Precinct off Heywood Road. The village enjoys attractive open space between Underbanks and Watch House Road as they surround the harbour. This open space leads onto Marine Parade which provides attractive views of the River Avon.

Development Plan Context

- 5.4 The Plan has been prepared within its wider planning policy context. The North Somerset Core Strategy was adopted in January 2017. It sets out the basis for future development in the North Somerset area up to 2026. It adopts a hierarchical approach to secure the development of at least 20985 dwellings. Policy CS14 identifies Weston-super-Mare as the focus for this new development. Thereafter other significant development is to be provided in Clevedon, Nailsea and Portishead and to a series of service villages.
- 5.5 Pill/Easton -in-Gordano is identified as one of a series of service villages in Policy CS32 of the Core Strategy. In service villages new development within or adjoining settlement boundaries which enhances the overall sustainability of the settlement will

be supported subject to a series of criteria. The following other policies in the Core Strategy affect the submitted Plan:

- CS3 Environmental Impact and Flood Risk Management
- CS6 North Somerset's Green Belt
- CS16 Affordable Housing
- CS27 Sport, Recreation and Community facilities
- CS34 Infrastructure Delivery and Development Contributions

- 5.6 The Sites and Policies Plan (Part 1- Development Management Policies) includes a wide range of other more detailed policies. The Basic Conditions Statement helpfully captures these against its various policies. In summary, the following policies have been particularly important in underpinning neighbourhood plan policies:

- DM8 Nature Conservation
- DM28 Parking Standards
- DM32 High Quality Design and Place Making
- DM38 Extensions to dwellings
- DM68 Protection of sporting, cultural and community facilities

Policy SA5 of the Sites and Policies Plan (Part 2) designates a range of Local Green Spaces throughout North Somerset, including some in the neighbourhood area.

- 5.7 The submitted Plan has been prepared within its wider adopted development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing planning policy documents in the District. This is good practice and reflects key elements in Planning Practice Guidance on this matter. It is clear that the submitted Plan seeks to add value to the different components of the development plan and to give a local dimension to the delivery of its policies. This is captured in the Basic Conditions Statement.
- 5.8 The submitted Plan comments about the emerging North Somerset Local Plan. Initial consultation on that Plan ('Choices for the Future') took place in November and December 2020. However, that Plan is at a very early stage and it would be impracticable to give it any weight for the purposes of examining this neighbourhood plan. In any event the basic conditions test is against the strategic policies in the adopted development plan.

Visit to the neighbourhood area

- 5.9 I visited the neighbourhood area on 6 April 2021. I approached it from the M5 and the A369. This helped me to understand its position in the wider landscape in general and its accessibility to the strategic road network in particular.
- 5.10 I drove initially to Abbots Leigh and parked by the Holy Trinity Church. I saw the prominent position of the Church in the wider landscape and the extensive views of the M5 and South Wales to the north. I saw the attractive and very popular Old School
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Field as I walked to the east to the end of Church Road. I then retraced my steps and walked back to the A369. In doing so I saw an attractive range of buildings of different designs and ages. I saw the prominence of the Village Hall at the junction of Church Road and the A369. I crossed the main road and walked along Manor Road up to the Manor Nursing Home. In doing so I saw The Priory and its attractive orangery.

- 5.11 I then drove to Ham Green. I looked at the combination of residential and commercial properties off Macrae Road. I looked in detail at the two proposed housing allocations in the Plan (HO1 – land at Orchard View, and HO2 – land at Chapel Pill Lane). In both cases I looked carefully at their relationship with surrounding land uses. In the case of HO2 I looked at its topography, the opportunities for access and its relationship with Chapel Pill Lane.
- 5.12 I then walked into Pill. I looked initially at the Pill Precinct. I appreciated the historic and the current-day maps within the precinct. I saw the way in which it was the obvious heart of the community. I also saw the way in which the shops and other facilities were responding well and appropriately to the Covid situation. I then walked along Mount Pleasant. I saw the work which was taking place on the railway viaduct, the Owls of Pill commemorative stone and the American monument.
- 5.13 I then looked at the area around the Harbour. It reinforced Pill's former significance as a maritime community. I saw the very impressive Pill Village Viper which at that time had extended to approximately 100 metres in length. I walked along Marine Parade and enjoyed the excellent views (both to the north-west and to the south-east) of the River Avon.
- 5.14 I walked up Back Lane into the traditional village centre. I saw the tight-knit arrangement of the buildings and their historic relationship with the Harbour. I also saw the way in which the railway had influenced the layout and the appearance of the village centre. This part of the visit allowed me to understand better the way in which the Plan was grappling with the issues arising from the re-opening of the railway line in general, and the Pill station in particular.
- 5.15 I then walked along Station Road/Lodway to Easton-in-Gordano. The character and nature of the buildings changed as I left the historic core of Pill to the east. I saw The Old Brewery, Pill Clinic and the Heywood Surgery. Once I arrived in Easton-in-Gordano, I saw that its character was more open and rural than that of Pill. I walked across the football pitch to St George's Church. I saw its well-maintained grounds and the attractive granite Celtic cross war memorial. I then walked along Church Road. In doing so I saw its attractive stone cottages.
- 5.16 I then looked at the part of the neighbourhood area to the immediate north of the M5. I saw that it had a very commercial focus including the various areas of car storage. The importance of its strategic accessibility to the M5 was self-evident.

6 The Neighbourhood Plan and the Basic Conditions

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is an informative document.
- 6.2 As part of this process I must consider whether the submitted Plan meets the basic conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I assess the Plan against the basic conditions under the following headings.

National Planning Policies and Guidance

- 6.3 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework 2019 (NPPF).
- 6.4 The NPPF sets out a range of land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan:
- a plan led system - in this case the relationship between the neighbourhood plan, the adopted North Somerset Core Strategy and the Site Allocations Plan Parts 1 and 2;
 - building a strong, competitive economy;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - taking account of the different roles and characters of different areas;
 - highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
 - conserving heritage assets in a manner appropriate to their significance.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic

needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.
- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance subject to the recommended modifications in this report. It sets out a positive vision for the future of the neighbourhood area. It includes a series of policies that address a range of housing, commercial and community matters. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This was reinforced with the publication of Planning Practice Guidance in March 2014. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for residential development (Policies HO1 and HO2), employment development (Policies Emp 1-7) and to support proposals which would enhance the Pill Precinct (Policy CAF2). In the social role, it includes policies on green spaces and sport and recreation uses (Policies CAF1 and CAF3). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has a policy on wildlife (Policy Env2), on the Green Belt (Policy Env1) and on a series of climate change and sustainability matters (Policies CC1 to CC7)). This assessment overlaps with the details on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider North Somerset area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, NSC undertook a screening exercise in October 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. This exercise superseded the earlier assessment undertaken in July 2020. The report is thorough and well-constructed. It includes the responses of the statutory consultation bodies. As a result of this process NSC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.14 NSC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. Tables 3 and 4 and the various appendices are particularly impressive and helpful. In particular the wider report assesses the likely effects of the implementation of the policies in the Plan on the following protected sites (both within and in close proximity to the neighbourhood area):
- Severn Estuary Site (various designations);
 - Avon Gorge Woodlands SAC; and
 - North Somerset and Mendip Bat SAC (consultation zones).
- 6.15 The HRA concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.16 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.17 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on

Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.18 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the parish councils have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. The Plan also includes a series of non-land use Community Actions.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Community Actions are considered after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.
- The initial parts of the Plan (Sections 1 to 4)*
- 7.8 The Plan as a whole is very well-organised. It includes several helpful photographs. It makes an appropriate distinction between the policies and their supporting text. It makes excellent use of colour in its presentation. The initial elements of the Plan set the scene for the policies. They are proportionate to the neighbourhood area and the subsequent policies.
- 7.9 The Introduction sets the scene for the remainder of the Plan. It comments about the way in which the Plan was prepared and how it is structured.
- 7.10 The second section of the Plan comments about the strategic planning context within which it has been prepared. It draws particular attention to the current development plan and the emerging North Somerset Plan. In doing so it clarifies that the Plan period will run to 2026.
- 7.11 Section 3 provides information about the neighbourhood area and its history. It includes a very effective map of the defined neighbourhood area (Map 1).

7.12 Section 4 sets out the vision and the objectives for the Plan. It makes a strong functional relationship between three identified principles, the suite of background papers and the objectives. The representation of this relationship on page 8 of the Plan is very impressive.

7.13 A key feature of the Plan is the way in which it identifies four Improvement Areas. In their different ways the work underpinning this part of the Plan feeds into relevant policies. The Improvement Areas are as follows:

Improvement Area 1: Orchard View – the development of a care home and houses.

Improvement Area 2: Affordable housing – the development of affordable housing off Chapel Pill Lane, Ham Green.

Improvement Area 3: Abbots Leigh Heritage – various measures including the proposed designation of a conservation area in Abbots Leigh

Improvement Area 4: The Pill Precinct – various improvement measures

7.14 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

General Housing Growth matters

7.15 The housing chapter of the Plan addresses a series of related matters. Section 5.5 comments about three hypothetical housing scenarios for the neighbourhood area. The Plan does so in the context of an interim approach within the context of the ongoing preparation of the North Somerset Local Plan (2023 to 2038) by NSC. The scenarios are as follows:

Minimal growth - retaining tight control of new development, maintaining the Green Belt and accepting only infill and/or 'exceptional' new projects.

Medium growth - allowing limited growth in the order of 100-150 new dwellings – mainly in clusters around the edges of Pill and Abbots Leigh with minor adjustments to Green Belt boundaries.

Major growth - development of up to 1000 dwellings making a major contribution to North Somerset housing supply. The proposed development known as 'Pill Green' was used to test this scenario.

7.16 This approach has attracted commentary from the development industry based on its potentially restrictive nature in general, and its relationship to emerging Local Plan in particular. I sought advice from the parish councils on the status which they intended to give to the three scenarios, and its preference for the second of the three scenarios. In its response the parish councils commented that:

'the Scenarios would have no formal status that would affect development management up to 2026. The submitted Plan makes a clear commitment (Section 2) that 'once a strategic framework has been finalised for North Somerset our Plan will

be up dated and/or revised’. Such an updated/ revised Neighbourhood Plan would need to address a different set of Basic Conditions reflecting up to date national and local policies and whatever NPPF guidance is required in response to any changes in government planning policy’

- 7.17 Within the context of this helpful response I recommend modifications to the supporting text to ensure that the Plan is clearer on its intentions. This approach overlaps with the approach which I have recommended to the part of the Plan which deals with its future review.

Insert at the end of Section 5.5 as separate paragraphs:

‘The three scenarios have been used to inform the policies in the submitted Plan. Given that the North Somerset Local Plan 2023-2038 is at an early stage it is impractical to identify longer-term growth requirements with any degree of confidence. Similarly, the neighbourhood plan recognises that strategic nature of growth in North Somerset is a matter for North Somerset Council and not for the parish councils.

The three scenarios have no formal status that would affect development management up to 2026. This is reflected in the relatively short Plan period (2020 to 2026) of the neighbourhood plan. Nevertheless, they have been used as a basis to inform development which could take up to 2026 on the basis of the current development plan. Each of the three scenarios has the potential to contribute towards longer-term development in the Local Plan period.

In any event Section 2 of the submitted Plan makes a clear commitment to review the neighbourhood plan following the adoption of the Local Plan. Such an updated/ revised neighbourhood plan would need to address the basic conditions as applicable to the neighbourhood area at that time’

Policy HO1

- 7.18 This policy allocates Site A (Orchard View) for a care home and thirty houses. The site is that identified as Improvement Area 1.
- 7.19 The NPPF sets out clear guidance on development in the Green Belt. Paragraph 143 comments that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 comments that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 comments that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt other than where one of a series of exceptions arises. One of those exceptions is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

- 7.20 In this context the Plan proposes the allocation of the site for a care home and residential purposes. In the round proposals for exception sites in the Green Belt are exceptions to national and local policy. This is further highlighted in the absence of any details about that proposal at the time when the policy was prepared.
- 7.21 Nonetheless, the proposed approach would improve the appearance of a vacant and uninspiring set of buildings and, subject to detailed design considerations, would have the ability not have a greater impact on the openness of the Green Belt than the existing development. In these circumstances I recommend that the policy shifts from one which allocates the site for development to one which offers support for development which would meet a range of criteria including that for redevelopment sites within the Green Belt. In the circumstances of the site within an established area with residential and commercial uses I recommend that the criteria include access arrangement and building height, scale and massing issues.

Replace the policy with: ‘Proposals for the development of Site A (Orchard View as shown on Map 5) for a care home and thirty houses will be supported where the development:

- **would not have a greater impact on the openness of the Green Belt than the existing development;**
- **would provide satisfactory pedestrian and vehicular access;**
- **would relate in height, scale and massing to the commercial buildings to the north and east and to the residential buildings to the south and west;**
and
- **would not have an unacceptable impact on the amenities of the residential properties in the immediate locality.**

Policy HO2

- 7.22 This policy allocates Site B (Chapel Pill Lane) as an exception site for sixteen affordable houses. The site is that identified as Improvement Area 2.
- 7.23 The Plan comments that ‘the site is on sloping ground falling down towards Ham Green Lake (a Wildlife Site and a Site of Nature Conservation Interest) and offers an outlook over open ground and across to the Leigh Court Estate. The development would make joint use of a new MetroWest entrance adjacent to Hayes Mays Lane to be constructed to give access to the Portishead rail tunnel which runs beneath St. Katherine’s estate.’
- 7.24 The policy is the outcome of the Community Land Trust search process with landowners to identify appropriate locations for affordable housing. The identified site is within the Green Belt. It is located to the south of the Penny Brohn UK Cancer centre and to the east of Hart Close, Ham Green.
- 7.25 I looked at the proposed site carefully during my visit. I saw its relationship to Chapel Pill Lane, its topography and the various elements of vegetation within and around the site.

- 7.26 A planning application for the development of the site for affordable houses has now been submitted to NSC. It was being registered at the time this report was prepared.
- 7.27 The policy has attracted considerable interest from local organisations and residents. Some local residents and organisations support the policy. They include the parish councils and the Community Land Trust.
- 7.28 Other organisations and local residents take the opposite approach. They include the Ham Green Residents group. In summary they raise overlapping objections to the development of the site on the following grounds:
- its location in the Green Belt;
 - the inconsistency with previous planning decisions and appeals on the site;
 - its impact on the highway safety/amenity/attractiveness of Chapel Pill Lane;
 - its impact on the amenity of surrounding land uses;
 - its impact on wildlife and biodiversity;
 - its impact on the historic character of the area; and
 - the lack of suitable opportunities which have been explored and considered
- 7.29 I sought comments from the parish councils in the clarification note on the extent to which the policy bring would any added value to national and local policies on exception housing sites and the Green Belt. I was advised that the policy does not add to national/local policies but was included in the Plan to set out explicitly the recommendation that this development should be approved by NSC.
- 7.30 Based on all the evidence it is clear that the parish councils and the Community Land Trust have sought to bring forward a potential development site to address social housing issues in the neighbourhood area. The extent of the Green Belt within the neighbourhood area has highlighted the difficulties in identifying appropriate sites.
- 7.31 Nevertheless, the approach taken in the Plan blurs the distinction between planning policy and the determination of planning applications. Paragraph 7.19 of this report has already set out the clear guidance in the NPPF on development in the Green Belt. On the specific details of paragraph 145 of the NPPF one of the exceptions to the policy approach is limited affordable housing for local community needs.
- 7.32 In this context the Plan proposes the allocation of the site for affordable housing purposes on the one hand. However, in the response to the clarification note the parish councils have advised that the purpose of the policy is to recommend that the emerging development proposal (now captured in the recently-submitted planning application) should be supported. In the round such proposals in the Green Belt are exceptions to national and local policy. As such it is counter-intuitive to allocate a specific exception site. Furthermore, it is inappropriate for a neighbourhood plan policy to support a particular proposal of this nature (either emerging or as already submitted to a local planning authority). This is further highlighted in the absence of any details about that proposal at the time when the policy was prepared.

- 7.33 In all the circumstances I recommend that the policy is deleted. NSC will be able to reach its own decision on the submitted planning application in due course. That determination will be based on the way in which the development proposal addresses national and local planning policies and any material planning considerations.
- 7.34 I also recommend consequential modifications to the supporting text both generally and to draw attention to the eventual determination of this issue through the development management process.

Delete the policy.

In Section 5.6 of the Plan:

- *At the end of the paragraph beginning ‘Chapel Pill Lane was well located’ add ‘This proposal has been developed into a planning application and will be determined by North Somerset Council in due course’*
- *Replace ‘For the period to 2026, therefore, the Plan allocates two new development sites in Ham Green which would offering a further forty (40) new dwellings in the Plan Area by 2026 (see map 4):’ with ‘For the period to 2026, therefore, the Plan supports the development of Land at Orchard View in Ham Green which would offer a further thirty new dwellings in the Plan Area by 2026. This policy approach is associated with the development of a care home on the site (see map 4):’*
- *Delete ‘AFFORDABLE HOUSING: A one-and a-half-acre exception scheme of up to sixteen (16) affordable housing units to rent on Chapel Pill Lane in the Green Belt (proposed by the Pill and District Community Land Trust)’*
- *Replace ‘Both these sites lie within Ham Green (see Map 4)’ with ‘The site lies within Ham Green (see Map 4)’*

On Map 4 remove the reference to Chapel Pill Lane.

Delete Section 5.8 of the Plan and Map 6.

Policy HO3

- 7.35 This policy proposes that new housing development is conditional on an energy assessment which minimises its carbon footprint.
- 7.36 The approach taken seeks to address the growing concern about energy efficiency matters in the construction of new houses. Nevertheless, the Written Ministerial Statement of March 2015 is clear that ‘local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings’
- 7.37 In this wider context NSC comment that this matter is already addressed in its Sites and Policies Plan (Policy DM2). To remedy this matter, I recommend that the policy is modified so that it makes direct reference to Policy DM2 of the Sites and Policies Plan

Part 1. That policy has already been tested at examination and met the tests of soundness as apply to local plans.

Replace the policy with: ‘Proposals for new residential development should incorporate the relevant details of Policy DM2 of the Sites and Policies Plan Part 1’

Policy HO4

- 7.38 This policy comments that infill development will be supported within the Pill settlement boundary. The approach supplements the approach already taken in the Core Strategy.
- 7.39 I recommend detailed modifications to the policy wording so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Infill development which is in keeping with local scale and character will be supported within the Pill Settlement boundary’

Policy HO5

- 7.40 This policy comments that developers should incorporate proposals for the sustainable management of the immediate location of proposals for housing development.
- 7.41 Whilst the ambitions of the policy are well-intended its approach may be beyond the ability of a developer through ownership issues and constraints. In any event the policy does not provide any certainty about the scale and nature of the proposals involved and the extent of the ‘surrounding environment’. In all the circumstances I recommend that the policy is deleted.

Delete the policy.

Policy HO6

- 7.42 The policy proposes restrictions on the residential use of outbuildings. As NSC comment the conversion of outbuildings within a residential curtilage to ancillary use as residential is permitted development (by way of the General Permitted Development Order). The removal of permitted development rights can only be achieved through an Article 4 direction which would apply over a specified area. It cannot be achieved through a neighbourhood plan policy. Considerable evidence of harm would need to be demonstrated for an Article 4 direction to be approved. The housing background paper does not expand on the information given in section 5.9 of the Plan. In any event the use of outbuildings as a separate dwelling would require planning permission and North Somerset Council’s Core Strategy and Development Management policies would be used to control character and design in general and through Policy DM32 in particular.
- 7.43 In all the circumstances I recommend that the policy is deleted. The intention of the policy is already addressed through existing development plan policies.

Delete the policy.

Policy T1

- 7.44 The policy comments that new development should integrate with rail and bus transport services and minimise congestion and air pollution.
- 7.45 The intention of the policy is self-evident. However, it has the ability to conflict with the contents of Policy HO4 which offers more general support to new residential development within the Pill settlement boundary. In any event significant elements of the Pill/Easton/Ham Green area are within convenient walking distance of a bus service, and the opening of the Pill railway station will further consolidate this wider accessibility.
- 7.46 In these circumstances, I recommend that the policy is reconfigured so that it offers particular support to developments in such sustainable locations rather than require this to be the case. This will ensure that it is complementary to the broader approach in Policy HO4. I also recommend that the policy explicitly refers to Pill/Easton/Ham Green. Whilst Abbots Leigh has access to a bus service it does not have a settlement boundary and development management decisions reflect its location within the Green Belt

Replace the policy with: ‘New development in Pill, Easton-in-Gordano and Ham Green which integrates with well-provided and regular public bus or rail infrastructure and service provision and minimise traffic congestion and air pollution will be particularly supported’

Policy T2

- 7.47 This policy comments about the general need to safeguard and enhance public rights of way.
- 7.48 The policy sets out an approach which makes no reference to development management process. On balance I recommend that it remains as a planning policy rather than being reconfigured as a community action. There is a range of detail in the supporting text to justify the inclusion of a policy of this type. Nevertheless, I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. The recommended modification removes any reference to the maintenance of footpaths as this would not be a developer’s responsibility. Otherwise, the policy meets the basic conditions.

Replace the policy with: ‘Development proposals should protect public rights of way and pathways (and those around The Bottoms, Martcombe, Chapel Pill and Ham Green in particular) and, where practicable, enhance their condition and accessibility to users’

Policy T3

- 7.49 This policy comments about the growth in the use of electric vehicles and its potential impact on the determination of planning applications.
- 7.50 As submitted the policy reads as a process requirement rather than as a land use policy and, as NSC comments, it does not provide any clarity on the determination of planning applications.
- 7.51 In the response to the clarification note the parish councils suggested the inclusion of two additional sentences into the supporting text. Whilst this will assist in some way in explaining the emerging agenda on electric vehicles, the approach would not bring any clarity to the policy itself. In these circumstances I recommend the deletion of the policy.
- 7.52 The approach raised by the parish councils has the ability to raise awareness of this matter in the wider supporting text of the Plan. I recommend that one of the two proposed additional sentences is incorporated within the Plan. It will provide a local content to emerging NSC guidance on the provision of electric vehicle charging points.

Delete the policy

Include an additional sentence at the end of Section 6.4 to read ‘These figures for method of travel will change first as a consequence of more home-working and secondly as a consequence of the growing use of electric vehicles’

Policy T4

- 7.53 This policy comments about the need to protect pedestrians and cyclists in the promotion of projects for Improvement Areas 3 and 4.
- 7.54 This policy has a general effect and will be an important consideration in determining planning applications in these locations. Nevertheless, I recommend that the policy is modified so that it takes account of the scale and nature of the proposals concerned and the practicability of incorporating the measures included in the policy into development proposals. This will bring the clarity required by the NPPF for the development management process.

Replace the policy with: ‘Where it is practicable to do so, development proposals affecting Improvement Areas 3 (Abbots Leigh) and 4 (Pill Precinct) should incorporate measures for the protection and safety of pedestrians and cyclists which are appropriate to their scale, nature and location’

Policy T5

- 7.55 This policy comments that the impact on local amenity arising from the reopening of Pill railway station should be taken into account in determining proposals for development. The Plan comments that ‘there may also be impacts within Pill itself. In particular with the establishment of the Pill rail station and the growth of travel by rail, the area around the station will experience change – potentially more drop off and pick

up traffic, parking congestion, more business for local shops, possible residential development proposals. It will be important over the coming years for planning decisions in the immediate area to recognise and take account of such changes'

- 7.56 The re-opening of the station is an important part of the wider first phase of Metro West. A recent public examination has recently taken place on the wider initiative.
- 7.57 The policy seeks to look towards the future impacts of the reopening of the railway station. However, the station is not yet re-opened and it would be both impractical and unreasonable at this stage to expect development proposals to take account of any potential impacts of the opening of the station on residential amenity in the immediate locality.
- 7.58 In its response to the clarification note the parish councils acknowledged that circumstances have now moved on and suggest that the policy is replaced by a community action. I recommend this course of action with some modifications to its detail. The work which the councils undertake on this matter may form the basis of a policy in any review of a made neighbourhood plan.

Delete the policy

Add a new Community Action (CA/T8) to read: 'The Parish Council will work with Metro West and North Somerset Council to develop a strategy to monitor and respond to the implications of the re-opening of the Pill railway station (including traffic, parking, the impact on local business and residential amenity)'

Policy T6

- 7.59 This policy comments that development should be located so as to encourage walking and cycling to work and to school and to ensure access to local retail and public services in Pill.
- 7.60 The intention of the policy is self-evident. However, it has the ability to conflict with Policy HO4 which offers more general support to new residential development within the Pill settlement boundary. In any event significant elements of the Pill/Easton/Ham Green area are within convenient walking distance of retail and public services.
- 7.61 In these circumstances, I recommend that the policy is reconfigured so that it offers particular support to development in such sustainable locations rather than requiring this to be the case. This will ensure that it is complementary to the approach in Policy HO4.

Replace the policy with: 'New development which are designed to encourage walking and cycling to work (including journeys to school) and to ensure access to local retail and public services in Pill will be particularly supported'

Policy Env1

- 7.62 This policy comments about development proposals in the Green Belt and on high sensitivity landscape and habitat land above Crockerne Drive and Brookside.

- 7.63 As submitted the policy conflates Green Belt issues (which relate the openness of land) with landscape sensitivity issues in the Crockerne Drive/Brookside area. In order to remedy this matter, I recommend that the reference to the wider Green Belt issue is removed from the policy. This will allow its focus to be on landscape sensitivity issues. In any event the control of development in the Green Belt is already addressed in national and local planning policies.

Delete ‘the Green Belt’

Policy Env2

- 7.64 This policy offers protection to the salt marshes and inter-tidal shore of the Royal Portbury Docks.
- 7.65 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Development proposals should protect and where practicable enhance the environment and wildlife (especially the salt marshes and the inter-tidal shore) of Royal Portbury Dock’

Policy Env3

- 7.66 This policy comments that landowners should safeguard areas for planting and vegetation (including rewilding areas) within development sites.
- 7.67 In its response to the clarification note the parish councils agreed that the policy should become a community action. I recommend accordingly. I also recommended detailed changes to the wording of the Action so that it properly describes the work which the councils will undertake.

Delete the policy

Replace the policy with an additional Community Action to read: ‘The parish councils will work with landowners and developers to ensure that areas for rewilding, plant native trees, shrubs, margins and flowering plants are incorporated into development proposals, that the diversity of hedges and verges is safeguarded, and to ensure that grasslands are allowed to develop as wild flower meadows’

Policy Her1

- 7.68 This policy comments that new designs should be in sympathy with the surrounding historic environment.
- 7.69 The policy has a general effect. As submitted, it is written on the basis that all development proposals will need to be in sympathy with a surrounding historic environment. However, this will not be the case in certain parts of the neighbourhood area. I recommend a modification to address this matter which refers both to heritage assets and to the immediate locality of the site concerned. I also recommend a detailed

modification to the wording of the policy so that it has regard to national policy which refers to the 'significance' of heritage assets.

Replace the policy with: 'The design of new development and/or extensions of existing development should take account of the significance and setting of any heritage assets in the immediate locality'

Policy Her2

- 7.70 This policy comments about the possibility of designating a conservation area in Abbots Leigh.
- 7.71 However the designation of conservation areas is a matter for NSC rather than Abbots Leigh Parish Council and is one which would need to be considered under separate legislation rather than within the neighbourhood plan. In these circumstances, I recommend that the policy is deleted and replaced with a Community Action.

Delete the policy

Add a Community Action after the heritage policies to read: 'CA/Her1: North Somerset Council and Abbots Leigh Parish Council will explore the appropriateness of designating a conservation area in Abbots Leigh'

Policy Emp1

- 7.72 This is the first of a series of policies which address economic and employment issues in the neighbourhood area. Section 9 of the Plan provides a very comprehensive analysis of its existing employment provision.
- 7.73 This policy offers support to the use of a range of buildings for home working. It offers a practical approach to this matter in general, and to one which has been particularly important in the Covid pandemic.
- 7.74 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: 'Proposals for the conversion, extension or improvement of domestic buildings (including digital infrastructure) to facilitate home working will be supported'

Policy Emp2

- 7.75 This policy offers support for the conversion and re-use of redundant buildings for workshops or small businesses.
- 7.76 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Proposals for the conversion and re-use of redundant buildings (including vacant or under-used agricultural buildings) for workshops or small businesses development will be supported’

Policy Emp3

- 7.77 This policy comments that proposals for local start-ups and working hubs will be supported.
- 7.78 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Proposals which create space for local start-up business, working hubs or internet hot-desking will be supported’

Policy Emp4

- 7.79 This policy comments that proposals which generate visitors and tourists will be supported
- 7.80 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Proposals for visitor or tourist attractions and which would create local job opportunities will be supported’

Policy Emp5

- 7.81 This policy comments loosely that changes of use outside the scope of Class E will not be supported. I sought clarity from the parish councils on the intention of the policy and whether it was intended to apply in particular location. Its response advised that ‘the Councils’ wish is to maintain employment opportunities locally – especially in the Pill Precinct and the Old Brewery. We also want to protect the larger plots on the Eden Business Park. Policy Emp5.... sought to prevent change of use from the recently modified Commercial, Business and Service Use Class’.
- 7.82 On the basis of this helpful response I recommend that the policy is modified so that it identifies the locations to which it would apply. The policy has properly taken account of the updates to the Use Classes Order in 2020 which amalgamated a range of previous use classes into a broad Class E which incorporates a series of commercial, business and service uses.
- 7.83 Class E uses would comfortably capture the range of uses currently available in the Pill Precinct. However, the Eden Business Park and the Old Brewery are more focused on business and commercial uses. In these circumstances I recommend that the policy approach is more general and seeks to safeguard employment opportunities. In order to bring the necessary clarity for a development plan policy I also recommend that the three areas affected by the policy are shown on additional maps in the Plan.

Replace the policy with:

‘Changes of use from use Class E in the Pill Precinct (as shown on Map inset number) will not be supported.

Development proposals which would detract from the economic vitality and the availability of employment opportunities in the Eden Business Park and the Old Brewery (as shown on Map inset numbers) will not be supported’

Incorporate additional Maps into the Plan to identify the Pill Precinct, the Eden Business Park and the Old Brewery

Policy Emp6

- 7.84 This policy comments that the redevelopment of land at Orchard View Ham Green for mixed use development associated with employment generation will be supported.
- 7.85 This policy overlaps with Policy HO1. In effect Policy Emp6 welcomes the economic benefits which would arise from the development of a care home and new houses on the site. However, this is an economic consequence rather than a policy. On this basis I recommend its deletion. The existing supporting text in Section 9.4 of the Plan which addresses this matter is unaffected by this recommended modification as it explains the economic benefits of the proposed HO1 development in a factual way.

Delete the policy

Policy Emp7

- 7.86 This policy comments that the upgrading of digital technology across the parish is encouraged.
- 7.87 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Given the range of potential digital technology proposals which may come forward in the Plan period (including telecommunications equipment) I also recommend that the policy ensures that proposals take account of the character of the area within which they are located. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Proposals for the upgrading of digital technology and which take account of the character of the immediate area in which they are located will be supported’

Policy CC1

- 7.88 This policy is the first in a series which seek to create a carbon neutral neighbourhood area. This particular policy offers general support to proposals which include carbon capture and ecological biodiversity measures.
- 7.89 This very distinctive policy reflects the approach in section 10.3 of the Plan. It comments that ‘increasing the level of tree cover and biodiversity within the Neighbourhood Plan area will be encouraged through tree-planting schemes. New Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan – Examiner’s Report

woodland or orchards and planting in private gardens and public open spaces are encouraged. These will reflect the latest information about appropriate species, planting densities and best practice in the care and protection of new trees'

7.90 Some of the initiatives identified in part 10.3 of the Plan are potentially very important for carbon capture and biodiversity but may not constitute development in planning terms. This issue is reflected in the recommended modifications to the wider policy approach.

7.91 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: 'Insofar as planning permission is required development proposals which would enhance carbon capture and ecological biodiversity will be supported'

Policy CC2

7.92 This policy offers particular support for housing proposals which generate power from renewable sources.

7.93 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. In particular the recommended modification takes account of the scale of the project concerned and the feasibility of its ability to generate its power from renewable sources. Otherwise, it meets the basic conditions.

Replace the policy with: 'As appropriate to their scale, nature and location development proposals for new housing, extensions to dwellings or business premises should be designed to generate as much of their energy from renewable sources as is practicable'

Policy CC3

7.94 This policy comments that development proposals should use lighting schemes which minimise light pollution.

7.95 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. I also recommend that it relates to external lighting as internal lighting is not controlled through planning legislation. Otherwise, it meets the basic conditions.

Replace the policy with: 'Development proposals should ensure that any external lighting minimises light pollution'

Policy CC4

7.96 This policy comments that the establishment of local wind power generation should be pursued. As submitted the policy reads more as a community action than as a planning

policy. I sought the comments of the parish councils on this matter in the clarification note. They commented that ‘whilst we have as yet no specific proposal, we believe it is important that the Plan recognises the potential for a policy. Whilst the wording of the policy might be improved, to relegate it to a Community Action would be unwelcome. Current government policy discounts the possibility of small-scale wind turbine installations unless they are specifically supported in an adopted neighbourhood plan’

- 7.97 I have sympathy for the approach taken in the Plan. However, it does not identify suitable parts of the neighbourhood area within which such development should take place. In these circumstances it has not been possible for the sector and local residents to comment accordingly. As such I recommend that the policy is deleted and repositioned as a Community Action.

Delete the policy

Replace the policy with an additional Community Action.

Policy CC5

- 7.98 This policy comments about rainwater harvesting and surface water run-off.
- 7.99 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Proposals which incorporate rainwater harvesting and do not increase urban run-off will be supported’

Policy CC6

- 7.100 This policy offers support to initiatives which would contribute towards the Local production of food
- 7.101 This very distinctive policy reflects the approach in section 10.4 of the Plan. It comments that steps will be taken to encourage both the local production of food and the sale of food that is produced in the neighbourhood area. In this context Pill and Easton celebrate 10 years as a Fair-Trade village this year and the aim is to continue and extend this work and particularly to emphasise the environmental advantages of Fair Trade, including approaches to agriculture that both combat climate change and help reduce its impact on crops.
- 7.102 Some of the initiatives identified in part 10.4 of the Plan are potentially very important in local food production but may not constitute development in planning terms. This issue is reflected in the recommended modifications to the wider policy approach.
- 7.103 I recommend detailed modifications to its wording so that it has the clarity required by the NPPF and specifically relates to the development management process. Otherwise, it meets the basic conditions.

Replace the policy with: ‘Insofar as planning permission is required proposals which assist in the local production of food will be supported’

Policy CC7

7.104 Policy CC7 is identical to Policy CC6. As such I recommend its deletion.

Delete the policy

Policy CAF1

7.105 This policy proposes the protection of a series of open spaces. Section 11.5 of the Plan comments that ‘there is much highly valued public open space within the Neighbourhood Plan Area, some of it jointly run by North Somerset Council, the Parish Councils and/or community groups. Such spaces across the Area are well used, valued and contribute to community wellbeing offering provision for recreational and leisure use and generating environmental and biodiversity benefits’

7.106 The policy itself has two related parts. The first comments loosely that the open spaces should be protected, maintained and enhanced. The second part comments that development proposals on the open spaces should not detract from their amenity value.

7.107 I recommend that the policy is recast so that it more closely relates to the development management process. As submitted the first part of the policy expects the open spaces to be protected and enhanced without identifying the mechanisms to do so. I also recommend that the second part of the policy comments about the outcomes of proposals which would unacceptably impact on open spaces. Finally, I recommend that the policy comments about development proposals in the immediate locality of the open spaces as it is such developments which potentially risk creating a loss of amenity value to the identified open spaces.

Replace the policy with: ‘Development proposals within the open spaces listed in section 11.5 of the Plan (and shown on Maps 11 and 12) or within their immediate locality should safeguard, and where practicable enhance, the open space concerned. Proposals for development which would hinder access to an identified open space or unacceptably detract from its amenity value will not be supported’

Policy CAF2

7.108 This policy comments about a series of measures for the enhancement of the Pill Precinct. I looked in detail at the Precinct during my visit. I saw that it was the heart of the neighbourhood area both in terms of its location and in terms of its retail and community functions.

7.109 As the Plan comments ‘(an) attractive Precinct is crucial for local residents and for local business. Local stakeholders – the Parish Council, Alliance Homes, North Somerset Council and the local community – have come together to establish links through which

the ownership and management of land and property across the precinct area can be reviewed and improvements planned and implemented'

- 7.110 In the context of the emerging community proposals (some of which will be land use and other which will not) the policy is deliberated neutral in its contents. Nevertheless, this does not detract from its overall potential and effectiveness. In this context it meets the basic conditions.

Policy CAF3

- 7.111 This policy comments that proposals for additional sport/recreation use of Beggars Bush Lane will be supported.
- 7.112 I saw the importance of the recreational area during my visit. The policy will assist in reinforcing its local significance. It meets the basic conditions.

Community Aspirations

- 7.113 The Plan includes a series of Community Actions. They are non-land use matters which have naturally arisen during the preparation of the Plan.
- 7.114 The various Actions are included on a section-by-section basis after the relevant policies. National policy is that such Actions should be contained in a separate section of the Plan to distinguish them from the land use policies. However, in the circumstances of the production of the Plan I am satisfied that the approach taken is appropriate. I have reached this conclusion for three reasons. The first is that the Actions are distinguished from the policies by their numbering sequence and the use of colour. The second is that in several cases the Actions complement the relevant land use policies. The third is that Section 1.2 of the Plan comments on this distinction. However, in order to bring complete clarity to this matter in general, and to which elements of the Plan would become part of the development plan I recommend the inclusion of additional text in section 1.2 of the Plan and a change to the wording used for Community Actions.

In Section 1.2 replace 'Community Action Policies' with 'Community Actions' whilst retaining the colour

After the section on Community Actions add a new paragraph to read: 'The planning policies will become part of the development plan. They will be used with North Somerset Council policies to determine planning applications in the neighbourhood area. Whilst the community actions will not have such status, they will form the basis of work which the parish councils will pursue either themselves or with others'

- 7.115 The following Actions are particularly noteworthy:
- the series of access and movement actions (CA/T1 to CA/T7);
 - the promotion of sustainable journeys to work (CA/Emp2); and
 - exploring sources of financing for the Community Centre and other community facilities (CA/CAF1).

7.116 I have recommended elsewhere that some of the policies should become Actions. For clarity the parish councils can number the consolidated schedule of Actions as it sees fit.

Other Matters - General

7.117 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. Similarly, changes may be necessary to paragraph numbers in the Plan or to accommodate other administrative matters. It will be appropriate for NSC and the parish councils to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

Modification of general text (where necessary) to achieve consistency with the modified policies and to accommodate any administrative and technical changes.

Other Matters – Review of the Plan

7.118 The Plan has correctly been prepared within the context of the current development plan. Nevertheless, it acknowledges that NSC is preparing a new Local Plan. The final paragraph of Section 2 of the Plan makes a commitment to undertake a timely review of any made neighbourhood plan once the Local Plan has been adopted.

7.119 The Local Plan consultation on preferred options took place in November/December 2020. The Local Development Scheme anticipates that the Plan will be adopted in early 2023.

7.120 Some developers have proposed additional strategic development sites or suggested that the Plan is premature. In summary the following representations have taken this approach:

- Baywood Developments Ltd – in respect of land north of Harris Lane, Abbots Leigh;
- Brinkgreen Ltd – in respect of land at Sandy Lane, Abbots Leigh;
- Persimmon Homes – in respect of comments on the housing growth scenarios in the Plan;
- L&Q Estates – in its longer-term promotion of a strategic housing site in Pill; and
- Trustees of Captain Wills – in the promotion of land at Home Farm, Abbots Leigh.

7.121 I have taken account of the matters raised in these representations. Recommended modifications elsewhere in this report have addressed the comments on the growth scenarios in the Plan. Nevertheless, a qualifying body is entitled to produce a

neighbourhood plan at any time and within the context of the adopted development plan in place at that time.

- 7.122 In their different ways the representations above draw attention to the limited nature of the Plan period and that any made neighbourhood plan may be quickly overtaken by the adoption of the Local Plan. Whilst this is a realistic outcome it is one which the parish councils have taken into account. Their willingness to proceed with an early review of a 'made' neighbourhood plan has taken account of this scenario.
- 7.123 However to ensure that this process is undertaken in a timely fashion and is clear and transparent from the outset I recommend that the wording of Section 2 is modified accordingly.

Replace the final sentence of Section 2 of the Plan with: 'Based on the current timetable, the emerging strategic framework for North Somerset will be finalised in early 2023. Within twelve months of the adoption of the Local Plan the need or otherwise for the neighbourhood plan to be reviewed will be assessed. In the event that a full or a partial review of the Plan is necessary it will be undertaken from that point onwards'

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2026. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area, to promote sensitive new residential development and to protect its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

- 8.3 On the basis of the findings in this report I recommend to North Somerset Council that subject to the incorporation of the modifications set out in this report that the Abbots Leigh, Ham Green, Pill and Easton-in-Gordano Neighbourhood Development Plan should proceed to referendum.

Other Matters

- 8.4 I am required to consider whether the referendum area should be extended beyond the neighbourhood area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by North Somerset Council on 25 August 2016.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth manner. The responses to the clarification note were both detailed and informative.

Andrew Ashcroft
Independent Examiner
14 May 2021