



North Somerset Council

Statement of Case

Town and Country Planning Act 1990 Section 78

Appeal by M7 Planning Limited and M7 SW LLP against the refusal of outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for mains of access.

**Land North of Mulberry Road, Congresbury, North Somerset,
BS49 5HD**

Planning Inspectorate reference:

APP/D0121/W/24/3344142

North Somerset Council reference:

22/P/0459/OUT

1 Introduction

1.1 This appeal is against the decision of North Somerset Council (**‘the Council’**) to refuse to grant outline planning permission for the following reasons:

- “1. The site occupies an elevated position on the edge of the village and the position, scale and extent of the proposed development would have a significant urbanising effect on its rural location, adversely affect the landscape setting of the village and harm the recreational enjoyment of the public footpaths across and adjoining the site contrary to policy CS5 of the North Somerset Core Strategy 2017 and policies DM10 and DM25 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.

2. The nature and scale of development on land which is within the setting of the designated heritage asset would cause less than substantial harm to the setting of the designated asset by further eroding the relationship of the grade 2 listed Park Farmhouse from the previously associated farmland contrary to policy CS5 of the North Somerset Core Strategy 2017, policy DM4 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016 and paragraphs 199 and 202 of the National Planning Policy Framework.

3. The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors’ surgery to serve the scale of development proposed contrary to policies CS14 and CS32 of the North Somerset Core Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036.

4. The application has failed to make satisfactory provision for mitigating the effect of the scheme on insufficient primary school places and doctors’ services contrary to policies CS25 and CS32 of the North Somerset Core Strategy 2017.

2 Background Information

- 2.1 The description of the appeal site and local surrounding area, and the appeal proposal will be set out in the Statement of Common Ground (SoCG). A list of the documents on which the planning application was determined will also be agreed through the SoCG.
- 2.2 A list of Core Documents will be agreed in liaison with the appellants.

3.0 Planning Policy

- 3.1 Section 38 (6) of the Planning and Compulsory Act 2004 and section 70 (2) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan unless other material considerations indicate otherwise.
- 3.2 The development plan includes, of relevance to this appeal:
- North Somerset Core Strategy (the 'CS') adopted January 2017
 - North Somerset Sites and Policies Plan Part 1 – Development Management Policies (the 'DMP') adopted July 2016
 - North Somerset Sites and Policies Plan Part 2 – Site Allocations Plan (the 'SAP') adopted April 2018
 - The Congresbury Neighbourhood Plan (2019-2036) (the 'CNP')
- 3.3 The following policies are relevant to the proposal in addition to those specified in the reason for refusal (the latter are repeated here for completeness and marked with an asterisk)

North Somerset Core Strategy (CS) (adopted January 2017)

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5*	Landscape and the historic environment
CS9	Green infrastructure
CS10	Transport and movement
CS11	Parking
CS12	Achieving high quality design and place making
CS13	Scale of new housing
CS14*	Distribution of new housing
CS15	Mixed and balanced communities

CS16	Affordable housing
CS20	Supporting a successful economy
CS25*	Children, young people and higher education
CS26	Supporting healthy living and the provision of health care facilities
CS32*	Service Villages
CS34	Infrastructure delivery and Development Contributions

The Sites and Policies Plan Part 1: Development Management Policies (adopted July 2016) (DMP)

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM3	Conservation Areas
DM4*	Listed Buildings
DM5	Historic parks and gardens
DM6	Archaeology
DM8	Nature Conservation
DM9	Trees
DM10*	Landscape
DM19	Green infrastructure
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM25*	Public rights of way, pedestrian and cycle access
DM26	Travel plans
DM32*	High quality design and place making
DM34	Housing type and mix
DM36	Residential densities
DM42	Accessible and adaptable housing and housing spaces standards
DM48	Broadband
DM70	Development infrastructure
DM71	Development contributions, Community Infrastructure Levy and viability

The Sites and Policies Plan Part 2: Site Allocations Plan (adopted April 2018) (SAP)

SA1	Allocated residential sites (10 or more units)
SA2	Settlement boundaries

The Congresbury Neighbourhood Plan (2019-2036) (made November 2019) (CNP)

Policy H1*	Sustainable development location principles
Policy H2	Sustainable development site principles
Policy H3	Housing allocations
Policy EH4	Landscape and wildlife preservation measures

The main and most important policies against which this appeal falls to be determined will be explained. Other relevant policies are included as they relate to proposed planning conditions and/or obligations and are relevant in considering the proposals against the development plan read as a whole.

- 3.4 The Council will show the proposal is clearly contrary to the adopted Development Plan and that the adverse impacts of the proposed development would significantly and demonstrably and outweigh the benefits.
- 3.5 Consequently, the scheme does not constitute sustainable development, and when read in the context of the Secretary of State's policies in the National Planning Policy Framework, these impacts constitute compelling reasons for dismissing the appeal.

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015) Updated 2021
- Travel Plans SPD (adopted November 2010)
- Affordable Housing SPD (adopted November 2013)
- Development contributions SPD (adopted January 2016)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

3.6 **Emerging Local Plan**

Local Plan 2039 Pre-submission plan

The draft Local Plan is at regulation 19 Stage. The NPPF states that decision-makers may give weight to relevant policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies, and their degree of consistency with policies in the NPPF.

4 **Principle of Development**

- 4.1 Policy CS14 of the Core Strategy sets out the settlement hierarchy for the district, defining Congresbury as a 'service village' and Policy CS32

of the Core Strategy sets criteria which new development at the edge of service villages is expected to meet to protect the character of the area and prevent unsustainable development. The appeal scheme conflicts with policies CS14 and CS32. Reference will be made to relevant appeal decisions where this policy approach has been supported (Annex 1).

- 4.2 Policy CS14 of the CS sets out that “at service villages there will be opportunities for small-scale development of an appropriate scale either within or abutting settlement boundaries or through site allocations”. Policy CS32 of the CS set out that *‘sites outside the settlement boundaries in excess of about 25 dwellings must be brought forward as allocations through Local Plans or Neighbourhood Plans’*.
- 4.3 Specifically, a proposal to build up to 70no. dwellings on the appeal site, not being brought forward through a local plan or neighbourhood plan allocation, exceeds the limit on the scale of development that is permitted by policy CS32.
- 4.4 The Council will show that Policies CS14 and CS32 are drafted in terms to ensure that small-scale developments come forward in service villages under the current development plan. These settlements only have capacity for limited levels of growth given their lack of self-containment, limited services, facilities and supporting infrastructure. The Core Strategy Inspector endorsed the Council’s approach to distributing housing within the settlement hierarchy.
- 4.5 Congresbury has already received a number of residential developments during the plan period, with 228 completions and a further 104 commitments. It will be shown that the CNP contains policies and allocations to meet the housing needs of the neighbourhood area. A further allocation for 60 dwellings is proposed through the emerging local plan. The development would directly contravene the terms of the CNP which was positively prepared to include additional residential allocations outside of the settlement boundary to boost housing delivery.
- 4.6 It will be shown that given the recency of the CNP coupled with the record of housing delivery that the protection offered by NPPF paragraph 14 applies here, which is specifically designed to protect areas from unplanned developments where NP have been developed to meet identified needs.
- 4.7 The Council will show that excessive levels of growth in Congresbury may result in unsustainable transport patterns and could prejudice the delivery of housing sites at larger settlements which accord with the spatial hierarchy which would be better suited to sustainably accommodate a development of this size.
- 4.8 Were the development to proceed, the Council will demonstrate that there will be a shortfall in primary school places within Congresbury

which will not be adequately addressed through this appeal contrary to CS25. Local infrastructure is insufficient to accommodate the demands of the development and the development would fail to maximise opportunities to reduce the need to travel contrary to the requirements of CS32.

- 4.9 The Council will demonstrate that, as part of the settlement hierarchy for the District outlined within the development plan, Congresbury is not suitable for this unplanned large scale urban expansion which would conflict with the spatial strategy, harm the significance of a designated heritage asset and the rural character of the site.

Housing Land Supply

- 4.10 The NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide four years' worth of housing against their housing requirement when the provisions of paragraph 226 apply, or against their local housing need where the strategic policies are more than 4 years old and have not been reviewed.
- 4.11 It is accepted that the Council is unable to demonstrate the requisite four-year housing land supply at present. The most recently tested position stood at 3.5 years. Work is ongoing to produce an updated housing land supply position statement with a base date of April 2024. The full report will be published in due course, however at the time of writing, the provisional results anticipate a deliverable capacity of around 5,000 dwellings, which equates to around 3.8 years supply against the local housing need figure calculated using the standard methodology.
- 4.12 Whilst this would ordinarily engage the tilted balance exercise prescribed in the NPPF it will be demonstrated that in this case the application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In this case harm to the significance of a designated heritage asset which would not be outweighed by the public benefits of the proposals.
- 4.13 Notwithstanding the Council's position that the tilted balance is not engaged, in the event that the Inspector were to conclude otherwise, it will be demonstrated that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the appeal proposal.

5 Harm to heritage assets

- 5.1 Park Farm is a grade II listed property, probably C16, located to the north west of the appeal site along with its associated barns. It will be demonstrated that the appeal site forms an important part of the wider rural setting of Park Farm and its once associated farmland.
- 5.2 A public right of way (PRoW) (AX16/8/30) is located within the site and is accessed from PRoW (AX16/8/20) which start at Venus Street to the south or from Park Road at the north. A second PRoW (AX16/29/10) is located to the east but within the site. Both PRoW provide views in and across the site. These are historic routes and can be seen on the 1888 First Edition Ordnance Survey Map (Fig 1).



Fig 1 – Extract from 1888 OS Map

- 5.3 Park farmhouse and its associated barns appear on the 1840 Tithe map (Fig 2). The farmhouse is a two-storey traditional stone built vernacular building. The linear range of barns to its east are traditional buildings of between 1-1 ½ storey in height.
- 5.4 The Council will demonstrate that Park Farmhouse and its associated barns are buildings of note in the area having a strong visual presence in the landscape when viewed from the PRoWs. They contribute to our understanding of the historic development of Congresbury and the farmstead adds to our understanding of how the land has been cultivated over human history.



Fig 2 – 1840s Tithe map extract of Park Farmhouse and its associated barns

- 5.5 The importance of this rural setting to the significance of Park Farmhouse was identified by the Inspector in dismissing the earlier appeal at the site (APP/D0121/A/99/1031669) who noted (paragraph 11) *“the farmhouse and the converted barn still retain an agricultural appearance that links them to the surrounding previously associated farmland, the building as visually associated with the rural landscape within which they are located and they clearly do not form part of the built form of the settlement”*.
- 5.6 The rural land to the south of the listed farmhouse formed part of an historic deer park which adds a minor degree of significance to the historic development and evolution of the farm. The Council will demonstrate that the setting of the farmhouse and the views towards the designated heritage asset from and across the appeal site contribute positively to the significance of the asset, forming an important area from which you can appreciate the architectural significance and understand the placement and evolution within the wider landscape of the complex of buildings.
- 5.7 The Council will show the proposed development will be highly visible to users of the PRowS. Views towards the Park Farm complex will be severed, or truncated in places, and the context of retained views will change significantly with the imposition of a residential housing estate in the foreground.

- 5.8 In addition to the houses themselves, roads, cars, bins, domestic paraphernalia and lighting will all be introduced urbanising the appeal site and harming the character and appearance of the site.
- 5.9 The connection to the historic deer park will be lost and with it the loss of understanding of the farmhouse's historic function within the landscape in relation to the wider settlement of Congresbury. These harmful impacts to the setting of the designated heritage asset and associated curtilage listed barns would harm their significance.
- 5.10 Whilst the Council agree that 20th century developments to the west of Park Farm have partially eroded the setting of the designated heritage asset, the remaining land is open and rural in character and contributes towards the asset's significance. The Council will argue that this heightens the importance of retaining the remaining elements of the setting of the asset which contribute to its significance.
- 5.11 The level of harm caused to the setting and significance of the Grade II listed Park Farmhouse would be 'less than substantial' in terms of the NPPF engaging the test set out in paragraph 208. Great weight must be given to this harm. It will be shown that this harm would not be outweighed by the public benefits of the scheme.
- 5.12 Special regard must be given to the desirability of preserving the listed building and its setting in accordance with Part I Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990. The development at this location would not result in the preservation of the setting of the Grade II listed Park Farmhouse which would harm its significance.
- 5.13 It will be demonstrated that the harm cannot be overcome due to the change of the rural landscape to an urban development. Whilst effort has been made to allow for views through the proposed site to the listed building they will still be impacted by the new development. Screening the development would also block views towards the farmhouse, and so this would not be an appropriate solution to overcome these issues.
- 5.14 The Council will show that the proposal is contrary to CS policy CS5 and Policy DM4 of the DMP.
- 5.15 Reference will be made to relevant appeal decisions (Annex 1).

6. Impact on rural character and appearance

- 6.1 Through the Council's evidence it will be demonstrated that the site is in character with the surrounding rural landscape that forms the setting of Congresbury on the eastern side, forming one of the main access points to the Two Rivers Way and the highly valued riparian landscape

bordering the site. The Council will set out that whilst the site does not form a valued landscape (NPPF para 180a) a number of features within and adjoining the site give it value that is over and above that of ordinary agricultural land. The rural character of the site will be described and its relationship to field parcels on each side in both visual terms and landscape terms will be articulated, and the Council's case demonstrated: that by virtue of the position, scale and extent of the proposed development there would be a significant urbanising effect on its rural location that would adversely affect the landscape setting of the village, harm the recreational enjoyment of public footpaths across and adjoining the site and create an unacceptably urbanised edge in this part of settlement.

- 6.2 Policy CS5 of the Core Strategy, Policy DM10 of the Sites and Policies Plan and the North Somerset Landscape Character Assessment SPD protect the character, distinctiveness and quality of the landscape of North Somerset. The evidence presented by the Council's witness will demonstrate that the proposed development does not accord with the objectives of the development plan and that in particular the scale and indicative character (described through the four parameters plans) of the proposal is contrary to Policy CS32 of the Core Strategy.
- 6.3 The Council will demonstrate that the refusal of the application for 25 houses in 2000 and subsequent appeal dismissal was a sound decision and that the baseline has not sufficiently changed for development on this site to become more acceptable.
- 6.4 Whilst the reduction in dwelling numbers from 90 to 70 is welcomed, the proposals are still in conflict with landscape character and policy and are nearly threefold the size of those considered 24 years ago in the context of a similar baseline.
- 6.5 Of relevance is the Wardell Armstrong LSS of 2018. The Council's landscape witness has reviewed the landscape and visual context and the methodology used in this document and disputes their conclusion that the site is of low sensitivity. The sensitivity should be medium or medium to high, according more closely with the sensitivity conclusions in the application landscape and visual appraisal undertaken in 2020 to accompany the application. This LSS document is now six years old and methodologies have advanced. In addition, the appraisal was undertaken at a high level for the purposes of plan making only, and on further detailed evaluation is found to underrepresent the sensitivity of this particular site, the value of the footpath connections and recreational value of the site. The evidence presented by the Council will include a site-specific landscape sensitivity assessment, going into greater depth on the basis of a more robust baseline than the 2018 study.

- 6.6 Whilst the Congresbury Neighbourhood Plan (CNP) is not cited in RforR1, the CNP is pertinent to the proposed development and will be drawn on and analysed in the Council's landscape evidence.
- 6.7 With regard to public rights of way, the Council's evidence will demonstrate that the appeal scheme would bring about unacceptably detrimental effects on the amenities of users of public rights of way, including users of the Two Rivers Way, bringing conflict with policy DM25.

7. Education infrastructure

- 7.1 Reason for refusal 3 records that there are inadequate primary school places which could be made available for the development in the village school (St Andrews C of E). The appellant has confirmed the proposed build out schedule and it is the case that the school will not have capacity to accommodate all the children from the proposed development.
- 7.2 Policy CS32 supports new development "*which enhances the overall sustainability of the settlement*" where a number of criteria are met. One requirement is that development "*will not cause significant adverse impacts on services and infrastructure and the local infrastructure is sufficient to accommodate the demands of the development*".
- 7.3 The supporting text to the policy (4.89) guides that "*the purpose of the policy is to allow small scale residential development to come forward within and adjoining the villages where they are in sustainable locations, would not adversely impact on the character, setting or appearance of the village and the local infrastructure is able to support the additional development (for example in respect of school places, community buildings and foul and surface water drainage systems)*".
- 7.4 The appeal proposals would not generate adequate numbers of primary school children to justify expanding St Andrews C of E School, were this to be possible. There are no other developments currently coming forward in the village which could in combination with the appeal proposals adequately fund an expansion of the school.
- 7.5 The local infrastructure in respect of school places is inadequate to cope with the demand which a development of up to 70no. dwellings would bring. The only way to accommodate the appeal proposals and ensure the children from the development can attend schools would be to bus primary school children to neighbouring schools, where capacity allows.
- 7.6 The appellant however now asserts that the Council's request for education contributions towards home to school transport fails to meet the CIL Regulation 122, and NPPF paragraph 57, tests of being

necessary to make the development acceptable or that it is fairly and reasonably related in scale and kind.

- 7.6 The contribution sought has been updated to reflect the latest projections for pupil capacity and homes to school transport costings. The Council will show that the contribution sought has been calculated following an accepted methodology which allows contributions to be sought for up to 10 years. The Council will continue to work with the appellants to determine whether an agreement can be reached on a home to schools transport contribution.
- 7.7 This notwithstanding, the Council in any event maintain that the inability to accommodate the children from the development in the local school shows the local infrastructure is insufficient to support an unplanned for development of this size, contrary to CS32 and CS25.

8. Healthcare

- 8.1 Reasons for refusal 3 and 4 both refer to insufficient doctors' services to serve the scale of development being proposed. Further discussions have taken place with the NHS, subsequent to the refusal of planning permission, as regards the capacity of existing surgeries to meet the increased demand.
- 8.2 The NHS Bristol office advise that Mendip Vale : Yatton Surgery and Mendip Vale: Congresbury Surgery are the only practices located within the parishes of Yatton and Congresbury. There are three other surgeries comprised within the Mendip Vale Medical Group (St Georges Surgery, Sunnyside Surgery and Langford surgery). Patients are assigned a preferred surgery but they are registered to the practice as a whole and therefore can attend appointments at any of its locations.
- 8.3 NHS England have further considered the capacity for the Mendip Vale Medical Group and conclude that the existing health infrastructure can absorb the additional demand from the new residents who would occupy the proposed development.
- 8.4 In light of the latest information on healthcare capacity the Council is no longer objecting to the scheme on the basis of inadequate GP surgery space. The references to this in reasons for refusal 3 and 4 will not be pursued at the inquiry by the Council.
- 8.5 Notwithstanding the fact that the Council is now content that sufficient capacity exists it should be noted that the parish council and many local residents' representations raised concerns regarding local healthcare provision, and they may still wish to make comments on this matter at the inquiry.

9. Planning Obligations and conditions

- 9.1 A Section 106 Legal Agreement is required to secure the proposed 30% affordable housing contribution in accordance with policy CS16. Home to school transport, local public transport services, local bus stop improvements, traffic regulation order for parking restrictions around site access road (should it be considered necessary); Strawberry Line signage improvements; sustainable travel vouchers for the occupants of the development.
- 9.2 Contributions are also sought towards neighbourhood open space including maintenance sums, creation of woodland areas in the site, a play area including maintenance sums and to secure the provision of off-site mitigation land in accordance with an approved 'Greater horseshoe Bat Management Plan' in the off-site mitigation land and for its maintenance.
- 9.3 It is anticipated that the appellant will submit this in advance of the inquiry however in the absence of a S106 Legal Agreement the LPA will demonstrate that the proposal fails to make policy compliant contributions towards the identified needs.
- 9.4 A list of suggested conditions will be agreed with the appellant through updates to the SoCG.

10. Changes to the NPPF

- 10.1 Subsequent to the determination of the planning application (21st November 2023), a revised version of the NPPF was issued on the 20th December 2023. This made significant changes to paragraph 14 of the document. This paragraph now offers protection, in terms of how paragraph 11(b) operates, for neighbourhood plans which are up to 5 years old, which is applicable in this case with the appeal to be determined on or before the 31st October 2024 which will be before the fifth anniversary of the CNP.
- 10.2 The accompanying written ministerial statement from the Rt Hon Mr Gove MP explained the purpose of the change stating, '*local communities that have worked hard to put neighbourhood plans in place should not be penalised for the failure of their council to ensure an up-to-date local plan. The new NPPF therefore protects neighbourhood plans from speculative development from two to five years, where those plans allocate at least one housing site*'.
- 10.3 In respect of NPPF paragraph 14, the Council will demonstrate that the appeal proposals are in conflict with the CNP which is less than 5 years old and that the plan contains policies and allocations to meet its identified housing requirement.

- 10.4 Consequently, were the inspector to find the tilted balance to be engaged (which the Council dispute) then in accordance with NPPF paragraph 14, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits.
- 10.5 It will be self-evident, given the revised NPPF date, that this conflict could not have been raised during the processing of the application which pre-dated the change in national policy. It is nonetheless important that the appeal is considered in the context of the most up to date policy.

11. Conclusion

- 11.1 The Council will show that the proposal has not been brought forward as an allocation or through the existing Neighbourhood Plan. The proposal is contrary to the development plan which provides an expression of the sustainable approach to accommodating development in North Somerset. This size of unplanned for development in this location would undermine the plan led approach advocated in national policy.
- 11.2 The proposals would harm the setting of the grade II listed Park Farmhouse and its associated barns harming the significance of the designated heritage asset. This harm, whilst 'less than substantial' in NPPF parlance, must be afforded great weight. The public benefits which would accrue from the development would not outweigh the identified harm and this constitutes a clear reason for refusal, disengaging the tilted balance.
- 11.3 The Council will also demonstrate that by reason of the position, scale and extent of the proposed development there would be a significant urbanising effect on its rural location that would adversely affect the landscape setting of the village, harm the recreational enjoyment of public footpaths across and adjoining the site and create an unacceptably urbanised edge in this part of settlement.
- 11.4 The Council will demonstrate that the refusal of the application for 25 houses in 2000 and subsequent appeal dismissal was a sound decision and that the baseline has not sufficiently changed for development on this site to become more acceptable.
- 11.5 If a planning obligation to secure a home to school transport contribution cannot be agreed, the Council will show that the local infrastructure is insufficient to support the proposed development further undermining the sustainability credentials of the proposals.
- 11.6 The above notwithstanding, were the Inspector to consider the 'tilted balance' to be engaged, the Council will argue that the adverse impacts

of developing the site would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

11.7 The Inspector will be invited to dismiss this appeal.

ANNEX 1

Table of relevant appeal decisions which will be referred to and are included at Appendix 1.

Application no	Site	Decision date	Decision
99/1226	Land at Park Farm, Congresbury	28/04/00	Dismissed
21/P/2120/FUL	Land at Butts Batch, Wrington	25/02/22	Dismissed
21/P/2049/OUT	Land to the east of Church Lane	02/08/22	Dismissed

Appeal decisions for relevant minor applications are not included in this list but may also be referred to.

ANNEX 2

Further documents which will be referred to in evidence and are included at Appendix 2:

Congresbury Neighbourhood Plan 2019-2036

Congresbury Neighbourhood Development Plan 2018-2036 – A report to North Somerset Council on the Congresbury Neighbourhood Development Plan

Congresbury Neighbourhood Development Plan 2018-2036 – Submission Version December 2018

Written Ministerial Statement – ‘The next stage in our long term plan for housing update’ – 19th December 2023

INTERNAL MEMORANDUM

To:

MARTYN EDWARDS
ASSISTANT DIRECTOR,
PLANNING & ENVIRONMENT

From:

VICKY PARISH
ADMINISTRATION SUPERVISOR
TEL EXT: 4589

CC: RICHARD KENT, WEST AREA
SUE BUCK, SENIOR LEGAL ADVISER
COUNCILLOR AP REES
COUNCILLOR DAWS
COUNCILLOR KNIFTON

My Ref: VEP/JW/99/1226
Your Ref: JW
Date: 2 MAY 2000

**TOWN AND COUNTRY PLANNING ACT 1990
APPEAL BY BRYANT HOMES SOUTH WEST LIMITED
SITE AT LAND AT PARK FARM, OFF PARK ROAD, CONGRESBURY, NORTH
SOMERSET**

- X The above appeal has been dismissed
- The above appeal has been allowed subject to conditions
- X Attached is a copy of the Inspector's decision
- The time limit for appeals in this case:
- 4 weeks (Enforcement)
- X 6 weeks (Planning)
- and accordingly any appeal must be lodged by 9 JUNE 2000.



Vicky Parish
Administration Supervisor

Enc.

South Area Committee Chairman – Councillor Peddlesden

Box file



The Planning Inspectorate

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Tollgate House
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Bristol BS2 9DJ

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0117-9878868	
NORTH SOMERSET COUNCIL	
PLANNING & ENVIRONMENT DIRECTORATE	
APPLICATION No
Acceptance Date	02 MAY 2000
OUR REF	APP/D0121/A/99/1031669
DATE	28 April 2000

Miss V Parish
North Somerset Council
Admin Supervisor
Planning & Environment Dept
P O Box 143, Somerset House
Weston-Super-Mare
NORTH SOMERSET, BS23 1TG

Your Ref:
99/1226

Our Ref:
APP/D0121/A/99/1031669

28 April 2000

Dear Madam

**TOWN & COUNTRY PLANNING ACT 1990
APPEAL BY BRYANT HOMES SOUTH WEST LIMITED
SITE AT LAND AT PARK FARM, OFF PARK ROAD, CONGRESBURY, NORTH
SOMERSET**

I enclose a copy of our Inspector's decision on the above appeal.

If you have any queries relating to the decision please send them to:

The Complaints Officer
The Planning Inspectorate
Room 14/04
Tollgate House
Houlton Street
Bristol
BS2 9DJ

Phone No. 0117 987 8927

Fax No. 0117 987 6219.

Yours faithfully

Mrs A Morgan
211B



Appeal Decision

Inquiry held on 14-16 March 1999

by **J E Braithwaite** BSc(Arch) BArch(Hons) RIBA

An Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

Date

29 APR 2000

Appeal : T/APP/D0121/A/99/1031669/P7

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a failure to determine within the prescribed period an application for planning permission.
- The appeal is brought by Bryant Homes South-West Limited against North Somerset Council.
- The site is land at Park Farm, Off Park Road, Congresbury.
- The application (ref: JP/99/1226) is dated 25 May 1999.
- The development proposed is 'outline application for residential development of up to 25 units and associated open space and means of access'.

Decision: The appeal is dismissed and planning permission is refused.

Background

1. The emerging Local Plan for the North Somerset Council area was the subject of an inquiry into objections held between 1995 and 1997. The Inspector's report, which was published in September 1998, included the observation that one of the "most significant issues to give concern" was "the substantial shortfall in meeting the strategic distribution of housing and employment land". To meet this shortfall he recommended, amongst other things, that the local plan be modified to allocate the appeal site and to include it and a neighbouring farm and bungalow within the settlement boundary of Congresbury.
2. The Council considered the report in April 1999 and decided to reject the recommendation on the basis that there had been a significant change in circumstances since the Inspector's report was published, that there was no longer a substantial shortfall but in fact a surplus, and that there was therefore no need to allocate additional sites. Subsequently, a planning application was submitted for the same development that had been recommended by the Local Plan Inspector. The Council's failure to determine the application within the prescribed period has led to this appeal.

Procedural matters

3. The application was submitted in outline form with all matters, except means of access, reserved for future consideration. The appeal will be determined on the same basis. A copy of a signed agreement made under Section 106 of the Town and Country Planning Act 1990 was submitted at the inquiry. The agreement satisfies several of the Council's concerns and deals with the provision of affordable housing, open space land and off-site highway works, and the preparation and implementation of an ecological management plan for the open space land.
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The main issues

4. The main issues are; first, the effect of the proposal on the character of Congresbury and the surrounding countryside; and second, whether the development is in accordance with relevant Development Plan policies on housing provision and whether there are any considerations, such as government planning guidance and emerging plan policy, that justify making a decision contrary to those policies.

The Development Plan and other planning policy

5. The Development Plan comprises the Avon County Structure Plan incorporating Adopted Third Alteration (SP), approved in 1994 and covering the period to 2001, and the Woodspring Rural Areas Local Plan (LP), adopted in August 1991 and intended to cover the period 1985-1996. The SP is due to be replaced by the Joint Replacement Structure Plan (JRSP), placed on deposit in June 1998 and intended to cover the period to 2011, and the LP by the Woodspring Local Plan (WLP), placed on deposit in January 1995 and intended to cover the period up to April 2001. Though the LP is a dated document, until the adoption of the WLP, it does form part of the Development Plan. LP policy WRA/H1 states that the erection of dwellings normally will not be permitted on land in the open countryside outside the village fences as defined on the inset maps. The appeal site lies outside the village fence for Congresbury.

6. SP policy H.4 provides that residential development in and immediately adjoining settlements not in the Green Belt with reasonable access to a primary level of community services will normally be permitted provided that the character of the settlement is not adversely affected. WLP policy HOU/4 lists those settlements subject to SP policy H.4. The list includes Congresbury. However, WLP policy HOU/4 begins "Within the settlement boundaries of the following villages..." and the WLP makes no provision for residential development outside settlement boundaries. For the proposed development to comply with the WLP the settlement boundary would have to be redrawn to encompass the appeal site, as the Local Plan Inspector recommended. Given also that the SP provides adopted strategic policy for the area, and that even if it were to be adopted the WLP may be the subject of challenge and further modification, greater weight is given to the provisions of SP policy H.4 than to WLP policy HOU/4.

7. SP policy C.1 states, amongst other things, that the use of agricultural land for any form of development not associated with agriculture will normally not be permitted unless the circumstances and need for development are supported in the SP. The support for the use of agricultural land such as the appeal site would come from the land's proximity to settlements subject to SP policy H.4 and from the need to allocate land to meet SP housing requirements. SP policy C.7 states that development proposals in the countryside which would detract from the landscape character or quality of the locality in which they are sited will normally not be permitted. SP policy H.8 provides for the construction of 10,450 dwellings in Woodspring (now North Somerset) in the period 1989-2001.

8. The draft JRSP, in policy 33, increased the number of dwellings to be constructed in North Somerset to 13,800. The EIP into the JRSP was held in March 1999 and the Panel's report was published in June 1999. The report recommended an increase in the North Somerset dwelling requirement to 17,700. In October 1999 the Joint Authorities (including North Somerset) resolved to reject this recommendation; a decision that has led to an objection from the Government Office for the South West (GOSW) to the JRSP Proposed Modifications and that has contributed to the Secretary of State for the Environment, Transport and the Regions issuing a holding direction that prevents the JRSP from being adopted by the Joint Authorities.

Inspector's reasons

The first issue

9. The appeal site is, apart from land associated with the means of access, an open grassed field of about 3.2 hectares. The west boundary is defined by a fence and hedge to the rear of relatively modern semi-detached dwellings on Park Road. To the north of the site and set behind dwellings on Park Road is Park Farm, which comprises a farmhouse and a barn that has recently been converted into a dwelling, and a detached bungalow, Small Acre. A substantial hedge to another open field defines the remainder of the north boundary. The south boundary is defined by a fence and hedge to the rear of dwellings on Mulberry Road and to an orchard/paddock that lies to the east of a small recently constructed housing development, off Mulberry Road, known as Pineapple Farm. The built form of Congresbury, and the current adopted settlement boundary, extends up to and along the west boundary of the site and up to and along the south boundary up to north-east corner of the Pineapple Farm development. The east boundary is also defined by a mature hedge.

10. The appeal site slopes gently away from its south-west corner, which is about 14.0 metres AOD, to its north-east corner, which is around 8.3 metres AOD. The adjoining open farmland to the north and east continues to slope towards the meandering Congresbury Yeo River. Across the river is low lying farmland beyond which, to the north-east, is a wooded ridge that rises to about 172 metres AOD at Corporation Woods. Public footpath AX 16/8 diagonally crosses the site from the north-west corner to a stile in the south-east corner, footpath AX 16/29 follows the site's east boundary and there is an extensive network of footpaths within the valley. The proposed vehicular means of access would be off a short cul-de-sac, which currently provides access to the three dwellings, that has a junction with Park Road.

11. The three detached dwellings are set well apart and only the curtilage of the farmhouse adjoins the east boundary of Congresbury. The farmhouse and the converted barn still retain an agricultural appearance that links them to the surrounding previously associated farmland, the buildings are visually associated with the rural landscape within which they are located and they clearly do not form part of the built form of the settlement. Consequently, it cannot be claimed that 'urban' residential development adjoins any part of the north boundary of the site. Only the west boundary and part of the south boundary adjoins the built up area of the village that is contained by the settlement boundary.

12. A development concept plan, drawing no. CPM 1251/39a, though a sketch drawing, does give an indication as to the likely distribution of the proposed 25 dwellings. The drawing indicates that the site would be divided into two parts; the west part being occupied by the proposed dwellings and the east part by the proposed public open space (POS) that would accommodate a children's play area. The dividing line would extend from the north-east corner of the Pineapple Farm development to the north boundary hedge. Footpath AX 16/8 would be retained in its current position and would be contained in a landscaped corridor where it would pass through the housing development. To the north-east of the footpath there would be six dwellings in two groups of three either side of the access road into the site. The three dwellings to the east of the road would have rear boundaries to the POS. To the south-west of the footpath would be 19 dwellings including five affordable housing units. It is acknowledged that the location of the children's play area and the position of any of the dwellings could be the subject of suitable planning conditions.

13. The only part of the appeal site that could be regarded as being contained by existing development is the imaginary triangle bounded by existing dwellings to the west and south. Development of this imaginary triangle of land, or even all of the land to the south-west of the footpath corridor as indicated on the development concept plan, could be regarded as rounding-off and would not, in plan terms, have an adverse effect on the form and character of the settlement. Part of the housing development, however, would be to the north-east of the footpath and would seriously compromise the rural setting of the existing dwellings to the north, two of which would also be further separated from the adjoining farmland by the access road. The existing dwellings would, in fact, become part of the enlarged settlement and would no longer be part of the rural landscape. The harmful and intrusive effect of the development would, therefore, extend beyond the limits of the development itself.

14. The converted barn is part two-storey/part single storey and has an east elevation about 15 metres long. It is a prominent and distinctive feature of the area that has retained its attractive rural character despite now being a dwelling. The south gable end of the building is about 8 metres from the north boundary of the site and it has a maximum ridge height of about 6 metres. The three dwellings to the west of the access road, given the restricted size of this part of the site, would be built to the south-east of the converted barn and would probably have ground floor levels at about the same height. However, it was suggested at the inquiry that the proposed dwellings would have ridge heights of about 8 metres. These would be as much as 2 metres above that of the converted barn. Given also that they would be built in a tight group close to the north boundary and would be likely to have an urban character, the three dwellings to the west of the access road would seriously diminish the rural character of the converted barn.

15. The group of three dwellings referred to in the previous paragraph would also be conspicuous from footpath AX 16/29 and would be an intrusive feature in the rural landscape. The proposed three dwellings to the east of the access road would be separated from the other elements of the development by the access road and the footpath corridor, and would be situated even further out into the open countryside. Despite being at a slightly lower level, this group would be even more conspicuous and intrusive than that to the west. The proposed POS would alter the character of the east part of the field. This could be minimised by relocating the children's play area and the extent of change would depend on what the area was used for and how it was maintained. Nevertheless, it is likely that a groomed character would replace the current rural character. Though not a significant matter in itself the creation of the POS would contribute to the overall intrusive nature of the proposed development.

16. The access road would pass close to the north gable of the farmhouse and between Small Acre and the converted barn. From Small Acre to the north boundary of the main part of the appeal site the access road would be about 90 metres long and would be situated at the edge of an open field. Such an extensive road in such a location would be an incongruous and alien feature in the rural landscape to the east and north of the converted barn. Vegetation could be planted to screen the road but it would take many years for this to become effective and the vegetation would be almost as incongruous as the road. Furthermore, vegetation would not effectively screen traffic on the road, which would add to the incongruity of the proposed access. The road, and the traffic associated with 25 dwellings, would be a particular intrusive, and somewhat contrived, element of the development and would cause significant harm to the rural character of the landscape to the north of the appeal site.

17. Negotiating the stile at the beginning of footpath AX 16/8 is the point at which pedestrians currently pass from a distinct urban environment into an attractive open rural landscape that is only marginally diminished by the proximity of housing development on the south side of the

appeal site. The proposed development would modify this distinct change in character by creating a transition area where the footpath passes through the landscaped corridor. Given also that reaching a truly rural landscape would only be delayed by about 200 metres the modification of only a part of the footpath's character would not be significant. Similarly, views from the footpath over the valley towards Corporation Wood would only be slightly delayed and there are many opportunities within the footpath network from which to appreciate this changing panoramic scene.

18. Views towards the settlement, particularly from footpath AX 16/29 but also from footpaths further to the east, are of a rural landscape extending up to a dense built-up area that is contained by a distinctive boundary. Existing development on Park Road and Mulberry Road, though not particularly attractive, is primarily low-density semi-detached housing set back from the settlement boundary by at least 20 metres. Notwithstanding the POS, the proposed development would not 'soften' the hard edge of the settlement but would relocate it further out into the rural landscape. Furthermore, it is likely, given the extent of developed areas on the development concept plan and the proposed number of dwellings, that they would be sited much closer to what would effectively become the settlement boundary. Given also that the south-west corner of the appeal site is probably the highest point AOD in or immediately around the settlement, the entire proposed development would be prominent and intrusive, and would seriously detract from the character of Congresbury and the rural landscape to the east.

19. The proposed two groups of three dwellings either side of the access road would be particularly harmful to the character of the area and if this appeal were to be allowed a condition would be necessary to delete these from the development. The effect of this would be to lengthen the access road leading to the remainder of the development thus increasing its harmful effect on the landscape. Taking all factors into account, the proposed housing development and the access road leading to it would have a significant adverse effect on the character of Congresbury and the adjoining rural landscape. Furthermore, the imposition of a condition limiting the extent of the development would not diminish the harm that would be caused. The proposal thus conflicts with SP policies H.4 and C.7.

The second issue

20. The Appellants have referred to three appeals that were determined during 1999 relating to housing development sites in North Somerset. In all of the appeals a main consideration was one of housing land provision and in each case the Inspector concluded, contrary to the Council's view when considering the Local Plan Inspector's similar conclusion, that there was a significant shortfall in land provision to meet strategic obligations. Both main parties agree that since the start of the plan period 6,689 dwellings have been built out of a requirement of 10,450; the residual requirement therefore being 3,761 dwellings. At the inquiry the Council admitted that there is indeed a shortfall in housing land supply for the remainder of the emerging WLP plan period but disputed the Appellant's figures regarding the extent of the shortfall. Based on assessment of projected completions at A and B sites within the district, and taking into account allowances for small site completions and windfalls, the Appellants contend that the shortfall is about 1600 dwellings whereas the Council assert that the shortfall is only about 860 dwellings.

21. The Council's assessment makes no allowance for non-completions due to unforeseen circumstances, generally accepted to be 10%, which would raise their estimate of the shortfall to about 1000 dwellings for the plan period ending March 2001. Such a shortfall, amounting to about 9.5 % of the plan period requirement, is significant. The Council alluded to the fact that there is no specific requirement to apply a 10% allowance and suggested, given that the plan

period will end in about a year, that such an allowance is not appropriate. However, even if it were not to be applied, a shortfall of about 860 dwellings, which is about 8.2 % of the plan period requirement, is still significant. The Council has made considerable effort to assist developers in maximising completions at several of the A and B sites. These efforts, however, are unlikely to result in a substantial reduction in the identified shortfall.

22. Both main parties have also assessed the five-year housing land supply in North Somerset. This subject is complicated by various factors including the publication of the 2000 version of PPG3 and the JRSP's progress towards adoption outlined in paragraph 8 of this decision. Paragraph 76 of PPG3 states that "Effective monitoring is essential to the strategy of maintaining an adequate supply of land... advice on monitoring is contained in good practice guidance referenced at Annex D". However, the guidance has not yet been published and it is therefore unclear how the five year housing land supply should be assessed. Furthermore, with regard to the SP and the JRSP, there is uncertainty as to the strategic requirement (i.e. number of dwellings) to be used in any calculation. In any event, any assessment of the five-year housing land supply would not alter the fact that there is an identified shortfall in land provision.

23. The Council contends that the proposed development at Park Farm, being for only 25 dwellings, is too small to make any significant impact on the shortfall and is unlikely to be completed within the plan period. The size of the development is not an important consideration and does not count against the proposal. The fact is that it *would* contribute to reducing the shortfall in land supply. At the inquiry the Appellants submitted a proposed build programme that indicates that the development would be completed by April 2001. Though November is certainly not the ideal month in which to commence building, given that the Council are likely to co-operate by expediting a reserved matters application and that the Appellant company has extensive resources, the build programme is achievable.

24. Even if the development were delayed, for unforeseen reasons, it would contribute to housing land provision until such time as sites allocated through the local plan review process become available. In this regard, given also that the intended occupants of the proposed dwellings would have access to a primary level of community services, the proposal would accord with SP policy H.4. However, the site lies outside the Congresbury village fence and the proposal would thus be in conflict with LP policy WRA/H1.

25. The WLP has yet to be adopted even though it is intended to cover the period up to April 2001, which is only about one year away, and does not reflect current government planning policy on housing provision. The WLP is therefore afforded little weight. The JRSP, on the other hand, despite the holding direction, is at an advanced stage in its progress towards adoption, is intended to cover the period up to 2011, and does reflect PPG3. The JRSP is therefore afforded considerable weight. PPG3, given that it was published only days before the inquiry, must be regarded as a very up to date expression of government policy on housing provision. The importance of the JRSP and PPG3 is magnified because they accord with each other. Furthermore, even if the Local Plan Inspector's recommendation had been accepted by the Council paragraph 38 of PPG3 states that "Where the planning application relates to development of a greenfield site allocated for housing in an adopted local plan or UDP, it should be assessed, and a decision made on the application, in the light of the policies set out in this guidance". One of the main thrusts of PPG3 is towards 'creating sustainable residential environments'. This objective is addressed by JRSP policy 2.

26. JRSP policy 2, as proposed to be modified, seeks, in criterion (a), to concentrate development within and immediately adjacent to the main urban areas. Criterion (d) provides

that development which cannot be so accommodated nor on land that is already developed or committed to development, shall be steered to settlements that have significant existing advantages over other locations in respect of good public transport access. Criterion (d) also states that it is necessary to ensure that all new residential locations, amongst other things, offer good access to a range of local facilities and services, and enable a high proportion of journeys to be made by walking, cycling or public transport. Criterion (h) of JRSP policy 2 carries forward SP policy H.4 by seeking to protect the character of the countryside and its settlements by allowing limited development, within or adjoining settlements, that is appropriate to their character and accessible to local facilities and employment.

27. The appeal site is greenfield land and its use for housing development purposes would be directly contrary to the government's commitment to maximising the re-use of previously-developed land and buildings. Neither is the site within one of the main urban areas in North Somerset where government policy indicates that 'most additional housing development' should be concentrated. Congresbury is located in the Bristol to Weston-super-Mare A370 transport corridor and in the nearby village of Yatton there is a railway station that provides access to the two main employment centres of Bristol and Weston-super-Mare. However, the appeal site is about 0.9 kms from the A370 along which buses operate and at least 3 kms from Yatton station. It cannot, therefore, be claimed that the site has the benefit of good public transport access. Congresbury does have a range of local facilities and services to justify its inclusion in the WLP policy HOU/4 list. Nevertheless, the proposed development, given the criteria in PPG3 and JRSP policy 2, would not be a sustainable residential environment. This important matter weighs heavily against the fact that the development would accord with the SP.

Other matters

28. Park Farmhouse is a Grade II listed building. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard be paid to the desirability of preserving the setting of the listed building. The construction of the proposed housing development, and the means of access to it, would visually and actually separate the farmhouse from the previously associated farmland and would thus have a harmful effect on the setting of the listed building.

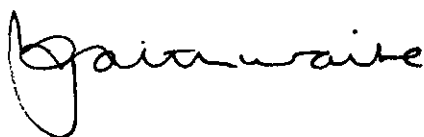
29. All other matters raised at the inquiry and in written representations have been taken into account including the WLP Inspectors recommendation that the appeal site be allocated for housing development, and the three 1999 appeal decisions. The WLP Inspector reached no conclusion on the effect of the proposal on the character of the area and, with reference to the emerging WLP process and the appeal decisions, the revised PPG3, which "introduces a new approach to planning for housing", had not been published at the time the decisions were made.

Conclusions

30. Though the proposed development would be contrary to LP policy WRA/H1 it would contribute to offsetting the shortfall in housing land provision for the emerging WLP plan period and would accord with SP policy H.4 in this respect. However, the development would not result in the creation of a sustainable residential environment and is thus in conflict with JRSP policy 2 and PPG3. Furthermore, and of such concern that it overrides all other considerations, the development would have a serious adverse effect on the character of Congresbury and the surrounding countryside. In this regard, the proposal conflicts with SP policy H.4. The proposed development is therefore contrary to the Development Plan, emerging Structure Plan policy and government guidance in PPG3.

APPEAL DECISION

31. For the reasons given I conclude that the appeal should not succeed and I shall exercise the powers transferred to me accordingly.



John Braithwaite - Inspector

APPEARANCES

FOR THE APPELLANT:

Miss S Omsby	Of Counsel, instructed by Mr M Johnson of Hoddell Associates
She called	
Mr M B Johnson BA(Hons) BPhil MRTPI	Director of Hoddell Associates, Development and Planning Consultants, Tickton Lodge, 8 Bellevue Road, Clevedon, Bristol
Mr D McInemey BSc(Hons) MA(LD) MLI	Associate Director of CPM, Environmental Planners, Akeman Barn, Coln St Aldwyns, Cirencester
Mrs S Milward BA(Hons) BTP MRTPI	Planner at Bryant Homes Technical Services Ltd.

FOR THE LOCAL PLANNING AUTHORITY:

Mr P Wadsley	Of Counsel, instructed by the Solicitor to North Somerset Council
He called	
Mr K Carlton BA DipLA MLI	Landscape Officer at North Somerset Council
Mrs M K Hoare MA MSc MRTPI	Planning and Transportation Policy Manager at North Somerset Council

INTERESTED PERSONS:

Mrs M Short	Chairwoman of Congresbury Parish Council
Mrs A Towler	Blackberry Barn, Park Farm, Congresbury

DOCUMENTS

Document	1	List of persons present at the inquiry on 14-16 March 2000.
Document	2	Letter of notification of the inquiry and list of persons notified.
Document	3	Appendices 1-10 to Mr Johnson's proof of evidence.
Document	4	Appendices 11-21 to Mr Johnson's proof of evidence.
Document	5	Appendices to Mr McInemey's proof of evidence.

APPEAL DECISION

- Document 6 Appendices to Mrs Milward's proof of evidence.
- Document 7 Appendices to Mr Carlton's proof of evidence.
- Document 8 Appendices to Mrs Hoare's proof of evidence.
- Document 9 Proof of evidence of Mrs Porter – Council witness not called at the inquiry.
- Document 10 Supplementary statement by Mr Carlton.
- Document 11 Supplementary proof of evidence by Mrs Hoare.
- Document 12 Letter of representation by E G Sutton addressed to the Council.
- Document 13 Congresbury village character statement.
- Document 14 First page of a letter from Mr S Williams to Mr T King dated 19 January 2000.
- Document 15 Proposed Build Programme.
- Document 16 Copy of signed Section 106 Agreement.
- Document 17 Report to Planning and Transport Committee on 15 March 2000.
- Document 18 Council's Five Year Land Supply Calculation.
- Document 19 Appellant's Revised (land supply) Tables.
- Document 20 Letter from Crest Strategic Projects Limited to Mr N Edwards dated 10 March 2000.
- Document 21 Summary Of Crest Letters (see document 20).
- Document 22 Letter from C S J Planning Consultants Ltd to Mr D S Exley dated 15 March 2000.
- Document 23 Progress towards Structure Plan Housing Requirements 1989-2001 and 1996-2011.
- Document 24 Letter to C S J Planning Consultants Ltd from Mr D S Exley dated 10 March 2000.
- Document 25 Information and plan relating to development at Pineapple Farm, Congresbury.
- Document 26 Letter and enclosure from Mr D Rankin to Mr C R Mitchell dated 11 July 1994.
- Document 27 Land Supply Tables produced by Mrs Hoare.
- Document 28 Text of Ms Ormsby's opening statement.
- Document 29 Supplementary statement by Mr Johnson regarding PPG3.
- Document 30 Letter from The Barton Willmore Planning Partnership to Ms B Houldon dated 3 March 2000.
- Document 31 Letter from Hoddell Associates to Ms B Houldon dated 21 February 2000.
- Document 32 Letter from Hoddell Associates to Mr T King dated 9 March 2000.
- Document 33 Letter and enclosures from Eversheds to GOSW dated 8 March 2000.
- Document 34 Proposed Conditions.
- Document 35 Notes of Mr Wadsley's closing submission.
- Document 36 Letter to Colin Buchanan and Partners from GOSW dated 6 October 1999.

PLANS

- Plan A Location Plan – scale 1:2500 (application plan).
- Plan B Site Survey.
- Plan C Inset Map No 5 'Congresbury' from Woodspring Rural Areas Local Plan.
- Plan D CPM drawing no. CPM1251/39a.



Appeal Decisions

Inquiry Held on 28 June to 1 July and 5 & 6 July 2022

Sites visit made on 6 July 2022

by G D Jones BSc(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 25th August 2022

Appeal A - Ref: APP/D0121/W/22/3292065

Land at Butts Batch, Wrington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Strongvox Homes Ltd against the decision of North Somerset Council.
 - The application Ref 20/P/2990/OUT, dated 6 November 2020, was refused by notice dated 17 September 2021.
 - The development proposed is described as outline planning application for access with all other matters reserved for the erection of up to 61no. dwellings, including 18no. affordable housing units (30%), along with access from Butts Batch, the provision of play facilities and public open space/ecological mitigation land with associated works.
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Appeal B - Ref: APP/D0121/W/22/3294867

Land adjacent to Westward Close, Wrington

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Strongvox Homes Ltd against North Somerset Council.
 - The application Ref 21/P/2120/FUL, is dated 21 July 2021.
 - The development proposed is the laying of hardstanding and associated works to facilitate a new public right of way.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the laying of hardstanding and associated works to facilitate a new public right of way at Land adjacent to Westward Close, Wrington in accordance with the terms of the application, Ref 21/P/2120/FUL, dated 21 July 2021, subject to the conditions contained within the Schedule at the end of these decisions.

Preliminary Matters

3. As set out above, there are two appeals relating to two separate planning applications. Although relating to two different areas of land, the sites abut, with the Appeal B site located immediately to the northeast of the Appeal A site.
4. Appeal A is for outline planning permission with access only to be determined at this stage and with appearance, landscaping, layout and scale reserved for future approval. Whilst not formally part of the scheme, I have treated the

submitted details relating to these reserved matters as a guide as to how the site might be developed.

5. In this regard and as outlined in the main Statement of Common Ground between the appellant and the Council (the main SoCG), I have been asked to consider and determine Appeal A on the basis of 'minor amendments to illustrative material and updated parameter plans'. These amendments have been consulted upon locally and with the Council. By their nature, they concern matters that are inherently illustrative. Consequently, I can see no reason why any party might be unreasonably deprived of the opportunity to be consulted on the changes or be prejudiced as a result of accepting them. I have, therefore, assessed and determined Appeal A on the basis of these amendments.
6. The first reason for refusal of the Appeal A planning application refers to the effect that the proposed development would have on Wroughton Conservation Area (WCA). However, subject to the provisions of the amended parameters plans, as referred to above, the Council no longer considers that any such effect would warrant refusal of planning permission. Although they are located near to WCA, neither site stands within it. Having paid special attention to the desirability of preserving or enhancing the character or appearance of the WCA, I have found no good reason to disagree with the Council in this respect and have assessed and determined the Appeal A scheme on that basis.
7. Appeal B is for full planning permission for a proposed right of way that is intended to provide a new pedestrian and cycle link between the northern part of the Appeal A development to Westward Close, which is an adopted highway that links to Station Road to the east. The Council has confirmed that had Appeal B not been made it would have granted planning permission for that proposed development, subject to conditions.
8. Three Statements of Common Ground have been submitted relating to both appeals. In addition to the main SoCG, there is a second between the Council and the appellant concerning highway and transport matters, and a separate one between Keep Wroughton as Wroughton (KWaW) and the appellant. KWaW was a Rule 6 party at the Inquiry.
9. A legal agreement, dated 12 August 2022, made under s106 of the Town and Country Planning Act 1990 (the Planning Obligations) for Appeal A only was submitted after the Inquiry closed. I have had regard to it in my consideration and determination of both appeals.
10. A further appeal decision¹, made after the Inquiry closed, has been brought to my attention. I gave the three main parties to the Inquiry opportunity to comment on that appeal decision. I have taken all of their respective responses into account when making my decision along with that further appeal decision itself.

Main Issues

11. The main issues for Appeal A are:

- The effect of the proposed development on the setting of the grade I listed Church of All Saints;

¹ APP/D0121/W/22/3292961

- Its effect on the character and appearance of the area; and
 - Whether any harm arising would be outweighed by other considerations, including the absence of a National Planning Policy Framework compliant supply of housing land.
12. Regarding Appeal B, in light of the extent of common ground between the Council and the appellant, the main issue is whether there are any other considerations that might indicate that this appeal should be dismissed.

Reasons - Appeal A

Listed Building

13. The Church of All Saints, listed at grade I, (the listed Church) is located some 200m from the northern edge of the Appeal A site. There is existing intervening development, mainly in the form of low-rise, 20th century dwellings located in the streets of Wiltons and Brooklyn, off Station Road.
14. The **listed Church's** significance derives principally from its architectural interest, including its 4-stage tall tower, which is a striking and attractive landmark in the village townscape and wider rural landscape, and from its historic interest as a parish church with medieval origins and ties to past activity in the parish and community.
15. Clearly the proposed development could not have a direct physical effect on the listed Church. Consequently, the focus here is on whether the proposed development would affect the listed Church's setting and, if so, how and to what degree. In this regard the extent of common ground between the appellant and the Council is of great assistance.
16. The main SoCG does not expressly address the setting of the listed Church. Nonetheless, the appellant and the Council agree that the proposal would result in less than substantial harm to the significance of the Church in the terms of para 202 of the National Planning Policy Framework (the Framework).
17. It follows, therefore, that the appellant and the Council both consider that the proposed development would be within the setting of the listed Church and that its effect on setting would lead to harm to its significance as a designated heritage asset. The Church is experienced, and its special interest and significance appreciated, from the agricultural hinterland of Wrington to the west and south of the village such that I agree that the Appeal A site and nearby surrounding land form part of its setting.
18. The appellant and the Council also agree that the extent of that harm would be at the 'lowermost' end of less than substantial, as set out in the main SoCG. Given that it is agreed between the Council and the appellant, I have used this level of harm as a benchmark to assist in making my decision. I have also found no good reason to conclude that the effect of the development on the listed Church would be any more positive than that level.
19. On this basis, the proposed development would have a harmful effect on the significance of the grade I listed Church of All Saints, via its effect on setting, contrary, in that regard, to Policy CS5 (Historic environment) of the North Somerset Core Strategy, January 2017, (The Core Strategy) and Policy DM4 (Listed buildings) of the Development Management Policies - Sites and Policies Plan Part 1, July 2016, (the DM Plan).

20. These Policies were found to accord with the Framework via the Core Strategy examination process. Nonetheless, neither includes the public benefits balance of Framework para 202. Consequently, the resulting conflict with Policies SC5 and DM4 carries limited weight only. I return to the relative weight of the identified harm compared to the public benefits of the Appeal A scheme in the *Other Considerations and the Planning Balance* subsection below.

Character & Appearance

21. There is a fair degree of common ground between the appellant and the Council on matters of landscape and visual impact. They agree that the Appeal A scheme would, overall, result in harm to landscape character as it would involve the development of a greenfield site. They have also agreed the relevant landscape receptors. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA) in support of the scheme. While the Council disagrees with some of its findings, it has no objections to the LVIA's methodology. There is, nonetheless, significant disagreement regarding overall harm in this regard.
22. Having taken all of the evidence into account along with what I experienced when I visited the area, I broadly agree with the Council's landscape witness's assessment that the Appeal A development would have a harmful effect on the character and appearance of the area. I have not found it necessary to go into the full detail of why this is the case because, even if it were to have a neutral overall effect on the character and appearance of the area, it would not alter the outcome of Appeal A. I return to why this is the case in the *Other Considerations and Planning Balance* subsection below.
23. I do, nonetheless, outline here the main reasons why there would be at least some significant overall harm in this regard, notwithstanding its benefits. Notable amongst the character and appearance benefits offered by the development is the opportunity to soften and improve the village edge, which is currently rather abrupt along the boundaries of residential properties that adjoin the Appeal A site. The re-instatement of an historic hedgerow and structured boundary planting would also be of notable benefit.
24. Nonetheless, the overall effect of the Appeal A development, in terms of landscape and visual impact, would be negative, broadly in the terms identified by the Council's **landscape witness**. There are a number of reasons for this, including how the landscape sensitivity of the site and its surroundings are assessed. In my view, its sensitivity is high, consistent with the North Somerset Council Landscape Sensitivity Assessment, 2018 (the LSA).
25. In coming to this view I have taken into account the recent comments of a fellow Inspector regarding the LSA made in his decision letter concerning proposed residential development at Yatton². While the LSA was undertaken to help inform the plan-making process, such that it is a fairly high level assessment, its aims include to provide *a sound basis on which decision making can be informed with regard to ongoing and future site assessment and the determination of potential planning applications*. So, it is highly relevant to my decision. It also aims to provide *a context for the allocation of sites for housing development*, so it was prepared with residential development in mind.

² APP/D0121/W/21/3286677

26. Moreover, the LSA looks at Wrington and its surroundings in some detail via a number of separate sub-areas around the village. It was informed by site visits to each of the settlements assessed during the field survey, so those undertaking this piece of work would have been well-aware of the settlement pattern and nature of adjacent settlement edges when assessing this area, including the appeal site, as being of high sensitivity.
27. The site and surrounding area are not covered by any national or local designations for landscape quality. It is also common ground between the appellant and the Council that they do not form part of a valued landscape in the terms of the Framework and I see no reason to disagree on this matter.
28. The Council's **witness's assessment of landscape** quality appears the most accurate of the witnesses, having assessed the site and its immediate surrounds as of overall medium to high landscape quality and value. This is largely informed by the site and nearby fields being generally pleasant and rural, and also because of the characterful and attractive views across the local landscape to the church tower at the southern approach to the village and relationship with the wooded ridge to the north of Wrington.
29. The Appeal A site includes a much lower, yet pronounced ridge, where development is proposed to be located. It is also at a reasonably prominent entrance to the village. Notwithstanding, the proposed landscaping works, the Appeal A development would be readily apparent from the south, occupying a significant portion of the open land that currently provides an attractive setting to this part of the village, including to the listed Church. Overall, therefore, the Council's landscape witness's assessment of high and moderate adverse, after 1 year and 15 years respectively, represents the most accurate assessment amongst the witnesses of the landscape effects of the proposed development.
30. There would also be visual impact, particularly in views from the local highway, rights of way and permissive path network. For instance, I agree with the Council's assessment that, while in large part screened or filtered by mature planting, views from the permissive path to the south of the site northwards are currently attractive and distinctive, and that the development would cause a medium degree of change for pedestrian receptors of high sensitivity, resulting in moderate to high adverse visual effects. Similarly, in views from Half Yard by pedestrians and cyclists when approaching the village, there would be a high degree of change leading to high adverse effects for these users of the highway.
31. For the foregoing reasons, therefore, the Appeal A development would have a harmful effect on the character and appearance of the area. Consequently, in this regard, it would conflict with Policy CS5 (Landscape) and bullet points 1 and 4 of Policy CS32 (Service villages) of the Core Strategy, and Policies DM10 (Landscape) and DM32 (High quality design and place-making) of the DM Plan.

Planning Obligations

32. In the event that planning permission for the Appeal A scheme were to be granted and implemented the Planning Obligations would secure the provision of affordable housing at a rate of 30%, with a split of 77% social rent and 23% intermediate; the transfer of the proposed on-site open space to the Council or another party; payments to fund school travel for primary and secondary school pupils, public transport services phased over 5 years, supervision and

inspection of the open space works, and maintenance of fire hydrants; and the implementation of the travel plan, including payments for sustainable travel incentives.

33. The Council has submitted a detailed statement for Appeal A (the CIL Statement), which addresses the application of statutory requirements to the Planning Obligations and also sets out the relevant planning policy support / justification. I have considered the Planning Obligations in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am content that they would be required by and accord with the policies set out in the CIL Statement. Overall, I am satisfied that all of those obligations are directly related to the Appeal A development, and in each case are fairly and reasonably related to it and necessary to make it acceptable in planning terms.

Other Considerations and the Planning Balance

34. As the Appeal A development would cause less than substantial harm to the significance of the listed Church, there are two balancing exercises to be done. The first is that set out in para 202 of the Framework, in the context of the statutory requirements of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The second is the more common balancing exercise under s38(6) of the Planning and Compulsory Purchase Act 2004 having regard, amongst other material considerations, to the Framework, including its para 11 and the engagement of the so-called tilted balance. The former is dealt with first as its outcome has the potential to effect the operation of the latter.
35. Before doing either balance, it is necessary to identify the benefits of the Appeal A development. The appellant maintains that the proposed development would bring a number of benefits, including the delivery of housing.

Housing Delivery

36. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites as required by the Framework. It is also common ground between the Council and the appellant that the deliverable supply for the period in question lies in the range of 2.95-3.3 years only and that the specific figure within this range is 'not material to the decision maker'.
37. Further to the absence of **a five years' supply of housing land**, while Core Strategy Policy CS13 sets housing numbers to be delivered in the plan period, it is not a Framework compliant assessment of housing need and was adopted on the expectation of an early review by 2018, but which has yet to take place. The Core Strategy is also more than five years old, such that its adopted housing requirement is replaced by the higher requirement derived from the **Government's** Standard Method. While there has been activity in terms of attempting to bring forward a replacement Local Plan, there can be no certainty regarding when a replacement plan might be adopted.
38. There is also a shortfall of 265 affordable homes for the Plan period based on an annualised target of 150 homes compared to the average annual delivery of

131 homes. This is in the context of 2,306 households being on the Council's waiting list for affordable housing as at 2020-21.

39. In these circumstances and bearing in mind that it is unclear when the shortfalls in either market or affordable housing will be bridged, the contributions that the development would make to the delivery of market and affordable housing are each, individually, very weighty considerations in favour of Appeal A.

Other Benefits

40. A number of other benefits of the Appeal A development are advanced through the evidence. In the terms of the Framework, under the economic objective of sustainable development, these include those associated with the construction phase of the development, including employment, new homes bonus and long term spending associated with the residents of the completed scheme.
41. In addition to housing delivery as discussed above, under the social and environmental objectives, the benefits would also include the provision and maintenance of public open space/public realm and play facilities, habitat creation and biodiversity net gain, sustainable drainage, localised landscape enhancements and the placemaking aspects of the scheme, support to public transport services over 5 years via the planning obligations and the support that the additional residents would provide to sustaining services and facilities in the area.
42. The appellant's case also refers to what is said to be heritage benefit in terms of opening up currently unavailable views of the Church tower from the developed Appeal A site. However, these views already exist, albeit from private property, and no viewpoint evidence has been submitted to support the claim that they would be beneficial. Consequently, any such benefit would be highly tempered. Moreover, if they were genuinely beneficial, they would have been taken into account by the **appellant's** heritage witness as part of her overall assessment of the proposed development's effect on the significance of the listed Church, which led to the conclusion of less than substantial harm at its lowermost.
43. It might then be said that such an alleged 'heritage benefit' should be counted again in the Framework para 202 balance on the basis that, even though it has already been taken into account in the assessment of the effect on the significance of the heritage asset, it is nonetheless a 'public benefit'. While I am far from convinced that this approach is the intension of the Framework, for the purposes of making my decision I have included this alleged 'public benefit' in the Framework para 202 balance. However, for the reasons outlined in the preceding paragraph, it could attract no more than very limited weight.

The Listed Church and the Balancing Exercises

44. While not its principal source, the listed Church's setting nonetheless makes a considerable contribution to the significance of this designated heritage asset. It is the more immediate area around the listed Church, where the detail of its architecture can be most fully appreciated, that makes the greatest contribution to its significance as derived from its setting.
45. Nonetheless, its wider setting, including the Appeal A site, makes an important contribution to the significance of the listed Church. A major part of this is

associated with its tall, 4-stage tower, which is a prominent landmark in the local landscape, including in views northward from the south, beyond the village and across the Appeal A site. While these views from the south are intermittent, with the Church tower seen in the context of 20th century development, this part of the listed Church's setting does contribute to its significance and special interest.

46. Although that contribution is modest in comparison to the other factors that contribute to its significance, it is nonetheless valuable. As a listed building, the Church of All Saints is of national importance. Moreover, as a grade I listed building, it is of exceptional interest, with only around 2.5% of listed buildings being at grade I.
47. The total weight of the benefits would be great. However, they are not collectively sufficient to outbalance the identified 'lowest' less than substantial harm to the significance of the listed Church given that such harm should be given considerable importance and weight and bearing in mind the national importance and exceptional interest of this heritage asset.
48. In coming to this conclusion, I have taken account of the somewhat modest scale of housing that would be delivered, and that although the housing land supply and affordable housing shortfalls are substantial and of longstanding, such that they are likely to take some time to bridge, they are also likely to be temporary. In contrast, the harm to the significance of this important and exceptional heritage asset would be of a far more permanent nature. Consequently, the tilted balance of Framework para 11 does not apply.
49. As outlined above, the conflict with Core Strategy Policy CS5 and DM Plan Policy DM4 resulting from the harm to the significance and special interest of the listed Church carries only limited weight. Nonetheless, given the outcome of the Framework para 202 balance, even if there were no harm to the character and appearance of the area and even if the **appellant's** best position on the weight currently carried by the wider policies of the development plan were to be adopted, when undertaking the s38(6) planning balance there would be insufficient additional weight in favour of the Appeal A development to outweigh the harm to the listed Church and the associated development plan conflict. Accordingly, Appeal A should be dismissed.

Reasons - Appeal B

50. The purpose of the Appeal B development is to provide an additional non-vehicular means of access to and from the Appeal A residential development. Consequently, if Appeal A were to be dismissed, the reason for the Appeal B development would fall away. Nonetheless, regardless of whether it is now needed or would have been needed had Appeal A been allowed, I am still required to determine Appeal B.
51. A number of concerns have been put to me regarding the Appeal B development mainly concerning highway safety matters and the potential effect of the development and its use on the living conditions of nearby residents. Nonetheless, the appellant's evidence demonstrates that the necessary lines of sight could be secured and retained to ensure that there would not be any significant effect on safety resulting from potential conflict between users of the proposed link and vehicular users of the existing access to the waterworks and Piggery to the west.

52. Although I recognise that it would represent change, this kind of arrangement, where a right of way runs alongside and / or to the rear of people's homes, is quite common in residential areas. I do not see any good reason why the arrangement that would result here would have any significant effects in terms of neighbours' living conditions. Indeed the proposed hard surfacing of a section of the access track would be likely to be beneficial in terms of reducing dust.
53. There is also concern expressed regarding the hedgerow that currently stands between the private access track and Westward Close and the deliverability of the link. However, the evidence indicates that the hedgerow currently lies within the adopted public highway where the local highway authority is able to authorise necessary works, including to the hedge. The loss of a part of the hedge to facilitate access and the associated sight lines would be reasonably small and have a limited effect on the character and appearance of the area.
54. Overall, having taken account of all of the representations made, both in writing and in person at the Inquiry, I have found no good reason to disagree with the Council's **position on** the Appeal B scheme, as set out in the main SoCG, that planning permission should be granted subject to conditions. Accordingly, even though the proposed link would not be needed, such that it seems very unlikely that it would be completed, Appeal B should be allowed.

Other Matters

55. KWaW and other interested parties raised a range of wider concerns during the appeals and planning applications processes, both in writing and in person at the Inquiry. In respect to Appeal A, while I have taken them into account, as they do not alter the outcome of the Appeal, I have not found it necessary to discuss them any further. Regarding Appeal B, as outlined above, there are no matters that individually or collectively warrant the withholding of planning permission for that proposed development.

Conclusions

56. In conclusion, the Appeal A scheme would lead to less than substantial harm to the significance of the Church of All Saints as a designated heritage asset. For the reasons outlined above, that harm would not be outweighed by the public benefits of the proposal. Consequently, notwithstanding that the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land, the tilted balance of Framework para 11 is not engaged. The harm to the significance and special interest of the Church, as a listed building at grade I, and to the character and appearance of the area, and the associated development plan conflict would not be outbalanced by the collective benefits of the scheme³.
57. Consequently, while in many respects the proposal would contribute positively to sustainable development objectives as set out in the Framework, particularly in terms of housing delivery, the Appeal A scheme would not be sustainable development in the terms of the Framework such that there is no presumption in its favour.

³ This would also be the outcome even without the identified harm to the character and appearance of the area and the associated development plan policy conflict in that respect.

58. Moreover, it would conflict with the development plan taken as a whole and there are no material considerations that have led me to conclude that the decision should be made other than in accordance with the development plan. Indeed, notwithstanding the development plan, there are weighty material considerations related to the identified harm to the special interest and significance of the listed Church that indicate that planning permission should not be granted. Accordingly, Appeal A should be dismissed.
59. Regarding Appeal B, I have taken into account all of the evidence, including that submitted by and on behalf of the local community. Having done so and notwithstanding that, given the outcome of Appeal A, the proposed right of way would not lead anywhere other than private property, I have found no substantiated evidence that leads me to disagree with the Council's conclusion that planning permission should be granted for the Appeal B scheme subject to appropriate conditions.
60. In addition to the standard time limit condition the Council and appellant have jointly suggested conditions in respect to Appeal B, which I have considered and, where appropriate, adjusted in the light of government guidance. To ensure that the development harmonises with its surroundings, is usable and to protect the living conditions of neighbouring occupiers, a condition to control details of landscaping and hard surfacing would be necessary. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would also be necessary.
61. In the interests of safety, a condition would be necessary to secure and control sight lines from and across the proposed right of way, along with other safety measures including signage. A condition to deliver measures to protect the living conditions of neighbours would be necessary. For that reason and to support the protection of bats, a condition would also be necessary to control lighting associated with the proposed link. To safeguard neighbours' living conditions and in the interests of highway safety, a condition would be necessary to control operational aspects of the construction process.
62. For the foregoing reasons, therefore, Appeal A is dismissed and, subject to the appended schedule of conditions, Appeal B is allowed.

G D Jones

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Christopher Boyle of Queens Counsel	Instructed by Pegasus Planning
He called ⁴	
Martin Leay MSc MRAC FRICS(retd) CMLI	Landscape – The Landmark Practice
Hannah Armstrong BA(Hons) MSc IHBC ACIfA	Heritage - Pegasus Group
Ben Stoodley BSc(Hons)	Drainage - Focus on Design
Anthony Jones BSc(Hons) MCIHT	Transport - Pegasus Group
Chris Marsh BA(Hons) MPlan MRTPI	Planning - Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY:

Peter Wadsley, of Counsel	Instructed by Richard Kent, Head of Planning, North Somerset Council
He called ⁵	
Jon Etchells MA BPhil CMLI	Landscape - Jon Etchells Consulting
Kate Hudson-McAulay PhD MSc BSc(Hons) AssocIHBC	Heritage - North Somerset Council
Mark Reynolds BSc(Hons) MSc MRTPI	Planning - Context Planning Ltd

FOR KEEP WRINGTON AS WRINGTON:

Richard Storrar	Instructed by Keep Wrington as Wrington
He called	
Adrian Dore	Landscape & Heritage – Local Resident
Georgina Bigg	Various matters – Campaign for the Protection of Rural England, Avon and Bristol
J Maria Abdul-Wahab BSc(Hons) BA(Hons)	Agriculture – Local Resident
Susannah Marwood	Pedestrian Access & Safety – Local Resident
Lisa Edgar ⁶ DHP HPD SFBT Sup(Hyp) AfsFH, MNCH(Acc) MNCP	Appeal B – Local Resident

⁴ Although other proofs of evidence were submitted in support of the appellant's case, only the five witnesses listed here were called to give evidence at the Inquiry.

⁵ A further proof of evidence regarding housing land supply was submitted by the Council, however, in light of further common ground that it found with the appellant as reflected in the main SoCG, that witness was not called to give evidence at the Inquiry. Additionally, Roger Willmot, the Council's Strategic Developments Team Manager, contributed to the conditions / planning obligations session.

⁶ Formerly Ms Williams.

INTERESTED PERSONS:

Tony Harden	Local Resident
Jacinta Magee	Local Resident
Cllr Steve Hogg	Councillor, North Somerset Council
Mary Browne	Local Resident
Allyson Grieveson	Local Resident
David Thorneywork	Local Resident
Philip Hall	Local Resident
John Gallop	Local Resident
Geoff Matthews	Local Resident
Ellie Denney	Local Resident
Paul Segar	Local Resident
Robin Jeacocke	Councillor, Churchill Parish Council
Sally Bartlett	Local Resident
Mary Barnfield	Local Resident
Jan Murray	Councillor, Churchill Parish Council

APPEAL B - REF APP/D0121/W/22/3294867 - SCHEDULE OF CONDITIONS:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
2. Details of the surfacing of the hardstanding and the landscaping of the site, shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the approved details have been implemented in full.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan - 0701-101-3
 - Proposed Cycleway Connection - P19-2039-001 Rev B
 - Ecology Note 14 July 2021 (Ethos)
4. The development hereby permitted shall not be brought into use until:
 - The proposed visibility splays have been provided, which shall be maintained free of obstruction to visibility at or above a height of 0.6m above the nearside carriageway level at all times; and
 - Details of suitable warning signs and other measures where the proposed pathway meets the existing track and where it meets Westward Close have been submitted to and approved in writing by the Local Planning Authority and provided in full accordance with the approved details.
5. A scheme to protect the living conditions of residents of properties neighbouring the proposed path shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until the measures contained in the approved scheme have been implemented in full and these shall be retained thereafter.
6. Prior to the commencement of the development hereby permitted, a lighting strategy, expressed in lux, shall be submitted to and approved in writing by the Local Planning Authority, which shall include:
 - (i) Details of the type and location of the proposed lighting;
 - (ii) Existing and proposed light levels affecting the site;
 - (iii) Lighting contour plans;
 - (iv) Monitoring of the lighting levels post construction; and
 - (v) The hours of lighting operation.The lighting strategy shall also include an assessment undertaken by a suitably qualified ecologist on bat habitats and commuting routes on the site which shall be maintained at or below 0.5 lux within the defined bat corridor width at ground level and upwards to 2m. This lighting scheme shall be implemented and adhered to during the construction and operational phases of the development.
7. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall include:
 - (i) Hours of work, and timing of deliveries to avoid peak hours and school start and finish times;
 - (ii) Noise assessment of plant, equipment and machinery;

- (iii) Traffic routing, parking and measures to address highway safety and access to surrounding property;
- (iv) Measures to avoid soil or other contamination to local roads;
- (v) Location of any site compound, and materials storage;
- (vi) Details of any lighting to be used during the construction phase only; and
- (vii) Communications with neighbouring properties before and during the construction phase.

The approved Plan shall be fully adhered to during the construction phase of the development hereby permitted.



Appeal Decision

Inquiry held on 6 June 2022 to 15 June 2022

Site visits made on 5 June, 9 June and 16 June 2022

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2022

Appeal Ref: APP/D0121/W/22/3292961

Land to the east of Church Lane and north of Front Street, Churchill, BS25 5LZ, 343802, 160012

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Beechcroft Land Ltd against North Somerset Council.
 - The application Ref 21/P/2049/OUT is dated 13 July 2021.
 - The development proposed is the erection of up to 62 dwellings (30% affordable housing) alongside a new access, landscaping and other associated works.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matters and Main Issues

2. The application was submitted in outline with approval being sought for detailed matters relating to the access only. I have dealt with the appeal on that basis, treating the plans as illustrative only except where they relate to the access. An amended illustrative layout was submitted on 28 April 2022¹, this shows a revised alignment of a public right of way (PRoW) and minor associated illustrative layout changes. This plan has been considered in the evidence and I have accepted and considered it in reaching my decision. I am satisfied no party has been prejudiced by my approach.
3. A Case Management Conference (CMC) was held on 21 April 2022. The purpose of the conference was to provide a structure for the ongoing management of the case and the presentation of evidence. There was no discussion of the merits of the respective cases.
4. A legal agreement under S106 of the Town and Country Planning Act 1990, was submitted after the close of the Inquiry. This provides for 30% of the proposed housing as affordable housing, home to school travel contributions, transport contributions towards bus stop and highways safety improvements on Church Lane, on-site open space provision and maintenance (including ecological areas) and fire safety. I am satisfied these obligations are directly, fairly and reasonably related and that they are necessary to make the proposed development acceptable in planning terms. As such they accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as

¹ Drawing No 194414-IDL-01-ZZ-DR-A-C10005-S1-P12

amended). I have therefore had regard to these planning obligations in my determination of the appeal.

5. In response to my request the main parties made written submissions² on the implications of two other appeal decisions made shortly after the close of the Inquiry. I have taken those written submissions into account in my decision. Among other things those submissions include common ground that the five-year housing land supply position is in the range of 3.46 and 2.96 years. Although I heard evidence and led a round table session on that matter, I have no reason to doubt the agreed position and for the reasons that follow it has not been necessary for me to assess in detail **the Council's housing land supply** as this would not have influenced the outcome of the appeal. I have not therefore considered the matter of five-year land supply as a main issue and instead dealt with it as part of my overall planning balance.
6. The main issues are therefore:
 - the effect of the proposal on the character and appearance of the area, the Churchill Conservation Area, **the grade I listed St John's Church** and the landscape including the Mendip Hills Area of Outstanding Natural Beauty.
 - whether the site would be a sustainable location for the proposed development having regard to the development plan and national policies.

Reasons

Character and appearance

Context

7. The appeal scheme would adjoin the village of Churchill. Churchill is split into three separate built-up areas each with its separate settlement boundary³. The appeal site would adjoin one of those areas which includes the Churchill Conservation Area (CA) and is referred to hereafter as **Churchill's** historic core.
8. The appeal site is made up of three fields bound by hedging. It is located on the corner of Front Street and Church Lane and mainly used for grazing horses. Other than a small single storey building, a manege, other horse related paraphernalia, two veteran trees, **PRoW's passing through it**, fencing and vegetation around the edges the appeal site appears as open grassland.
9. Opposite the appeal site on the corner of Church Lane and Churchill Green (where it meets Front Street and outside the CA) is Churchill Academy, a large educational campus. To the south of **Churchill's historic core are the Mendip Hills** and the Mendip Hills Area of Outstanding Natural Beauty (AONB).
10. The **PRoW's** passing through the appeal site connect Front Street with Windmill Hill, an area of high ground and the grade I listed St John's Church on Church Lane opposite the northwest corner of the appeal site. The part of the appeal site which adjoins Front Street forms part of the CA, the rest of the site adjoins the CA and is within its setting.

² Inquiry Documents 34 & 35

³ Inquiry Document 20

The Significance of Churchill Conservation Area

11. **The CA covers the majority of Churchill's historic core** and some undeveloped land around its edges including part of the appeal site. It includes Churchill Green at Arben Bloom up to where Front Street meets Dinghurst Road (A368)⁴ as well as a small number of properties on Dinghurst Road.
12. It is not my role to determine whether or not parts of the CA should have been included in the CA boundary when it was designated. I accept that not all elements of a conservation area will necessarily contribute to its significance⁵ and inevitably parts of a conservation area will contribute more to its significance than others. However, the fact remains part of Churchill which includes part of the appeal site has been formally designated as a conservation area and I must assess the effect of the appeal scheme on the CA as a whole.
13. Front Street, almost spans the full extent of the CA. It is characterised by C16 to C19, mainly detached properties positioned a similar distance from the road set in relatively spacious plots. These properties are finished in a variety of traditional materials such as stone and slate and have attractive traditional architectural detailing with some notable Georgian, Victorian and Edwardian architectural features.
14. There are some modern dwellings, some off small side roads (such as Orchard Walk) and some on smaller infill plots behind or between the traditional properties. However, these are generally of simple form and of a lesser architectural interest than the traditional properties. The parts of Churchill Green and Dinghurst Road within the CA also accommodate a variety of traditional properties although these are arranged more loosely than the linear arrangement of the buildings on Front Street.
15. Throughout the CA, hedging, trees, planting in gardens, stone boundary walls, narrow roads with limited pavements and minimal street furniture are notable attractive and distinctive features. Furthermore, glimpsed views of the countryside including the appeal site, Windmill Hill and the Mendips are afforded from a variety of vantage points within and outside of the CA. Indeed, the Churchill Conservation Area Appraisal and Management Plan (2020)⁶ (CAA) notes that the garden and paddocks to the rear of properties on the north side of Front Street and views across Barrowfield to and from St John's Church contribute to the character of the CA and its setting. I accept the Church is concealed from view up until part way across the PRoW which diagonally crosses the appeal site towards the Church and there are limited views of the appeal site from within the churchyard. However, even these limited views maintain a sense of connection with the countryside and a historical route across countryside between the Church on the edge of the village and Churchill's historic core.
16. Therefore, insofar as is relevant to this appeal I find the significance of the CA derives from the predominantly spacious linear pattern of development and the architectural quality of the traditional buildings within it. Furthermore, its significance is also founded on its rural country lane character, the spaces and greenery between buildings and the ability to appreciate the positioning of the

⁴ Core Document F1 page 9

⁵ Paragraph 207 of the National Planning Policy Framework

⁶ Core Document F1

CA and the village in an attractive countryside valley between Windmill Hill and the Mendips AONB.

Effect on the Significance Churchill Conservation Area

17. A number of appeal decisions⁷ have been put before me where Inspectors have considered among other things the effect of new development on the CA. However, although those schemes were all close to the appeal site and considered the effects of development on Front Street nearby and the CA overall, none directly relate to the appeal site⁸. The appeal site is substantially larger, and it is unclear to me what evidence was before those other Inspectors. Thus, whilst I am satisfied that my assessment of the significance of the CA is consistent, my assessment of the effects of this scheme on the character, appearance and significance of the CA is based on the merits of this entirely different scheme and cannot be comparable.
18. The illustrative details before me show a mix of detached, semi-detached and terraced dwellings would be informally arranged around a spine road, cul-de-sacs, parking areas and a network of open space. Even though landscaping details are reserved, the illustrative layout shows the veteran trees would be retained, new tree and hedge planting and areas of open space, particularly at the Church Lane / Front Street junction and opposite the entrance to the grade I listed Church on Church Lane.
19. However, approval is being sought for access and the details⁹ show the existing access from Front Street would require significant alteration. The proposed access would need to be some six metres wide with a two metre wide footway and associated visibility splays in both directions. It would significantly open up views into the site from Front Street when passing by it or when approaching it from Hilliers Lane towards the junction with Front Street. I accept the proposed access would draw some similarities with the Hillier Lane / Front Street junction. However, based on the illustrative details the views through the proposed access would be towards a row of six modern dwellings, which would be positioned close together, with limited space between them and close to a section of new spine road which would gradually rise up from Front Street.
20. I accept these views would be alongside the proposed open space at the Church Lane / Front Street junction. However, even with established landscaping, through the size and shape of the open space, walkways through it and the estate backdrop, this open space would inevitably appear as a green area attached to and forming part of a new modern housing estate. It would have a very different character to that of pastoral countryside.
21. Thus, even with the proposed open space, based on the illustrative layout and the number of dwellings proposed, I am not satisfied that the level of development proposed could be accommodated on the site without the proposed development appearing as a relatively compact modern housing estate attached to Churchill's historic core. That new estate with its engineered spine road and parking areas, and compact arrangement of dwellings would appear in noticeable conflict with the spacious linear pattern of development on

⁷ Core Documents G11-G15

⁸ Inquiry Document 18

⁹ Core Document H3

- Front Street. Furthermore, that conflicting form of development would replace fields bound by hedging, the effect of which I consider below.
22. The appeal site is characteristic of late medieval enclosed open fields. I accept such fields are not rare and the historical maps¹⁰ show the field boundaries of the appeal site have been altered significantly over time and a footpath shown on the 1888 map is no longer present. There is also currently a modern post and rail fence dividing part of the site. I also note the archaeological investigations did not reveal any evidence of significant historical activity on the site. The appeal site is clearly not fossilised or preserved with its evolving boundaries. Its characteristics are also similar to many parcels of undeveloped land on the edges of other villages. However, these factors do not mean the contribution of the appeal site to the setting and significance of the CA as pastoral fields bound by hedging is neutral.
23. When leaving Front Street within the CA and following the PRow towards Windmill Hill, even though the fields outside of the appeal site behind Barrowfield Cottage, Kewstoke Lodge and Oakhill would be unaltered, the illustrative details show the remainder of the route would pass directly to the side of a compact arrangement of dwellings (plots 53-62) and their associated parking areas. Using the same PRow travelling from Windmill Hill towards Front Street the existing view south is towards the back of Barrowfield Cottage, Kewstoke Lodge and Oakhill. These properties are not heritage assets and there is no evidence to suggest they have any architectural or historic interest. However, they are positioned noticeably in relatively spacious plots close to and orientated towards Front Street, with space between them without any specific development behind them.
24. Thus, irrespective of their age and architectural quality they are arranged consistent with the linear settlement pattern of this part of Churchill. I accept this arrangement would still be noticeable from within the proposed development. However, the illustrative informal layout and pattern of development proposed would be in noticeable conflict with the layout of these dwellings and the majority of the properties arranged along Front Street. Moreover, the illustrative details show the PRow which cuts diagonally across the appeal site towards Church Lane would pass through elements of estate open space but would be flanked by modern dwellings on both sides for most of its length. Thus, in my view, based on the illustrative details, the character of **both ProW's** which pass through the site would be changed from that of countryside footpaths to urban walkways.
25. Furthermore, the proposed open space shown on the illustrative details towards the northern corner of the site, would be relatively small with development and parking areas arranged around it. In my view, it would be insufficient in character and scale to provide a meaningful gap between the grade I listed Church and the buildings on the opposite side of Church Lane. Even though behind hedging and landscaping the illustrative details show Church Lane would also have development on both sides. Whilst I accept there would be gaps created by open space, at least the roofs of the proposed dwellings along the road frontage would be visible above hedging. In my view, due to the scale of the built form which would be added to the Church Lane street scene as shown on the illustrative details, the character of this main

¹⁰ Appendix 2 of K Hudson-McAuley Proof of Evidence

approach route to the CA would be altered from a rural lane to a road more likely to be experienced in an urban area.

26. Thus, even taking into account the comments relating to the National Design Guide¹¹ based on the illustrative details I am not satisfied the appeal site could accommodate the level of development proposed without resulting in a compact residential environment which would be at odds with the spacious linear pattern of development of the predominantly traditional buildings in the CA. The proposed roads and parking areas would be in stark contrast with the narrow country lane feel of the roads in the CA.
27. Furthermore, with the scheme in place the grade I listed Church and surrounding buildings on Church Lane would appear joined up with the historic village core in and around Front Street. This would exacerbate the effect of the significant extension of the built-up area of the village into the countryside creating a more compact urban settlement edge and degrading the country lane character of the CA and the approach to it from Church Lane.
28. Whilst substantial, I am not convinced that the network of open spaces shown on the illustrative details would be sufficient to mitigate these effects and instead the scheme would erode the relationship between the built-up parts of the village and its attractive countryside valley setting.
29. Thus, for these reasons, based on the illustrative and access details I am not satisfied the proposed 62 dwellings could be sensitively delivered without causing harm to the setting and significance of the CA. I am therefore led to conclude it would fail to preserve the character and appearance of the CA and would harm its setting. The scheme would therefore be harmful to the setting and significance of the heritage asset. However, that harm would be less than substantial and would be towards the lower end of the range. The Framework requires great weight to be attached to such harm and for it to be balanced against the public benefits of the scheme. I will return to this as part of my overall planning balance.

The Significance of St Johns the Baptist Church

30. The grade I listed **St John's Church** is a designated heritage asset of the highest significance. It is 12th century in origin, with significant C14 and C15 extensions and alterations. It is constructed mainly of coursed rubble with the west façade of its square, three staged tower finished in dressed stone. It has a part slate, part leaded roof and displays a rich variety of attractive ecclesiastical architectural details of varying ages which include buttresses, moulded string courses, decorative parapets, gargoyles and high quality internal ecclesiastical architectural features, fixtures and fittings.
31. Located on the north edge of the village in a churchyard close to only a handful of other buildings, it is visible over open countryside to the north and separated from Churchill's historic core by fields which include the appeal site. Its tower has monumental and way-finder value as one of the oldest and tallest buildings in the locality and its positioning in relation to other built features. Through its age and positioning it also provides an indication as to how the village has grown and the Church's evolving role as part of the village.

¹¹ Mr Cook - Landscape Proof of Evidence

32. Insofar as is relevant to this appeal, I find the significance of the grade I listed Church is founded on the craftsmanship and quality of its architectural detailing which narrates the evolution of the building from the 12th century. Its significance also derives from its value and use as a place of worship and its landmark and way-finder positioning on the edge of the settlement with limited built form around it in a relatively spacious rural setting.

Effect on the significance of St John's Church

33. The setting of the Church has changed significantly over time since the Church was constructed in the 12th century including the establishment of the Churchill Academy and the construction of the majority of the buildings in and around Churchill.

34. However, there is no substantive evidence before me which explains why the Church is separated from the historic core of the village or that any earthworks lying to the north of the Church demonstrate Churchill grew around the Church. There is also no substantive evidence to suggest the appeal site and the Church were ever in common ownership. Overall, there is no substantive evidence of any historical relationship between the appeal site and the Church.

35. I accept putting development next to a listed building is not inherently harmful and that even with the proposal in place the Church would still be a landmark and way-finding feature. I also accept that the most important components of the significance of the grade I listed Church are most experienced from within the churchyard, close to and inside the building. I agree that worshipping would generally take place inside the Church.

36. However, other than alterations to the field boundaries and some relatively minor equestrian related development and possibly some minor development associated with historical farming activities, there is nothing before me to indicate that the appeal site has not always had the same open pastoral character.

37. The diagonal PRoW across the appeal site is one of the few locations the grade I listed Church can be viewed close to the main historic core of the village. That footpath has clearly been in place for many years and leads directly to the Church across countryside from dwellings in the historic core of the village on Front Street. In my view, the presence of the PRoW demonstrates a connection between the historic core of the village and the Church, with the footpath passing through the site acting as a conduit for this relationship.

38. The architectural detailing of the Church is most appreciated close to it, indeed from the churchyard the entirety of the building can be appreciated, including the various extensions and alterations which communicate its evolution. However, people would still travel to and from the Church as part of their experience and Church services such as funerals, burials and weddings, would all involve use of and significant experience of the setting of the Church and its surroundings. I therefore do not accept the setting of the grade I listed Church is limited to its churchyard or associated buildings or structures.

39. The three staged tower, finials and associated tower detailing of the grade I listed building can be experienced from the PRoW towards the northern corner of the appeal site. I acknowledge views of the Church from within or across the appeal site are not noted in the CAA or any other evidence before the

Inquiry. However, as soon as the Church tower becomes visible from the PRoW heading towards it, the Church's scale and positioning on the edge of the village next to only a few buildings and open fields becomes evident and more apparent the closer you get to it.

40. I accept even with the scheme in place, you would still be able to appreciate the monumental, aesthetic and evidential value of the Church. However, for the reasons set out above, the grade I listed building would be absorbed into the main built-up part of the village, and views of it from the PRoW, which connects it to the historic core of the village would be from within a modern housing estate and not countryside. I also accept that most views of the Church from outside the churchyard are with built form within its foreground. However, this built form is relatively limited in scale and in most cases, the spacious positioning of the grade I listed building on the edge of the village can still be appreciated.
41. Thus, in my view, based on the illustrative details, I find the appeal scheme would erode the spacious rural setting of the grade I listed building. This would harm its setting and significance and fail to preserve the listed building. That harm would be less than substantial and would be towards the lower end of the scale. Even so, it carries great weight and must be balanced against any public benefits of the scheme. I will return to this matter in my planning balance below.
42. In reaching these conclusions I have noted the reports which explain the Council's decisions to allow fencing associated with Churchill Academy and development at Little Court¹². However, those schemes clearly do not have the same effects as the scheme before me, so I have afforded those details limited weight.

Landscape and Visual Impact and Impact on the AONB

43. The appeal site is within the Bristol, Avon Valley and Ridges National Character Area (NCA 118)¹³ its key characteristics being among other things, low-lying shallow vales that contrast with high, open downland ridges and settlements dating from the medieval period clustered around the springhead of the Cotswold scarp or along the spring line of the Mendips. However, NCA 118 covers a large geographical area such that the quality and sensitivity of the landscape in different parts of it will vary considerably.
44. However, the North Somerset Council Landscape Character Assessment Supplementary Planning Guidance (2018)¹⁴ defines local landscape types and character areas. The appeals site is within the River Yeo Rolling Valley Farmland landscape character area (LCA) which is described as Rolling Valley Farmland landscape character type. The key characteristics of the LCA are noted as including the gentle rolling landform, a strong valley feel, the rural pastoral landscape with animals grazing, irregular medium sized fields of medieval enclosure along the river and on the hill side, hedgerows, scattered farmsteads, villages on higher ground and at the base of ridges and along major routes, A roads and minor and winding rural lanes. The LCA is still a large area, but a much more localised area than NCA 118 and for this reason

¹² Core Documents F12 & F13

¹³ Core Document E4

¹⁴ Core Document B2

- and based on its attributes, I find the LCA has a medium to high landscape quality and moderate to high sensitivity to change.
45. The appeal site shares a number of characteristics with NCA 118 and the LCA which inform its landscape quality and sensitivity. These include its rural and valley feel, fields divided and bound by hedgerows, its pastoral use and character and its positioning on the edge of a valley settlement. It is also partly within the CA, close to a number of other designated heritage assets and PRow's pass through and around it. Thus, even though the appeal site is not within a protected landscape, is relatively flat and has a general edge of village character, its characteristics, in my view, give it as part of the wider NCA 118 and LCA, a medium to high landscape value and a medium to high sensitivity to change. These characteristics also make it different to other sites on the edge of villages which the Council may or may not need to allocate for development as part of its emerging Local Plan.
 46. Pastoral fields would be replaced with a housing development and an associated network of open space. Based on the illustrative details all hedging removed would be replaced or translocated and additional hedging would be planted. Much of the perimeter vegetation would be retained along with the veteran trees and there would be additional planting including trees. The grassland would be improved, the site topography would be broadly unaltered, water features would be added and recreational opportunities enhanced.
 47. However, whilst there would be greater opportunity to appreciate the veteran trees up close they would be absorbed into a housing estate such that they could no longer be experienced as prominent rural landscape features. Furthermore, I have already found the ability to appreciate the grade I listed Church from open countryside would be eroded and that there would be a noticeable conflict between the proposal and the existing development within Churchill's historic core.
 48. The changes to hedging and the field boundaries would be negligible in year one but, neutral in year 15. However, the change associated with the loss of the rural setting of the veteran trees and the loss of the open pastoral fields in a valley would erode features of landscape character in both the short and long term. Thus, on balance with regard to these features I find the scheme would result in moderate adverse effects on the immediate local landscape which would not significantly change over time.
 49. I have noted the modern developments including The Drive and Orchard Walk which can be seen from various vantage points identified in the Landscape and Visual Impact Assessment¹⁵ in the same context of the historic core of the village. However, the appeal scheme would join the existing development along Front Street with that on Church Lane and would be of a different layout and character to the majority of the buildings in the historic core of the village. However, taking into account other modern development nearby, there would be a moderate adverse landscape effect associated with the development of the fields for housing. This is because even though it would be conflicting in form, the scheme would appear as an extension to the existing settlement.
 50. Therefore, through its comparative size, the effect on the overall landscape character of NCA 118 would be negligible and there would be a minor adverse

¹⁵ Core Document C6

effect on the LCA. However, for the reasons given, overall, there would be a moderate adverse effect on the immediate landscape setting of Churchill.

Effect on Visual Amenity

51. I find the **visual envelope identified by Mr Etchel's**¹⁶ is reasonable and accurate for its purpose. With the site landscaping in place, hedging retained and restored, significant views of the scheme would be restricted to its immediate environs. Beyond which, there would be more glimpsed views where you would not be able to appreciate the scheme in its entirety and the scheme would be experienced alongside other development.
52. However, I have found the character of the sections **of the PRow's which pass** through the appeal site would change from footpaths through countryside to walkways through a residential neighbourhood. Whilst that neighbourhood would not be unpleasant, the peacefulness, open views across the site and overall tranquillity associated with limited human activity would be eroded. Even though users would still be able to appreciate the valley setting, I find there would be a minor adverse effect on the visual amenity of users of the parts of the PRow's which are within the appeal site.
53. When using the PRow outside the appeal site approaching it from Windmill Hill, users would still be able to appreciate the valley setting of Churchill and its positioning in the wider countryside. I accept that no views from Windmill Hill, looking back towards the village are identified in any of the evidence as important. I also accept that when passing over Windmill Hill travelling towards the appeal site, the built-up parts of Churchill are seen before the appeal site, such that any new development on the appeal site would be seen in the context of the existing settlement. However, a large modern housing estate would replace pastoral fields, bringing built development much closer to the rising land of Windmill Hill. The new development would therefore be much more prominent than the existing buildings from these vantage points. In my view the scale of these effects on the visual amenity of the users of this part of the PRow outside the appeal site would also be minor adverse.
54. For the reasons given above, users of Church Lane, Front Street and Hilliers Lane would experience a significant urbanisation of the rural country lane character of the roads which extend along the appeal site boundaries. Furthermore, from Hilliers Lane and Front Street there would be a noticeable conflict between the existing and proposed pattern of development. I find, although clearly there is no right to a view, this would still lead to minor adverse effects on the visual amenity of the occupiers of dwellings on Front Street and Church Lane immediately nearby. It would also have minor adverse effects on the visual amenity of the users of the roads in the immediate locality of the appeal site.
55. For the above reasons these effects are informed by the illustrative details and features which are bespoke to the locality. I do not accept that the same effects are automatically applicable to any greenfield site on the edge of a settlement which may need to be allocated for development in the emerging Local Plan to meet the need for development in the area which I deal with below.

¹⁶ Figure 3 of Appendices the Council's Proof of evidence on Landscape and Visual Matters

Harm to the AONB

56. The Planning Practice Guidance¹⁷ requires development within the setting of the AONB to be sensitively handled taking into account potential impacts. When walking over Windmill Hill and down the hillside towards the appeal site there is a clear view towards the Mendips AONB, particularly its wooded escarpment. However, the AONB boundary is some distance away. The roofs of properties in Churchill are already noticeable particularly those in and around Front Street from this viewpoint and although the appeal scheme would be within the foreground of the settlement it would very much appear as part of the Churchill built-up area.
57. There are numerous settlements within the setting of the AONB and when viewed in the foreground and as part of Churchill, with the AONB boundary a significant distance away, there is nothing in the illustrative details which leads me to believe the appeal scheme would harm the setting of the AONB in anyway. From within the AONB, the scheme would be visible. However, it would be softened by existing and proposed landscaping and would very much appear as part of Churchill from all vantage points. Furthermore, the adverse effects I have identified above would not be noticeable from such distance.
58. Consequently, there is no conflict with Policy DM11 of the DMP insofar as it seeks to avoid harm to the AONB or its setting. This is irrespective of how this policy should be interpreted or whether it or any interpretation is consistent with national policy or any relevant legal judgements.
59. In reaching these conclusions I have also considered the Parish Landscape Sensitivity Study¹⁸ submitted during the Inquiry. However, I am not aware as to whether this document has been made available to the public or whether it has been subject to any public consultation during its preparation. I have therefore attached limited weight to it in considering the schemes effect on landscape and visual amenity and the AONB. In any event, even if I had afforded it full weight, it would not have altered my findings with regard to this main issue.

Sustainable development and planning balance

60. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The most important development plan policies are **those set out in the Council's** putative reason for refusal.
61. Policy CS5 of The North Somerset Core Strategy 2006-2026 (CS) seeks to ensure the character, distinctiveness, diversity and quality of the landscape and townscape is protected and enhanced. Policy DM10 of the Site and Policies Plan Part 1: Development Policies (DP) requires development to be carefully integrated into the natural, built and historic environment, aiming to establish a strong sense of place, respond to local character, and reflect the identity of local surroundings, whilst minimising landscape impact.
62. Furthermore, Policy CS32 of the CS is supportive of schemes in locations such as the appeal site subject to criteria including, where its form, design and scale of development is high quality, respects and enhances the local character,

¹⁷ Paragraph ID 8-042-20190721

¹⁸ Inquiry Document 13

contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the village and it results in high quality sustainable schemes which are appropriate to context and makes a positive contribution to the local environment and landscape setting. To recognise the intrinsic beauty of the countryside it naturally follows that there would be an expectation any new development would have a positive effect on it in landscape terms. Therefore, in this regard I find Policies CS5 and CS32 of the CS and Policy DM10 of the DP are consistent with the aims of paragraphs 130 and 174 of the Framework.

63. I have found a minor adverse effect on the LCA and moderate adverse effects on the immediate landscape setting of Churchill. Furthermore, I have also found minor adverse effect on the visual amenity of the occupiers of dwellings on Front Street and Church Lane, minor adverse effect on the visual amenity of the users of the roads in the locality of the appeal site and minor adverse effect **on the visual amenity of the users of the PRoW's which pass through and** around the appeal site. Thus, there is a clear conflict with Policies CS5 and CS32 of the CS and Policy DM10 of the DP. That landscape and visual harm combined carries moderate weight against the proposal.
64. Consistent with paragraph 195 of the Framework, Policies DM3, DM4 of the DP make clear the Council will conserve the historic environment having regard to the significance of heritage assets, including listed buildings and conservation areas. The less than substantial harm to the setting and significance of the CA I have identified means there is also conflict with Policies DM4 and DM5 of the DP. The harm to the CA carries great weight against the scheme.
65. Furthermore, I have also identified harm to the setting and significance of the **grade I listed St John's Church**, which is also contrary to the aims of Policies DM3 and DM4 of the DP. The harm to the listed building also carries great weight against the proposal.
66. **Policy CS14 identifies Churchill as a 'service village' providing opportunities for** small scale development within the village boundary or through allocations. Such locations are allocated around 10% of the total housing requirement, subject to the provisions of Policy CS32 of the CS. Policy CS32 of the CS, subject to specific criteria, permits development adjoining settlement boundaries up to 25 dwellings, stating sites in excess of such must be brought forward through Local Plans or Neighbourhood Plans. Policy CS33 of the CS also restricts open market housing in the countryside subject to exceptions. Although not referenced in the putative reason for refusal, this policy should also be regarded as most important in the interests of completeness.
67. The appeal site is not allocated, is outside the settlement boundary and exceeds 25 dwellings and there is no made neighbourhood plan. It is in the countryside and the proposal would not meet any of the exceptions listed in Policy CS33 of the CS. The appeal scheme is therefore in conflict with Policies CS14, CS32 and CS33 of the CS in this regard. For the reasons that follow, I afford limited weight to these particular conflicts. However, having considered all the most important policies in detail, and having regard to all others in the development plan, on balance and overall, I find the scheme would not accord with the development plan as a whole.
68. However, under paragraph 11(d) of the Framework those most important policies are deemed out of date, because the Council cannot demonstrate a

five-year supply of deliverable housing sites. The Framework indicates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed which include policies relating to designated heritage assets or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

69. The CS was adopted in full in 2017. However, the CS was first adopted in 2012 but legally challenged for reasons relating to the amount of housing. That challenge was upheld and the relevant policies (Policy CS13 of the CS and others) were remitted for re-examination. In re-examining those policies, the examining Inspector concluded that the minimum housing requirement of 20,985 dwellings was unsound and required Policy CS13 of the CS to include a commitment to review the housing requirement by 2018. This has not yet been completed.
70. It is common ground the Council cannot demonstrate a five-year land supply, indeed the land supply could be as low as 2.96 years, a shortfall of 2,981 homes¹⁹ which is the position **(the appellant's best case)** I have taken for determining this appeal. I have noted the appellant's comments that the Council have not been able to demonstrate a five-year supply for around eight years. I have also **noted the Council's** timeline in its Local Development Scheme and work done to date on the emerging Local Plan. However, consistent with **another Inspector's recent findings**²⁰, it is clear to me that the review of the housing requirements and new sites being allocated for housing are some way off. Thus, whilst it is clear the Council is taking action, given the relatively early stage of plan preparation I am not convinced that the Council will be able to make up the shortfall quickly.
71. Whilst the 25 dwelling threshold in Policies CS14 and CS32 clearly provides some flexibility for unallocated sites to come forward in the interim, it also constrains the delivery of sites larger than 25 units such as the appeal scheme. Indeed, the extent of the shortfall demonstrates in fact this policy mechanism on its own or in combination with any others is not working. Thus, even with this flexibility, Policies CS14 and CS32 are restrictive of new homes and in light of the absence of a five-year supply the conflict with them in this regard should be afforded limited weight.
72. Against this background the proposal would provide market housing and 30% affordable housing. I am satisfied there would be a reasonable likelihood that the proposed dwellings would be swiftly delivered, significantly boosting the supply of housing in the area in line with paragraph 60 of the Framework. These homes would significantly contribute towards addressing the shortfall of housing generally and the need for affordable housing²¹. The Council has not contested that those homes would be located where they would be served by a range of sustainable transport choices to access day to day services and employment. Thus, in this case, in my view, the delivery of new homes carries substantial weight and the delivery of affordable homes in line with the requirements of Policy CS16 of the CS also carries substantial weight.

¹⁹ Inquiry Document 35

²⁰ APP/D0121/W/21/3286677 paragraph 145

²¹ Statement of Common Ground on Housing Land Supply (paragraphs 2.5, 2.10 & 2.18)

73. The proposal would also deliver significant economic benefits both during construction and as a result of local expenditure from the occupants. Having regard to paragraph 81 of the Framework and the scale of the development, this would be a benefit to the local and wider area to which I attach significant weight.
74. Although disputed by the Council, in the absence of substantive evidence to the contrary I also accept the appeal scheme would deliver substantial biodiversity net gain (BNG). For the avoidance of doubt, I have taken the appellant's best case, this being 44.13%. This would be achieved in part by a generous network of green and blue infrastructure. This also carries significant weight in favour of the scheme. It is also common ground that the scheme would result in betterment to surface water drainage in the area. This carries moderate weight in favour of the scheme.
75. However, taking into account the planning obligations, the substantial weight attached to the delivery of new homes, the substantial weight attached to the affordable housing, the significant weight attached to the economic benefits, the substantial weight attached to the environmental benefit of the proposed BNG and open space and the moderate weight associated with the environmental benefit of drainage betterment, although public benefits, are significantly and demonstrably outweighed by the harm I have identified to the CA and the grade I listed building both of which carry great weight. The harm I have identified to the landscape and visual amenity only adds further weight against the scheme.
76. Thus, bringing all this together, the appeal site would not be a sustainable location for the proposed development as it would not accord with the development plan. The application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Furthermore, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole. The presumption in favour of sustainable development is therefore not a material consideration which indicates this scheme should be determined other than in accordance with the development plan.

Other Matters

77. Although there is no dispute between the main parties, the appeal site is approximately 2.8km from the North Somerset and Mendip Bats Special Area of Conservation (SAC) which support populations of Greater Horseshoe and Lesser Horseshoe Bats. It is also approximately 3.9km from the Mendip Limestone Grassland SAC. As the competent authority under the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitat Regulations) had I been minded to grant planning permission I would have been required to conduct an appropriate assessment. Therefore, to assist as requested at the CMC the appellant prepared shadow Habitats Regulations Assessment²² and I heard evidence on this at the Inquiry. However, there is no need for me to consider this matter any further because I have found the scheme unacceptable for other reasons and I am dismissing the appeal.

²² Inquiry Document 12

78. A large number of appeal decisions have been put before me. Whilst I have only felt the need to reference some of those decisions in my decision, I have fully considered all of them. In any event I have determined this appeal on its merits based on the detailed circumstances which are specific to this case. I have also had regard to all Supplementary Planning Documents put before me.

Conclusion

79. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed, and planning permission should be refused.

L Fleming

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

T Leader of Counsel, instructed by R Kent, Head of Development Management at NSC.

Who Called:

J Etchells (Jon Etchells Consulting Limited)

K Hudson McAulay (North Somerset Council)

N Richards (North Somerset Council)

A Stevenson (North Somerset Council)

R Willmot (North Somerset Council)

FOR THE APPELLANT

K Garvey of Counsel instructed by G Wakefield

Who Called:

D Farmer (Ecology Solutions)

A Cook (Pegasus)

R Sutton (Cotswold Archaeology)

G Wakefield (Ridge Planning)

INTERESTED PERSONS:

R Kent (North Somerset Council)

K Long (North Somerset Council)

P Keating (North Somerset Council)

C Jones (Ridge Planning)

I Thomas (Langdale estates)

P Fletcher (Lion Rock Estates)

J Lyons (Landowner)

J Murray (Resident & Churchill Parish Councillor)

R Jeacocke (Resident)

R Baker (Resident)

E Clausen (Resident)

S Clausen (Resident)

O Turburville (Resident)

J Winstone (Resident)

INQUIRY DOCUMENTS RECEIVED JUST BEFORE AND AT THE INQUIRY

- ID1 Biodiversity Net Gain calculation and metric
- ID2 Evidence of Dr Robert Jeacocke (received 30th May 2022)
- ID3 Additional evidence of Dr Robert Jeacocke (received 7th June 2022)
- ID4 Summary of appeals relevant to the inquiry
- ID5 **Mr Tiley's rebuttal to the LPA's Housing Land Supply Proof of Evidence**
- ID6 **Mr Cook's rebuttal to the LPA's Landscape Proof of Evidence**
- ID7 Planning Obligations Compliance Statement
- ID8 Agreed List of Draft Conditions
- ID9 Response from Clive Onions to comments made by Dr Jeacocke (6th June 2022)
- ID10 Site Visit Itinerary and Map
- ID11 Response from Andrew Kenyon to comments made by Dr Jeacocke (1st June 2022)
- ID12 Updated Shadow Habitats Regulation Assessment
- ID13 Churchill and Langford Parish Landscape Sensitivity Study August 2021
- ID14 Comparison of land supply position advanced at recent inquiries
- ID15 **Mr Farmer's Qualifications and Experience**
- ID16 Stroud District Council Judgement (Stroud DC v SSCLG [2015] EWHC 488 (Admin))
- ID17 Summary of comparison of Landscape and Visual Assessments
- ID18 Plan showing boundaries of appeal decisions compared to appeal site
- ID19 Submission from Jan Murray (7th June 2022)
- ID20 Churchill policies map extract
- ID21 Extract from the Challenges and Choices Part 2 consultation document
- ID22 Questions put forward by Richard Baker written by Jan Murray
- ID23 Email from Jane Ogden referring to heritage points
- ID24 The Housing Land Supply Scott Schedule
- ID25 Submission from Dr Elizabeth Clausen (10th June 2022)
- ID26 Submission from Dr S Clausen (10th June 2022)
- ID27 Witness Statement Mr Nathan Connolly
- ID28 Witness Statement Oliver Turburville

ID29 Page 15 of the North Somerset Local Plan 2038 Preferred Options consultation document

ID30 North Somerset Council Appeal Viewing Figures

ID31 Housing land supply for Weston Villages sites

ID32 **Updated Inspector's Itinerary Plan**

ID33 Agreed Site Visit itinerary notes

INQUIRY DOCUMENTS RECEIVED AFTER THE CLOSE OF THE INQUIRY

ID34 Response from North Somerset Council on outcomes of recent appeals (APP/D0121/W/21/3286677 & APP/D0121/W/21/3285624) received 01 July 2022

ID35 **Appellant's response to Rectory Farm appeal decision**
APP/D0121/W/21/3286677 and Farleigh Farm appeal decision
APP/D0121/W/21/3285624 received 01 July 2022

ID36 Planning Obligation



*Congresbury
Neighbourhood
Development Plan
2019-2036*

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VOLUME 2
APPENDICES

Appendix	SCHEDULE OF EVIDENCE
A	Consultation Report July 2018
B	The Community Report of Congresbury Parish Plan Steering Group
C	Postcard Survey
D	How Congresbury has grown - A report for Congresbury Parish Council Authors: Tom Leimdorfer, Stuart Sampson. Publication Date June 2015, Updated January 2018
E	Highways and Transport, Evidence Base Report. Technical Report 19709/1 - August 2017 Mark Baker Consulting Ltd
F	Appeal Ref: APP/D0121/W/15/3004788 Land off Brinsea Road, Congresbury
G	Appeal Ref: APP/D0121/W/16/3151600 Land off Wrington Lane, Congresbury, BS49 5BJ
H	Appeal Ref: APP/D0121/W/17/3176151 Land to the east of Brinsea Road, Congresbury BS49 5JJ
I	Site Allocation Surveys
J	Assessment of impact of proposed housing sites on surrounding heritage assets
k	Speed Watch data
L	Congresbury Listed Buildings
M	Employment Survey 2016

1 INTRODUCTION

The Neighbourhood Development Plan process, as set out in the Localism Act 2011, enables communities to better shape the place where they live and work, to inform how developments take place and help influence the type, quality and location of those developments, ensuring that change brings local benefit.

The Congresbury Neighbourhood Development Plan (the Plan) is based on extensive research and influenced by robust engagement with the local community. Once the Plan is 'made', it will have full weight in the determination of planning applications and provide details on how to prioritise the spending of any s106 or Community Infrastructure Levy (CIL) to ensure maximum benefit for the community.

1.1 Aims of the Plan

The Plan aims to ensure Congresbury remains a thriving and safe community in which to live now and for the future. It covers the period 2019 to 2036.

Congresbury parish has been subject to opportunistic developers and the Plan aims to ensure that the community has an influence over local decisions and to address challenges for its future.

1.2 Legal Status of Neighbourhood Development Plans

Neighbourhood Development Plans were established under the Localism Act. The Act, which became law in 2011, aims to give local people more say in the future of their community. To be granted legal status a Neighbourhood Plan has to be approved by a local referendum and formally adopted by the Local Authority. It then forms part of the Statutory Development Plan with the same legal status as the Local Plan and will be used to determine planning applications in the Neighbourhood Area.

The Congresbury Neighbourhood Development Plan will support local development needs set out in the emerging North Somerset Local Plan up to the year 2036 and become part of the Statutory Development Plan for North Somerset.

The Plan is in conformity with the strategic direction of the North Somerset Core Strategy. It allows the village to develop through steady but moderate growth, meeting the housing needs of the community while at the same time preserving the importance of the Green Belt, rural landscape and the conservation area and heritage assets. It also considers the infrastructure needed to support such growth.

A Neighbourhood Development Plan must have appropriate regard to the National Planning Policy Framework, related Planning Practice Guidance and North Somerset Council and Congresbury Parish Council planning policies as they currently stand. The Plan demonstrates how the sustainability objectives of the Government are implemented through local policies.

1.3 Congresbury

Congresbury is located approximately 11 miles to the south west of Bristol and approximately 8 miles to the north east of Weston-super-Mare. The village is split by the River Yeo. To the west the countryside is characterised by a network of rhynes and ditches across the low lying land. To the east the land is drier with a pattern of smaller fields and meadows. Congresbury benefits from Cadbury Hill, King's Wood and Urchin Wood to the North. King's Wood and Urchin Wood are in a Site of Special Scientific Interest (SSSI) - they are nationally important as a North Somerset and Mendip Bats Special Area of Conservation. The woodland is

renowned for its botanical interest and supports a particularly high diversity of vascular plants. Congresbury Moor has six fields – 10 Acre, New Croft, Meaker, Phippen, Norton and Footmead, which are now part of Biddle Street SSSI which was designated by English Nature in 1994. Cadbury Hill is a nationally important site for archaeology (the hillfort is a Scheduled Monument) and it is also a Local Nature Reserve.

The village itself is named after a Welsh missionary, St Congar, who is believed to have settled in the village in the 6th Century and is credited with performing a number of miracles in the area. He is believed to have built a church in the village and with others preached and ministered to the local population. Legend says that he planted his walking stick into the ground which took root and flourished into a tree providing shade in the churchyard.

1.4 History of the Parish

The first evidence of occupation is from the Neolithic period based on artefacts found on Cadbury Hill. Later during the Iron Age, a hillfort was constructed on the hill. There is also evidence of Roman activities within the area including temples on Cadbury Hill. When the Romans left the area in the 4th century AD the hillfort was reoccupied and again became a focal point of activity and commerce within the area. Evidence of early medieval and Saxon occupation is recorded at St Andrew's Church, Honey Hall, Iwood and Brinsea.

The remains of a Roman villa have been found along the river at Wemberham plus a number of Romano-British kiln sites have been located in and around the village. The number of kilns indicates a thriving pottery industry from circa 250 to, possibly, the middle of the 4th century. The pottery, known now as Congresbury Grey Ware, was traded over a wide area. One of these pottery kilns was found close to Venus Street in 2017, and was the first to be excavated in around 50 years.

Congresbury is mentioned in the Domesday Survey under the name of 'Congresberie' and was part of the lands held by William I. In 1086 it is listed as having two mills and a population of about 500 people, almost all of whom were involved in mixed farming, with grain production taking priority. Congresbury Manor, which included Wick St Lawrence, paid £28 15s [£28.75] annually in silver, a huge sum, to the King.

The present church, dedicated to St Andrew, was consecrated in 1215. It was originally a small simple building consisting primarily of a nave. A priest's house was built in 1446, now known as the Refectory. During the middle ages the church was a destination for pilgrims seeking a cure for various illnesses. Both buildings are Grade I listed.

In the 13th Century Broad Street became the commercial centre of the village and the site for regular markets and fairs. In the 1500s a market cross was erected at the top of Broad Street. It is a scheduled monument with Grade II* listing and one of a small number of medieval crosses still in their original position.

Congresbury has long suffered from poor drainage and floods. In 1607 a great part of Congresbury was hidden by the sea and in 1656 a surveyor complained of "*the muddy moist unhealthiness of the air and poverty or idleness or both of residents in improving drainage*". The moors were often covered by water for several months each year and not until the 1820s was anything major done to address the problem. In 1968, a combination of heavy rains and a high tide caused the River Yeo to burst its banks and flood much of the village to the south of the river. As a result of this the river banks were raised and reinforced to prevent this happening again.

From medieval times until the mid-1900's Congresbury had a number of water mills along the River Yeo which served the local farming community and also provided employment for local people. Congresbury was renowned for its extensive orchards, with buyers travelling all the way from Bristol to purchase fresh apples from the growers. Up until the 1950's agriculture and its support services provided the majority of employment in the village.

There were huge changes in the village between 1961 and 1971 when the population more than doubled. A new shopping precinct was built to provide facilities for the new housing estates south of the river. Also two new schools were built to replace the original one which was now too small. Direct employment within the village decreased as local businesses closed and the majority of residents now worked outside the village in Bristol or Weston-super-Mare. In the 1960's Congresbury lost its rail link to Bristol with the closure of the Strawberry Line, which is now an important cycling and walking route.

To celebrate the Millennium, seven acres of land was acquired for the establishment of a Millennium Green on either side of the River Yeo. To the south of the river a nature reserve was established with a community orchard planted with native fruit trees, including the Congresbury Beauty apple. To the north of the river an open space bordered by rhyes with dipping pools, copses of native trees planted by parishioners and play equipment for children was established. The footbridge over the river provided a safe route to schools and shops and physically linked the two parts of the village.

1.5 Area Covered by the Plan

The area covered by the Plan is the Parish of Congresbury, as shown in the following map:

Map 1 Neighbourhood Plan Area



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The application dated 6 July 2015 stated:

"The Parish Council considers that this is an appropriate area as the area is wholly administered by Congresbury Parish Council. Congresbury faces a number of challenges over the next 20 years from risk of flooding, pressures on infrastructure (such as congestion on the A370 and B3133 and an aging sewer system) as well as needing to carefully consider how it grows and develops sustainably to meet the needs and desire of current and future generations. The Neighbourhood Development Plan will further develop and build on the current Parish Plan that was produced in 2007 looking to further strengthen the local community."

1.6 Consultation

Details of the consultation carried out up to July 2018 and how the results have been incorporated into the Plan are given in the Consultation Report (Appendix A). A full Consultation Statement has been submitted with the plan.

Following consultation with the community, Congresbury produced a Character Statement, which was adopted by North Somerset Council in 1998. The Character Statement outlined a series of recommendations and proposals on:

- Protecting the character of the village
- The landscape and countryside
- Built environment and
- Traffic and transport

Whilst much of the recommendations and proposals have been achieved including the development of the Millennium Green, redevelopment of the former library site for community use, provision of a community transport vehicle and a new footbridge over the river to link the northern and southern parts of the village, many of the issues and concerns raised then still remain.

Congresbury Parish Plan Steering Group produced a Community Report in September 2007 which aimed to review the 1998 Village Character Statement and to identify areas of concern for the future of Congresbury. A questionnaire was sent to all adult residents of the village with a response rate of over 50%. Other groups including local clubs and societies, local businesses and young persons were also surveyed. The findings of the questionnaires agreed on the weaknesses and threats to the village which included:

- traffic, making it difficult to move about the village safely;
- the vast majority wanted growth in housing to be community led, the 'settlement boundary' was seen as an important control measure; and
- many thought public services, transport, rubbish collection etc. could be better coordinated.

The Community Report was not formally adopted and is reproduced at Appendix B.

1.7 Duration of the Plan

The duration of the Neighbourhood Development Plan is up to 2036. It aligns with the emerging North Somerset Local Plan which covers the plan period 2019-2036. The strategic planning context is provided by the adopted North Somerset Core Strategy (2017).

1.8 Topics

The topics listed below were identified by the Steering Group following the ‘postcard survey’ carried out in 2016 when all residents were invited to share their views on Congresbury (Appendix C). Policies have been developed from those issues that were considered to be relevant and evidenced to the plan. The topics are:

- Housing
- Transport and Highways
- Facilities and services
- Environment/Heritage
- Employment

Details of the issues raised and resulting policies and community actions are given in the following sections.

2 A VISION FOR CONGRESBURY



View across the Millennium Footbridge

The vision for Congresbury:

- Congresbury will continue to be a welcoming, vibrant, independent village set in a rural landscape with a conservation area at its heart.
- The village will remain a place where small businesses can thrive and the residents can continue to benefit from a full range of quality services, amenities and facilities.
- The community will embrace the aspirations of all its members and promote an environment where these aspirations can be realised.
- All residents of our village will feel that they can fully participate in village life; that their wellbeing is seen to be important and feel a genuine sense of pride in where they live.
- Congresbury will continue to be a safe and pleasant place to live, and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

3 SUMMARY OF POLICIES AND COMMUNITY ACTIONS

3.1 POLICIES

Housing

- H1 Sustainable development location principles
- H2 Sustainable development site principles
- H3 Housing Allocations
- H4 Affordable housing allocation

Facilities

- F1 Protecting and enhancing community services

Environment and Heritage

- EH1 Enhance the Conservation Area
- EH2 Area of High Landscape Sensitivity
- EH3 Local Green Space Designations
- EH4 Landscape and wildlife preservation measures
- EH5 Renewable Energy

Employment

- E1 Retention of business and employment within the Parish

3.2 COMMUNITY ACTIONS

Transport and Highways

- CA T1 Strawberry Line
- CA T2 Parking, Walking and Cycling Solutions
- CA T3 Mitigating Traffic Problems and Enhancing Sustainable Travel

Facilities

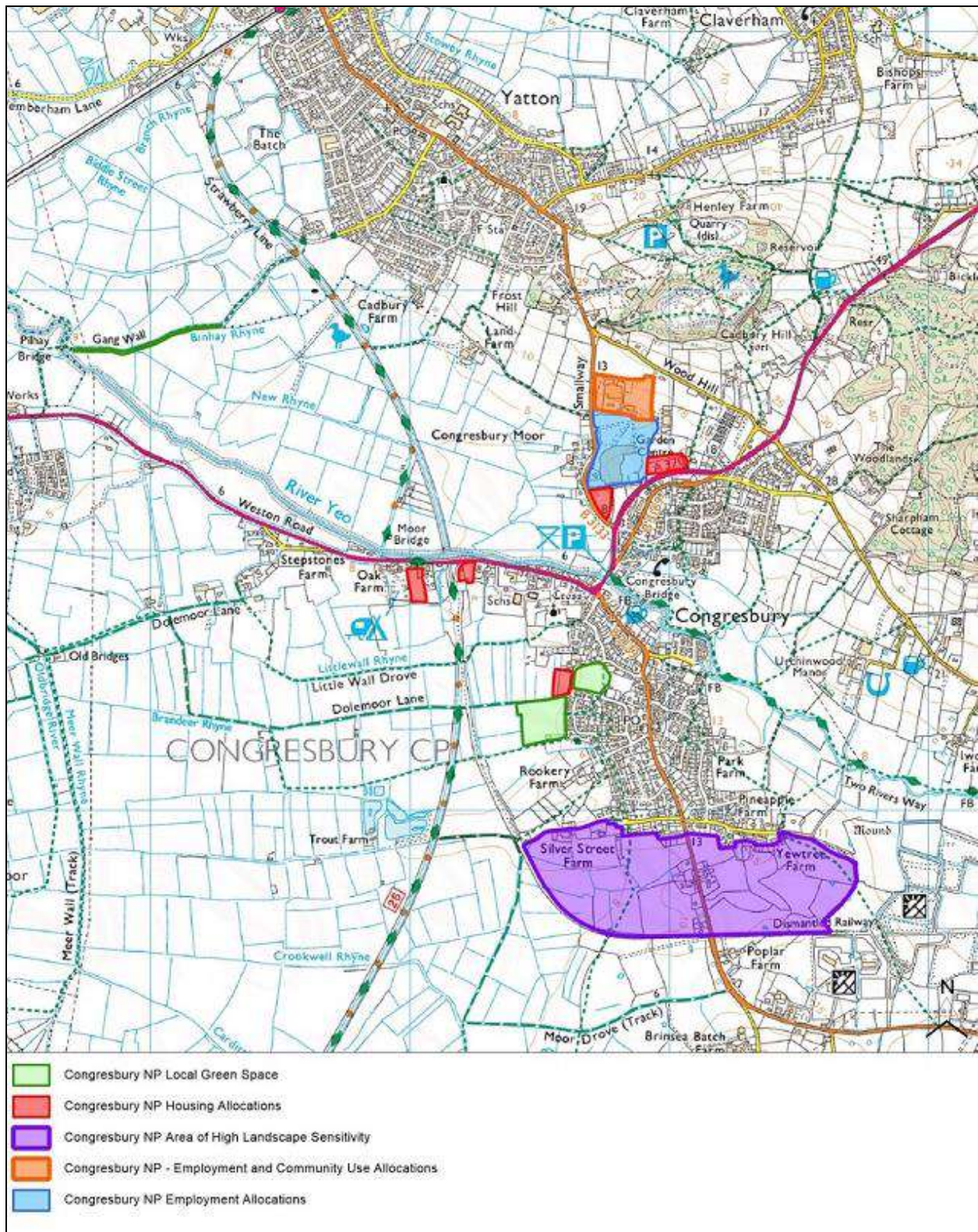
- CA F1 Community Facilities

Environment and Heritage

- CA EH1 Conservation Area Character Appraisal
- CA EH2 Community Led Renewable Energy Schemes

Map 2 Neighbourhood Plan Policies Map

This map shows the allocations in the Neighbourhood Plan which are expanded on in the following sections of the Plan.



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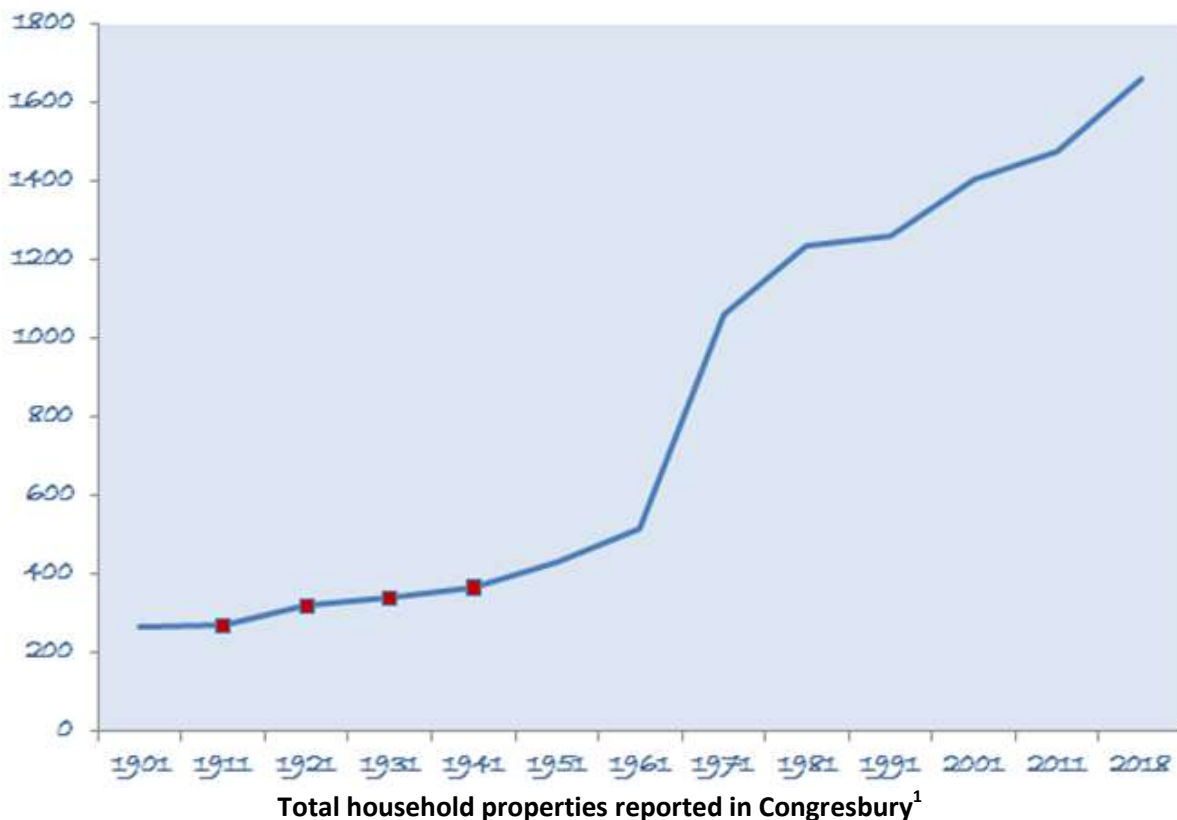
4 NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

4.1 Housing

The population of Congresbury grew by just over 450 people between 1901 and 1961. During the 1960's the population of the village doubled to 3397 people as shown by the 1971 census. A large part of this growth was due to the action of Axbridge Rural District Council in the post-war years to build the Southlands council estate to ensure that local working people had homes in which they could afford to live. Also the addition of estates in Park Road, Stonewell, Silverstone Way, Yew Tree Park, Silver Street and north of the River Yeo in Cobthorn, Verlands, Weetwood and Wrington Mead.

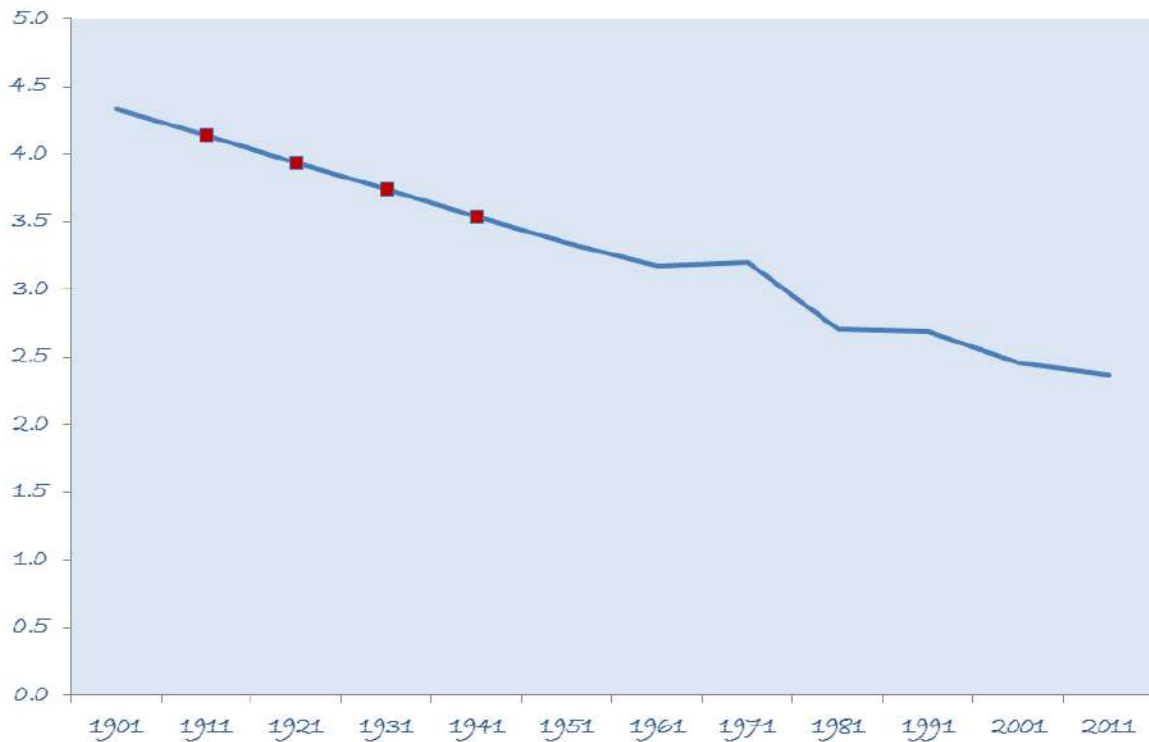
Sheltered housing for the elderly was built in Chestnut Close and Yeo Court and a number of smaller developments were all completed by the mid-1970's, Bramley Square and Cadbury Square (Redland Housing) completed by the end of the 1970's.

The 1980's saw little new housing in Congresbury except for small scale development like The Lyes, off Park Road, Silver Mead, and part of Well Park. The early 1990's saw the development of the Gypsy/Roma/Traveller site at Moorland Park, and the 'rural exception' affordable housing at Station Close and the Gooseham Mead development near the river.



There have been a number of developments over the past 20 years, but the population has barely grown. A reduction in household occupancy and change in demographics has been a key factor. The increase in house prices has led to market housing being unaffordable for many families.

¹ Source: Census and Hispop. The red dot represents estimated data.



Average number of people per household

Some 70 new dwellings were created between 2001 and 2011. Developments included Millennium Mews with 13 homes to rent (built adjacent to the settlement boundary) and Southlands Way with 7 properties a mix of one bed homes and live/work units. During the recent years, Congresbury has grown by 65 dwellings; significant developments include 10 properties at Kent Road, 29 adjoining Mill Lane and 14 dwellings on land north of Venus Street.

Apart from the 70 dwellings built and 119 consents during 2014-2018; approval has been given so far for 13 additional single dwellings either by way of agricultural or other ‘prior determination’ or acceptable ‘infill’. This means that completed and consented development in the past four years already exceeds the total for the previous 25 years. Appendix D “How Congresbury Has Grown” report contains further information.

Recent years have seen an increase in the number of applications submitted for development on sites outside the settlement boundary. The reason for this has been the uncertainty in planning policy created by the successful legal challenge to the North Somerset Core Strategy adopted in April 2012 and several key policies being remitted as a result. Following several stages of examination by the Planning Inspectorate, the modified Core Strategy was re-adopted in January 2017. However, the increase in the total housing requirement to 20,985 for the plan period 2006-2026 has resulted in a backlog and an inability for the North Somerset Council to demonstrate a five-year supply for housing development. As a consequence, a number of large scale developments outside settlement boundaries have been approved within North Somerset, contrary to policy, either by the Council or by the Planning Inspectorate at appeal.

A notable exception was dismissal of the appeal for development on land off Brinsea Road, south of Silver Street (Appendix F). The appeal for development on land south of Wrington Lane was also dismissed, although a duplicate application had already been granted by North Somerset Council (Appendix G). In

addition the appeal for up to 24 dwellings on land to the east of Brinsea Road was also dismissed in December 2017 for reasons that the proposal would cause harm to the character and appearance of the area and judged on the evidence, the appeal site would not provide an easily accessible location relative to local services and facilities and would not maximise opportunities to reduce the need to travel and encourage active travel modes and public transport (Appendix H).

4.1.1 Current and emerging policy context

(a) North Somerset Core Strategy (adopted January 2017)

Policies of most direct relevance:

- CS1 Addressing Climate Change and carbon reduction
- CS2 Delivering sustainable design and construction
- CS3 Environmental impacts and flood risk management
- CS4 Nature conservation
- CS5 Landscape and the historic environment
- CS6 Green Belt
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS15 Mixed and balanced communities
- CS16 Affordable Housing
- CS17 Rural exception schemes
- CS19 Strategic gaps
- CS32 Service villages
- CS33 Smaller settlements and countryside

(b) Policy SA1 in the Site Allocations Plan (April 2018).

This policy has, in Schedule 1, identified sites within the village for residential development. These are:

- Land south of Cadbury Garden Centre – allocated for 21 dwellings
- Land off Cobthorn Way – outline planning consent for 38 dwellings
- Land off Wrington lane – outline planning consent for 50 dwellings
- Venus Street – Full planning permission for 14 dwellings. This site is now built out.

(c) Emerging West of England Joint Spatial Plan (JSP)

The submitted Joint Spatial Plan, which is at examination stage, proposes the need to identify additional capacity for up to 44,000 homes for the West of England in addition to the existing commitment of 61,500 for the sub-region. This requirement, following the outcome of the examination process, will inform the new North Somerset Local Plan for the period 2018-36. While there are no proposals for major expansion of Congresbury within the JSP, large scale ‘garden village’ developments are being considered at Banwell close to the M5 and at Churchill/Langford which would impact on Congresbury. These proposals are subject to Government Inspectors’ examination. At the same time, all towns and service villages are expected to bring forward proposals which help to meet the need for housing in the region (particularly more affordable housing) and enable the Council to reach the target for new dwellings in the current planning period.

Policy H1 – Sustainable Development Location Principles

- a) New developments will be supported where they are in locations where residents are able to walk safely and cycle reasonable distances to village facilities and services, have easy access to public transport and therefore minimising the use of private vehicles.
- b) Preference will be given to site locations which will not significantly increase the traffic on already congested narrow village roads and have the least impact on the two junctions of B3133 and A370 at Smallway and the High Street. New development will be supported where it can be satisfactorily and safely accommodated within the local highway network in general, and within the capacity of the two junctions of the B3133 and A370 at Smallway and the High Street in particular. Where appropriate proposed new development should incorporate mitigation measures to limit significant effects of development in the neighbourhood area.
- c) Infill development within the settlement boundary will be supported. Development in the village centre to higher densities to those which currently exist will be supported particularly where the redevelopment of existing buildings would provide flats or other smaller housing accommodation. In all cases, as appropriate to its location, new development within the settlement boundary should respect the amenities of existing residential development and conserve or enhance the character or appearance of the conservation area.

Justification for Policy H1

Policy H1 provides a strategic context for new development in the neighbourhood area up to 2036. It has two principal ambitions. The first is to promote sustainable development. The second is to ensure that the approach has regard to national policy and assists in delivering the ambitions of the North Somerset Core Strategy. In this context Congresbury is identified as one of a series of Service Villages.

Congresbury is a village with a distinctive character and a high degree of community cohesion. Any new development needs to respect and enhance the character of the village and to be in a sustainable location with good access to village amenities. Core Strategy policy CS32 allows sites of up to 25 dwellings to come forward adjacent to settlement boundaries in Service Villages. The neighbourhood plan has chosen to allocate additional housing sites to assist in meeting its housing needs.

Some of the new housing sites are outside the existing settlement boundary as defined through the Site Allocations Plan 2018. The Congresbury Neighbourhood Development Plan has therefore undertaken a comprehensive review of the settlement boundary of Congresbury to incorporate the new housing allocations.

The village is subject to constrictions on development such as the green belt to the north of the village, floodplain to the south and west of the settlement and landscape considerations to the south and the east of the village. Congresbury has a desire to maintain its character, protect the landscape and rural character and therefore wishes to resist uncontrolled development in the rest of the village.

Included in this is the strategic gap between Congresbury and Yatton which not only protects the sensitive moor environment for future generations but also prevents the merging of the two villages. The Plan seeks to safeguard the existing gap between Congresbury and Churchill/Langford to the south to maintain their village identities and characters.

The Highways and Transport Evidence Base Report (Appendix E) states that the two junctions of A370 / B3133 Smallway and A370 / B3133 High Street are operating over or close to capacity and therefore preferred developments will be in areas that will have the least impact on these junctions. Consideration is also needed with regard to traffic from surrounding villages such as Churchill and Langford. Approved and proposed developments in these locations will significantly increase the traffic along the B3133 thereby exacerbating congestion at the A370/B3133 junctions. The third part of Policy H1 provides a context within which any development proposals can be assessed within the context of the local highway network in general, and the abilities which may exist to mitigate their impacts in particular.

Policy H2 – Sustainable Development Site Principles

- a) Proposals for residential development of 10 or more dwellings should provide a minimum of 30% of the dwellings as affordable housing (for either rent or shared ownership).
- b) Consistent with Core Strategy policy CS15, new development should have regard to the needs of first-time buyers as well as the needs of elderly and disabled residents.
- c) Development proposals will be supported which minimise carbon footprint and energy requirements and aim for Passivhaus or 'Excellent' BREEAM rating level of construction.
- d) The fitting of photo-voltaic panels to domestic property will be supported where appropriate in terms of architecture and location. Subject to compliance with other policies in this Plan proposals for the development of new houses will be particularly supported where they are designed to generate some or all of their energy needs from renewable sources.

Justification for Policy H2

The recognised need for affordable housing is outlined in the North Somerset Core Strategy Policy CS16 and Affordable Housing Supplementary Housing Document. During the consultation for the Plan, local residents expressed a need for affordable housing to enable young persons to afford to stay in the village. The Plan is aiming to provide small sites for development and therefore it is essential that these have a minimum of 30% affordable housing. The exception to this could be self-build or co-housing schemes if justified by social and community benefit and viability considerations. The June 2015 Strategic Housing Market Assessment for the wider Bristol Housing Market Area (SHMA) (i.e. the NSC, Bristol City and South Gloucestershire council areas (available at <https://www.n-somerset.gov.uk/wp-content/uploads/2016/02/ED7-wider-Bristol-housing-market-area-report-2015.pdf>) identified that there was a need for 85,000 new dwellings in the period 2016–36. The SHMA indicated that the total affordable housing need for the same period is 29,000 homes across the Bristol Housing Market Area. The North Somerset HomeChoice Register (<http://www.homechoicemosersomerset.org.uk/>) records the number of eligible people needing affordable housing. In the last 12 months the number of new applicant households applying to join the register with at least one priority housing need was 928, which compares to an average 444 lettings per year.

North Somerset district is home to an above average proportion of older residents (North Somerset Housing Strategy 2016–21). The Strategy indicates that an additional 4,600 homes specifically for older people with varying levels of support, ranging from leasehold schemes for the elderly through to housing for people suffering from dementia, will be required over the period 2016 – 2036. Congresbury has a limited supply of bungalows and many are located at the fringes of the village, therefore any development with a proportion of suitable houses for older residents will be supported.

Proposals for new housing development will be supported which minimise carbon footprint and energy requirements and aim for Passivhaus or 'Excellent' BREEAM rating level of construction.

The fitting of photo-voltaic panels to domestic property will be encouraged where appropriate in terms of architecture and location.

Policy H3 –Housing Allocations

The following sites are allocated for residential use. Proposals for their development for residential purposes will be supported where they meet the following criteria;

Site A - Land to the South of Station Road, adjacent to Station Close

- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they respect the setting of heritage assets in the immediate locality;
- they take account of key views into the village;
- they provide for safe vehicular access to and from the site;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document.

Site B - Land to the south of Station Road adjoining Church Farm

- they respect the wildlife and heritage of the Strawberry Line;
- they respect the remains of the Congresbury railway station and incorporate it into the proposed development where practicable;
- they provide for safe vehicular access to and from the site;
- they demonstrate how they would respect any archaeology in the immediate locality;
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document.

Site C - Land to the north of Bristol Road

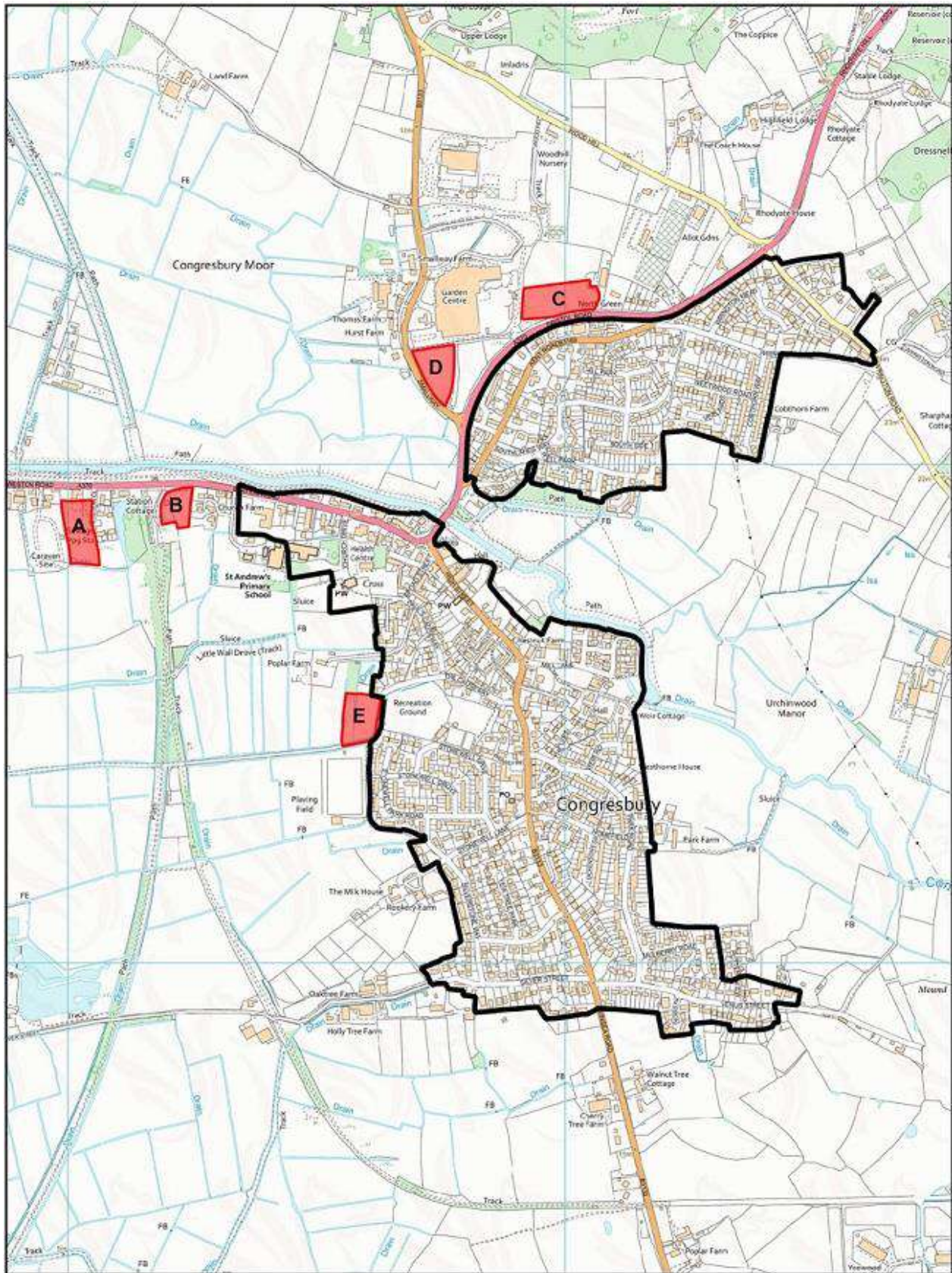
- they respect the setting of the Cadbury Hill ancient monument;
- they respect the setting of Clarence Court and Rhodyate House;
- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they provide for safe vehicular access to and from the site;
- the height of new buildings does not exceed three storeys;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document.

Site D - Land off Smallway

- they provide for safe vehicular access to and from the site;

- they respect the setting of the Cadbury Hill ancient monument;
- they respect the setting of Clarence Court and the Congresbury Arms (listed buildings);
- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document.

Map 3 Housing Allocations



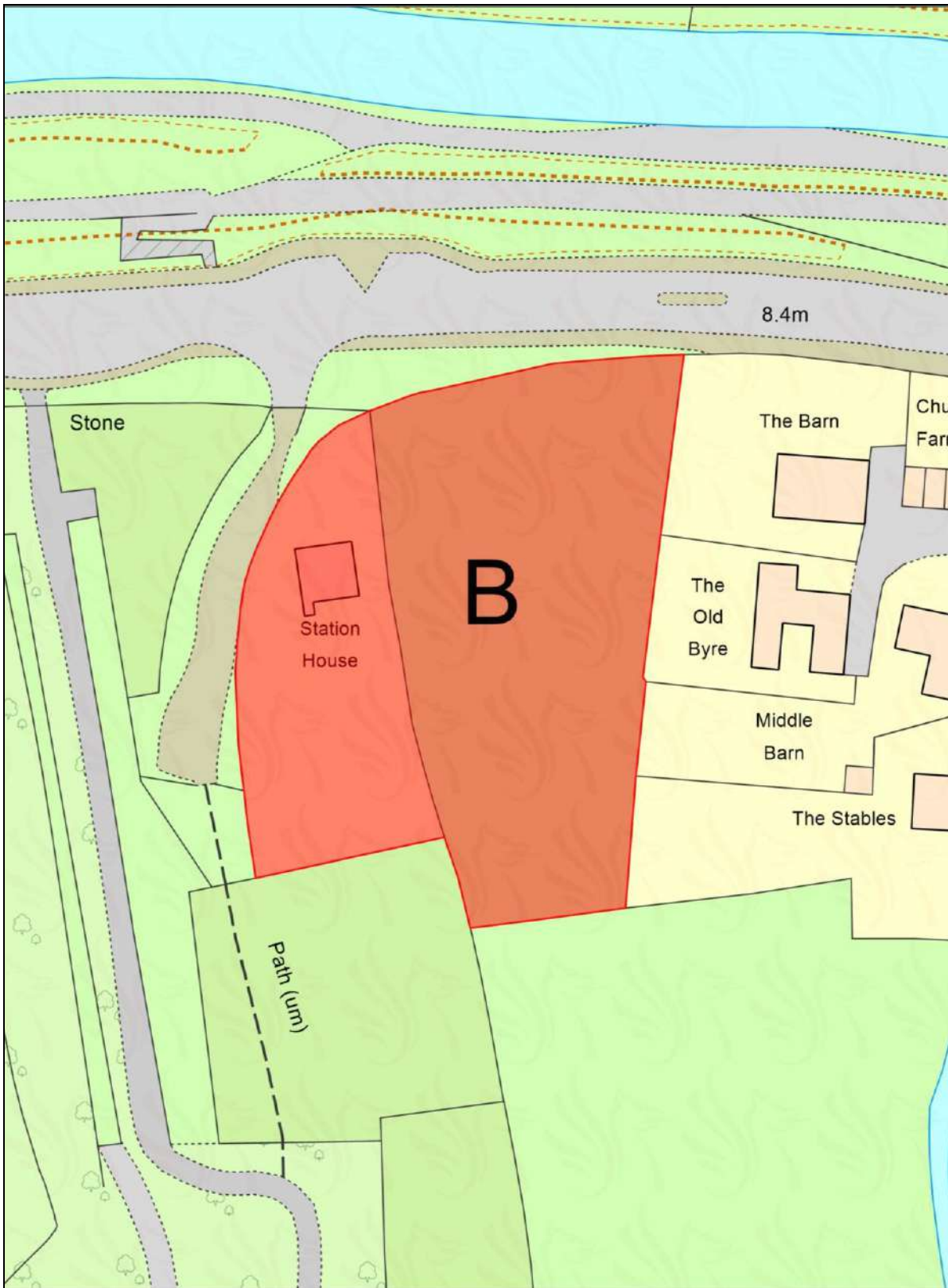
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Map 4 Housing Allocations Site A



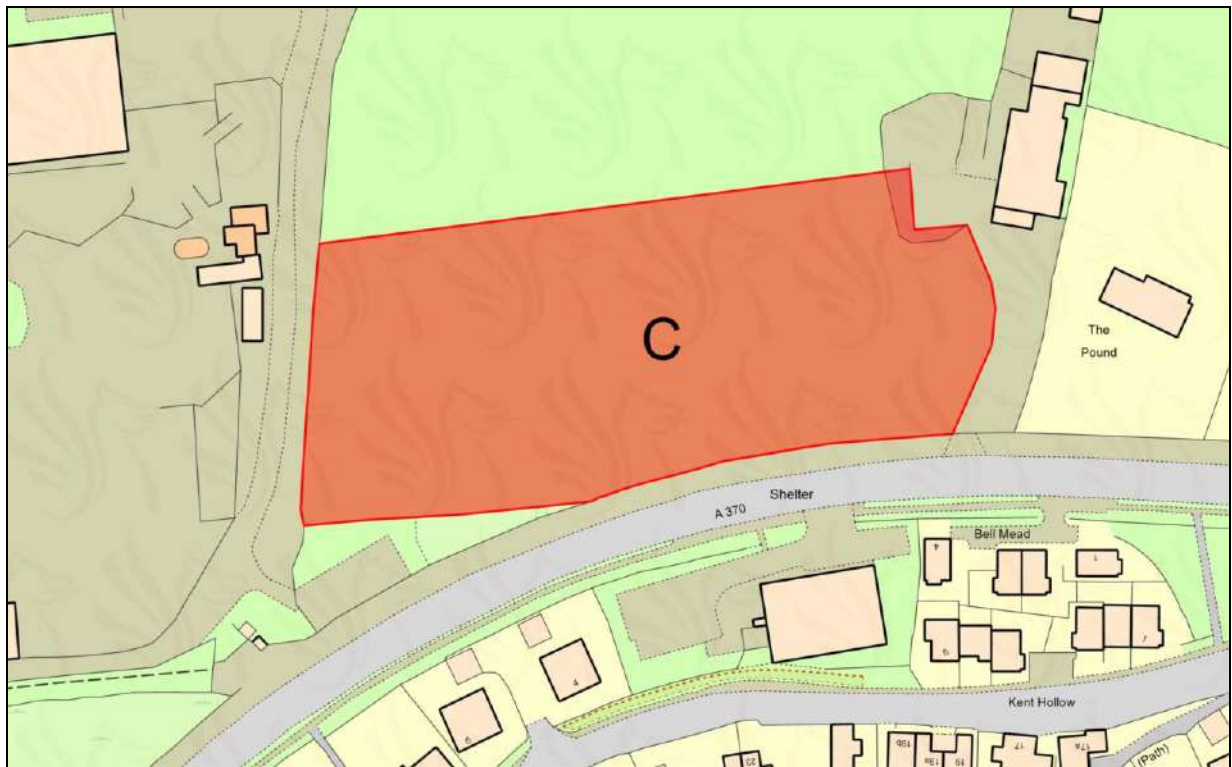
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Map 5 Housing Allocations Site B



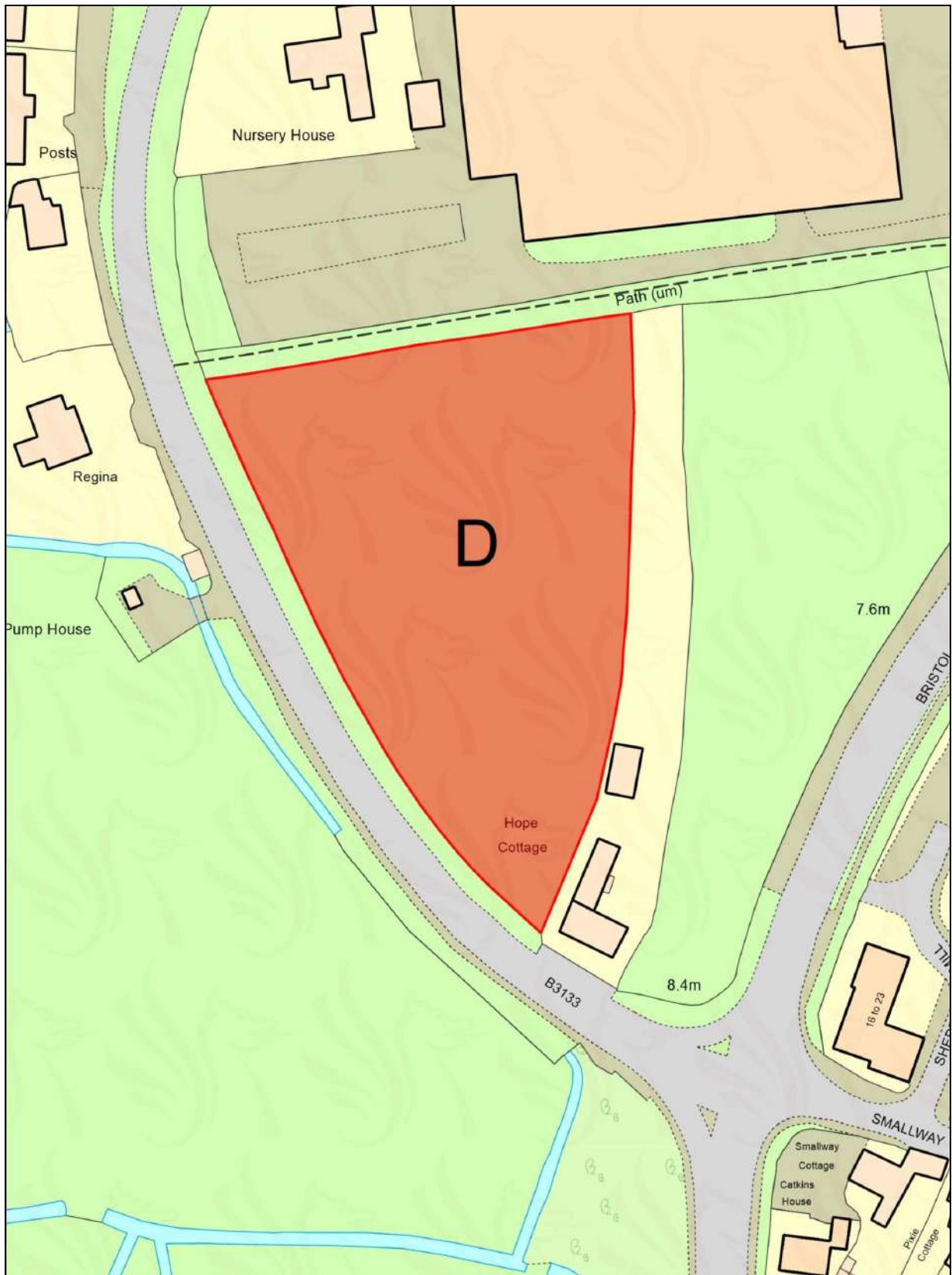
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Map 6 Housing Allocations Site C



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Map 7 Housing Allocations Site D



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Justification for Policy H3

The sites have been allocated as they are considered to be in sustainable locations.

Many areas of the village were considered for possible development and it was concluded that there is scope for development west of the village centre, along the A370. This area has good pedestrian access to the school and public services, easy access to bus services along the A370 towards Weston and Bristol as well as access to the Strawberry Line cycle route to Yatton Station. Drivers would also be able to access the A370 without putting greater pressure on the junctions and traffic heading towards the M5 would not have to travel through the village at all. Development towards the west (sites A and B) would also help to reduce the isolation of the rural exception social housing site at Station Close. The site behind the Mediterranean restaurant is part brownfield/ part greenfield. Access would be from Station Close. Development of this site would help community cohesion as Station Close is currently an isolated development. The site is sustainable with good access to village facilities and public transport. The site, east of the Strawberry line, is on land containing the derelict remains of the old Station Master's house plus the adjoining field. It is closer to village amenities than site A. Any development would need to respect the wildlife and heritage value of the Strawberry Line and the remains of the old Congresbury Railway Station.

Sites C and D (north of the village centre) are in a sustainable locations and development there could help provide a range of affordable and lower cost dwellings close to amenities and public transport. Site C has direct access onto the busy A370 and is close to a light controlled pedestrian crossing providing pedestrian access to the rest of the village. The site is currently in agricultural use. Development on a part of this site would provide up to 25 dwellings and would have a reasonably safe access onto the A370, with good sight lines. Site D will access onto the B3133 a busy and often congested road and could potentially aggravate existing highways problems at the B3133/A370 Smallway junction. This site is separated from a neighbouring site that has been identified in Schedule 1 of the Site Allocation Plan April 2018 by a long narrow strip of land, but access would be from the B3133.

It is considered that any development east of Park Road would harm the important landscape of the Yeo Valley. Access from Park Road would also be a problem and would affect the operation of the A370/B3133 High Street junction.

No development beyond the southern edge of the village (Silver Street and Venus Street) has been allocated as it is too remote from the village centre and would have significant negative impact on the open landscape and natural village boundary. As previously outlined this has been demonstrated by the following planning appeals: (1) Appeal Ref APP/D0121/W/15/3004788 (Appendix F) was dismissed in November 2015 for development on land off Brinsea Road (south of Silver Street; (2) Appeal Ref: APP/D0121/W/17/3176151 (Appendix G) for up to 24 dwellings on land to the east of Brinsea Road was also dismissed in December 2017 for reasons that the proposals would cause harm to the character and appearance of the area and judged on the evidence, the appeal sites would not provide an easily accessible location relative to local services and facilities and would not maximise opportunities to reduce the need to travel and encourage active travel modes and public transport.

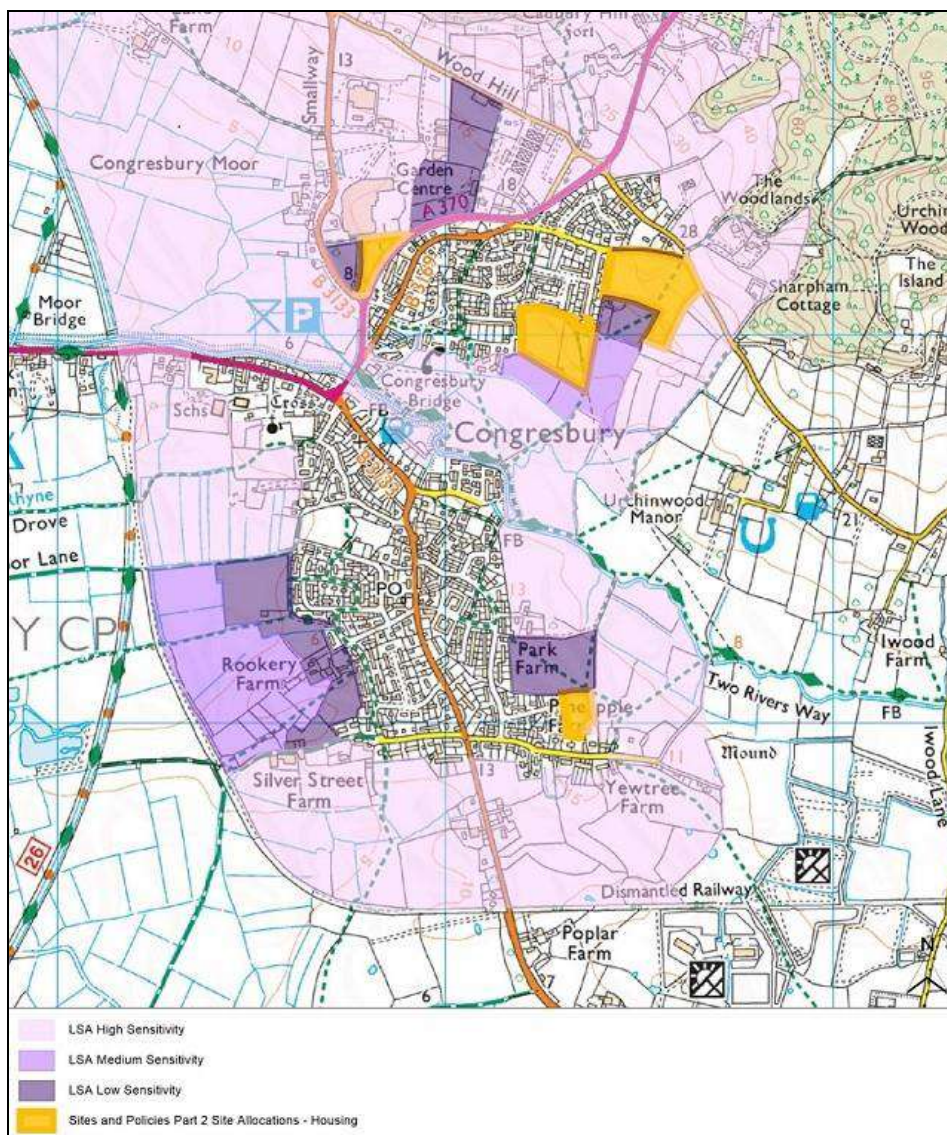
North Somerset Council commissioned a Landscape Sensitivity Assessment by Wardell Armstrong in March 2018. The assessment looked at the areas surrounding selected settlements within North Somerset which included Congresbury (available at <http://www.n-somerset.gov.uk/wp-content/uploads/2018/05/Landscape-Sensitivity-Assessment-2018.pdf>). The document provides part of an evidence base to support the preparation of the North Somerset Local Plan to 2036. The allocation of non-

strategic growth needs to be managed carefully as part of this process to ensure the important characteristics of the landscape are not unacceptably harmed.

The choice of site allocations has taken this report into consideration especially with regard to the protection of highly sensitive areas which are defined in the report as ‘High sensitivity land’ – This land generally has low capacity for housing development. If this land was developed for housing it could result in substantial harm to the landscape’. The conclusions are in the detailed Map 8 illustrating the areas of sensitivity reproduced below. The conclusions have been added into the site assessments in Appendix I.

All sites proposed for housing allocations are small sites accommodating 25 dwellings or less. This is a positive limitation on the size of developments to ensure that the character of the village is maintained, to ensure more effective assimilation into the village, to maintain the green belt to the north of the village and to maintain strategic gaps between settlements.

Map 8 Identified Landscape Sensitivity Assessment Areas (Wardell Armstrong – Landscape Sensitivity Assessment March 2018)



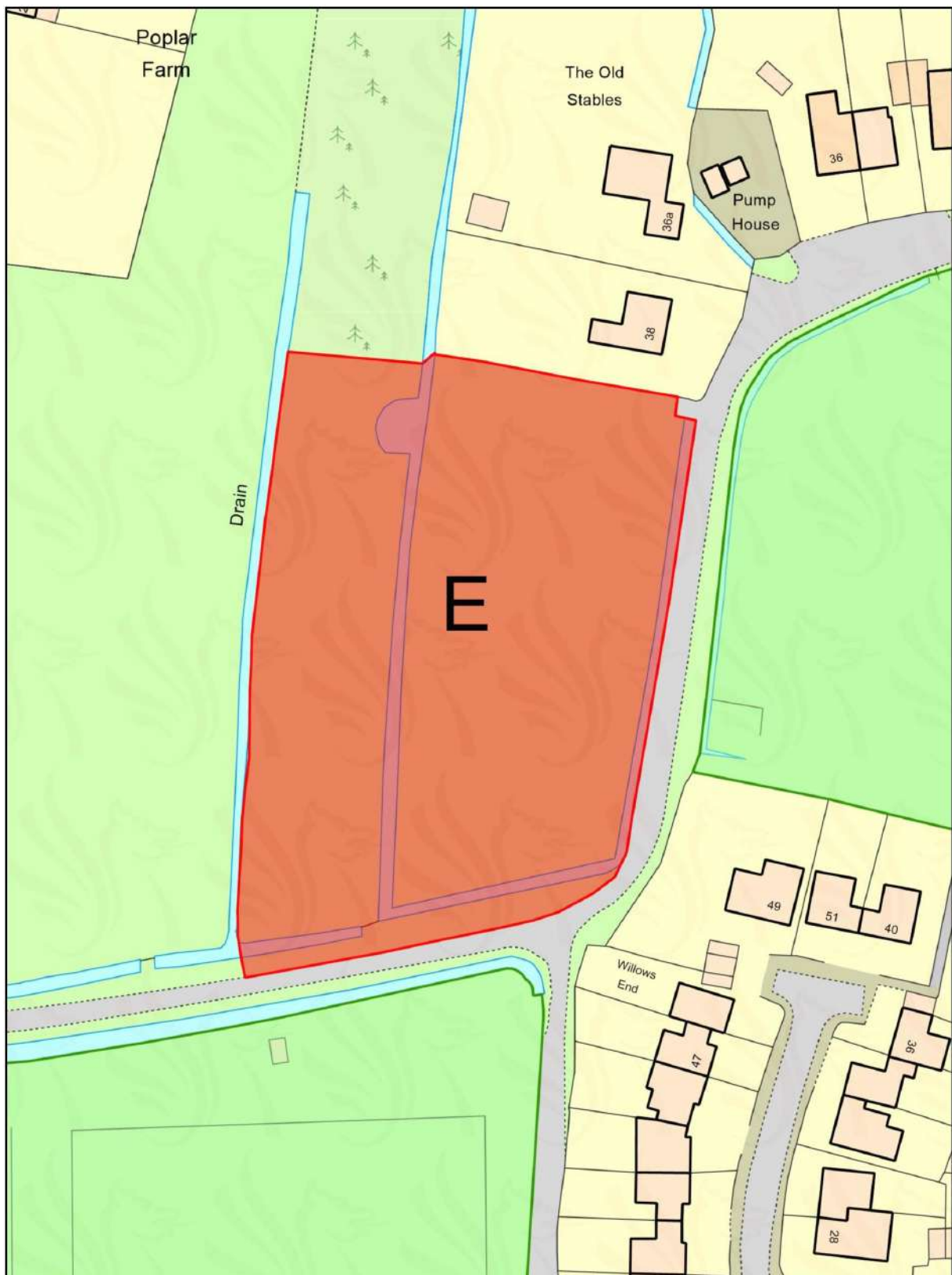
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Policy H4 – Affordable Housing Site

Land off The Causeway and at the corner of Dolemoor Lane (Site E) as shown on Map 9 is allocated for the provision of affordable housing.

- A local connection restriction will apply to the affordable housing units in perpetuity;
- The layout and design of the site should respect the urban grain of the village and the design of its housing stock;
- Development proposals on the site should demonstrate how they have assessed any archaeological remains within and around the site and taken them into account in its design and layout’;
- Development proposals should not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document.

Map 9 Housing Allocations Site E



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Justification for Policy H4

Site E will be allocated as 100% affordable housing to meet local need. The properties would be available in the first instance for people with a local connection to Congresbury, if there are any unfilled properties these would be cascaded out to wider settlements in the locality and then lastly to those with a local connection to North Somerset. These two fields provide a sustainable location close to village amenities with access from the end of The Causeway. One of the fields is administered by the Parish Council on behalf of the Hannah Marshman Trust.

Houses within this scheme should be allocated based on the following criteria to ensure local need is met in the first instance:

- i) Applicants are approved by the Council as being in need of Affordable Housing; and
- ii) Are unable to afford to buy or rent appropriate property locally on the open market; and
- iii) In the opinion of the Council fall into one or other of the following categories (in order of priority):
 - a) Either the applicant or partner has continuously lived in Congresbury for a minimum of 3 years immediately preceding the date of bidding.
 - b) Either the applicant or partner has previously lived in Congresbury for 10 years continuously, not more than 5 years ago, immediately preceding the date of bidding.
 - c) Either the applicant or partner has continuously lived in Congresbury for between 12 months and 3 years immediately preceding the date of bidding.
 - d) Either the applicant or partner has been continuously employed in Congresbury for at least 12 months immediately preceding the date of bidding.
 - e) People dependent upon or giving support to a household in Congresbury.
 - f) Either the applicant or partner has a close relative living in Congresbury for at least 5 years immediately preceding the date of bidding.
 - g) Residents of adjacent parishes in North Somerset who fit the above criteria in the priority order listed.
 - h) After a rented property has remained void for 6 weeks occupancy will be allowed for other residents of North Somerset eligible for Affordable Housing.

Policy H4 also takes account of potential archaeology in the vicinity of the site and the importance of its sensitive incorporation into the overall design and character of the village.

There is a need for affordable housing in North Somerset as highlighted by the register below:

Total North Somerset housing register need as of 1st June 2018

Property Type Need						Band						
Age Group	Bed Need	A	B	C	D	Emergency	Grand Total					
General needs	1	35	134	707	253	1	1130					
	2	13	93	597	331		1034					
	3	9	57	298	142		506					
	4	4	13	58	22		97					

Sheltered need Aged 60+	1	16	82	291	163		552
	2	4	12	10	4		30
	Grand Total:	81	391	1961	915	1	3349

There are no exact figures of the need for affordable housing in Congresbury and the numbers which would have a local connection to Congresbury. However, North Somerset Council HomeChoice Register provides an indication. Of those registered on HomeChoice (an average of 3500 households) 620 households have selected Congresbury as an area of choice (and 19 of these applicants are living in Congresbury -June 2018 data). This is a reflection at the time of application; however an applicant's views can change over time. This data does not provide a complete record of applicants seeking affordable housing and does not include the need for other types of affordable housing including for example intermediate housing products such as shared ownership.

Over the last 18 months as stated in the HomeChoice Stock report 2016/17 out of 148 rented properties there have been only 5 vacant affordable homes in Congresbury, of which 1 was family vacancy (1 x1 bed), 4 non family (2x 2 bed only).

The initial postcard survey of local residents resulted in many respondents stating that the village requires more affordable housing to enable young people to remain in the village. See Appendix C for further detail.

4.2 Facilities

Congresbury has a number of venues for activities, these include; the Old School Rooms, Recreation Club, Memorial Hall and the Methodist Hall. There are numerous clubs and organisations that meet in these venues including art classes, Congresbury Singers, Keep Fit classes, History Group, Senior Citizens Lunch Club, Rascals, WI and Ladies Friendly, Badminton Club, Craft and book groups. They cover a range of interests and activities catering for all ages and tastes. The Old School Rooms is owned and managed by the Parish Council.

There is a thriving Scout and Guide group in the village and the Youth Partnership runs the youth club and outreach programmes which provides opportunities for young persons.

The King George V playing field was donated to the village in 1936; the playing fields are currently administered by the Recreation Club and the King George V Trustees. There is a cricket pitch and 3 tennis courts. The children's play area is managed and maintained by the Parish Council. The adjacent Broadstones field (owned by the Parish Council) provides football pitches with a separate changing facility for the players.

There is a well-used bowling green and Club off Mill Leg and the Parish Council provides a ball court next to the Youth Club by Bristol Road Car Park.

Each facility has its own management group responsible for maintaining and administering their existing buildings and premises to secure them for the future. If buildings cease to become functioning facilities in the future then, depending on their location, they could become suitable areas for infill development.

Policy F1 – Protecting and Enhancing Community Services

Existing community services and facilities such as the library, public houses, public conveniences, village halls and local village shops, churches, sporting facilities, youth club and youth services play important roles in maintaining a strong and vibrant community. In order to reinforce the important role that they play in the social well-being of the community:

- a) The loss of existing community facilities will not be supported unless it can be demonstrated that the facility is no longer viable or that the facility is no longer in active use and has no prospect of being brought back into use.
- b) Proposals which enhance and improve existing community facilities will be supported. New community facilities will be supported providing they are compatible with existing neighbouring uses.

Justification for Policy F1

The public conveniences which were transferred to the Parish Council in 2013 are well used by residents and visitors to the village. The cost of running the toilets is approximately £4,000 per annum; the toilets are opened and closed daily by volunteers due to the risk of vandalism and the resulting cost of repairs.

Congresbury Community Library opened on 1 July 2017 following a Community Access Review of services by North Somerset Council. The library is funded by the Parish Council and supported by North Somerset Council to provide a library service on behalf of the residents of the village and the wider community. The library is managed and manned by volunteers.

The Parish Council supports Congresbury Youth Partnership (CYP) which provides activities for young people in the age range 8 - 20 years. CYP's aim is to develop the physical, social and mental wellbeing of the young people in the village by helping each child to develop as an individual and become an active member of the community.

Other services and facilities including local shops, the doctor's surgery, church, sports facilities and meeting places need to be supported to ensure that the community is well served by a wide range of amenities.

4.3 Environment and Heritage

4.3.1 Heritage

The village grew around the Church and the historic core of the village is based around the churchyard, Broad Street, High Street and Mill Lane. This area was designated as a Conservation Area in 1990.



View of St Andrew's Church and churchyard

Congresbury has many listed assets which include St Andrew’s Church, the Refectory, the Court House, the Old Rectory, the Birches and the Congresbury Arms public house, as well as a number of important archaeological sites which provide evidence for the historic development of the village. The village (market) cross at the junction of Broad Street and High Street is a village landmark and is a designated Scheduled Monument. The full list of the listed buildings is contained in Appendix L

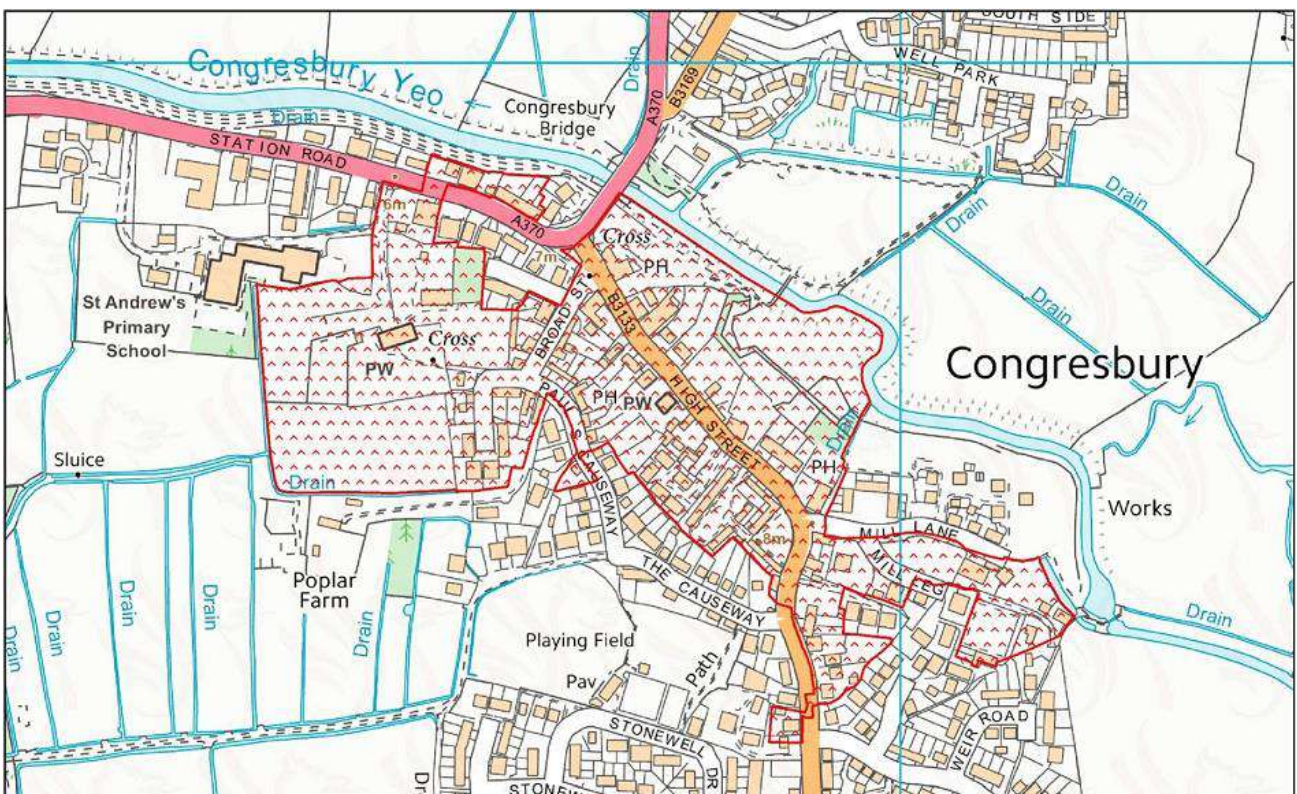
Policy EH1 – Enhance the Conservation Area

Development proposals should protect, and where practicable enhance, the character of listed buildings and locally important buildings and structures and archaeological sites.

In order to preserve and enhance the special character of the Conservation Area proposals for signage within the Conservation Area should comply with the following criteria:

- i) Modern shiny finishes such as acrylic and applied vinyl will not be supported. Timber and metal are the most appropriate material to use.
- ii) Colours and finishes appropriate to the host property and the wider conservation area will be supported.
- iii) Lettering and symbols should be sign written directly on to the sign in paint and should not use applied vinyl lettering.
- iv) Individual timber or metal lettering will be supported.
- v) Signage on the upper floors of buildings and the internal illumination of signs will not be supported.
- vi) The use of free standing ‘A’ boards will not be supported.

Map 10 Congresbury Conservation Area



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Justification for Policy EH1

Congresbury has an attractive conservation area, with its distinctive character and history. Unfortunately, the character and quality of the traditional shopping street has gradually been eroded by poor, careless and unsympathetic alterations to shop fronts. Widespread use of relatively cheap materials and standardised shop front designs has led to a loss of local distinctiveness. Inappropriate shop fronts and large attention grabbing signs dominate the street scene, and have a negative impact on historically important buildings, as well as the whole shopping street. The Parish Council is committed to reversing this trend and ensuring that alterations to shop fronts are well designed, and contribute positively to the surrounding area. This will not only help businesses, but will also improve the streetscape for all the people that use it. The detailed parts of the policy provide guidance on the design and type of shop fronts and signage that will be appropriate in the Plan period. Whilst the commercial use of A boards will not be supported they may be appropriate for short term use to advertise community events.

4.3.2 Environment

Congresbury lies in the North Somerset levels and Moors, an area known locally as the Northmarsh. It is a unique region of countryside north of the Mendip Hills which forms part of the wider Somerset Levels and Moors, being predominately low lying marsh and moorland. Congresbury itself nestles on the edge of the levels with the nearby wooded hills providing good vantage points. Congresbury Moor has six fields – 10 Acre, New Croft, Meaker, Phippen, Norton and Footmead, which are now part of Biddle Street Site of Special Scientific Interest which was designated by English Nature in 1994. There is a richness of wildlife in this area, including aquatic life in the rhynes and it is also home to nationally rare beetles and snails. Eels, amphibians and fish feed on the wealth of invertebrates, which are in turn prey for wildfowl and the frequently seen heron. The remaining areas of the village are also important and rich in wildlife and need to be protected. Birdlife is varied and plentiful; barn owls breed on Congresbury Moor.

King's Wood and Urchin Wood SSSI in the north east, designated in 1992, have ancient woodland of mixed deciduous trees and is a nationally important bat habitat. There are hibernating populations and maternity colonies of at least four different species, including the rare and endangered Greater Horseshoe Bat.

Congresbury as a settlement is split by the Congresbury Yeo, which used to be tidal as far as the village. The River Yeo and the Strawberry Line, as well as having recreational value, are green corridors and so important for wildlife.

Cadbury Hill is a small hill, mostly in the parish of Congresbury, overlooking the village of Yatton in North Somerset. On its summit stands an Iron Age hill fort, which is a Scheduled Monument. Cadbury Hill is managed jointly by Congresbury and Yatton Parish Councils. Also recorded on Cadbury Hill are Neolithic flints.

The remaining areas of the village are also important and rich in wildlife and need to be protected. The southern half, around Brinsea, has remnant orchards and ancient species rich hedgerows.

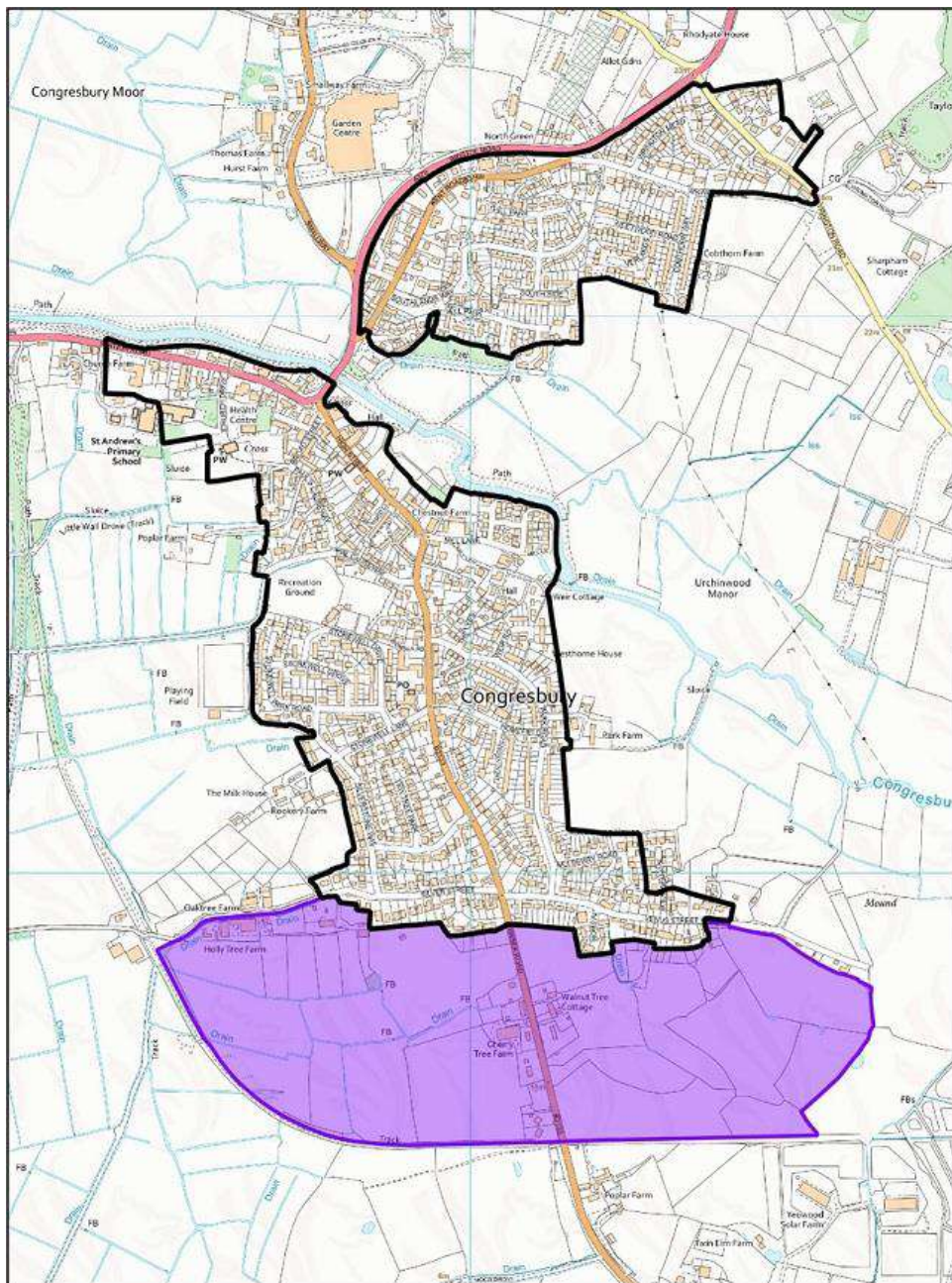
Policy EH2 – Area of High Landscape Sensitivity

Development proposals in the area of high landscape sensitivity as shown Map 11 below should respect the landscape and the way in which it provides a setting to the village.

Development proposals within the area of high landscape sensitivity will only be supported where:

- the character and integrity of the landscape would not be significantly adversely affected; and
- they incorporate appropriate measures to mitigate their impact within the landscaping in general, and through the use of native vegetation and landscaping in particular.

Map 11 Area of High Landscape Sensitivity



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Justification for Policy EH2

CS19 defines a strategic gap between Congresbury and Yatton to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements. The historic ridge of Silver Street and Venus Street forms the natural boundary of the settlement. To the south and west of this ridge is open countryside of the Levels, characterised by, often irregularly shaped, low lying pasture defined by historic ditches, hedges and mature trees. The North Somerset Council Landscape Sensitivity Assessment March 2018 concluded that ‘land to the south of Congresbury slopes to the east and there is a strong and vegetated urban edge. Development to the south of the village would affect the settlement form. Owing to the above, this land is of high sensitivity’. The report states that within the context of the study, high sensitivity land can be attributed to the following ‘This land has low capacity for housing development. If this land was developed for housing it could result in substantial harm to the landscape’.

Policy EH2 addresses this important matter. It identifies an area of high landscape sensitivity as outlined in the NSC Landscape Assessment. It requires that any development proposals which may arise within the Plan period should respect the landscape and the way in which it provides a setting to the village. It also identifies the circumstances where new development would be supported in this sensitive area.



Congresbury Millennium Green

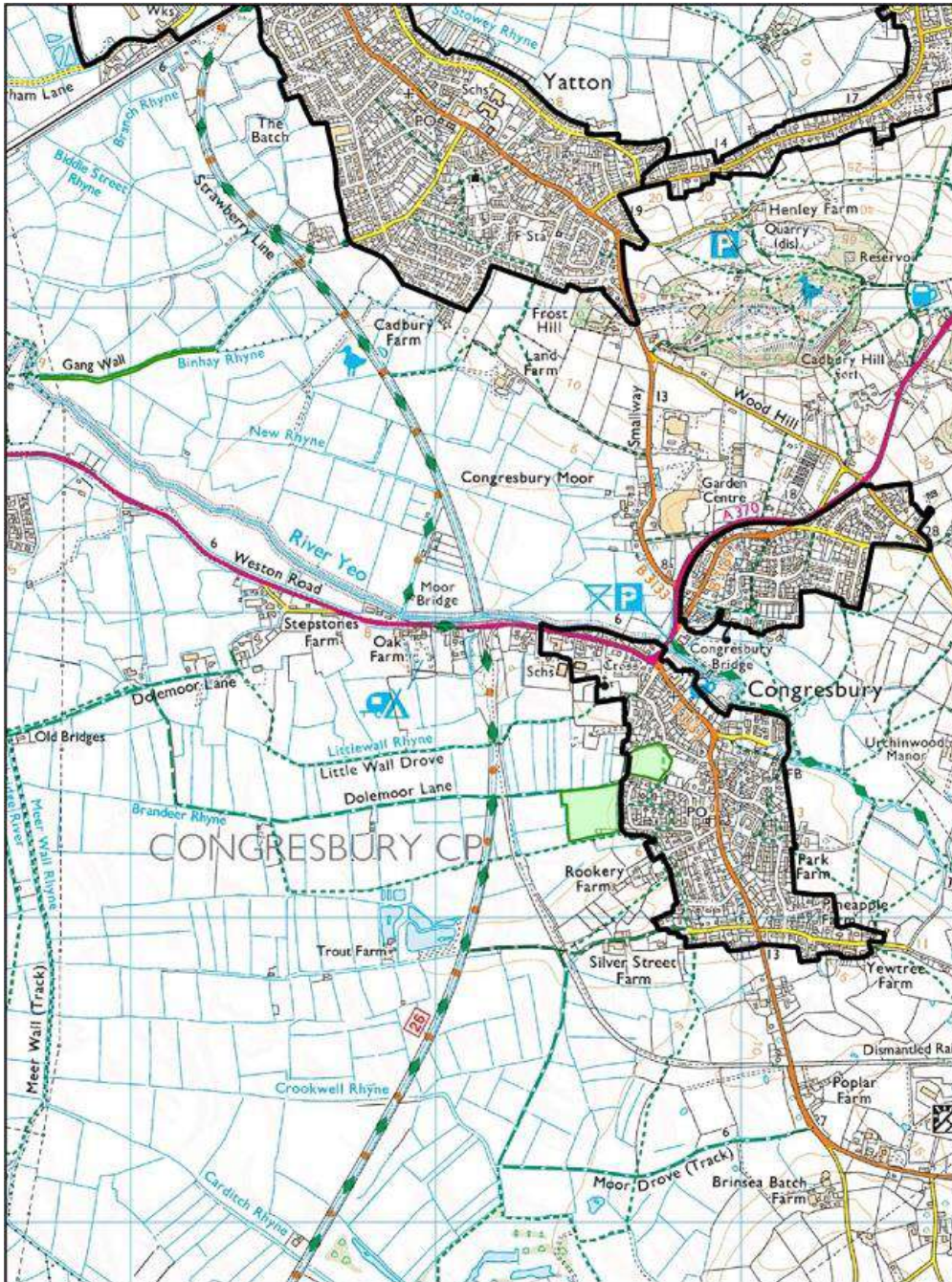
Policy EH3 – Local Green Space

The following parcels of land are designated as Local Green Spaces;

- a) The Gang Wall ancient sea defence and path
- b) King George V
- c) Broadstones

Development will not be supported on local green space except in very special circumstances.

Map 12 Local Green Space Designations



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Justification for Policy EH3

Congresbury currently has the Millennium Green and paddock, a recreation area adjoining King George V Jubilee playing field and the land at St Andrew's Church allocated as local green space in the Site Allocations Plan (April 2018).

'Millennium Green is outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising; attractive grass spaces either side of the river. Larger northern area has some mature trees on boundary and includes public footpaths and play area. Used for informal recreation. Southern area includes community orchard. HER shows archaeological site: site of tannery east of the Ship and Castle, C18.'

The recreation area adjoining King George V Jubilee playing field is outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising: *'Grass recreation area with play equipment'*.

'Land at St Andrew's Church, Congresbury outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising; Attractive grass area with trees, and the adjoining historic church yard, adjacent to and important to the setting of the grade 1 listed church. While cemeteries are not normally appropriate for LGS designation, the historic importance of the site, with listed walls and monuments, together with its importance to the setting of the church, is considered to warrant an exception. Boundary amendment proposed to exclude church building itself.'

However, these are not the only areas that we believe need to be protected and provided with Local Green Space status. In accordance with guidance on Local Green Space is set out in the National Planning Policy Framework (NPPF) at paragraphs 77.

The 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 importance, 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"

Both Broadstones and King George V Playing Field are important as recreational areas and fit the designation characteristics. King George V Playing Field is supported by Fields in Trust and Broadstones, used as football pitches, is owned by the Parish Council.

The Gang Wall is a 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. The monument is virtually complete and is extremely unusual for such a bank in having no road along its surface. Associated with it is Rennie's siphon, a structure designed by Sir John Rennie, to take the New Rhyne, new drainage works for Congresbury Moor, under the Yeo to an outfall downriver in Wick St Lawrence, during works of 1819-1827. The association of the two is unique and therefore should be protected as special to the community.

Policy EH4 – Landscape and Wildlife Preservation Measures

- a) Development proposals should maintain and enhance the connectivity of all green corridors and not result in the loss or deterioration of irreplaceable habitats, including local wildlife sites, aged or veteran trees and hedges. Development proposals for new dwellings should demonstrate how they have incorporated appropriate measures to ensure the connectivity of any green corridor and the freedom of movement for species on or through the site.
- b) As appropriate to their location and the scale development proposals should be designed to limit the impact of light pollution from artificial light on local amenity and nature conservation.
- c) As appropriate to their location and the scale development proposals should include natural landscaping using native species and incorporate existing hedgerows, wetland areas and other wildlife features where it is practicable to do so.
- d) As appropriate to their location and scale development proposals should provide buffer zones to sites of special scientific interest, local nature reserves and local wildlife sites in general, and in relation to the Strawberry Line in particular where it is practicable to do so.
- e) Development proposals should take into consideration and provide where appropriate mitigating measures against the harmful impact of noise pollution on animal life.

Justification for Policy EH4

The North Somerset and Mendip Bats SAC is designated under the Habitats Directive 92/43/EEC, which is transposed into UK law under the Conservation of Habitats and Species Regulations 2010 (as amended) ('Habitat Regulations'). This means that the populations of bats supported by this site are of international importance and therefore afforded high levels of protection, placing significant legal duties on decision-makers to prevent damage to bat roosts, feeding areas and the routes used by bats to travel between these locations. Any development must take into consideration the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance: Supplementary Planning Document (<http://www.n-somerset.gov.uk/wp-content/uploads/2015/12/North-Somerset-and-Mendip-Bats-SAC-guidance-supplementary-planning-document.pdf> Adopted Jan 2018) to conserve and protect the vital habitats.

Artificial light offers valuable benefits to society. It is an essential aid to safety and facilitates a thriving night-time economy. However, if used incorrectly, artificial light can contribute to a range of problems, with the potential to become light pollution. Artificial light can not only be a source of annoyance to people, it can be harmful to wildlife, waste energy and detract from the enjoyment of the night sky. Any development must strive to protect wildlife and respect the rural environment with lighting that includes low level shielded lighting in wildlife corridors, and lighting curfews in industrial/commercial areas.

Policy EH5 – Renewable Energy

Proposals for community owned or led renewable energy schemes (including micro-hydro, photovoltaic or bio-mass projects) will be supported subject to the following criteria for the proposed development:

- The siting and scale is appropriate to its setting and position in the wider landscape; and
- It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development; and
- It does not create an unacceptable impact on the amenities of local residents; and
- It does not have an unacceptable impact on a feature of natural or biodiversity importance.

Justification for Policy EH5

Congresbury lies within an area offering good potential for renewable energy including: bio-mass, hydro, solar and wind power. A bio-mass scheme is already operating within Congresbury and housing associations and private residential dwellings are fitting their properties with domestic photo-voltaic panels. The parish has three solar farms that are operating within the area of the Neighbourhood Plan. They cover an area of over 40 hectares of agricultural land and supply enough electricity to meet the needs of approximately 1,000 homes, thus bringing the village close to self-sufficiency in terms of renewable energy. Support for further large schemes must be balanced against the cumulative impact on local amenity and landscape.

There is a wish to consider other sources of renewable energy. In particular, community led renewable energy projects are encouraged, which would benefit the whole community and act as a focal point for other low carbon and energy saving initiatives within the community.

The government is committed to reducing CO2 emissions by 80% by 2050 and the NPPF states that local planning authorities “should recognise the responsibility on all communities to contribute to energy generation from renewable sources... They should support community led initiatives for renewable and low carbon initiatives.”

According to government statistics, around 11% of households in England are “fuel poor”. Rural communities are subject to higher incidences of fuel poverty due to more homes being hard to heat and off the gas grid. Community energy projects provide one way of helping to address these issues: they can reduce CO2 whilst generating revenue to utilise for local benefit, for example to fund advice services for those in fuel poverty (Source: Annual Fuel Poverty Statistics Report, 2018 (2016 data) England. Statistical Release: National Statistics <https://www.gov.uk/government/collections/fuel-poverty-statistics>). Such development would normally be conceived and/or promoted within the community within which the development will be undertaken and provide long term and inclusive socio-economic and/or environmental benefits which are accessible to all members of the community. Developments which are ‘led by’ or ‘meet the needs’ of local communities are defined by the outcomes achieved for the community, rather than number of people who support or oppose the scheme, and it should be recognised that 100% endorsement within the locality is unlikely.

4.4 Employment

There are very few employment opportunities in Congresbury with the majority of residents working elsewhere and commuting. 83 businesses located in and around Congresbury were surveyed in 2016 to provide a snapshot of employment opportunities within the area (see Appendix M).

Policy E1 – Retention of Business and Employment within the Parish

- a) Insofar as planning permission is required proposals for home working, including offices and craft work, will be supported where they would safeguard the amenities of any residential properties in the immediate locality.
- b) Proposals for the use of redundant farm buildings for employment use will be supported.
- c) The Old Green Holm Nursery site as shown on Map 13 is allocated for employment and community uses. Proposals for employment (B1, B2 and B8) or community uses will be supported.
- d) The Cadbury Garden Centre site as shown on Map 14 is allocated for employment uses. Proposals for employment (B1, B2 and B8) uses will be supported.



Congresbury Precinct

Justification for Policy E1

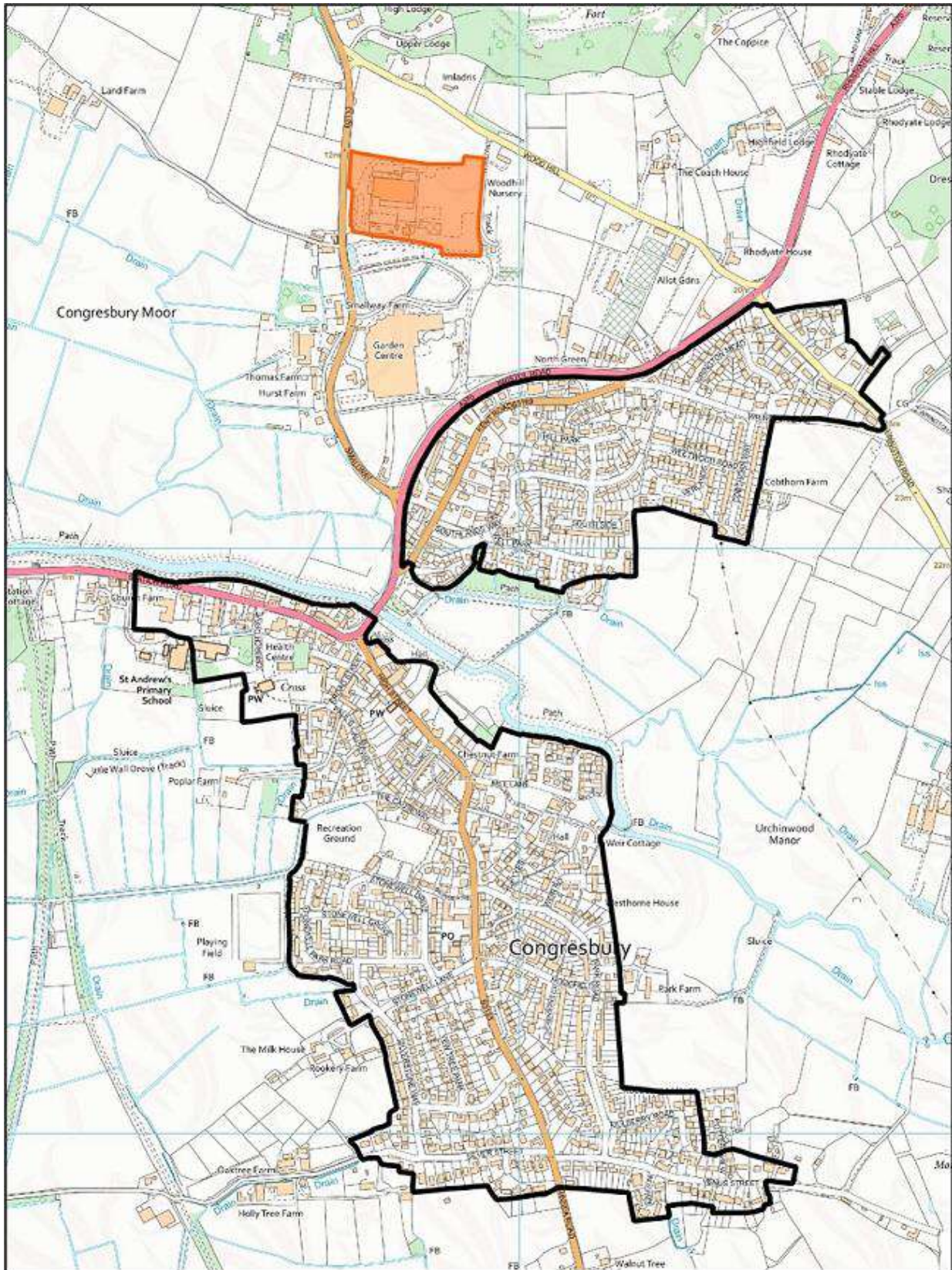
Congresbury is an out-commuting village with many residents working in Bristol and further afield. Retention and creation of jobs within the village is vital for community cohesion, reducing out commuting and sustainability.

Appendix M shows that of the 83 businesses surveyed only 4 were employing more than 21 people with the majority employing 5 or less. Also many businesses were operating from people's homes. They are all linked to the service industry including the largest employers Double Tree Cadbury Hotel and Spa and Cadbury (Wyevale) Garden Centre. A number of thriving businesses have been established in converted farm buildings on the edge of the village thereby providing employment opportunities and business for local shops etc.

Since completing this survey in the summer of 2016 a number of employers operating out of converted farm buildings have had to relocate from the area due to the loss of their business premises. The owners have had these units reclassified as residential properties. This has not only led to a loss of employment opportunities within the village but increases the number of residential properties in rural locations. Owners of such business units must inform the Parish Council of the marketing methods they have or intend using before a change to residential use can be allowed. A time limit will be set by the Parish Council.

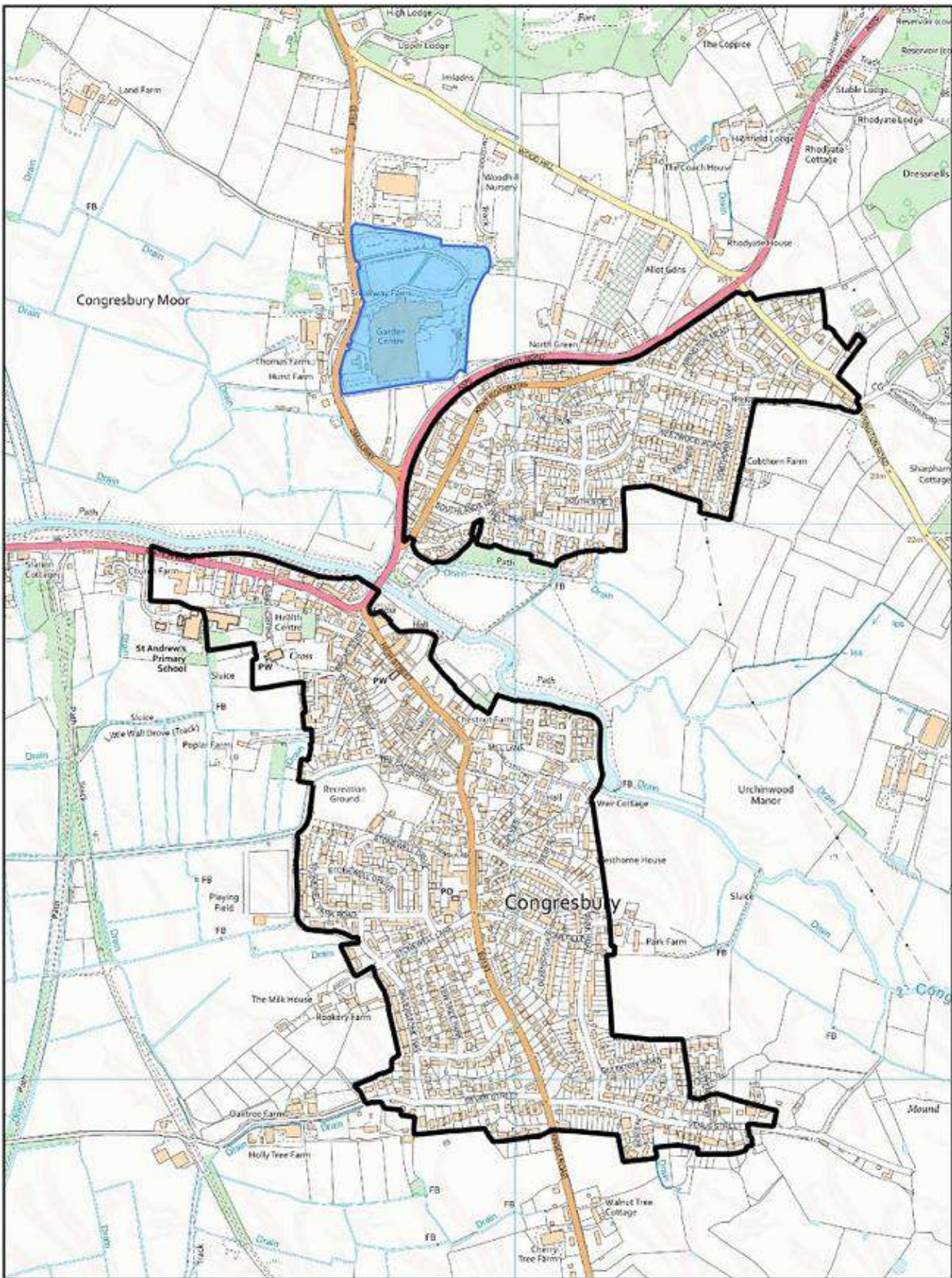
There is a need to retain employment sites within the village and therefore by designating the Cadbury Garden Centre as an employment site and the old Green Holm Nursery site as a site for employment/community use it is hoped to preserve these sites and provide employment and business opportunities for the local community. Designating the Green Holm Nursery site for Community Use in addition to employment would not prevent it from being a potential site for a medical centre or other community uses.

Map 13 Employment and Community Use Allocation (orange section)



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Map 14 Employment Allocation (blue section)



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5 COMMUNITY ACTIONS

The Neighbourhood Development Planning process has identified non-land use issues which are outside of the planning process but are important to the local community. These have been added into this section of Community Actions. Placing the Community Actions within the Neighbourhood Development Plan will provide a framework that the Parish Council and community can work towards completing within the timescale of the plan.

5.1 Transport and Highways

The village postcard survey (Appendix C) highlighted the residents concern over the volume of traffic, particularly the number of haulage vehicles that pass through the village. They felt vulnerable when walking on pavements and crossing roads. It also discouraged residents from using more sustainable forms of transport such as bicycles. The aim is to restore the balance and put the safety and needs of pedestrians and cyclists before vehicular movements.

Congresbury lies approximately 5 miles to the east of junction 21 on the M5 motorway. The village is dissected by two roads - the A370 and the B3133. The A370 links the village to Weston super Mare in the west and Bristol to the NE. The B3133 runs from Junction 20 of the M5 at Clevedon to Yatton and through the village to Churchill and the A38.

Congresbury has an excellent bus service along the A370 with regular daily services to Weston and Bristol. The X7 also provides a daily service between Bristol and Weston via Clevedon and Nailsea. The 135 and the 128 operate a limited service, along Brinsea Road to Nailsea and Clevedon. One operates on a Thursday, the other on a Friday with one service each day. There are two services accessing Bristol Airport, the A3 from Weston super Mare, which runs hourly and the A5 which has a limited daily service between the airport and Yatton via the A38. These services are available at the time of writing but they are frequently changed or cancelled depending upon usage.

The closest railway station is in Yatton, approximately 2 miles to the north, which can be accessed by road on the B3133 or by cycling or walking on the Strawberry Line.

Congresbury has a network of public footpaths including the 'Two Rivers Walk' and the 'Strawberry Line'. The Strawberry Line Society (SLS), formerly the Cheddar Valley Railway Walk Society, started in 1978 when North Somerset Council purchased much of the dismantled railway line between Yatton and Axbridge and leased it to the SLS as a walk and nature reserve. The SLS later became a registered charity and extended the railway path to Cheddar. The SLS has plans to extend and create a continuous 30 mile traffic-free path from Clevedon to Shepton Mallet which will provide a key section of the Somerset Circle. When complete the Somerset Circle will connect over 70,000 people across Somerset in a sustainable way. The Strawberry Line forms part of the (SUStainable TRANSport) SUSTRANS national cycle network.

Community Action T1 – Strawberry Line Improvements

Any funding from future North Somerset Community Infrastructure Levy, s106 contributions and other sources will be sought for providing safe routes from the village to the Strawberry Line including:

- a) Removal of the central hatching along the A370 from Moor Bridge to the Old School Rooms and widening of the adjacent footways on both sides of the road to allow for a cycleway combined with the pavement. The combined pavement and cycleway will provide safer access to and from the village for pedestrians and cyclists and also slow and calm traffic along the A370.
- b) Improvements to the access along Dolemoor Lane from Stonewell Estate and the Causeway and via Silver Street. This could be a simple strip wide enough for 2 cyclists or a cyclist and pedestrian to pass each other.
- c) An extension to connect the Strawberry Line to Churchill School.

Justification for Community Action T1

As North Somerset's roads become ever more congested and dangerous, the need for traffic-free routes grows ever more important. Not only would a safe and practical route from the village onto the Strawberry Line facilitate more active lifestyles it would also provide an economical and enjoyable commute to work and link to Yatton railway station. The current routes to the Strawberry Line are either along the A370, which is a very busy road and considered to be dangerous for all but the most experienced and confident cyclists, or via drove roads from Silver Street or Stonewell. The drove roads are used by tractors and other agriculture vehicles as well as horse riders. Over the years the surfaces of the drove roads have developed deep pot holes which make cycling difficult and unsafe. Improved access would also encourage visitors using the Strawberry Line to cycle in to the village and make use of the local shops, public houses and other amenities.

The removal of the central hatching on the A370 and the addition of a shared pavement and cycle path will provide a safer route for cyclists on the A370 onto the Strawberry Line. The narrowing of the road will also reduce the speed of traffic and help to calm traffic entering the village.

Providing a link from the Strawberry Line to Churchill School will offer a safe traffic-free route to school and will also encourage pupils to make healthier life choices.

Community Action T2 – Parking, Walking and Cycling Solutions

Funding from future North Somerset Community Infrastructure Levy, s106 contributions and other sources will be sought for providing traffic solutions in the village.

These solutions include:

- a) Any new development will be encouraged to have good pedestrian access and provide adequate cycle provision for residents and visitors. Adequate cycling provision must also be provided at all shopping areas, parks and other recreational sites.
- b) The provision of strategically located dropped kerbs is important to allow disabled access to all the village facilities.
- c) The provision of disabled parking bay(s) in Broad Street and in the precinct car park. It is especially important to have a disabled bay in front of the current pharmacy.
- d) Apply short-term parking restrictions to the parking bays in Broad Street to free parking spaces for customers using local shops and services.

- e) Encourage the installation of electric vehicle charging points within the Parish.
- f) Maintaining and wherever possible improving the network of public rights of way within the Parish.

Justification for Community Action T2

Provision of cycle racks would encourage residents to use sustainable means of transport to access village facilities and reduce the current reliance on private cars.

Broad Street currently has 11 marked parking bays with no time restrictions and no marked disabled spaces. These spaces are generally occupied by cars that have been parked there all day by drivers who either work in the local shops or use public transport to commute to work. This prevents customers from being able to park close to the shops and service providers. Of particular importance is a disabled space outside of the pharmacy. The Precinct car park does not have any marked disabled bays and would benefit from spaces allocated close to the entrance to the shops.

The Parish Council currently leases 7 spaces in the Congresbury Arms car park for village use. Greater use of these spaces should be encouraged.

The provision of electric vehicle charging points encourages the use of electric vehicles which, as a consequence, improves air quality and reduces carbon emissions.

Congresbury has a number of public rights of way within the Parish, including part of the Two Rivers Footpath. The maintenance of the footpaths, plus replacing stiles with metal gates, will make the paths more accessible for all ages including the less mobile.

Community Action T3 – Mitigating Traffic Problems and Enhancing Sustainable Travel

The perception of Congresbury residents is that traffic speeds through the village, the numbers of heavy goods vehicles are excessive making them feel unsafe and worried about environmental aspects. A series of measures to offset these effects and perceptions are outlined below:

- a) The introduction of village gateway features on all four approaches to Congresbury coupled with a reduction of the speed limits to 30mph would assist in reducing vehicular speeds on all four approaches, with reduced speeds through the village generally having safety and environmental benefits. The village gateways would include additional signage and road markings on the first entry to the village to reinforce the entry to a village environment, and once the speeds through the village are established to be constrained to the 30 mph speed limit.
- b) Apply a 20 mph speed limit on the B3133 from the Congresbury Arms to the Settlement Boundary and all residential roads off the A370, and the B3133, including Kent Road, to improve the environment of Congresbury. These residential roads create zones where the priority is on the needs of pedestrians, cyclists and public transport users.
- c) The speed limits may be usefully reinforced by appropriate traffic calming and speed reducing measures.
- d) Reduce the 50 mph speed limit to 40 mph over the Rhodyate Hill from Congresbury to Cleeve. This is especially important as there is a footpath which crosses the A370 at the top of Rhodyate Hill and would greatly improve the safety of those exiting the Star.

- e) Improvements at the A370 / B3133 junctions at both the Station Road / High Street, and at Smallway to assist the crossing of both junctions by pedestrians. Any improvements should consider improvements in capacity and safety.
- f) Improvements to the B3133 particularly to the south along Brinsea Road to increase footway widths, to provide traffic calming measures to reduce vehicular speeds entering the village along the B3133, and measures to mitigate the impact of HGVs acknowledging that the potential to reduce the number of HGVs may be very limited.
- g) We support the necessary means to improve pedestrian safety on the A370 near the entrance to Moorland Park, which may include a safe pedestrian crossing, reduction of speed limit or a combination of the two. This would not only provide safe access to the bus stop but also to the footpath that runs along the A370 into Congresbury.
- h) Traffic signs can clutter the highway network if used to excess. Traffic sign clutter is unattractive and is a potential distraction to road users; therefore current signage should be audited and excessive and unnecessary signage should be removed and any new signs be sympathetic to the location.

All of the above mitigation and enhancement measures will be subject to investigation & feasibility studies in agreement with North Somerset Council as the Highway Authority.

Justification for Community Action T3

The A370 / B3133 junctions are operating over or close to capacity, and any development will add to the congestion and queue lengths already experienced in the AM and PM peak hours. The High Street/Station Road junction is particularly difficult for large HGV's to negotiate; often vehicles need to mount the pavements to get through. Any development that impacts on this junction will need to provide some degree of offsetting improvements to the local highway network including the A370 / B3133 junctions.

An independent survey has been undertaken by a road traffic expert to identify potential solutions see Appendix E.

Improvements to the A370 / Smallway junction are required to facilitate easier pedestrian and cycle crossing of the junction to access facilities, and public transport services. There is no pedestrian stage at the junction and this compromises the safety of pedestrians. There should be a continuous pedestrian pathway along the north side of Smallway, dropped kerbs and tactile paving (where appropriate) should also be considered for disabled pedestrians and pushchairs. There is a need for a full review of the junction layout, which would improve safety for all users, pedestrians, cyclists, and motorists. This should consider all options including the possibility of a roundabout.

Brinsea Road is a local distributor which is generally of the order of 5.8m to 6.5m wide along its length with footway provision of variable width and street lighting. Junctions along Brinsea Road are simple priority junctions that do not have any ghosted right turn provision. The three junctions at Venus Street, Silver Street, and Yew Tree Park at the southern end of Brinsea Road all have poor visibility. Venus Street and Silver Street are the worst with restricted visibility in both directions; Yew Tree Park has limited visibility for traffic turning right towards Churchill. The junctions provide access to residential development on both sides of the road.

Entering the village from the south on the B3133 the road is only 6m wide with grass verges on either side. There are pavements on both sides of the road just after the 30 mph speed limit road sign. However they are narrow in places and pedestrians are forced to step into the road. Pedestrians and cyclists using this section of the road consider it an unsafe route into the village due to passing traffic.

Speed Watch surveys undertaken over a period of time indicate that non-compliance with the speed limit is a significant issue affecting both the B3133, and the A370. Data collected by Speed Watch along the A370 in the vicinity of Holders of Congresbury indicates that only 26% of vehicles recorded by the surveys were travelling at or below the posted 30mph speed limit with 74% above the speed limit. Their surveys also identified that the worst time for speeding was between 15:30 to 16:30 which coincides with the afternoon journey from school period when the pedestrian flows along the A370 may be at their highest. Speed Watch data for the A370 to the west of Kent Road outside Tesco Express showed a similar profile although only covered the morning peak period between 07:30 and 09:00 albeit on a total of 6 occasions. Similarly only 26% of vehicles were recorded at or below the speed limit. Speed Watch data is similar for the Brinsea Road / Venus Street location but the peak period of speeding is between 08.00 – 09.00. Although the speed limit along Brinsea Road within the “ built –up ” area is 30mph, and despite the presence of a speed actuated speed limit sign, there is regular speeding by all types of vehicles. (Appendix K contains Speed Watch data).

The traveller’s site has been operating since the early 1990’s and has developed close contact with various groups within the community. The majority of the children on the site attend the local preschool as well as St Andrew’s Primary School and mothers access courses at the Children’s Centre and the Youth Club. Older children who do not attend school use the Youth Club on a regular basis as well as the ball court. A number of the older children are accessing education through vocational courses at Weston College. To access these activities the travellers are reliant on using private transport or buses travelling along the busy A370. A light controlled crossing by the entrance to the site would provide a safe way to cross the road to access the bus service from Weston to Congresbury. Residents on the site regularly walk into the village to use the local shops along the footpath which is on the opposite side of the road to the site entrance.

The number of road signs at and near the A370 and B3133 (Smallway and High Street) junctions is excessive. The siting of some of the signs is such that the information being made available is too late for drivers to act safely upon. Many can cause confusion for drivers and are visually intrusive. The signs are not well maintained, cleaned or cleared of vegetation and some are close to the road and are hit by lorries and buses mounting the pavement to avoid other vehicles. The best option is to remove those signs that are not required and/or unnecessarily duplicated.

5.2 Facilities

Community Action F1 – Community Facilities

A contribution of any Community Infrastructure Levy (CIL) contributions and s106 contributions from any future housing developments should be considered for the following:

- a) The Parish Council intends to continue to maintain and improve the Old School Rooms for the benefit of the community.
- b) The land used for allotments in Congresbury belongs to Queen Elizabeth’s Hospital (QEH). The land is leased by the Parish Council and managed for allotment use by the community. There are currently 70 plots available.
- c) An application to register the allotments as a community asset will be made to North Somerset Council as they are currently used to further the social well-being and interests of the local community.
- d) Support the proposal for a new community hall on the King George V playing fields as voted for in the village referendum in 2016. Any new building must be sustainable in the build design and materials used and must comply with all relevant energy standards. The building must support the current constituent sporting clubs and enhance and increase sporting and community activities for future generations.
- e) Proposal to look for a new area for a burial ground (possibility of a natural burial ground); to be considered at the application stage of any new development.

Justification for Community Action F1

The Parish Council owns and maintains the Old School Rooms for the use of the community. The Parish Council aims to cover the costs of maintaining the hall and administration costs and therefore the rental charges for rooms are very reasonable. The hall is used by the Parish Council and by many community groups for meetings and activities. The hall can be rented for community events and private functions.

Asset of Community Value gives communities a right to identify a building or other land that they believe to be of importance to their community’s social well-being. If the nominated asset meets the definition of an Asset of Community Value, the local authority will list it. If the asset comes up for sale the local community is given an opportunity to bid for it on the open market. The owner will have a right to an internal review by the local council, and a right of appeal to an independent tribunal against the result of the internal review. The allotments should be given Community Asset status.

A referendum for the Community Right to Build Order for a new village hall/community centre was held on 15 September 2016 resulting in a majority vote in favour of the Order. In accordance with the relevant Act and Regulations over 50% of those voting need to vote in favour of the Order. Out of a 38.14% turnout 69.9% of the votes cast were in favour of the Order proposals. Following the referendum, the Community Right to Build Order for the new community hall was submitted to North Somerset Council and the order was formally made on 8th November 2016. The order submission was a comprehensive document which considered many criteria which would affect the surrounding area and enable it to integrate sensitively. The building was designed in consultation with stakeholders and villagers to create a multi-use building to meet the present and future needs of the community.

The new development will replace the existing wooden structures of the Recreation Club and Tennis Club Pavilion with a modern building able to adapt to the future needs of a growing community with minimal impact on the surrounding residential areas.

The closed churchyard and burial ground are managed and maintained by the Parish Council. The Council recently restricted burials to current and prior residents of the parish. This decision was taken to ensure that the limited space (estimated at approximately 30 years supply) is available for those who have a connection with Congresbury rather than from neighbouring villages.

A location is sought for a natural burial ground which will enable more environmentally friendly funerals to take place, and the establishment of schemes that preserve and enhance biodiversity with a long-term sustainable future. Any potential land must be assessed with regard to constraints including risks to ground water and ensuring that the area has a sustainable transport policy, limits archaeological disturbance and has an ecological scoping survey completed.

5.3 Environment and Heritage

Community Action EH1 – Conservation Area Character Appraisal

The Parish Council will prepare a Conservation Area Character Appraisal and an associated management plan which includes a scheme to prevent further damage to the Village Cross. Its ambition is to both protect the cross and to improve the character of the conservation area.

Congresbury Conservation Group will be actively involved in the completion of the appraisal and management plan. Any funding from future North Somerset Community Infrastructure Levy and other sources will be sought for implementing the findings of the Management Plan.

Justification for Community Action EH1

There has been considerable development in the Conservation Area which appears to have no cohesion and there is little knowledge or appreciation of the area from local residents or businesses. An assessment is required to ensure that the Conservation Area is preserved and any development is considered to be an enhancement and is completed in a controlled and considered way.

A Management Plan will ensure that the heritage in Congresbury is conserved for both the present and future generations to experience and enjoy. It will mean that the Parish Council, owners of listed buildings, residents in the conservation area as well as village residents are better informed about their local heritage. A Maintenance Plan will enable informed decisions to be made. This plan led approach will ensure that the Conservation Area is enhanced in a more uniform way. An Article 4 Direction is desired but this would be under the control of North Somerset Council.

Congresbury Village Cross has always been at the centre of village life with photographic evidence showing it as the focus of the weekly market and the meeting place of the local hunt. It is a rare example of a 15th century village cross still in its original setting and in a good state of preservation. The Cross, which is designated as a listed building and a scheduled monument, is the property of the Parish Council which is legally obliged to both maintain and preserve the monument. CS5 has the policy aim of safeguarding the special architectural and historic interests of North Somerset from development. The Cross is adjacent to the B3133 and is in danger of being severely damaged by passing vehicles. A scheme to prevent this is essential if we want to preserve this important structure.

Community Action EH2 – Community Led Renewable Energy Schemes

Through the Neighbourhood Plan the Parish Council wishes to encourage community led renewable energy schemes, and will support community based groups working with local energy users in seeking funding to establish the technical, financial and legal feasibility of appropriate schemes within the parish.

Justification for Community Action EH2

There is a wish to consider other sources of renewable energy. In particular, community led renewable energy projects are encouraged and will be supported, which would benefit the whole community and act as a focal point for other low carbon and energy saving initiatives within the community. See policy EH5 for further information.

6 MEMBERS OF THE NEIGHBOURHOOD PLAN STEERING GROUP

Di Hassan	Ray Clarke
Liz Greaves	Stuart Sampson
Tom Leimdorfer	Sue Meyer
Dawn Harrison	Peter Hughes

Residents and Organisations that Contributed to the Neighbourhood Development Plan;

Congresbury Parish Council

Graham and Sue Lovesey

Yatton and Congresbury Wildlife Action Group (YACWAG)

Claire Courtois, Principal Planning Policy Officer, North Somerset Council

Kate Hudson-McAulay, Conservation and Heritage Officer, North Somerset Council

Lindsay Margerison, Transport Officer, North Somerset Council

Cat Lodge, Archaeologist, North Somerset Council

Phil Anelay, Principal Planning Policy Officer, North Somerset Council

Congresbury Conservation Group

Congresbury History Group

Yatton, Congresbury, Claverham and Cleve Archaeological Research Team (YCCART)

Mark Baker MBC

Mark Wells, Project Officer Local and Community Engagement, Centre for Sustainable Energy

Stuart Watts (photos)

Congresbury Neighbourhood Development Plan 2018-2036

**A report to North Somerset Council on the
Congresbury Neighbourhood Development Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) M.A. DMS M.R.T.P.I.**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by North Somerset Council in April 2019 to carry out the independent examination of the Congresbury Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 April 2019.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and providing a context within which new dwellings can be accommodated. It allocates four sites for residential development and a further site for affordable housing. It proposes three local green spaces and an Area of Separation to the south of the village.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Congresbury Neighbourhood 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
10 June 2019

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Congresbury Neighbourhood Development Plan 2018-2036 (the 'Plan').
- 1.2 The Plan has been submitted to North Somerset Council (NSC) by Congresbury 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) 2012 and its updates in 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 development plan in particular. It addresses a series of environmental and economic issues and proposes housing allocations.
- 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 plan 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 Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both NSC and the Parish Council. 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 Service.

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.

The Basic Conditions

- 2.5 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; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area;
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations; and
 - not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth and fifth bullet points above in paragraphs 2.6 to 2.13 of this report.

- 2.6 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.
- 2.7 In order to comply with this requirement NSC undertook a screening exercise (December 2018) on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. It was refreshed and updated in February 2019. 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.
- 2.8 A parallel Habitats Regulations Assessment (HRA) of the Plan was also carried out by NSC. The screening exercise considered whether significant effects would be likely regarding the North Somerset and Mendip Bats SAC. The other three such sites in North Somerset are the Severn Estuary European Marine Site (SAC, SPA and Ramsar), Mendip Limestone Grasslands SAC and Avon Gorge Woodlands SAC. They were considered too remote from the area affected by the policies within the Congresbury Neighbourhood Plan.
- 2.9 The February 2019 update to the screening report took account of detailed comments from the statutory consultees. It took account of the location of the component sites for the North Somerset & Mendip Bats SAC, which are:
- Compton Martin Ochre Mine SSSI
 - Banwell Caves SSSI
 - Banwell Ochre Mine SSSI
 - Brockley Hall Stables SSSI
 - King's Wood and Urchin Wood SSSI
 - The Cheddar Complex SSSI
 - Wookey Hole SSSI
- 2.10 The revised screening suggests that the only potential likely significant effects of the Plan on the Bats SAC would be from the proposed housing sites in policies H3 and H4. The likely significant effects relate to the fact that they contain grassland or fields fairly close to a component SSSI for the Bats SAC, (Kings Wood and Urchin Wood SSSI) within Bands A or B of the Bat Consultation Zone in the Bats SPD. Development could potentially affect SAC bats by affecting foraging and/or commuting habitat. On this basis Appropriate Assessment of the Plan is needed.
- 2.11 The resulting HRA work is very comprehensive. It concludes by commenting that It is considered that, particularly with the identified avoidance/mitigation measures, including the amended wording of Policies H3 and H4, the Neighbourhood Plan is unlikely to have a significant effect on the conservation objectives of Natura 2000 sites. It is therefore considered that a further assessment (Stage 3) will not be required.

- 2.12 Having reviewed the information provided to me as part of the examination, including the most recent HRA assessment, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. 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.
- 2.13 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.

Other examination matters

- 2.14 In examining the Plan I am also 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.
- 2.15 Having addressed the matters identified in paragraph 2.14 of this report I am satisfied that all of the points have been met subject to the contents of this report.

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 and HRA reports (including the updates);
- the Parish Council's responses to my Clarification Note;
- the representations made to the Plan;
- the suggested changes to certain policies suggested by NSC (Executive report March 2019);
- the adopted North Somerset Core Strategy 2017;
- the adopted North Somerset Sites and Policies Plan Part 1 2016;
- adopted North Somerset Sites and Policies Plan Part 2 2018;
- the NSC Landscape Sensitivity Assessment March 2018 (Wardell Armstrong);
- the emerging West of England Joint Spatial Plan;
- the National Planning Policy Framework (March 2012);
- Planning Practice Guidance (March 2014 and subsequent updates); and
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 17 April 2019. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection 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 was satisfied that the Plan could be examined without the need for a public hearing. I advised NSC of this decision early in the examination process.

3.4 On 24 July 2018 a revised version of the NPPF was published. Paragraph 214 of the 2018 NPPF identifies transitional arrangement to address these circumstances. It comments that plans submitted before 24 January 2019 will be examined on the basis of the 2012 version of the NPPF. The subsequent updates to the NPPF in February 2019 did not affect these transitional arrangements. I have proceeded with the examination on this basis. All references to paragraph numbers within the NPPF in this report are to those in the 2012 version.

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 Council has prepared a Consultation Statement. This Statement sets out the mechanisms used to engage all concerned in the plan-making process. It includes an assessment of the consultation undertaken during the various stages of Plan production. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (July to September 2018).
- 4.3 The Statement sets out details of the range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the initial postcard survey (2016);
 - discussions at the annual parish meeting (May 2016);
 - focused meetings with statutory organisations and local groups; and
 - eleven drop-in sessions.
- 4.4 The Statement provides specific advice on the consultation process associated with the pre-submission Plan (July to September 2018). Details of the consultation process were published on the village and Parish Council website and in the village notice boards. Details were also published in local newspapers and in the Congresbury Chronicle which contained a brief description of the policies. This was delivered to all the houses within the village (approximately 1300) with copies also available in the Parish Office and in the Congresbury Community Library.
- 4.5 Addendum 5 provides specific details on the comments received as part of the consultation process on the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. They help to describe the evolution of the Plan.
- 4.6 Consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. NSC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

4.8 Consultation on the submitted plan was undertaken by the District Council for a six-week period that ended on 6 March 2019. This exercise generated comments from a range of organisations as follows:

- Cleeve Parish Council
- Tom Leimdorfer
- Coal Authority
- Environment Agency
- Freemantle Developments
- Gladman Developments
- Highways England
- Historic England
- Natural England
- Mrs Harris
- National Grid
- Persimmon Homes
- Phil Yorke
- Richards Developments
- Sports England
- Turley Associates
- Yatton Parish Council

4.9 Where it is appropriate to do so I make specific reference to the representations in this report.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area consists of the parish of Congresbury. In 2011 it had a population of 3497 persons. It was designated as a neighbourhood area on 28 August 2015.
- 5.2 The neighbourhood area is located approximately 11 miles to the south west of Bristol and approximately 8 miles to the north east of Weston-super-Mare. The village of Congresbury is located within the centre of the neighbourhood area. Both the village and the wider neighbourhood area is divided by the River Yeo. To the west the countryside is characterised by a network of rhynes and ditches across low lying land. To the east the land is drier and includes a range of smaller fields and meadows.
- 5.3 The village of Congresbury is located at the junction of the A370 and Brinsea Road adjacent to the River Yeo. It has an attractive commercial centre within its designated conservation area. It has the traditional range of services found in a village which serves both its own population and others living in its surrounding hinterland. These include the shops and commercial facilities around the Market Cross, the Post Office and other shops off Brinsea Road, churches and a range of sporting, leisure and community facilities.

Development Plan Context

- 5.4 The Plan has been prepared within an up-to-date 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 the minimum figure of the 20985 dwellings required. 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 Congresbury 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 have a material bearing on the submitted Plan:
- CS3 Environmental Impact and Flood Risk Management
 - CS6 North Somerset's Green Belt
 - CS16 Affordable Housing
 - CS19 Strategic Gaps
 - 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
 DM54 Employment development on previously-developed land in the countryside
 DM68 Protection of sporting, cultural and community facilities

- 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 makes occasional references to the emerging West of England Joint Spatial Plan. It is helpful that the Parish Council are looking at the future of the neighbourhood area within this emerging context. However, the examination of that Plan has yet to be completed and there is an inevitable degree of uncertainty about the outcome of that process. As such it would be impracticable to give any weight to that Plan 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.

Unaccompanied Visit

- 5.9 I carried out an unaccompanied visit to the neighbourhood area on 17 April 2019. The weather was warm and bright.
- 5.10 I drove into the area along the A370 from the west. This gave me an initial impression of the setting and the character of the neighbourhood area. It highlighted the importance of Congresbury within the context of the other smaller settlements along this main road. It also highlighted the sensitivity of the neighbourhood area within low lying land.
- 5.11 I looked initially at the village centre and the Market Cross. I saw the way in which the range of services were being used by the wider community. I also saw the way in which they are concentrated in a well-defined area. I then walked along Paul's Causeway to the Recreation Ground. I saw the well-preserved gate plaques of 1936 and 1937 in memory of King George V and to commemorate the coronation of King George VI respectively. The trees planted in 1937 continue to flourish.

- 5.12 Thereafter I looked at the proposed affordable housing site off Dolemoor Lane and the proposed local green space at Broadstones. I saw the way in which the sites sat at the open western edge of the village.
- 5.13 I then walked through St Andrew's church yard and onto the Weston Road. I took the opportunity to look at the proposed housing sites off Station Road. I saw how they related in their different ways to the existing urban fabric in general, and the highway network in particular. In looking at this part of the neighbourhood area I was able to see the popularity of the Strawberry Line footpath and cycle path. I also saw the remnants of the former railway platform.
- 5.14 I then walked back to the village centre and followed the main road over the River Yeo. In doing so I saw the attractiveness of the setting of The Congresbury Arms and the access points into the open meadows by the River Yeo. I walked down High Street and Brinsea Road so that I could look at the proposed Area of Separation at the southern end of the village. I was rewarded with distant views of the Mendip Hills beyond the immediate agricultural setting of the village. As I walked back into the village, I took the opportunity to walk along Mill Lane and Mill Leg down to the Weir. I saw the Bowls Club and several fine houses including the Birches and Lyndhurst.
- 5.15 I then retraced my steps to the village centre and continued over the River Yeo. I then looked at the two proposed housing sites in the northern part of the village. I looked carefully at the way in which they would relate to the existing built fabric of the village and be able to achieve access to the highway network. I saw the popularity of the Tesco Express store off Bristol Road. I then looked at the area to the south of Bristol Road based on Kent Road and Wrington Lane.
- 5.16 I finished my visit by driving into Yatton so that I could see the relationship between the two villages and to look at the proposed Gang Wall local green space. I saw its proximity to the Strawberry Line and the open aspect of the wider area. I took the opportunity to walk along the Gang Wall. As the plan describes it is a fascinating historic structure. Whilst the principal recreational activity in the area was along the Strawberry Line, I saw several other people enjoying a quieter and less busy walk along the Gang Wall. I returned to Congresbury and then left the neighbourhood area along the Bristol Road (A370). In a similar fashion to my arrival I saw the way in which Congresbury related to the smaller villages to the east along this important road.

6 The Neighbourhood Plan as a whole

- 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 considerably in the preparation of this section of the report. It is a well-presented, informative and very professional document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the five basic conditions. Paragraphs 2.6 to 2.12 of this report have already addressed the issue of conformity with European Union legislation.

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 (NPPF) issued in March 2012. Paragraph 3.4 of this report has addressed the transitional arrangements which the government has put in place as part of the publication of the 2018 version of the NPPF.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Congresbury Neighbourhood 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;
 - 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;
 - always seeking to secure 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, which is identified as a golden thread running through the planning system. Paragraph 16 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 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 in general terms. It sets out a positive vision for the future of the

neighbourhood area within the context of its position in the settlement hierarchy. It includes a series of policies that seek to safeguard the quality and nature of its natural environment. It identifies a series of housing allocations and proposes a suite of local green spaces. It also proposes an Area of Separation to the immediate south of the village. 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 (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (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 that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan allocates sites for housing purposes (Policies H3 and H4) and includes a policy to retain business and employment and to designate two sites for business purposes (Policy E1). In the social role, it includes policies on movement and access (Policies T1-3). In the environmental dimension the Plan has specific policies on the conservation area (Policy EH1), a proposed Area of Separation (Policy EH2) and Local Green Space designations (Policy EH3). The Parish Council has undertaken its own assessment of 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 North Somerset 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. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the incorporation of the recommended modification in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

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 Council 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 (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between 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 section of the Plan (Sections 1-3)

- 7.8 These introductory parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan's presentation incorporates well-selected tables and maps. A very clear distinction is made between its policies and the supporting text. It also draws a very clear connection between the Plan's objectives and its resultant policies.
- 7.9 The introduction comments about how the Plan has been prepared and identifies its key priorities. Sections 1.3 and 1.4 provide useful information about the location and the history of the parish that has supported the Plan.
- 7.10 Section 1.6 provides useful background information on the consultation exercises which took place during the plan-making process. They provide a useful context to the more detailed assessment in the submitted Consultation Statement.
- 7.11 Section 2 sets out the Vision for the Plan. It has six related elements.
- 7.12 Section 3 summarises the policies in the Plan and includes the Policies Map.

- 7.13 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.

Policy H1 – Sustainable Development Location Principles

- 7.14 This policy sets the scene for the details in other policies in the Plan. As its title suggests it sets out key principles to ensure that sustainable development comes forward in appropriate locations. It is comprehensive in the way it addresses the following matters:
- general sustainable principles - parts a) and b);
 - the concentration of new development within the settlement boundary – part c);
 - safeguarding the strategic gap between Congresbury and Yatton;
 - the designation of an Area of Separation to the south of Congresbury – part e);
 - a cap on the development of new residential development at 150 dwellings up to 2036 – part f); and
 - infill development and densities – part g)
- 7.15 The policy has attracted a series of representations from the development industry. They relate both to existing planning policies in the development plan and to the emerging West of England Joint Spatial Plan.
- 7.16 The policy is clearly ambitious in the way it seeks to focus new development in sustainable locations in general, and within the built-up parts of the village in particular. Many of its elements would generate sustainable development in the absence of any other strategic policy context. However, these circumstances do not apply in the neighbourhood area. The development plan is up-to-date, and an emerging West of England Plan is emerging. As section 6 of this report has highlighted submitted neighbourhood plans need to have regard to national policy and be in general conformity with the strategic policies of the development plan. In this context I will assess the various components of the policy against these important basic conditions.
- 7.17 The first part of the policy effectively restates Core Strategy Policy CS14. Whilst this is helpful national policy is clear that neighbourhood plans do not need to repeat or reinforce local policies. On this basis I recommend the deletion of this component of the Plan.
- 7.18 The second part of the policy comments about the new development being located where residents would be able to walk or cycle to village facilities and services. In the context of a general locational principles policy this part of the policy offers a degree of local guidance on this important matter. Nevertheless, I recommend that its approach is modified so that it supports such development rather than require it to be located in such locations. To do so would not be in general conformity with strategic policies in the development plan. This point is elaborated further in my comments in the next paragraph of this report.
- 7.19 The third part of the policy comments that any new development should be located within the settlement boundary of the village. The ambition of this part of the policy is to preserve the identity of the village and to protect its landscape and rural character.

This ambition is very sound. However, the resulting policy is not in general conformity with Core Strategy Policy CS32 Service Villages. That policy supports the development of new housing both within and adjacent to identified settlement boundaries. Paragraph 4.85 of the Core Strategy provides supporting text on this matter. It comments that new residential development will generally be acceptable in principle within settlement boundaries and also appropriate development up to about 25 dwellings adjoining settlement boundaries, provided it respects the scale and character of the village and the site's location, and is not in the Green Belt. It also comments that the additional flexibility is intended to enable small scale proposals to come forward which will enhance the sustainability of the service villages.

- 7.20 In these circumstances the part of the submitted policy which restricts development adjacent to the settlement boundary is not in general conformity with the Core Strategy. On this basis I recommend its deletion.
- 7.21 I recognise that this recommended modification will be a disappointment to the Parish Council and those who have been closely involved in the preparation of the Plan. However, a neighbourhood plan cannot fundamentally depart from the approach included in a strategic policy in the development plan (in this case Core Strategy Policy CS32). Given that the submitted Plan has been prepared as a wider package I have recommended related modifications to other policies. In particular the proposed amended settlement boundary in Policy H5 is likely to have unintended consequences, contrary to the neighbourhood plan's wider objectives and would potentially allow additional housing sites to come forward in inappropriate locations. The package of recommended modifications elsewhere in this report does not affect the proposed residential allocations which are retained.
- 7.22 The fourth part of the policy largely restates the contents of Policy SA7 of the Site Allocations Plan 2018. Whilst this is helpful national policy is clear that neighbourhood plans do not need to repeat or reinforce local policies. On this basis I recommend the deletion of this component of the Plan.
- 7.23 The fifth part of the policy largely overlaps with the proposal elsewhere in the Plan for an Area of Separation between Congresbury and Churchill/Langford (Policy EH2). Whilst this is helpful policy EH2 needs to meet the basic conditions in its own right and is assessed separately in this report. On this basis I recommend that this part of the policy is deleted.
- 7.24 The sixth part of the policy has two elements. The first aims to give preference to sites which would not significantly increase the traffic on the local road network. The second sets out to cap new residential development in the Plan period to 150 dwellings. The supporting text comments that the proposed cap of 150 dwellings is in addition to the existing commitments that have been approved in the neighbourhood area since 2015.
- 7.25 During the examination I sought advice from the Parish Council on the basis on which it had arrived at the 150 dwellings figure. It commented about the emerging work on the West of England Joint Spatial Plan and that 1000 new homes will need to be allocated in North Somerset to meet requirements for 'non-strategic' growth. I was also advised that in proposing the potential for 150 dwellings the Parish Council considered

that it had more than met its fair share in terms of meeting the non-strategic growth over the Plan period. The Parish Council commented that the Plan allocates sites for a total of 90 dwellings and has significantly amended the settlement boundary of the village which will allow further sites to come forward as windfall development. Based on past small site windfall trends for Congresbury (which show an average of 4 dwellings per annum) it anticipates that approximately 72 dwellings would come forward as windfall sites during the plan period.

- 7.26 Several developers have challenged the appropriateness of this part of the policy. In particular they contend that the figure is arbitrary and is not underpinned directly by evidence.
- 7.27 I have considered these representations very carefully in general, and within the context of the Parish Council's responses to my clarification note. The structure of both the policy and the supporting text makes a direct connection between the capacity of the local highways network and the ability of the neighbourhood area to accommodate additional development. The constraints on the capacity and the suitability of the network to accommodate new development (as identified in Appendix E of the submitted Plan) is acknowledged by the development industry. Nevertheless representations drew my attention to national policy contained within the NPPF (paragraph 32) which comment that all developments that generate significant amounts of movements should be supported by a Transport Statement and that decisions should be taken on a series of factors including improvements that can be undertaken within the transport network that cost effectively limit the significant impacts of development. This part of the NPPF concludes by commenting that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.28 I have also considered the way in which this part of the policy would be in general conformity with the existing local planning policy context in the development plan. Core Strategy Policy 14 identifies the strategic need for the Service Villages (which include Congresbury) collectively to deliver 2100 dwellings in the period up to 2026. In this context the Core Strategy does not impose any limit on development in the neighbourhood area. Plainly any arbitrary limit on new development in any of the identified Services Villages has an ability to prevent the delivery of an important objective and policy of the adopted Core Strategy.
- 7.29 Finally the policy approach taken in this part of the policy fails to have regard to paragraph 47 of the NPPF. Its approach is to set the context for boosting significantly the supply of housing. The effect of this part of the policy would be to restrict the supply of housing in the neighbourhood area.
- 7.30 In these circumstances I am not satisfied that the cap of 150 additional dwellings included in the Plan meets the basic conditions. In particular it is an arbitrary figure that is not directly supported by evidence. Whilst it may well be the case that traffic capacity matters limit future growth to 150 dwellings or a similar figure this will be a matter of judgement for NSC on a case-by-case basis within the context of its adopted policies. On this basis I recommend that the final sentence of the policy is deleted. I also recommend modifications to the initial part of the policy so that its focus is on requiring

development proposals to identify the ways in which they could satisfactorily accommodated within the neighbourhood area.

- 7.31 The final part of the policy refers to infill development in the settlement boundary, increased densities and the height of new buildings. I sought clarification from the Parish Council on its intentions for this part of the policy. I was advised that it had been included as there is a strong possibility for the plan period of up to 2036 that some buildings in central locations could become redundant and therefore be replaced by new buildings. This policy embraces the possibility of providing flats in the village centre. The Parish Council considers that development possibilities in the village centre would be maximised by having higher densities. Residents in the initial postcard survey expressed concerns that young persons could not afford to stay living in the village. An increase in the number of smaller units would increase this possibility.
- 7.32 I recommend modification to this part of the policy so that it has the clarity required by the NPPF and delivers the ambitions of the Parish Council and the wider community. Given the overlap between the village centre and the conservation area I recommend that the modified policy takes its designation into account.
- 7.33 The various recommended modifications to the policy (and as described above in paras 7.14 to 7.32) are set out below. I also recommend consequential modifications to the supporting text.

Delete part a)

In part b) replace ‘should be located’ with ‘will be supported where they are in locations’

Delete part c)

Delete part d)

Delete part e)

In part f) delete the final sentence.

Replace the remaining part of part f) with the following:

‘New development will be supported where it can be satisfactorily and safely accommodated within the local highway network in general, and within the capacity of the two junctions of the B3133 and the A370 at Smallway and the High Street in particular. Where appropriate proposed new development should incorporate mitigation measures to limit the significant effects of development in the neighbourhood area.’

Replace part g) of the policy with the following:

‘Infill development within the settlement boundary will be supported. Development in the village centre to higher densities to those which currently exist will be supported particularly where the redevelopment of existing buildings would provide flats or other smaller housing accommodation. In all

cases, as appropriate to its location, new development within the settlement boundary should respect the amenities of existing residential development and conserve or enhance the character or appearance of the conservation area'

In the supporting text on pages 14/15:

Add a new paragraph at the start to read: 'Policy H1 provides a strategic context for new development in the neighbourhood area up to 2036. It has two principal ambitions. The first is to promote sustainable development. The second is to ensure that the approach has regard to national policy and assists in delivering the ambitions of the North Somerset Core Strategy. In this context Congresbury is identified as one of a series of Service Villages.'

First paragraph – second sentence delete 'currently'. Replace the final sentence with 'The neighbourhood plan has chosen to allocate additional housing sites to assist in meeting its housing needs.'

Delete the third paragraph

Fourth paragraph – second sentence replace 'needs' with 'wishes'

Fifth paragraph - delete the second and third sentences. Replace the fourth sentence with: 'The Plan seeks to safeguard the existing gap between Congresbury and Churchill/Langford to the south to maintain their village identities and characters.'

Sixth paragraph – at the end add: The third part of Policy H1 provides a context within which any development proposals can be assessed within the context of the local highway network in general, and the abilities which may exist to mitigate their impacts in particular'

Delete the seventh paragraph

Policy H2 – Sustainable Development Site Principles

7.34 This policy continues with the approach taken in Policy H1. In this case it goes into greater detail on the development of individual sites. It has five related components as follows:

- capping development at 25 dwellings within the settlement boundary and resisting development elsewhere;
- requiring the provision for affordable housing;
- ensuring that development has regards to the needs of first-time buyers and the needs of elderly and disabled residents;
- ensuring the new development minimise carbon footprint and energy requirements; and
- encouraging the fitting of photo voltaic panels to domestic properties.

7.35 The policy has attracted a series of representations from the development industry. They relate both to existing planning policies in the development plan and to the emerging West of England Joint Spatial Plan. As section 6 of this report has highlighted submitted neighbourhood plans need to have regard to national policy and be in

general conformity with the strategic policies of the development plan. In this context I will assess the various components of the policy against these important basic conditions.

- 7.36 The first component of the policy indicates that new development should be located within the settlement boundary and should not exceed 25 dwellings. In addition, it indicates that new development adjacent to the settlement boundary will not be permitted. I recommend that this part of the policy is deleted. It neither has regard to national policy nor is in general conformity with strategic policies in the development plan. In relation to the former it would have an effect which would fail to boost significantly the supply of housing land in the neighbourhood area (paragraph 47 of the NPPF). In relation to the latter it is in conflict with Policy CS32 of the adopted Core Strategy. That policy supports developments of up to 25 dwellings on sites adjacent to the settlement boundaries of a series of service villages which include Congresbury. Furthermore, that policy does not include a direct restriction on the scale of development within the various settlements. In contrast it establishes a more general approach which requires that any new development 'results in a form, design and scale of development which is high quality, respects and enhances the local character, contributes to place making and the reinforcement of local distinctiveness, and can be readily assimilated into the village'.
- 7.37 The second component of the policy comments that developments of 5 or more dwellings should provide a minimum of 35% affordable housing on the site. Self-build and co-operative housing schemes are considered separately. I recommend that this component of the policy is modified so that it has regard to national policy and is in general conformity with the strategic policies of the development plan. In the first instance the threshold of 5 dwellings does not have regard to national policy. In November 2014 a ministerial statement set out that on-site affordable housing should only be required on developments of more than 10 dwellings. In rural areas the figure specified is 5 dwellings or more in the form of an off-site contribution. In this context Congresbury does not fall within the definition of a rural area as set out in the Housing Act 1985. On this basis I recommend that the 5-figure threshold is replaced with 10 dwellings.
- 7.38 In relation to the development plan Policy CS16 of the Core Strategy sets out the strategic context to this important matter. It sets a benchmark for the delivery of 30% affordable housing on development sites. It incorporates a nuanced approach to this matter. In particular the policy comments that 'the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site viability analysis. This analysis will take into consideration existing use values, as well as other site-specific factors. The assessment will be made having regard to the residual land value once the cost of development has been deducted. There is no upper limit to the potential affordable housing provision or contribution, but a benchmark of 30% will be sought as a starting point. This benchmark is aimed at meeting local need. Local need is not fixed and changes over time and can vary between housing type, size and tenure.'

- 7.39 The justification for the neighbourhood plan policy comments in detail about the broader housing needs in the wider Bristol Housing Market Area and as recorded in the North Somerset Home Choice Register. However, it does not provide any specific, local evidence to justify the imposition of a figure of 35% to be applied to development proposals within the neighbourhood area. On this basis I recommend that the reference to a 35% contribution is replaced by 30%.
- 7.40 I also recommend that the direct reference to self-build and co-operative housing schemes is deleted from the policy. It does not specify how they would be addressed against this part of the policy. In any event the matter is adequately addressed in the justification.
- 7.41 The third part of the policy refers to the need for new development to have regard to the needs of first-time buyers, and the needs of elderly/disabled persons. It meets the basic conditions
- 7.42 I recommend that their approaches fourth and fifth components of the policy are modified so that they set out support for such initiatives. On this basis the approaches would be non-prescriptive and could be flexibly applied on a case-by-case basis. In the case of part e) of the policy (on energy from renewable sources) the recommended modification is deliberately non-specific. This will ensure that it is future-proofed within the Plan period and will be able to be applied against national and local standards which emerge during the Plan period.
- 7.43 I recommend consequential modifications to the justification to the policy.

Delete part a) of the policy.

Replace part b) of the policy with:

‘Proposals for residential development of 10 or more dwellings should provide a minimum of 30% of the dwellings as affordable housing (for either rent or shared ownership)’

In part d) of the policy replace ‘All housing should aim to’ with ‘Development proposals will be supported which’.

In part e) of the policy replace ‘encouraged’ with ‘supported’ in the first sentence. Replace the second sentence with: ‘Subject to compliance with other policies in this Plan proposals for the development of new houses will be particularly supported where they are designed to generate some or all of their energy needs from renewable sources’

In the first paragraph of the justification replace ‘35%’ with ‘30%’

In the third paragraph of the justification replace ‘All housing should aim’ with ‘Proposals for new housing development will be supported which’

In the fourth paragraph of the justification replace ‘should include...proposals for obtaining’ with ‘will be supported where they achieve’

Policy H3 – Potential Housing Site Allocations

- 7.44 This is both a positive and an ambitious policy. It identifies four sites for residential development. In total the sites are anticipated to deliver 80 new dwellings. Plainly they will make a meaningful contribution to the requirement for Congresbury and other identified Service Villages to bring forward new residential development in the Core Strategy plan period. The sites are as follows:
- South of Station Road adjoining Station Close- Site A (15 dwellings);
 - South of Station Road adjoining Church Farm – Site B (20 dwellings);
 - Bristol Road opposite Tesco Express – Site C (25 dwellings); and
 - Smallway south of Wyevale Garden Centre - Site D (20 dwellings).
- 7.45 The Plan provides an appropriate level of description for the four sites which I will not repeat here. However, they provide a balanced mix of sites both to the west of the village (Sites A and B) and to the north and east (Sites C and D).
- 7.46 The supporting text comments about the site selection process in general, and how it took account of landscape issues in particular. It identifies how the four sites were chosen and the way in which they are in sustainable locations. It also comments about their modest sizes and the way in which the Plan anticipates that they would be effectively assimilated into the existing village.
- 7.47 I am satisfied that the generality of the approach taken meets the basic conditions. In particular the combination of the sites will positively boost the supply of housing land in the neighbourhood area and therefore have regard to national policy (NPPF paragraph 47). I am also satisfied that the site selection process has been robust and that the sites chosen will represent sustainable development. I comment on the four sites on a case-by-case basis in the following sections of this report. Where appropriate I refer to clarification provided by the Parish Council during the examination.
- 7.48 In general terms the policy provides a degree of description for each site. It then identifies specific matters which should be addressed for each site. In each case I recommend that the policy matters are identified as criteria on a site-by-site basis. I also recommend that the supporting text within the policy is repositioned into the justification.
- 7.49 The HRA highlighted the need for an additional criterion in the policies on the various sites. This matter is addressed in detail in paragraph 2.10 of this report. I recommend accordingly

Replace the policy with:

‘The following sites are allocated for residential use. Proposals for their development for residential purposes will be supported where they meet the following criteria:

Land to the South of Station Road, adjacent to Station Close (Site A)

- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they respect the setting of heritage assets in the immediate locality;
- they take account of key views into the village;
- they provide for safe vehicular access to and from the site;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document

Land to the south of Station Road adjoining Church Farm (Site B)

- they respect the wildlife and heritage of the Strawberry Line;
- they respect the remains of the Congresbury railway station and incorporate it into the proposed development where practicable;
- they provide for safe vehicular access to and from the site;
- they demonstrate how they would respect any archaeology in the immediate locality;
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document

Land to the north of Bristol Road (Site C)

- they respect the setting of the Cadbury Hill ancient monument;
- they respect the setting of Clarence Court and Rhodyate House;
- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they provide for safe vehicular access to and from the site;
- the height of new buildings does not exceed three storeys;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document

Land off Smallway (Site D)

- they provide for safe vehicular access to and from the site;
- they respect the setting of the Cadbury Hill ancient monument;
- they respect the setting of Clarence Court and Ship and Castle Inn;
- their design integrates into the character of the village in terms of the scale of the buildings and the materials used;
- they demonstrate how they would respect any archaeology in the immediate locality; and
- they do not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document'

In the supporting text on page 19:

At the end of the second paragraph add the first paragraph of the submitted policy on site A and the first two sentences of the first paragraph of site B

At the end of the third paragraph add the first paragraph of the submitted policy on site C and the first paragraph of the submitted policy on Site D

Policy H4 – Affordable Housing Site

- 7.50 This policy is an important component of how the Plan sets out to deliver housing to meet the needs of local people. It proposes the allocation of a parcel of land off The Causeway as an affordable housing site. The Plan identifies that the site has the potential to deliver around ten dwellings.
- 7.51 Through the clarification note process the Parish Council has provided the necessary assurances that the site is capable of development and with a safe access point.
- 7.52 The policy effectively allocates the site for affordable housing uses. However, in doing so it includes significant elements of supporting text and wider justification for the policy. I recommend that elements included in the policy are relocated into the justification for the policy as set out on page 21. In particular the policy includes a significant level of detail on how the houses would eventually be allocated to local persons. As the Parish Council comments in its response to the clarification note it needs to be clear in the actual policy that a local connection restriction applies to this site, but the detailed criteria could reasonably be set out in the justification.
- 7.53 The HRA highlighted the need for an additional criterion in the policy. This matter is addressed in detail in paragraph 2.10 of this report. I recommend accordingly.

Replace the policy with:

'Land off The Causeway and at the corner of Dolemoor Lane (Site E) as shown on Map [insert number] is allocated for the provision of affordable housing.

A local connection restriction will apply to the affordable housing units in perpetuity

The layout and design of the site should respect the urban grain of the village and the design of its housing stock

Development proposals on the site should demonstrate how they have assessed any archaeological remains within and around the site and taken them into account in its design and layout'

Development proposals should not adversely affect the integrity of Natura 2000 sites. Where necessary appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bat Special Area of Conservation Guidance on Development SPD or any successor document

At the end of the first paragraph of supporting text add:

- *the initial description of the site and its ownership in the submitted policy*
- *(as a separate paragraph) the part of the submitted policy beginning with 'Houses within this scheme' followed by the three criteria (I to iii) and points a) to h)*
- *(as a separate paragraph) Policy H4 also takes account of potential archaeology in the vicinity of the site and the importance of its sensitive incorporation into the overall design and character of the village.*

Policy H5 – Changes to Settlement Boundary

7.54 This policy takes a positive and pragmatic approach towards the settlement boundary. It proposes to extend the boundary to reflect the provisions of Policies H1-H4 of this Plan and to take account of recent developments that have taken place in the neighbourhood area. The effect of the policy would be to apply development plan policies affecting settlement boundaries within an extended area of the built-up part of the neighbourhood area.

7.55 In principle the approach included in the Plan has the ability to meet the basic conditions. However, in this case the justification for the policy raises matters which do not meet the basic conditions. In particular its final sentence comments that the proposed changes to the settlement boundary are made on the assumption that Core Strategy Policy CS32 would no longer apply and that development adjacent to the settlement boundary of Congresbury will only be permitted in accordance with Core Strategy policy CS33. This would not be the case. It is neither the role nor the purpose of a neighbourhood plan to promote a policy which is not in general conformity with the strategic policies in an adopted local plan. In this case the justification highlights an intention that a Core Strategy policy simply would not apply to the neighbourhood area.

7.56 On this basis I recommend the deletion of both the policy and the justification. This approach is also consistent with my recommended modifications to Policies H1 and H2. For clarity this recommended modification would result in the deletion of the proposed amended settlement boundary. The settlement boundary would remain as that shown in Policy SA2 of the Sites Allocations Plan.

Delete the policy

Delete the justification on page 24

Revise the settlement boundary shown on the various maps to that they show the boundary in Policy SA2 of the Sites Allocations Plan.

Policy T1 – Strawberry Line

- 7.57 This policy offers support for improvements on the Strawberry Line. It is an important recreational facility in the neighbourhood area. As the plan comments there are several access points to this route to and from the A370
- 7.58 Such improvements would be helpful within the wider well-being of the neighbourhood area. However, such improvements would be highways-related matters. Their delivery is beyond the planning system.
- 7.59 Planning Practice Guidance (41-004-20190509) anticipates that the plan-making process can naturally identify non-land use issues which are of importance to the local community. It advises that such matters should be included in a separate part of the Plan so that they are distinguished from the land use policies. The submitted Plan did not include a schedule of non-land uses policies. Nevertheless, I recommend that one is created to provide a context for this matter. This approach applies equally to other policies in the Plan where I have recommended modifications in a similar fashion.
- 7.60 In this context I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach as a community action in a separate part of the Plan.

Policy T2- Parking, Walking and Cycling Solutions

- 7.61 This policy continues the approach included in Policy T1. In this case it refers to a series of parking, walking and cycling matters. In specific terms it relates to dropped kerbs and the provision of disabled parking bays
- 7.62 Such improvements would be helpful within the neighbourhood area. However, such improvements would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach as a community action

Policy T3 – Mitigating Traffic Problems and Enhancing Sustainable Travel

- 7.63 This policy continues the approach included in Policies T1 and T2. In this case its focus is on a series of traffic mitigation measures and to enhance sustainable travel. In summary they include a range of speed limits on and around the A370 and B3133.

- 7.64 Such improvements would be helpful within the neighbourhood area. However, such improvements would be highways-related matters. Their delivery is beyond the planning system. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach as a community action

Policy F1 – Community Facilities

- 7.65 This policy identifies a series of community projects that the Parish Council considers to be appropriate for funding through either the CIL funding or through Section 106 agreements. They include:

- improvements to the Old School Rooms;
- the ongoing use of the allotments;
- a new community hall at the King George V Playing Fields; and
- proposals for a new burial ground.

- 7.66 Such improvements to the various community facilities would be helpful within the neighbourhood area. However, the submitted policy is not a policy. Rather it is a schedule of initiatives which the Parish Council considers to be important within the neighbourhood area and which it considers are deserving of financial assistance. In particular the policy provides no guidance on the types of development which would generate the potential funding for the various initiatives. As such I recommend a modification that replaces the policy with a further community action.

Delete the policy

Reposition the approach as a community action

Policy F2 – Protecting and Enhancing Community Facilities

- 7.67 This policy relates to community facilities. It recognises the important role that they play in the social well-being of the community. It has two parts. The first resists the loss of community facilities unless they are no longer viable. The second supports the enhancement and improvement of existing community facilities and the development of new facilities.

- 7.68 I recommend a series of modifications to the wording used in the policy so that it has the clarity required by the NPPF. Otherwise the approach taken meets the basic conditions in general terms.

In the opening part of the policy replace ‘Therefore’ with ‘In order to reinforce the important role that they play in the social well-being of the community:’

In a) replace ‘will be resisted’ with ‘will not be supported’

In b) replace ‘encouraged’ with ‘supported’

Policy EH1 – Enhance the Conservation Area and Protect the Village Cross

7.69 This policy addresses a series of issues. It includes the following components:

- general commentary on heritage assets;
- the need for the preparation of a Conservation Area Character Appraisal
- detailed guidance on signage; and
- the development of a scheme to prevent further damage to the historic village cross

7.70 As part of the clarification note process, I sought advice from the Parish Council on the evolution of the policy in general terms, and in particular whether it should reasonably become a community action. As submitted the policy has a rather complicated structure that reflects its wide coverage. I recommend a package of modifications which take account of that response. They also ensure that the policy has the clarity required by the NPPF and has a clear focus on land use issues which can be addressed through the planning process. The recommended modifications also reposition the non-land use related elements of the submitted policy to a section of the Plan on community actions.

Replace the opening part of the policy (Listed and other locally.... principles should be applied' with: 'Development proposals should protect, and where practicable enhance, the character of listed buildings and locally important buildings and structures and archaeological sites'

Thereafter add as a new section of the policy: 'In order to preserve and enhance the special character of the Conservation Area proposals for signage within the Conservation Area should comply with the following criteria:'

[List the six criteria in the submitted policy with the following modifications]

In i) replace 'are not appropriate' with 'will not be supported'

Replace ii) with: 'Colours and finishes appropriate to the host property and the wider conservation area will be supported'

In iv) replace 'is often appropriate' with 'will be supported'

In v) replace 'are not acceptable' with 'will not be supported'

Replace vi) with 'the use of free-standing A boards will not be supported'

Include the following as a Community Action:

'The Parish Council will prepare a Conservation Area Character Appraisal and an associated management plan which includes a scheme to prevent further damage to the Village Cross. Its ambition is to both protect the cross and to improve the character of the conservation area. Congresbury Conservation Group will be actively involved in the completion of the appraisal and management plan. Any funding from future North Somerset Community Infrastructure Levy and other sources will be sought for implementing the findings of the Management Plan.'

At the end of the third paragraph of the Justification add: 'The detailed parts of the policy provide guidance on the design and type of shop fronts and signage that will be appropriate in the Plan period. Whilst the commercial use of A boards will not be supported they may be appropriate for short term use to advertise community events'.

Policy EH2 – Area of Separation

- 7.71 This policy is an important component of the Plan. It proposes the designation of an Area of Separation to the south of the village. It is shown on Map 7. It is an irregularly-shaped parcel of land extending to Brinsea to the south and extending both to the west and to the east of the Brinsea Road. The policy requires that the parcel of land 'remains open' in order to protect the character and identity of the landscape between Congresbury and Churchill and Langford.
- 7.72 The justification for the policy sets the context for the way in which the approach in the submitted Plan has been developed. It highlights two principal reasons underpinning the policy. The first is the landscape quality. The Plan refers to the NSC Landscape Sensitivity Assessment of March 2018. That document concluded that 'land to the south of Congresbury slopes to the east and there is a strong and vegetated urban edge. Development to the south of the village would affect the settlement form. Owing to the above the land is of high sensitivity'
- 7.73 The second relates to emerging proposals in the West of England Joint Spatial Plan for the development of a garden village of approximately 2675 dwellings in Churchill/Langford to the south of the neighbourhood area. In this context the Plan comments that 'it is vitally important that an area of separation is identified to ensure that the character, landscape and village community is maintained'.
- 7.74 The policy has attracted representations from developers and a landowner. In summary these representations contend that:
- the policy has no basis within the context of policies in the development plan in general, and Policy CS19 Strategic Gaps in the adopted Core Strategy in particular;
 - the policy has a negative and restrictive approach;
 - an Area of Separation in this area has not been identified by NSC in its strategic planning documents;
 - the proposed area is not supported by technical evidence; and
 - its boundaries are arbitrary.
- 7.75 I have considered this policy very carefully given its approach and the extensive geographic area to which it applies. Based on all the evidence available to me I am not satisfied that there is any justification for the designation of an area of separation based on maintaining separation between Congresbury and Churchill/Langford. The existing settlements are approximately three kilometres apart and there is only limited inter-visibility between them.
- 7.76 In addition at this stage there is no certainty about the garden village development proposal for Churchill/Langford. The West of England Joint Spatial Plan is in an

emerging format and its hearing sessions begin in July 2019. In the event that the Churchill/Langford development proceeds within the Plan period the need or otherwise for the designation of a strategic gap could be considered at that time. Furthermore, an Area of Separation of the scale proposed in the submitted Plan is of a strategic nature. Indeed, it is geographically larger than the various Strategic Gaps identified in the Core Strategy.

- 7.77 In contrast the policy's approach to landscape sensitivity and character is underpinned with significant evidence. The findings of the NSC Landscape Sensitivity Assessment are not disputed. I saw from my visit to the neighbourhood area that the proposed Area of Separation is very attractive countryside characterised by low lying pasture with hedges and mature trees. I saw that the parcels of land off Brinsea Batch were particularly attractive and afforded longer distance views to the Mendip Hills to the south.
- 7.78 The NSC Landscape Sensitivity Assessment was prepared to assess the sensitivity of the landscape surrounding selected settlements in order to inform the site selection process for non-strategic growth. The future allocation of sites for the non-strategic growth needs to be managed carefully as part of the Local Plan process to ensure that the important characteristics of the North Somerset landscape are not unacceptably harmed. The overall aim of the project was to provide a robust landscape evidence base for the Local Plan. It will comprise a strategic assessment of the sensitivity of the landscape of North Somerset to housing development on the periphery of selected settlements, and can be used to provide a context for landscape capacity and impact assessments undertaken for both previously identified sites and additional sites as they come forward.
- 7.79 I have looked at the relationship between the Area of Separation identified on Map 7 and the findings of the NSC Landscape Sensitivity Assessment. The Assessment identifies specific areas of low, medium and high landscape sensitivity around its principal settlements. The area to the south of Congresbury falls within the high category. Within the context of this study, high sensitivity land is where the land concerned generally has low capacity for housing development. If this land was developed for housing it could result in substantial harm to the landscape. The Study indicates that this area is defined by the line of the former railway line running approximately 300 metres to the south of the village.
- 7.80 However in this wider context the submitted Plan provides no evidence in support of the area within the Proposed Area of Separation to the south of the former railway line. In these circumstances I am not satisfied that there is an evidence to support the policy approach to the south of the railway line.
- 7.81 Taking all matters into consideration I have concluded that the sensitivity of the part of the neighbourhood area to the immediate south of the village is such that a policy addressing its landscape characteristics would be appropriate and evidence-based. On this basis I recommend that the policy is modified so that it refers to the landscape characteristics of that part of the Proposed Area of Separation as identified as being within the high landscape sensitivity area in the 2018 NSC Landscape Sensitivity Assessment. I recommend consequential modifications to the supporting text.

Replace the policy with:

Area of High Landscape Sensitivity

‘Development proposals in the area of high landscape sensitivity as shown on Map [insert number] should respect the landscape and the way in which it provides a setting to the village.

Development proposals within the area of high landscape sensitivity will only be supported where:

- **the character and integrity of the landscape would not be significantly adversely affected; and**
- **they incorporate appropriate measures to mitigate their impact within the landscaping in general, and through the use of native vegetation and landscaping in particular.’**

In the justification on page 36

First paragraph – delete the second sentence.

Replace the second and third paragraphs with: ‘Policy EH2 addresses this important matter. It identifies an area of high landscape sensitivity as outlined in the NSC Landscape Assessment. It requires that any development proposals which may arise within the Plan period should respect the landscape and the way in which it provides a setting to the village. It also identifies the circumstances where new development would be supported in this sensitive area.’

Replace Map 7 with the Plan in Appendix 1 to this report

Policy EH3- Local Green Space

- 7.82 This policy is an important part of the way in which the Plan seeks to deliver the environmental dimension of sustainable development. It identifies three local green spaces (LGSs).
- 7.83 The Justification section for the policy makes appropriate reference to the NPPF and the three criteria which need to be met for any parcel of land to be designated as local green space. It provides a degree of information about the way in which the three areas meet these criteria in their different ways. The Parish Council consolidated this information in its response to my clarification note.
- 7.84 In this context I am satisfied that both the King George V Playing Fields and Broadstones meet the criteria for LGS. In the case of the former the proposed boundary of the LGS takes account of the on-going proposals for a new community facility and changing rooms by excluding the land identified for this proposal from the LGS boundary.
- 7.85 The Gang Wall is a mediaeval drainage bank and associated ditches. It is a very distinctive feature which I saw as part of my visit to the neighbourhood area. I am satisfied that in principle that the Wall meets the NPPF criteria. In terms of its detail the

western part of the Gang Wall comprises the boundary between Congresbury parish and Yatton parish. In this context the Yatton Neighbourhood Plan also included the Wall as LGS. For my part I am comfortable that the Congresbury Plan should also designate this boundary feature as LGS. To do otherwise would create confusion.

- 7.86 However the eastern part of the Wall as identified in the submitted Plan falls within Yatton Parish. A neighbourhood plan cannot comment about land outside its designated area. As such I recommend that this part of the proposed LGS is deleted from this Plan. Plainly its effect is academic as this part of the Wall is separately designated as LGS in the adjoining Yatton NDP.
- 7.87 The policy itself simply lists the proposed LGSs. I recommend a modification to the structure of the policy so that it provides the appropriate policy-related protection for LGSs as anticipated in the NPPF.

Replace the policy with:

The following parcels of land are designated as Local Green Spaces: [list the three sites]

Development will not be supported on local green spaces except in very special circumstances

On Map 8 delete the eastern part of the Gang Wall (which is outside the designated neighbourhood area)

Policy EH4 – Landscape and Wildlife Preservation Measures

- 7.88 This is a wide-ranging policy on landscape and wildlife preservation matters. It addresses the following matters:
- connectivity of green corridors;
 - the development of a dark skies policy;
 - the maintenance of buffer zones to protected wildlife sites; and
 - mitigation measures against the impact of noise pollution on animal life
- 7.89 Persimmon Homes has made a representation about the second element of the policy. It contends that it does not have the clarity required by the NPPF. It also comments that development proposals cannot in themselves create or adopt a dark skies policy.
- 7.90 I have taken this matter into account. Paragraph 125 of the NPPF recognises that measures to limit the impact of light pollution on local amenity, intrinsically dark landscapes and nature conservation can be an essential part of good design. I recommend a modification to this part of the policy so that it has regard to national policy.
- 7.91 The remainder of the policy generally meets the basic conditions. It identifies a series of issues that are distinctive and important to the neighbourhood area. In addition, it is non-prescriptive and recognises that not all its components will apply to all development proposals.

- 7.92 I recommend a series of modifications to the policy so that the wording has the clarity required by the NPPF. In the case of the third part of the policy this results in its replacement by a new format.

In section a) of the policy:

- delete ‘seek to’
- replace ‘Planning applications’ with ‘Development proposals’
- replace ‘must clearly’ with ‘should’

Replace section b) of the policy with: ‘As appropriate to their location and scale development proposals should be designed to limit the impact of light pollution from artificial light on local amenity and nature conservation’

Replace section c) of the policy with: ‘As appropriate to their location and scale development proposals should include natural landscaping using native species and incorporate existing hedgerows, wetland areas and other wildlife features where it is practicable to do so’

Replace section d) of the policy with: ‘As appropriate to their location and scale development proposals should provide buffer zones to sites of special scientific interest, local nature reserves and local wildlife sites in general, and in relation to the Strawberry Line in particular where it is practicable to do so’

Policy EH5 – Renewable Energy

- 7.93 This policy addresses renewable energy. It does so to good effect. Its principal component provides support for a range of community owned or led renewable energy schemes subject to a series of well-chosen environmental criteria. It is a particular good example of a policy of this type. This component meets the basic conditions.
- 7.94 The initial part of the policy comments about the Parish Council’s ambition to encourage community-led renewable energy schemes and support community-based groups in seeking funding to assist with the necessary technical work. Plainly this is a very laudable ambition. Nevertheless, it is not land use based and cannot practicably be included as a neighbourhood plan policy. On this basis I recommend that it is deleted. However, given the importance of the matter generally, and to the Parish Council in particular, I recommend that the issue is captured as a community action in a separate part of the Plan.

Delete the first part of the policy

Include the deleted first part of the policy as a community action

Policy E1 – Retention of Business and Employment within the Parish

- 7.95 This policy addresses a range of business and employment related matters. They include:
- a restrictive approach towards proposals for the conversion of business premises to residential use;

- facilitating home working;
 - supporting the use of redundant farm buildings for small industrial units; and
 - designating two sites as employment sites.
- 7.96 Persimmon Homes comment that the first part of the policy takes an approach which fails to have regard to national policy. In this context one of the core planning principles set out in paragraph 17 of the NPPF is that the planning process should ‘encourage the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value’. This core principle is further reinforced in paragraph 22 of the NPPF. It comments that ‘planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose’.
- 7.97 In this context this part of the policy is not clear. Firstly, it is only intended to apply to proposals for the conversion of business premises (Classes B2 and B8) to residential use. Secondly no evidence is provided on the need for such a policy approach in general, and the ‘market signals’ expected by Paragraph 22 of the NPPF in particular. On this basis I am not satisfied that this part of the policy meets the basic conditions and I recommend that it is deleted.
- 7.98 The second part of the policy refers to proposals for home-working. It takes an appropriate approach. I recommend a modified form of wording to recognise that not all such proposals will involve a material change of use and therefore require planning permission. The recommended modification also ensures that this part of the policy has the clarity required by the NPPF.
- 7.99 The third part of the policy relates to the potential for redundant farm buildings to be used for employment purposes. Whilst its intention is largely clear I recommend a modification so that it has the clarity required by the NPPF.
- 7.100 The fourth and fifth parts of the policy refer to two adjacent sites off Smallway. They are primarily in garden centre and horticultural use. The policy proposes that they are designated as employment sites. I sought clarification from the Parish Council on the intentions behind this part of the policy. I was advised that the Parish Council believes that key employment sites in the village should be maintained. I was also advised that the parish has limited employment opportunities and the Plan wishes to maintain those which currently exist.
- 7.101 These parts of the policy recognise the need for employment development opportunities within the neighbourhood area. Whilst neither the policy itself nor the supporting text make any reference to Policy SA4 of the Site Allocations Plan my attention was also drawn to that policy in the Parish Council’s response to the clarification note. That policy takes a balanced approach to proposals for non-employment uses on existing or identified employments sites. It would permit proposals for non-business use where they would not adversely impact on the wider economic growth and regeneration ambitions in North Somerset. Neither of the two sites identified in the neighbourhood plan policy are identified in Schedule 2 of Policy SA4 of the SAP.

7.102 In this context it would not be appropriate for the neighbourhood plan to add sites to those already included in Schedule 2 of the Site Allocations Plan 2018. This would be a strategic matter and which would properly need to be considered in any review of that Plan. However, it would be appropriate for the neighbourhood plan to allocate the two sites for employment use. I recommend that the two final parts of the policy are modified accordingly. Their effect would be to offer support to proposal for business development and business development and community uses on the Garden Centre site and the nursery respectively.

Delete part a) of the policy

Replace part b) of the policy with: ‘Insofar as planning permission is required proposals for home working, including offices and craft work, will be supported where they would safeguard the amenities of any residential properties in the immediate locality’

Replace part c) of the policy with: ‘Proposals for the use of redundant farm buildings for employment use will be supported’

Replace part d) of the policy with: ‘The Old Green Holm Nursery site as shown on Plan [insert number] is allocated for employment and community uses. Proposals for employment (B1, B2 and B8) or community uses will be supported’

Replace part e) of the policy with: ‘The Cadbury Garden Centre site as shown on Plan [insert number] is allocated for employment uses. Proposals for employment (B1, B2 and B8) uses will be supported’

Other matters

7.103 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. It will be appropriate for North Somerset Council and the Parish Council 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.

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 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Congresbury Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

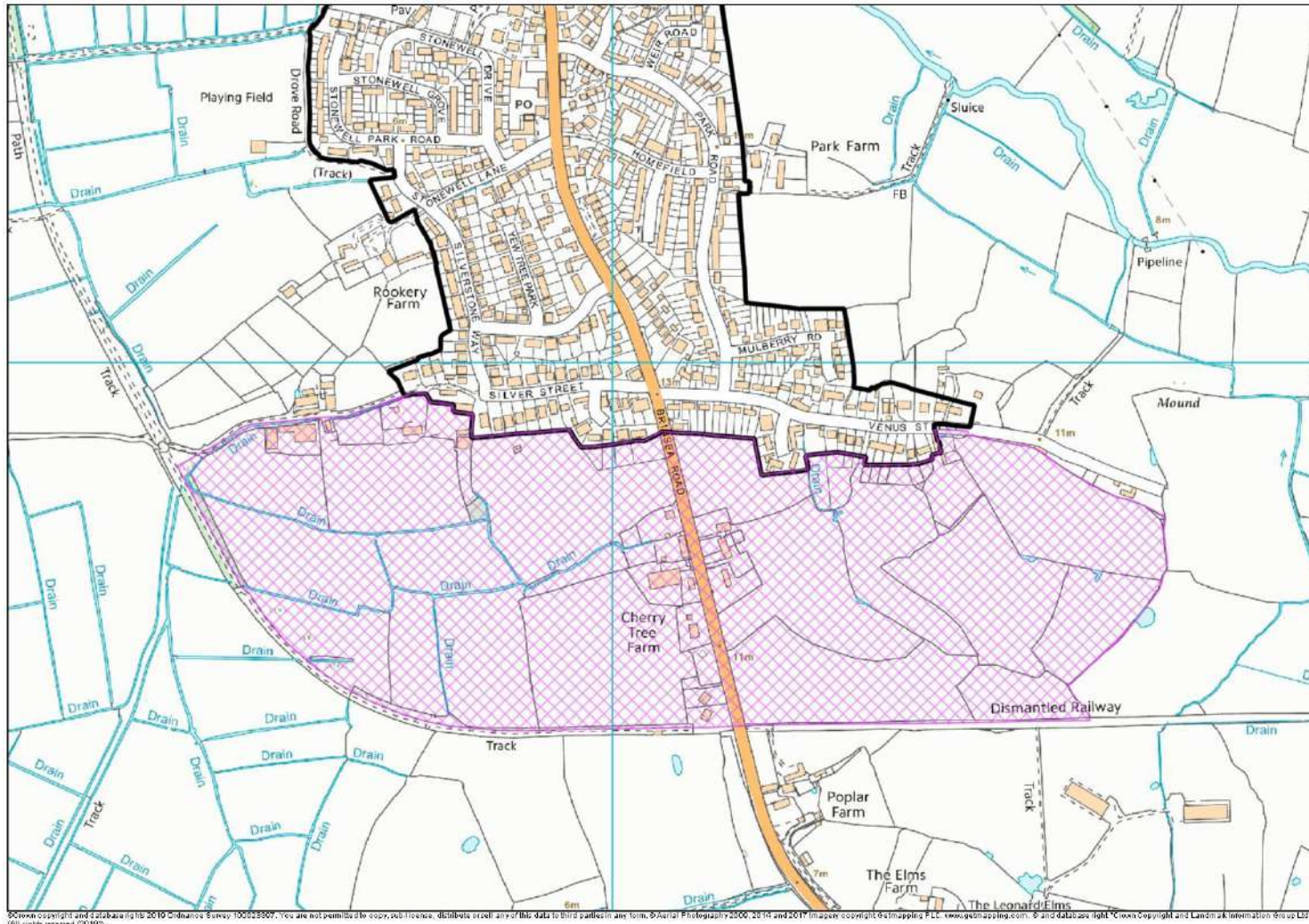
- 8.3 On the basis of the findings in this report I recommend to North Somerset Council that subject to the incorporation of the modifications set out in this report that the Congresbury Neighbourhood Development Plan should proceed to referendum.

Referendum Area

- 8.4 I am required to consider whether the referendum area should be extended beyond the Plan 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 28 August 2015.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner. The responses to my Clarification Note were very helpful in preparing this report.

Andrew Ashcroft
Independent Examiner
10 June 2019

APPENDIX 1: Modified Map 7 – Area of High Landscape Sensitivity.





*Congresbury
Neighbourhood
Development Plan
2018-2036*

Ver 3 Dec 2018

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**VOLUME 2
APPENDICES**

Appendix	SCHEDULE OF EVIDENCE
A	Consultation Report July 2018
B	The Community Report of Congresbury Parish Plan Steering Group
C	Postcard Survey
D	How Congresbury has grown - A report for Congresbury Parish Council Authors: Tom Leimdorfer, Stuart Sampson. Publication Date June 2015, Updated January 2018
E	Highways and Transport, Evidence Base Report. Technical Report 19709/1 - August 2017 Mark Baker Consulting Ltd
F	Appeal Ref: APP/D0121/W/15/3004788 Land off Brinsea Road, Congresbury
G	Appeal Ref: APP/D0121/W/16/3151600 Land off Wrington Lane, Congresbury, BS49 5BJ
H	Appeal Ref: APP/D0121/W/17/3176151 Land to the east of Brinsea Road, Congresbury BS49 5JJ
I	Site Allocation Surveys
J	Assessment of impact of proposed housing sites on surrounding heritage assets
k	Speed Watch data
L	Congresbury Listed Buildings
M	Employment Survey 2016

1 INTRODUCTION

The Neighbourhood Development Plan process, as set out in the Localism Act 2011, enables communities to better shape the place where they live and work, to inform how developments take place and help influence the type, quality and location of those developments, ensuring that change brings local benefit.

The Congresbury Neighbourhood Development Plan (the Plan) is based on extensive research and influenced by robust engagement with the local community. Once the Plan is adopted, it will have significant weight in the determination of planning applications and provide details on how to prioritise the spending of any s106 or Community Infrastructure Levy (CIL) to ensure maximum benefit for the community.

1.1 Aims of the Plan

The Plan aims to ensure Congresbury remains a thriving and safe community in which to live now and for the future. It covers the period 2018 to 2036.

Congresbury parish has been subject to opportunistic developers and the Plan aims to ensure that the community has an influence over local decisions and to address challenges for its future.

1.2 Legal Status of Neighbourhood Development Plans

Neighbourhood Development Plans were established under the Localism Act. The Act, which became law in 2011, aims to give local people more say in the future of their community. To be granted legal status a Neighbourhood Plan has to be approved by a local referendum and formally adopted by the Local Authority. It then forms part of the Statutory Development Plan with the same legal status as the Local Plan and will be used to determine planning applications in the Neighbourhood Area.

The Congresbury Neighbourhood Development Plan will support local development needs set out in the emerging North Somerset Local Plan up to the year 2036 and become part of the Statutory Development Plan for North Somerset.

The Plan is in conformity with the strategic direction of the North Somerset Core Strategy and emerging Joint Spatial Plan. It allows the village to develop through steady but moderate growth, meeting the housing needs of the community while at the same time preserving the importance of the Green Belt, rural landscape and the conservation area and heritage assets. It also considers the infrastructure needed to support such growth.

A Neighbourhood Development Plan must have appropriate regard to the National Planning Policy Framework, related Planning Practice Guidance and North Somerset Council and Congresbury Parish Council planning policies as they currently stand. The Plan demonstrates how the sustainability objectives of the Government are implemented through local policies.

1.3 Congresbury

Congresbury is located approximately 11 miles to the south west of Bristol and approximately 8 miles to the north east of Weston-super-Mare. The village is split by the River Yeo. To the west the countryside is characterised by a network of rhynes and ditches across the low lying land. To the east the land is drier with a pattern of smaller fields and meadows. Congresbury benefits from Cadbury Hill, King's Wood and Urchin

Wood to the North. King's Wood and Urchin Wood are in a Site of Special Scientific Interest (SSSI) - they are nationally important as a North Somerset and Mendip Bats Special Area of Conservation. The woodland is renowned for its botanical interest and supports a particularly high diversity of vascular plants. Congresbury Moor has six fields – 10 Acre, New Croft, Meaker, Phippen, Norton and Footmead, which are now part of Biddle Street SSSI which was designated by English Nature in 1994. Cadbury Hill is a nationally important site for archaeology (the hillfort is a Scheduled Monument) and it is also a Local Nature Reserve.

The village itself is named after a Welsh missionary, St Congar, who is believed to have settled in the village in the 6th Century and is credited with performing a number of miracles in the area. He is believed to have built a church in the village and with others preached and ministered to the local population. Legend says that he planted his walking stick into the ground which took root and flourished into a tree providing shade in the churchyard.

1.4 History of the Parish

The first evidence of occupation is from the Neolithic period based on artefacts found on Cadbury Hill. Later during the Iron Age, a hillfort was constructed on the hill. There is also evidence of Roman activities within the area including temples on Cadbury Hill. When the Romans left the area in the 4th century AD the hillfort was reoccupied and again became a focal point of activity and commerce within the area. Evidence of early medieval and Saxon occupation is recorded at St Andrew's Church, Honey Hall, Iwood and Brinsea.

The remains of a Roman villa have been found along the river at Wemberham plus a number of Romano-British kiln sites have been located in and around the village. The number of kilns indicates a thriving pottery industry from circa 250 to, possibly, the middle of the 4th century. The pottery, known now as Congresbury Grey Ware, was traded over a wide area. One of these pottery kilns was found close to Venus Street in 2017, and was the first to be excavated in around 50 years.

Congresbury is mentioned in the Domesday Survey under the name of 'Congresberie' and was part of the lands held by William I. In 1086 it is listed as having two mills and a population of about 500 people, almost all of whom were involved in mixed farming, with grain production taking priority. Congresbury Manor, which included Wick St Lawrence, paid £28 15s [£28.75] annually in silver, a huge sum, to the King.

The present church, dedicated to St Andrew, was consecrated in 1215. It was originally a small simple building consisting primarily of a nave. A priest's house was built in 1446, now known as the Refectory. During the middle ages the church was a destination for pilgrims seeking a cure for various illnesses. Both buildings are Grade I listed.

In the 13th Century Broad Street became the commercial centre of the village and the site for regular markets and fairs. In the 1500s a market cross was erected at the top of Broad Street. It is a scheduled monument with Grade II* listing and one of a small number of medieval crosses still in their original position.

Congresbury has long suffered from poor drainage and floods. In 1607 a great part of Congresbury was hidden by the sea and in 1656 a surveyor complained of "*the muddy moist unhealthiness of the air and poverty or idleness or both of residents in improving drainage*". The moors were often covered by water for several months each year and not until the 1820s was anything major done to address the problem. In 1968, a combination of heavy rains and a high tide caused the River Yeo to burst its banks and flood much of the village to the south of the river. As a result of this the river banks were raised and reinforced to prevent this happening again.

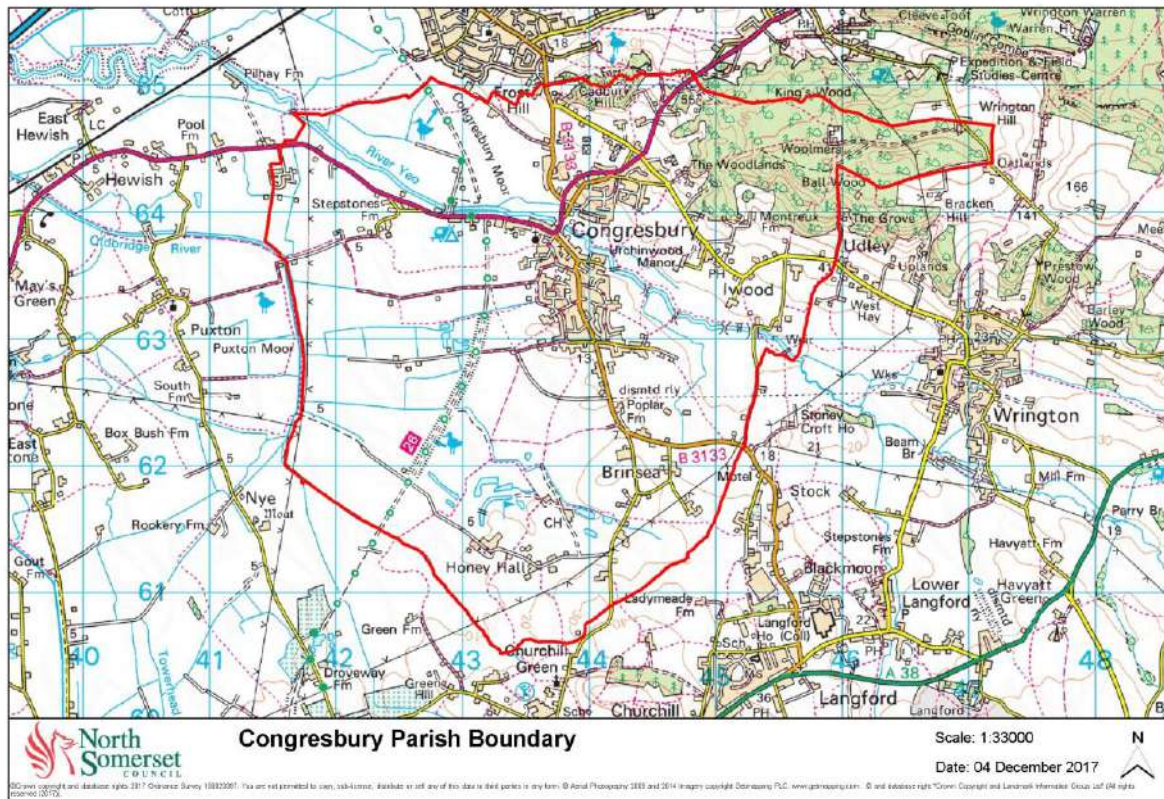
From medieval times until the mid-1900's Congresbury had a number of water mills along the River Yeo which served the local farming community and also provided employment for local people. Congresbury was renowned for its extensive orchards, with buyers travelling all the way from Bristol to purchase fresh apples from the growers. Up until the 1950's agriculture and its support services provided the majority of employment in the village.

There were huge changes in the village between 1961 and 1971 when the population more than doubled. A new shopping precinct was built to provide facilities for the new housing estates south of the river. Also two new schools were built to replace the original one which was now too small. Direct employment within the village decreased as local businesses closed and the majority of residents now worked outside the village in Bristol or Weston-super-Mare. In the 1960's Congresbury lost its rail link to Bristol with the closure of the Strawberry Line, which is now an important cycling and walking route.

To celebrate the Millennium, seven acres of land was acquired for the establishment of a Millennium Green on either side of the River Yeo. To the south of the river a nature reserve was established with a community orchard planted with native fruit trees, including the Congresbury Beauty apple. To the north of the river an open space bordered by rhynes with dipping pools, copses of native trees planted by parishioners and play equipment for children was established. The footbridge over the river provided a safe route to schools and shops and physically linked the two parts of the village.

1.5 Area Covered by the Plan

The area covered by the Plan is the Parish of Congresbury, as shown in the following map:



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Map 1 Area covered by the Plan

The application dated 6 July 2015 stated:

“The Parish Council considers that this is an appropriate area as the area is wholly administered by Congresbury Parish Council. Congresbury faces a number of challenges over the next 20 years from risk of flooding, pressures on infrastructure (such as congestion on the A370 and B3133 and an aging sewer system) as well as needing to carefully consider how it grows and develops sustainably to meet the needs and desire of current and future generations. The Neighbourhood Development Plan will further develop and build on the current Parish Plan that was produced in 2007 looking to further strengthen the local community.”

1.6 Consultation

Details of the consultation carried out up to July 2018 and how the results have been incorporated into the Plan are given in the Consultation Report (Appendix A). A full Consultation Statement has been submitted with the plan.

Following consultation with the community, Congresbury produced a Character Statement, which was adopted by North Somerset Council in 1998. The Character Statement outlined a series of recommendations and proposals on:

- Protecting the character of the village
- The landscape and countryside
- Built environment and
- Traffic and transport

Whilst much of the recommendations and proposals have been achieved including the development of the Millennium Green, redevelopment of the former library site for community use, provision of a community transport vehicle and a new footbridge over the river to link the northern and southern parts of the village, many of the issues and concerns raised then still remain.

Congresbury Parish Plan Steering Group produced a Community Report in September 2007 which aimed to review the 1998 Village Character Statement and to identify areas of concern for the future of Congresbury. A questionnaire was sent to all adult residents of the village with a response rate of over 50%. Other groups including local clubs and societies, local businesses and young persons were also surveyed. The findings of the questionnaires agreed on the weaknesses and threats to the village which included:

- traffic, making it difficult to move about the village safely;
- the vast majority wanted growth in housing to be community led, the 'settlement boundary' was seen as an important control measure; and
- many thought public services, transport, rubbish collection etc. could be better coordinated.

The Community Report was not formally adopted and is reproduced at Appendix B.

1.7 Duration of the Plan

The duration of the Neighbourhood Development Plan is up to 2036. It aligns with the emerging North Somerset Local Plan which covers the plan period 2018-2036. The strategic planning context is provided by the adopted North Somerset Core Strategy (2017) and the emerging Joint Spatial Plan. The Congresbury Neighbourhood Development Plan will be in general conformity with the adopted and emerging policies contained within these plans to meet the basic conditions. Revisions will be carried out as and when these are necessary to respond to changing circumstances. A review will be carried out after 5 years.

1.8 Topics

The topics listed below were identified by the Steering Group following the 'postcard survey' carried out in 2016 when all residents were invited to share their views on Congresbury (Appendix C). Policies have been developed from those issues that were considered to be relevant and evidenced to the plan. The topics are:

- Housing
- Transport and Highways
- Facilities and services
- Environment/Heritage
- Employment

Details of the issues raised and resulting policies are given in the following sections.

2 A VISION FOR CONGRESBURY



View across the Millennium Footbridge

The vision for Congresbury:

- Congresbury will continue to be a welcoming, vibrant, independent village set in a rural landscape with a conservation area at its heart.
- The village will remain a place where small businesses can thrive and the residents can continue to benefit from a full range of quality services, amenities and facilities.
- The community will embrace the aspirations of all its members and promote an environment where these aspirations can be realised.
- All residents of our village will feel that they can fully participate in village life; that their wellbeing is seen to be important and feel a genuine sense of pride in where they live.
- Congresbury will continue to be a safe and pleasant place to live, and will aspire to achieving a sustainable infrastructure that minimises its carbon footprint and maximises the opportunity for recycling. The green spaces within the village will be made accessible and will be maintained for the benefit of all.
- Any future developments should be appropriate to the existing character and needs of the village.

3 SUMMARY OF POLICIES

Housing

- H1 Sustainable development location principles
- H2 Sustainable development site principles
- H3 Potential site allocations
- H4 Potential affordable housing site
- H5 Changes to the settlement boundary

Transport and Highways

- T1 Strawberry Line improvements
- T2 Parking, walking and cycling solutions

T3 Mitigating traffic problems and enhancing sustainable travel

Facilities

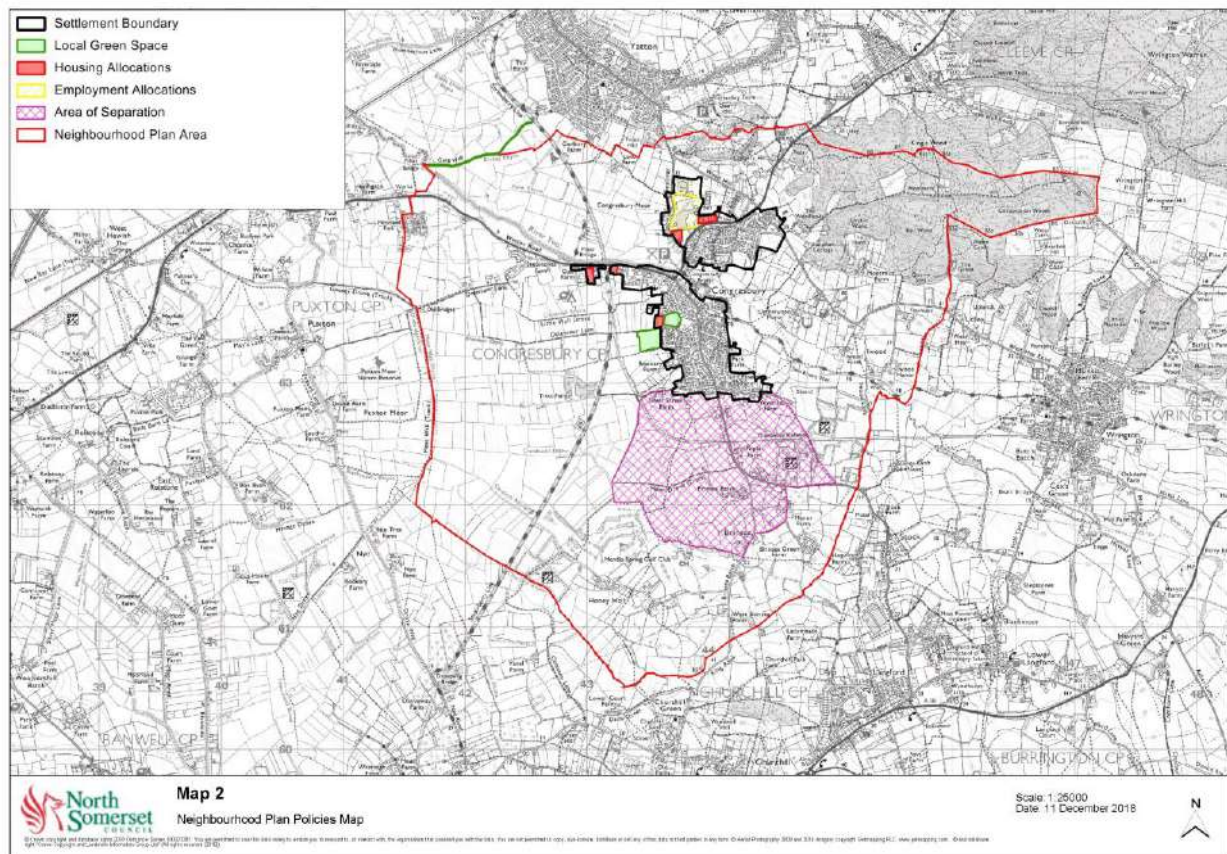
- F1 Community facilities
- F2 Protecting and enhancing community services

Environment and Heritage

- EH1 Enhance the Conservation Area
- EH2 Area of separation
- EH3 Local Green Space
- EH4 Landscape and wildlife preservation measures
- EH5 Renewable Energy

Employment

- E1 Retention of business and employment within the Parish



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Map 2 Neighbourhood Plan Policies Map

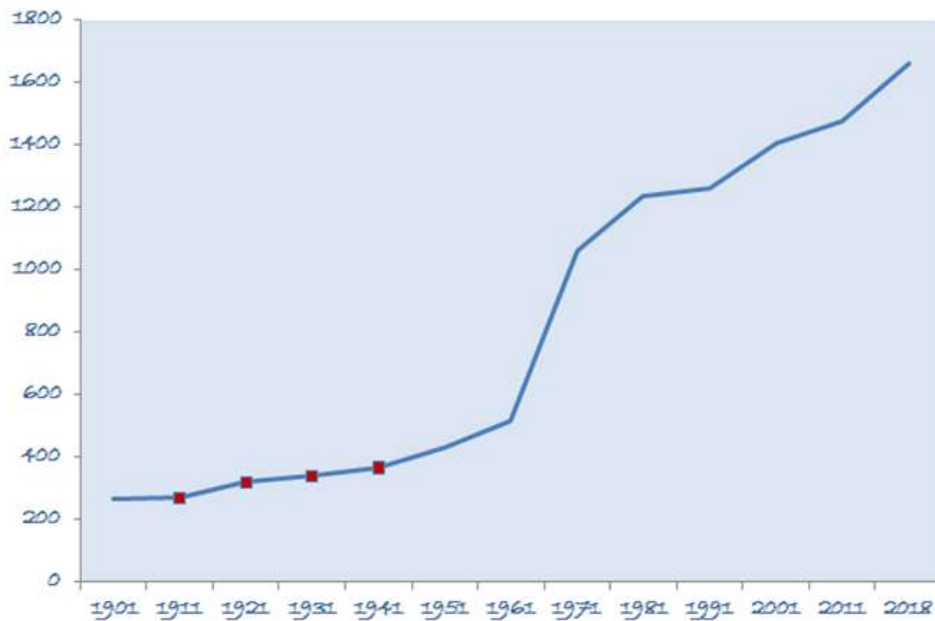
This map provides a summary of the proposed policies which are expanded on in the following sections of the Plan.

4 NEIGHBOURHOOD DEVELOPMENT PLAN POLICIES

4.1 Housing

The population of Congresbury grew by just over 450 people between 1901 and 1961. During the 1960's the population of the village doubled to 3397 people as shown by the 1971 census. A large part of this growth was due to the action of Axbridge Rural District Council in the post-war years to build the Southlands council estate to ensure that local working people had homes in which they could afford to live. Also the addition of estates in Park Road, Stonewell, Silverstone Way, Yew Tree Park, Silver Street and north of the River Yeo in Cobthorn, Verlands, Weetwood and Wrington Mead.

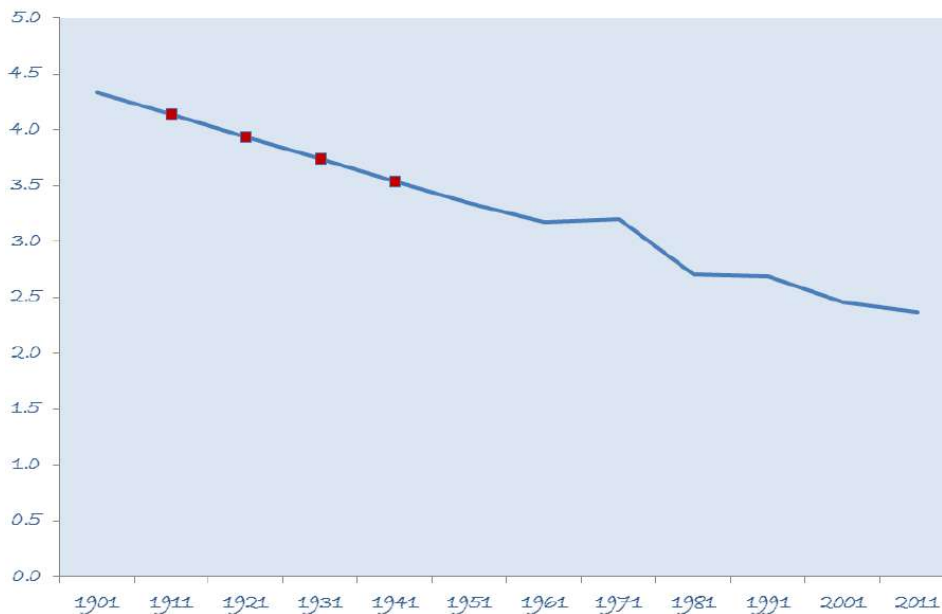
Sheltered housing for the elderly was built in Chestnut Close and Yeo Court and a number of smaller developments were all completed by the mid-1970's, Bramley Square and Cadbury Square (Redland Housing) completed by the end of the 1970's. The 1980's saw little new housing in Congresbury except for small scale development like The Lyes, off Park Road, Silver Mead, and part of Well Park. The early 1990's saw the development of the Gypsy/Roma/Traveller site at Moorland Park, and the 'rural exception' affordable housing at Station Close and the Gooseham Mead development near the river.



Total household properties reported in Congresbury¹

There have been a number of developments over the past 20 years, but the population has barely grown. A reduction in household occupancy and change in demographics has been a key factor. The increase in house prices has led to market housing being unaffordable for many families.

¹ Source: Census and Hispop. The red dot represents estimated data.



Average number of people per household

Some 70 new dwellings were created between 2001 and 2011. Developments included Millennium Mews with 13 homes to rent (built adjacent to the settlement boundary) and Southlands Way with 7 properties a mix of one bed homes and live/work units. During the recent years, Congresbury has grown by 65 dwellings; significant developments include 10 properties at Kent Road, 29 adjoining Mill Lane and 14 dwellings on land north of Venus Street.

Apart from the 70 dwellings built and 119 consents during 2014-2018; approval has been given so far for 13 additional single dwellings either by way of agricultural or other ‘prior determination’ or acceptable ‘infill’. This means that completed and consented development in the past four years already exceeds the total for the previous 25 years. Appendix D “How Congresbury Has Grown” report contains further information.

Recent years have seen an increase in the number of applications submitted for development on sites outside the settlement boundary. The reason for this has been the uncertainty in planning policy created by the successful legal challenge to the North Somerset Core Strategy adopted in April 2012 and several key policies being remitted as a result. Following several stages of examination by the Planning Inspectorate, the modified Core Strategy was re-adopted in January 2017. However, the increase in the total housing requirement to 20,985 for the plan period 2006-2026 has resulted in a backlog and an inability for the North Somerset Council to demonstrate a five-year supply for housing development. As a consequence, a number of large scale developments outside settlement boundaries have been approved within North Somerset, contrary to policy, either by the Council or by the Planning Inspectorate at appeal.

A notable exception was dismissal of the appeal for development on land off Brinsea Road, south of Silver Street (Appendix F). The appeal for development on land south of Wrington Lane was also dismissed, although a duplicate application had already been granted by North Somerset Council (Appendix G). In

addition the appeal for up to 24 dwellings on land to the east of Brinsea Road was also dismissed in December 2017 for reasons that the proposal would cause harm to the character and appearance of the area and judged on the evidence, the appeal site would not provide an easily accessible location relative to local services and facilities and would not maximise opportunities to reduce the need to travel and encourage active travel modes and public transport (Appendix H).

4.1.1 Current policy context

(a) North Somerset Core Strategy (adopted January 2017)

Policies of most direct relevance:

- CS1 Addressing Climate Change and carbon reduction
- CS2 Delivering sustainable design and construction
- CS3 Environmental impacts and flood risk management
- CS4 Nature conservation
- CS5 Landscape and the historic environment
- CS6 Green Belt
- CS12 Achieving high quality design and place making
- CS13 Scale of new housing
- CS14 Distribution of new housing
- CS15 Mixed and balanced communities
- CS16 Affordable Housing
- CS17 Rural exception schemes
- CS19 Strategic gaps
- CS32 Service villages
- CS33 Smaller settlements and countryside

(b) Policy SA1 in the Site Allocations Plan (April 2018).

This policy has, in Schedule 1, identified sites within the village for residential development. These are:

- Land south of Cadbury Garden Centre – allocated for 21 dwellings
- Land off Cobthorn Way – outline planning consent for 38 dwellings
- Land off Wrington lane – outline planning consent for 50 dwellings
- Venus Street – Full planning permission for 14 dwellings. This site is now built out.

(c) West of England Joint Spatial Plan

The submitted plan proposes the need to identify additional capacity for up to 44,000 homes for the West of England in addition to the existing commitment of 61,500 for the sub-region. This requirement, following the outcome of the examination process, will inform the new North Somerset Local Plan for the period 2018-36. While there are no proposals for major expansion of Congresbury, large scale ‘garden village’ developments are being considered at Banwell close to the M5 and at Churchill/Langford which would impact on Congresbury. These proposals are subject to Government Inspectors’ examination. At the same time, all towns and service villages are expected to bring forward proposals which help to meet the need for housing in the region (particularly more affordable housing) and enable the Council to reach the target for new dwellings in the current planning period.

Policy H1 – Sustainable Development Location Principles

- a) Congresbury Neighbourhood Plan supports sustainable development in line with the principles of Core Strategy policy CS14: Distribution of new housing
- b) New developments should be located where residents are able to walk safely and cycle reasonable distances to village facilities and services, have easy access to public transport and therefore minimising the use of private vehicles.
- c) To preserve the unique identity of the village and to protect the landscape and rural character, any new developments should be located within the settlement boundary.
- d) There should be no development in the strategic gap between Congresbury and Yatton unless it meets the criteria set out in Policy SA7 of the Site Allocations Plan 2018.
- e) There should be no development south of the line formed by Silver Street/Mead and Venus Street/Nomis Park in accordance with Policy EH2 of this plan.
- f) Preference will be given to site locations which will not significantly increase the traffic on already congested narrow village roads and have the least impact on the two junctions of B3133 and A370 at Smallway and the High Street. Given the cumulative effect of out-commuting and the limited capacity of the Smallway and High Street junctions, the total number of new planning consents for residential development to 2036 should not exceed 150 dwellings.
- g) Where there is no adverse effect on neighbours or the character of the area, infill development within the settlement boundary should be considered to increase residential density in sustainable locations close to the village centre. However, no building in the village should exceed three storeys in height.

Justification for Policy H1

Congresbury is a village with a distinctive character and a high degree of community cohesion. Any new development needs to respect and enhance the character of the village and to be in a sustainable location with good access to village amenities. Core Strategy policy CS32 currently allows sites of up to 25 dwellings to come forward adjacent to settlement boundaries in Service Villages. However, the Congresbury Neighbourhood Development Plan has allocated additional housing sites in sustainable locations around the village to meet its housing need up to 2036.

Some of the new housing sites are outside the existing settlement boundary as defined through the Site Allocations Plan 2018. The Congresbury Neighbourhood Development Plan has therefore undertaken a comprehensive review of the settlement boundary of Congresbury to incorporate the new housing allocations.

The new housing allocations and reviewed settlement boundary, which positively plan for the village until 2036, mean that the Policy CS32 approach of allowing development adjacent to settlement boundaries will no longer apply to Congresbury once the Congresbury Neighbourhood Development Plan is adopted.

The village is subject to constrictions on development such as the green belt to the north of the village, floodplain to the south and west of the settlement and landscape considerations to the south and the east of the village. Congresbury has a desire to maintain its character, protect the landscape and rural character and therefore needs to resist uncontrolled development in the rest of the village.

Included in this is the strategic gap between Congresbury and Yatton which not only protects the sensitive moor environment for future generations but also prevents the merging of the two villages. Any development beyond the southern edge of the village (Silver Street and Venus Street) is resisted as it is too remote from the village centre, therefore unsustainable, and would have significant negative impact on the open landscape. It is felt that the potential 'garden village' at Churchill/Langford proposed in the West of England Joint Spatial Plan could adversely affect Congresbury. A distinct gap must be established between Congresbury and Churchill/Langford to maintain the village identity and character. This is further examined and illustrated in Policy EH2.

The Highways and Transport Evidence Base Report (Appendix E) states that the two junctions of A370 / B3133 Smallway and A370 / B3133 High Street are operating over or close to capacity and therefore preferred developments will be in areas that will have the least impact on these junctions. Consideration is also needed with regard to traffic from surrounding villages such as Churchill and Langford. Approved and proposed developments in these locations will significantly increase the traffic along the B3133 thereby exacerbating congestion at the A370/B3133 junctions.

It is considered that in order to ensure that the village network is effective new residential development must not exceed 150 dwellings in total including the sites allocated in this plan and small and large windfall sites, for the period up to 2036. This is in addition to approval for approximately 140 new homes, which have been granted since 2015.

Policy H2 – Sustainable Development Site Principles

- a) New development should not exceed more than 25 dwellings on any one site to ensure sustainable small scale residential development that respects and enhances the character of the village and should be located within the settlement boundary. Proposals for new residential development adjacent to the settlement boundary will not be permitted.
- b) There is a recognised need for affordable housing and there should be no development of 5 or more dwellings without the full onsite provision of a minimum of 35% affordable housing (for rent or shared ownership). Self-build or co-housing schemes can be subject to different criteria.
- c) Consistent with Core Strategy policy CS15, new development should have regard to the needs of first-time buyers as well as the needs of elderly and disabled residents.
- d) All housing should aim to minimise carbon footprint and energy requirements and aim for Passivhaus or 'Excellent' BREEAM rating level of construction.
- e) The fitting of photo-voltaic panels to domestic property will be encouraged where appropriate in terms of architecture and location. New developments of more than 5 dwellings should include proposals for obtaining a minimum of 10% of their energy needs from renewable sources (or higher if required by emerging policies).

Justification for Policy H2

The recognised need for affordable housing is outlined in the North Somerset Core Strategy Policy CS16 and Affordable Housing Supplementary Housing Document. During the consultation for the Plan, local residents expressed a need for affordable housing to enable young persons to afford to stay in the village. The Plan is aiming to provide small sites for development and therefore it is essential that these have a minimum of

35% affordable housing. The exception to this could be self-build or co-housing schemes if justified by social and community benefit and viability considerations. The June 2015 Strategic Housing Market Assessment for the wider Bristol Housing Market Area (SHMA) (i.e. the NSC, Bristol City and South Gloucestershire council areas (available at <https://www.n-somerset.gov.uk/wp-content/uploads/2016/02/ED7-wider-Bristol-housing-market-area-report-2015.pdf>) identified that there was a need for 85,000 new dwellings in the period 2016–36. The SHMA indicated that the total affordable housing need for the same period is 29,000 homes across the Bristol Housing Market Area. The North Somerset HomeChoice Register (<http://www.homechoicensomerset.org.uk/>) records the number of eligible people needing affordable housing. In the last 12 months the number of new applicant households applying to join the register with at least one priority housing need was 928, which compares to an average 444 lettings per year.

North Somerset district is home to an above average proportion of older residents (North Somerset Housing Strategy 2016–21). The Strategy indicates that an additional 4,600 homes specifically for older people with varying levels of support, ranging from leasehold schemes for the elderly through to housing for people suffering from dementia, will be required over the period 2016 – 2036. Congresbury has a limited supply of bungalows and many are located at the fringes of the village, therefore any development with a proportion of suitable houses for older residents will be supported.

All housing should aim to minimise carbon footprint and energy requirements and aim for Passivhaus or ‘Excellent’ BREEAM rating level of construction.

The fitting of photo-voltaic panels to domestic property will be encouraged where appropriate in terms of architecture and location. New developments of more than 5 dwellings should include proposals for obtaining a minimum of 10% of their energy needs from renewable sources. This is consistent with the Climate Change Act 2008, the Paris Conference of the Parties (COP) Agreement 2015 and North Somerset Council carbon reduction target.

Policy H3 – Potential Housing Site Allocations

A South of Station Road (A370), adjoining Station Close – 15 dwellings

The site behind the Mediterranean restaurant is part brownfield/ part greenfield. Access would be from Station Close. Development of this site would help community cohesion as Station Close is currently an isolated development. The site is sustainable with good access to village facilities and public transport.

Designs here should respect the setting of these non-designated heritage assets and integrate into the character of Congresbury village both in terms of scale and materials. Site layout should maintain key views towards these assets, enhancing the area rather than separating it from the core village.

Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF, with the potential for further field evaluation.

B South of Station Road (A370), adjoining Church Farm – 20 dwellings

The site, east of the Strawberry line, is on land containing the derelict remains of the old Station Master’s house plus the adjoining field. It is closer to village amenities than site A. Any development would need to respect the wildlife and heritage value of the Strawberry Line and the remains of the old Congresbury Railway Station.

There is known archaeology on the site associated with the old railway. Enhancement project should be encouraged to potentially provide some interpretation of the old railway. Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF.

C Bristol Road (A370), opposite Tesco Express store – 25 dwellings

The site is currently in agricultural use. Development on a part of this site would provide up to 25 dwellings and would have a reasonably safe access onto the A370, with good sight lines.

The site is within the setting of the scheduled monument and within the setting of 2 listed buildings. The development is likely to impact their setting but providing the scheme is well designed in keeping with the character of Congresbury and providing any development on the site is no more than 2 – 3 storeys this should reduce the impact of the potential development on the setting of the listed buildings.

Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF. Further investigations are likely based on the moderate potential here.

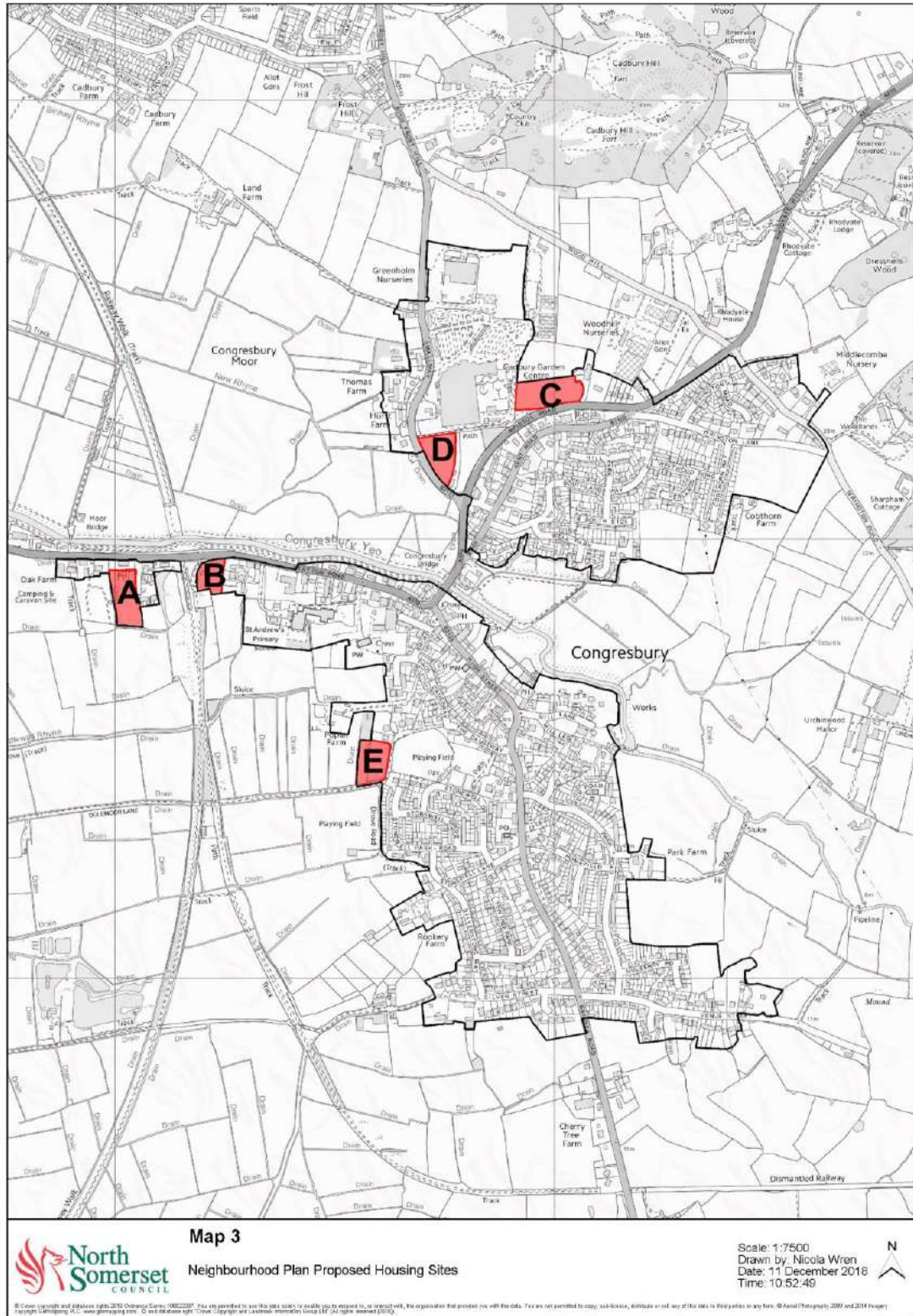
D Smallway (B3133) south of Wyevale Garden Centre –20 dwellings

This site is separated from a neighbouring site that has been identified in Schedule 1 of the Site Allocation Plan April 2018 by a long narrow strip of land, but access would be from the B3133.

The sightlines for traffic are restricted by a bend in the road and the access is close to the Smallway junction. Redesign of the Smallway junction needs to be considered and any development in the area should have careful regard to safety and capacity issues and ensure a safe pedestrian route is included any public rights of way enhanced.

The site is within the setting of the scheduled monument and within the setting of 2 listed buildings. The development is likely to impact their setting but providing the scheme is well designed in keeping with the character of Congresbury and providing any development on the site is no more than 2 – 3 storeys this should reduce the impact of the potential development on the setting of the listed buildings.

There is potential for further archaeology on this site and a DBA will be required.



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Map 3 Neighbourhood Plan Proposed Housing Sites

Justification for Policy H3

The sites have been allocated as they are considered to be in sustainable locations.

Many areas of the village were considered for possible development and it was concluded that there is scope for development west of the village centre, along the A370. This area has good pedestrian access to the school and public services, easy access to bus services along the A370 towards Weston and Bristol as well as access to the Strawberry Line cycle route to Yatton Station. Drivers would also be able to access the A370 without putting greater pressure on the junctions and traffic heading towards the M5 would not have to travel through the village at all. Development towards the west (sites A and B) would also help to reduce the isolation of the rural exception social housing site at Station Close. Any development of these sites must respect the wildlife and heritage value as both sites are close to the Strawberry Line a recognised green corridor.

Sites C and D (north of the village centre) are in a sustainable locations and development there could help provide a range of affordable and lower cost dwellings close to amenities and public transport. Site C has direct access onto the busy A370 and is close to a light controlled pedestrian crossing providing pedestrian access to the rest of the village. Site D will access onto the B3133 a busy and often congested road and could potentially aggravate existing highways problems at the B3133/ A370 Smallway junction.

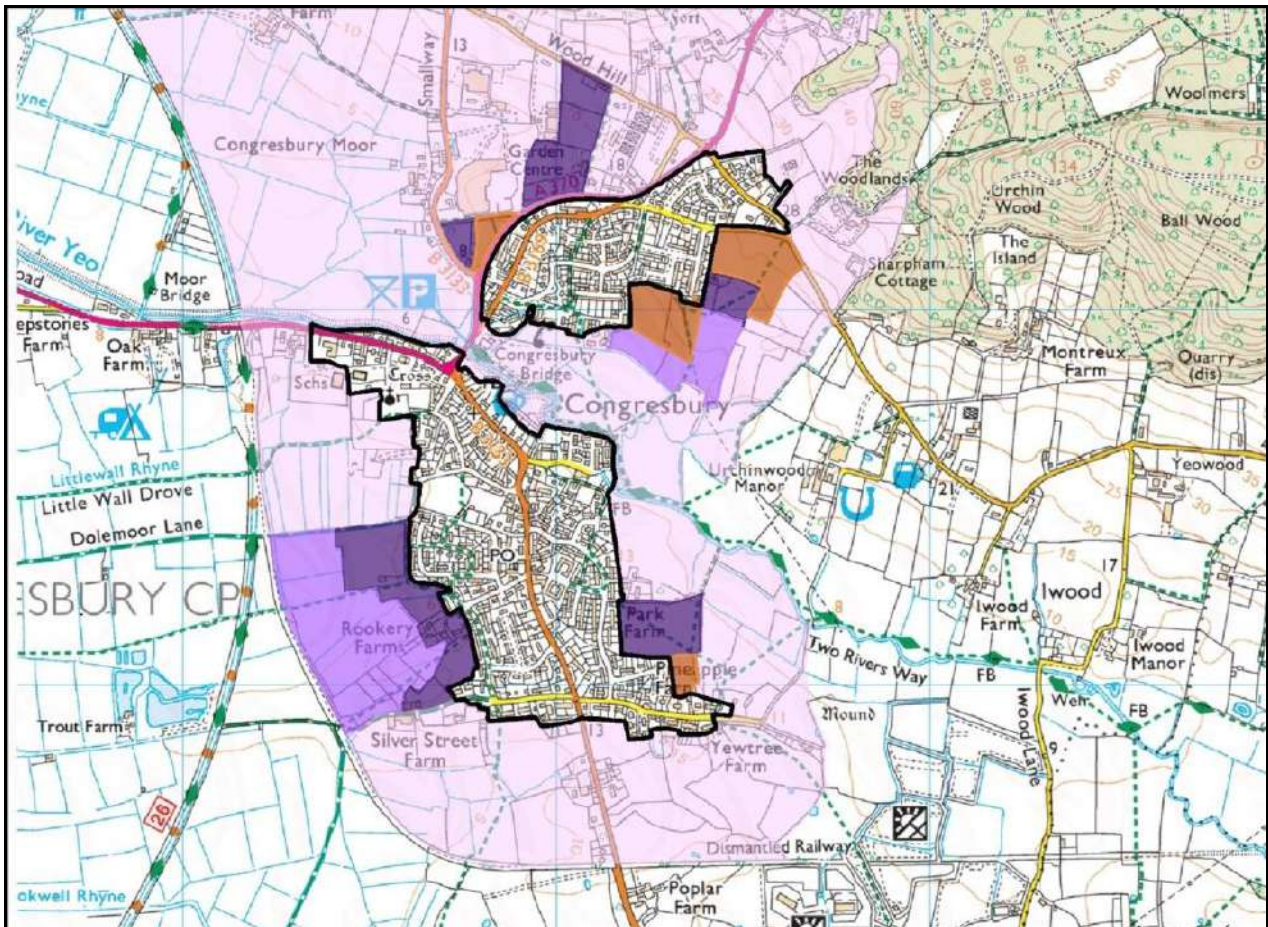
It is considered that any development east of Park Road would harm the important landscape of the Yeo Valley. Access from Park Road would also be a problem and would affect the operation of the A370/B3133 High Street junction.

No development beyond the southern edge of the village (Silver Street and Venus Street) has been allocated as it is too remote from the village centre and would have significant negative impact on the open landscape and natural village boundary. As previously outlined this has been demonstrated by the following planning appeals: (1) Appeal Ref APP/D0121/W/15/3004788 (Appendix F) was dismissed in November 2015 for development on land off Brinsea Road (south of Silver Street; (2) Appeal Ref: APP/D0121/W/17/3176151 (Appendix G) for up to 24 dwellings on land to the east of Brinsea Road was also dismissed in December 2017 for reasons that the proposals would cause harm to the character and appearance of the area and judged on the evidence, the appeal sites would not provide an easily accessible location relative to local services and facilities and would not maximise opportunities to reduce the need to travel and encourage active travel modes and public transport.

North Somerset Council commissioned a Landscape Sensitivity Assessment by Wardell Armstrong in March 2018. The assessment looked at the areas surrounding selected settlements within North Somerset which included Congresbury (available at <http://www.n-somerset.gov.uk/wp-content/uploads/2018/05/Landscape-Sensitivity-Assessment-2018.pdf>). The document provides part of an evidence base to support the preparation of the North Somerset Local Plan to 2036. The allocation of non-strategic growth needs to be managed carefully as part of this process to ensure the important characteristics of the landscape are not unacceptably harmed.

The choice of site allocations has taken this report into consideration especially with regard to the protection of highly sensitive areas which are defined in the report as 'High sensitivity land' – This land generally has low capacity for housing development. If this land was developed for housing it could result in substantial harm to the landscape'. The conclusions are in the detailed map illustrating the areas of sensitivity reproduced below. The conclusions have been added into the site assessments in Appendix I.

All sites proposed for housing allocations are small sites accommodating 25 dwellings or less. This is a positive limitation on the size of developments to ensure that the character of the village is maintained, to ensure more effective assimilation into the village, to maintain the green belt to the north of the village and to maintain strategic gaps between settlements.



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Map 4 Identified Landscape Sensitivity Assessment Areas (Wardell Armstrong – Landscape Sensitivity Assessment March 2018)

Policy H4 – Affordable Housing Site

Allocation of Site E as a 100% Affordable Housing Site

F The Causeway, corner of Dolemoor Lane, by Broadstones Playing Fields – 10 dwellings

These two fields provide a sustainable location close to village amenities with access from the end of The Causeway. One of the fields is administered by the Parish Council on behalf of the Hannah Marshman Trust. This site would be allocated for 100% affordable housing for rent or shared ownership in order to comply with the spirit of the original legacy. The lower part of the site has a tendency to flood and should be kept as a wildlife area. Houses within this scheme should be allocated based on the following criteria to ensure local need is met in the first instance:

- i) Applicants are approved by the Council as being in need of Affordable Housing; and
- ii) Are unable to afford to buy or rent appropriate property locally on the open market; and
- iii) In the opinion of the Council fall into one or other of the following categories (in order of priority):

- a) Either the applicant or partner has continuously lived in Congresbury for a minimum of 3 years immediately preceding the date of bidding.
- b) Either the applicant or partner has previously lived in Congresbury for 10 years continuously, not more than 5 years ago, immediately preceding the date of bidding.
- c) Either the applicant or partner has continuously lived in Congresbury for between 12 months and 3 years immediately preceding the date of bidding.
- d) Either the applicant or partner has been continuously employed in Congresbury for at least 12 months immediately preceding the date of bidding.
- e) People dependent upon or giving support to a household in Congresbury.
- f) Either the applicant or partner has a close relative living in Congresbury for at least 5 years immediately preceding the date of bidding.
- g) Residents of adjacent parishes in North Somerset who fit the above criteria in the priority order listed.
- h) After a rented property has remained void for 6 weeks occupancy will be allowed for other residents of North Somerset eligible for Affordable Housing.

The site is potentially within the setting of particularly the grade I listed buildings. The development will also be within views to and from the conservation area. The site layout should match the urban grain of the village and the design should also be in keeping with the village rather than being segmented off from the remaining village style.

Due to the potential of archaeology on this site an archaeological DBA will be required with any application in accordance to paragraph 189 of the NPPF.

Justification for Policy H4

Site E will be allocated as 100% affordable housing to meet local need. The properties would be available in the first instance for people with a local connection to Congresbury, if there are any unfilled properties these would be cascaded out to wider settlements in the locality and then lastly to those with a local connection to North Somerset.

There is a need for affordable housing in North Somerset as highlighted by the register below:

Total North Somerset housing register need as of 1st June 2018

Age Group	Property Type Need				Band		
	Bed Need	A	B	C	D	Emergency	Grand Total
General needs	1	35	134	707	253	1	1130
	2	13	93	597	331		1034
	3	9	57	298	142		506
	4	4	13	58	22		97
Sheltered need	1	16	82	291	163		552
Aged 60+	2	4	12	10	4		30
	Grand Total:	81	391	1961	915	1	3349

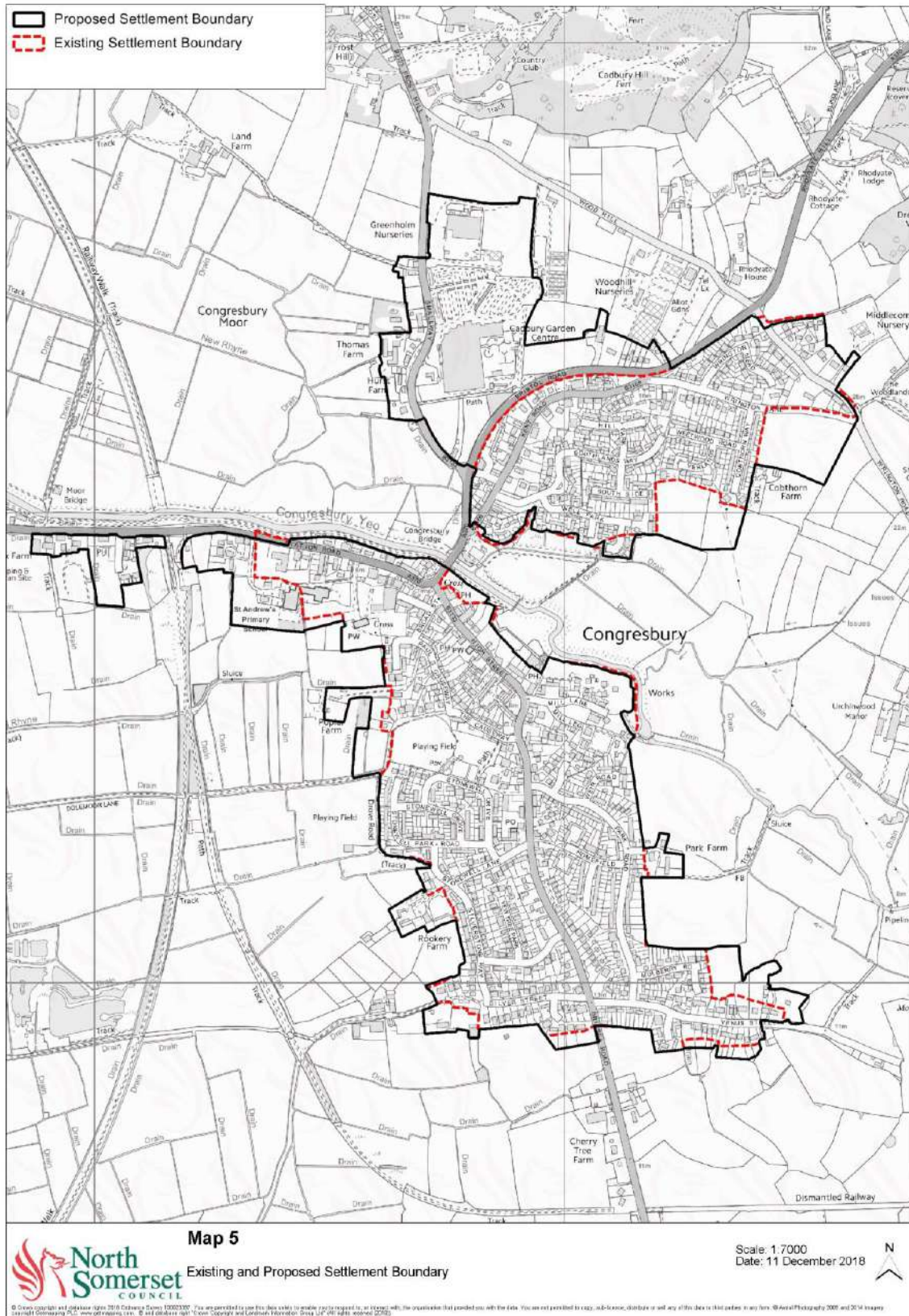
There are no exact figures of the need for affordable housing in Congresbury and the numbers which would have a local connection to Congresbury. However, North Somerset Council HomeChoice Register provides an indication. Of those registered on HomeChoice (an average of 3500 households) 620 households have selected Congresbury as an area of choice (and 19 of these applicants are living in Congresbury -June 2018 data). This is a reflection at the time of application; however an applicant's views can change over time. This data does not provide a complete record of applicants seeking affordable housing and does not include the need for other types of affordable housing including for example intermediate housing products such as shared ownership.

Over the last 18 months as stated in the HomeChoice Stock report 2016/17 out of 148 rented properties there have been only 5 vacant affordable homes in Congresbury, of which 1 was family vacancy (1 x1 bed), 4 non family (2x 2 bed only).

The initial postcard survey of local residents resulted in many respondents stating that the village requires more affordable housing to enable young people to remain in the village. See Appendix C for further detail.

Policy H5 – Changes to Settlement Boundary

The Settlement Boundary for Congresbury has been amended to reflect the policies H1, H2, H3 and H4 for proposed housing allocations and extended to encompass recent developments.



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Map 5 Existing and Proposed Settlement Boundary

Justification for Policy H5

Settlement boundaries are a well-established planning tool for directing development to the towns and other settlements. The settlement boundaries in North Somerset have been well established through a succession of planning documents and are reviewed when new plans are prepared. The primary function of the settlement boundary is to prevent sprawl and concentrate development appropriate to the scale and needs of that community. Any revised settlement boundary will include recently approved developments and the proposed sites identified through the Plan process.

It is appropriate to review the Congresbury settlement boundary as part of the Plan, taking into account the emerging Joint Spatial Plan and associated Local Plan, which will be in force up to 2036. The proposed changes to the settlement boundary are made on the assumption that the current Core Strategy policy CS32 will no longer apply and that development adjacent to the settlement boundary will only be permitted in accordance with Policy CS33.

4.2 Transport and Highways

The village postcard survey (Appendix C) highlighted the residents concern over the volume of traffic, particularly the number of haulage vehicles that pass through the village. They felt vulnerable when walking on pavements and crossing roads. It also discouraged residents from using more sustainable forms of transport such as bicycles. The aim is to restore the balance and put the safety and needs of pedestrians and cyclists before vehicular movements.

Congresbury lies approximately 5 miles to the east of junction 21 on the M5 motorway. The village is dissected by two roads - the A370 and the B3133. The A370 links the village to Weston super Mare in the west and Bristol to the NE. The B3133 runs from Junction 20 of the M5 at Clevedon to Yatton and through the village to Churchill and the A38.

Congresbury has an excellent bus service along the A370 with regular daily services to Weston and Bristol. The X7 also provides a daily service between Bristol and Weston via Clevedon and Nailsea. The 135 and the 128 operate a limited service, along Brinsea Road to Nailsea and Clevedon. One operates on a Thursday, the other on a Friday with one service each day. There are two services accessing Bristol Airport, the A3 from Weston super Mare, which runs hourly and the A5 which has a limited daily service between the airport and Yatton via the A38. These services are available at the time of writing but they are frequently changed or cancelled depending upon usage.

The closest railway station is in Yatton, approximately 2 miles to the north, which can be accessed by road on the B3133 or by cycling or walking on the Strawberry Line.

Congresbury has a network of public footpaths including the 'Two Rivers Walk' and the 'Strawberry Line'. The Strawberry Line Society (SLS), formerly the Cheddar Valley Railway Walk Society, started in 1978 when North Somerset Council purchased much of the dismantled railway line between Yatton and Axbridge and leased it to the SLS as a walk and nature reserve. The SLS later became a registered charity and extended the railway path to Cheddar. The SLS has plans to extend and create a continuous 30 mile traffic-free path from Clevedon to Shepton Mallet which will provide a key section of the Somerset Circle. When complete the Somerset Circle will connect over 70,000 people across Somerset in a sustainable way. The Strawberry Line forms part of the (SUStainable TRANSport) SUSTRANS national cycle network.

Policy T1 – Strawberry Line

Any funding from future North Somerset Community Infrastructure Levy, s106 contributions and other sources will be sought for providing safe routes from the village to the Strawberry Line including:

- a) Removal of the central hatching along the A370 from Moor Bridge to the Old School Rooms and widening of the adjacent footways on both sides of the road to allow for a cycleway combined with the pavement. The combined pavement and cycleway will provide safer access to and from the village for pedestrians and cyclists and also slow and calm traffic along the A370.
- b) Improvements to the access along Dolemoor Lane from Stonewell Estate and the Causeway and via Silver Street. This could be a simple strip wide enough for 2 cyclists or a cyclist and pedestrian to pass each other.
- c) An extension to connect the Strawberry Line to Churchill School.

Justification for Policy T1

As North Somerset's roads become ever more congested and dangerous, the need for traffic-free routes grows ever more important. Not only would a safe and practical route from the village onto the Strawberry Line facilitate more active lifestyles it would also provide an economical and enjoyable commute to work and link to Yatton railway station. The current routes to the Strawberry Line are either along the A370, which is a very busy road and considered to be dangerous for all but the most experienced and confident cyclists, or via drove roads from Silver Street or Stonewell. The drove roads are used by tractors and other agriculture vehicles as well as horse riders. Over the years the surfaces of the drove roads have developed deep pot holes which make cycling difficult and unsafe. Improved access would also encourage visitors using the Strawberry Line to cycle in to the village and make use of the local shops, public houses and other amenities.

The removal of the central hatching on the A370 and the addition of a shared pavement and cycle path will provide a safer route for cyclists on the A370 onto the Strawberry Line. The narrowing of the road will also reduce the speed of traffic and help to calm traffic entering the village.

Providing a link from the Strawberry Line to Churchill School will offer a safe traffic-free route to school and will also encourage pupils to make healthier life choices.

Policy T2 – Parking, Walking and Cycling Solutions

Funding from future North Somerset Community Infrastructure Levy, s106 contributions and other sources will be sought for providing traffic solutions in the village.

These solutions include:

- a) Any new development will be encouraged to have good pedestrian access and provide adequate cycle provision for residents and visitors. Adequate cycling provision must also be provided at all shopping areas, parks and other recreational sites.
- b) The provision of strategically located dropped kerbs is important to allow disabled access to all the village facilities.
- c) The provision of disabled parking bay(s) in Broad Street and in the precinct car park. It is especially important to have a disabled bay in front of the current pharmacy.

- d) Apply short-term parking restrictions to the parking bays in Broad Street to free parking spaces for customers using local shops and services.
- e) Encourage the installation of electric vehicle charging points within the Parish.
- f) Maintaining and wherever possible improving the network of public rights of way within the Parish.

Justification for Policy T2

Provision of cycle racks would encourage residents to use sustainable means of transport to access village facilities and reduce the current reliance on private cars.

Broad Street currently has 11 marked parking bays with no time restrictions and no marked disabled spaces. These spaces are generally occupied by cars that have been parked there all day by drivers who either work in the local shops or use public transport to commute to work. This prevents customers from being able to park close to the shops and service providers. Of particular importance is a disabled space outside of the pharmacy.

The Precinct car park does not have any marked disabled bays and would benefit from spaces allocated close to the entrance to the shops.

The Parish Council currently leases 7 spaces in the Ship and Castle car park for village use. Greater use of these spaces should be encouraged.

The provision of electric vehicle charging points encourages the use of electric vehicles which, as a consequence, improves air quality and reduces carbon emissions.

Congresbury has a number of public rights of way within the Parish, including part of the Two Rivers Footpath. The maintenance of the footpaths, plus replacing stiles with metal gates, will make the paths more accessible for all ages including the less mobile.

Policy T3 – Mitigating Traffic Problems and Enhancing Sustainable Travel

The perception of Congresbury residents is that traffic speeds through the village, the numbers of heavy goods vehicles are excessive making them feel unsafe and worried about environmental aspects. A series of measures to offset these effects and perceptions are outlined below:

- a) The introduction of village gateway features on all four approaches to Congresbury coupled with a reduction of the speed limits to 30mph would assist in reducing vehicular speeds on all four approaches, with reduced speeds through the village generally having safety and environmental benefits. The village gateways would include additional signage and road markings on the first entry to the village to reinforce the entry to a village environment, and once the speeds through the village are established to be constrained to the 30 mph speed limit.
- b) Apply a 20 mph speed limit on the B3133 from the Ship and Castle to the Settlement Boundary and all residential roads off the A370, and the B3133, including Kent Road, to improve the environment of Congresbury. These residential roads create zones where the priority is on the needs of pedestrians, cyclists and public transport users.
- c) They may be usefully reinforced by appropriate traffic calming and speed reducing measures.
- d) Reduce the 50 mph speed limit to 40 mph over the Rhodyate Hill from Congresbury to Cleeve. This is

especially important as there is a footpath which crosses the A370 at the top of Rhodyate Hill and would greatly improve the safety of those exiting the Star.

- e) Improvements at the A370 / B3133 junctions at both the Station Road / High Street, and at Smallway to assist the crossing of both junctions by pedestrians. Any improvements should consider improvements in capacity and safety.
- f) Improvements to the B3133 particularly to the south along Brinsea Road to increase footway widths, to provide traffic calming measures to reduce vehicular speeds entering the village along the B3133, and measures to mitigate the impact of HGVs acknowledging that the potential to reduce the number of HGVs may be very limited.
- g) We support the necessary means to improve pedestrian safety on the A370 near the entrance to Moorland Park, which may include a safe pedestrian crossing, reduction of speed limit or a combination of the two. This would not only provide safe access to the bus stop but also to the footpath that runs along the A370 into Congresbury.
- h) Traffic signs can clutter the highway network if used to excess. Traffic sign clutter is unattractive and is a potential distraction to road users; therefore current signage should be audited and excessive and unnecessary signage should be removed and any new signs be sympathetic to the location.

All of the above mitigation and enhancement measures will be subject to investigation & feasibility studies in agreement with North Somerset Council as the Highway Authority.

Justification for Policy T3

The A370 / B3133 junctions are operating over or close to capacity, and any development will add to the congestion and queue lengths already experienced in the AM and PM peak hours. The High Street/Station Road junction is particularly difficult for large HGV's to negotiate; often vehicles need to mount the pavements to get through. Any development that impacts on this junction will need to provide some degree of offsetting improvements to the local highway network including the A370 / B3133 junctions.

An independent survey has been undertaken by a road traffic expert to identify potential solutions see Appendix E.

Improvements to the A370 / Smallway junction are required to facilitate easier pedestrian and cycle crossing of the junction to access facilities, and public transport services. There is no pedestrian stage at the junction and this compromises the safety of pedestrians. There should be a continuous pedestrian pathway along the north side of Smallway, dropped kerbs and tactile paving (where appropriate) should also be considered for disabled pedestrians and pushchairs. There is a need for a full review of the junction layout, which would improve safety for all users, pedestrians, cyclists, and motorists. This should consider all options including the possibility of a roundabout.

Brinsea Road is a local distributor which is generally of the order of 5.8m to 6.5m wide along its length with footway provision of variable width and street lighting. Junctions along Brinsea Road are simple priority junctions that do not have any ghosted right turn provision. The three junctions at Venus Street, Silver Street, and Yew Tree Park at the southern end of Brinsea Road all have poor visibility. Venus Street and Silver Street are the worst with restricted visibility in both directions; Yew Tree Park has limited visibility for traffic turning right towards Churchill. The junctions provide access to residential development on both sides of the road.

Entering the village from the south on the B3133 the road is only 6m wide with grass verges on either side. There are pavements on both sides of the road just after the 30 mph speed limit road sign. However they are narrow in places and pedestrians are forced to step into the road. Pedestrians and cyclists using this section of the road consider it an unsafe route into the village due to passing traffic.

Speed Watch surveys undertaken over a period of time indicate that non-compliance with the speed limit is a significant issue affecting both the B3133, and the A370. Data collected by Speed Watch along the A370 in the vicinity of Holders of Congresbury indicates that only 26% of vehicles recorded by the surveys were travelling at or below the posted 30mph speed limit with 74% above the speed limit. Their surveys also identified that the worst time for speeding was between 15:30 to 16:30 which coincides with the afternoon journey from school period when the pedestrian flows along the A370 may be at their highest. Speed Watch data for the A370 to the west of Kent Road outside Tesco Express showed a similar profile although only covered the morning peak period between 07:30 and 09:00 albeit on a total of 6 occasions. Similarly only 26% of vehicles were recorded at or below the speed limit. Speed Watch data is similar for the Brinsea Road / Venus Street location but the peak period of speeding is between 08.00 – 09.00. Although the speed limit along Brinsea Road within the “ built –up ” area is 30mph, and despite the presence of a speed actuated speed limit sign, there is regular speeding by all types of vehicles. (Appendix K contains Speed Watch data).

The traveller’s site has been operating since the early 1990’s and has developed close contact with various groups within the community. The majority of the children on the site attend the local preschool as well as St Andrew’s Primary School and mothers access courses at the Children’s Centre and the Youth Club. Older children who do not attend school use the Youth Club on a regular basis as well as the ball court. A number of the older children are accessing education through vocational courses at Weston College. To access these activities the travellers are reliant on using private transport or buses travelling along the busy A370. A light controlled crossing by the entrance to the site would provide a safe way to cross the road to access the bus service from Weston to Congresbury. Residents on the site regularly walk into the village to use the local shops along the footpath which is on the opposite side of the road to the site entrance.

The number of road signs at and near the A370 and B3133 (Smallway and High Street) junctions is excessive. The siting of some of the signs is such that the information being made available is too late for drivers to act safely upon. Many can cause confusion for drivers and are visually intrusive. The signs are not well maintained, cleaned or cleared of vegetation and some are close to the road and are hit by lorries and buses mounting the pavement to avoid other vehicles. The best option is to remove those signs that are not required and/or unnecessarily duplicated.

4.3 Facilities

Congresbury has a number of venues for activities, these include; the Old School Rooms, Recreation Club, Memorial Hall and the Methodist Hall. There are numerous clubs and organisations that meet in these venues including art classes, Congresbury Singers, Keep Fit classes, History Group, Senior Citizens Lunch Club, Rascals, WI and Ladies Friendly, Badminton Club, Craft and book groups. They cover a range of interests and activities catering for all ages and tastes. The Old School Rooms is owned and managed by the Parish Council.

There is a thriving Scout and Guide group in the village and the Youth Partnership runs the youth club and outreach programmes which provides opportunities for young persons.

The King George V playing field was donated to the village in 1936; the playing fields are currently administered by the Recreation Club and the King George V Trustees. There is a cricket pitch and 3 tennis courts. The children's play area is managed and maintained by the Parish Council. The adjacent Broadstones field (owned by the Parish Council) provides football pitches with a separate changing facility for the players.

There is a well-used bowling green and Club off Mill Leg and the Parish Council provides a ball court next to the Youth Club by Bristol Road Car Park.

Each facility has its own management group responsible for maintaining and administering their existing buildings and premises to secure them for the future. If buildings cease to become functioning facilities in the future then, depending on their location, they could become suitable areas for infill development.

Policy F1 – Community Facilities

A contribution of any Community Infrastructure Levy (CIL) contributions and s106 contributions from any future housing developments should be considered for the following:

- a) The Parish Council intends to continue to maintain and improve the Old School Rooms for the benefit of the community.
- b) The land used for allotments in Congresbury belongs to Queen Elizabeth's Hospital (QEH). The land is leased by the Parish Council and managed for allotment use by the community. There are currently 70 plots available. An application to register the allotments as a community asset will be made to North Somerset Council as they are currently used to further the social well-being and interests of the local community.
- c) Support the proposal for a new community hall on the King George V playing fields as voted for in the village referendum in 2016. Any new building must be sustainable in the build design and materials used and must comply with all relevant energy standards. The building must support the current constituent sporting clubs and enhance and increase sporting and community activities for future generations.
- d) Proposal to look for a new area for a burial ground (possibility of a natural burial ground); to be considered at the application stage of any new development.

Justification for Policy F1

The Parish Council owns and maintains the Old School Rooms for the use of the community. The Parish Council aims to cover the costs of maintaining the hall and administration costs and therefore the rental charges for rooms are very reasonable. The hall is used by the Parish Council and by many community groups for meetings and activities. The hall can be rented for community events and private functions.

Asset of Community Value gives communities a right to identify a building or other land that they believe to be of importance to their community's social well-being. If the nominated asset meets the definition of an Asset of Community Value, the local authority will list it. If the asset comes up for sale the local community is given an opportunity to bid for it on the open market. The owner will have a right to an internal review by

the local council, and a right of appeal to an independent tribunal against the result of the internal review. The allotments should be given Community Asset status.

A referendum for the Community Right to Build Order for a new village hall/community centre was held on 15 September 2016 resulting in a majority vote in favour of the Order. In accordance with the relevant Act and Regulations over 50% of those voting need to vote in favour of the Order. Out of a 38.14% turnout 69.9% of the votes cast were in favour of the Order proposals. Following the referendum, the Community Right to Build Order for the new community hall was submitted to North Somerset Council and the order was formally made on 8th November 2016. The order submission was a comprehensive document which considered many criteria which would affect the surrounding area and enable it to integrate sensitively. The building was designed in consultation with stakeholders and villagers to create a multi-use building to meet the present and future needs of the community.

The new development will replace the existing wooden structures of the Recreation Club and Tennis Club Pavilion with a modern building able to adapt to the future needs of a growing community with minimal impact on the surrounding residential areas.

The closed churchyard and burial ground are managed and maintained by the Parish Council. The Council recently restricted burials to current and prior residents of the parish. This decision was taken to ensure that the limited space (estimated at approximately 30 years supply) is available for those who have a connection with Congresbury rather than from neighbouring villages.

A location is sought for a natural burial ground which will enable more environmentally friendly funerals to take place, and the establishment of schemes that preserve and enhance biodiversity with a long-term sustainable future. Any potential land must be assessed with regard to constraints including risks to ground water and ensuring that the area has a sustainable transport policy, limits archaeological disturbance and has an ecological scoping survey completed.

Policy F2 – Protecting and Enhancing Community Services

Existing community services and facilities such as the library, public houses, public conveniences, village halls and local village shops, churches, sporting facilities, youth club and youth services play important roles in maintaining a strong and vibrant community. Therefore:

- a) The loss of existing community facilities will be resisted unless it can be demonstrated that the facility is no longer viable or that the facility is no longer in active use and has no prospect of being brought back into use.
- b) Proposals which enhance and improve existing community facilities will be supported. New community facilities will be encouraged providing they are compatible with existing neighbouring uses.

Justification for Policy F2

The public conveniences which were transferred to the Parish Council in 2013 are well used by residents and visitors to the village. The cost of running the toilets is approximately £4,000 per annum; the toilets are opened and closed daily by volunteers due to the risk of vandalism and the resulting cost of repairs.

Congresbury Community Library opened on 1 July 2017 following a Community Access Review of services by North Somerset Council. The library is funded by the Parish Council and supported by North Somerset

Council to provide a library service on behalf of the residents of the village and the wider community. The library is managed and manned by volunteers.

The Parish Council supports Congresbury Youth Partnership (CYP) which provides activities for young people in the age range 8 - 20 years. CYP's aim is to develop the physical, social and mental wellbeing of the young people in the village by helping each child to develop as an individual and become an active member of the community.

Other services and facilities including local shops, the doctor's surgery, church, sports facilities and meeting places need to be supported to ensure that the community is well served by a wide range of amenities.

4.4 Environment and Heritage

4.4.1 Heritage

The village grew around the Church and the historic core of the village is based around the churchyard, Broad Street, High Street and Mill Lane. This area was designated as a Conservation Area in 1990.



View of St Andrew's Church and churchyard

Congresbury has many listed assets which include St Andrew's Church, the Refectory, the Court House, the Old Rectory, the Birches and the Ship and Castle public house, as well as a number of important archaeological sites which provide evidence for the historic development of the village. The village (market) cross at the junction of Broad Street and High Street is a village landmark and is a designated Scheduled Monument. The full list of the listed buildings is contained in Appendix L

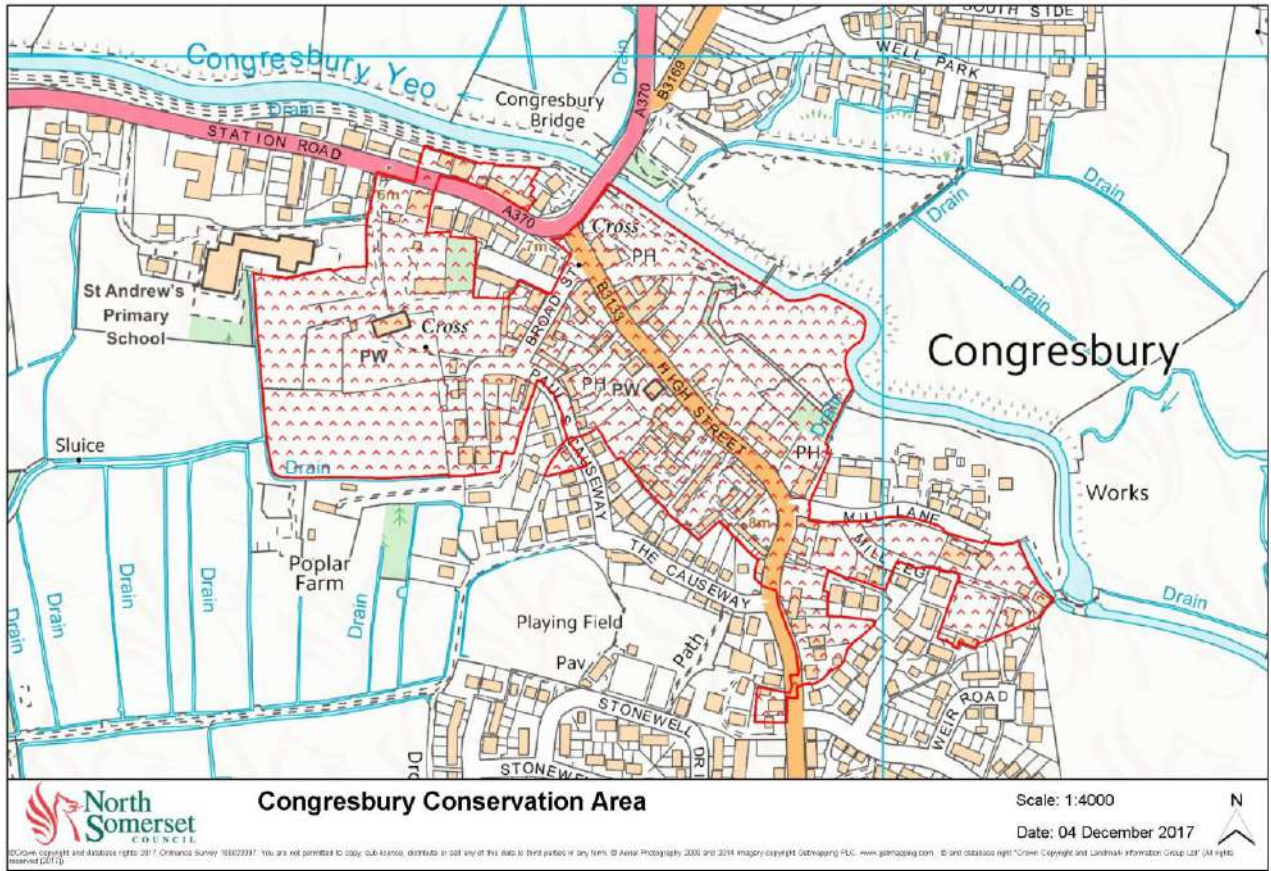
Policy EH1 – Enhance the Conservation Area and Protect the Village Cross

Listed and other locally important buildings and structures and archaeological sites will be protected and where possible enhanced to maintain the local distinctiveness of the area. A Conservation Area Character Appraisal must be completed and a management plan made available. Congresbury Conservation Group will be actively involved in the completion of the appraisal and management plan. Any funding from future

North Somerset Community Infrastructure Levy and other sources will be sought for implementing the findings of the Management Plan including:

- A) Enforcement of a local signage policy. Businesses situated in the Conservation Area must comply with the local signage policy which aims to reverse perceived negative impact on the area and preserve and enhance the special character of the area. The following principles must be applied:
 - i) Modern shiny finishes such as acrylic and applied vinyl are not appropriate. Timber and metal are the most appropriate material to use.
 - ii) Garish and fluorescent colours are very unlikely to be approved, as they too are inappropriate with the existing signage of adjacent buildings. Although we recognise that many companies have specific corporate colours, if these are considered inappropriate for the area, it may be necessary to tone down the colour. Heritage colours are favoured.
 - iii) Lettering and symbols should be sign written directly on to the sign in paint and should not use applied vinyl lettering.
 - iv) Individual timber or metal lettering is often appropriate.
 - v) Signage on the upper floors of buildings and the internal illumination of signs are not acceptable.
 - vi) Free standing 'A' boards can cause obstruction to pedestrians and other road users and therefore are not permitted except where permission has been granted for a temporary event.
- B) A scheme to prevent further damage to the 15th century village cross from passing traffic on the B3133.

Map 6 Congresbury Conservation Area



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Justification for Policy EH1

There has been considerable development in the Conservation Area which appears to have no cohesion and there is little knowledge or appreciation of the area from local residents or businesses. An assessment is required to ensure that the Conservation Area is preserved and any development is considered to be an enhancement and is completed in a controlled and considered way.

A Management Plan will ensure that the heritage in Congresbury is conserved for both the present and future generations to experience and enjoy. It will mean that the Parish Council, owners of listed buildings, residents in the conservation area as well as village residents are better informed about their local heritage. A Maintenance Plan will enable informed decisions to be made. This plan led approach will ensure that the Conservation Area is enhanced in a more uniform way. An Article 4 Direction is desired but this would be under the control of North Somerset Council.

Congresbury has an attractive conservation area, with its distinctive character and history. Unfortunately, the character and quality of the traditional shopping street has gradually been eroded by poor, careless and unsympathetic alterations to shop fronts. Widespread use of relatively cheap materials and standardised shop front designs has led to a loss of local distinctiveness. Inappropriate shop fronts and large attention grabbing signs dominate the street scene, and have a negative impact on historically important buildings, as well as the whole shopping street. The Parish Council is committed to reversing this trend and ensuring that

alterations to shop fronts are well designed, and contribute positively to the surrounding area. This will not only help businesses, but will also improve the streetscape for all the people that use it.

Congresbury Village Cross has always been at the centre of village life with photographic evidence showing it as the focus of the weekly market and the meeting place of the local hunt. It is a rare example of a 15th century village cross still in its original setting and in a good state of preservation. The Cross, which is designated as a listed building and a scheduled monument, is the property of the Parish Council which is legally obliged to both maintain and preserve the monument. CS5 has the policy aim of safeguarding the special architectural and historic interests of North Somerset from development. The Cross is adjacent to the B3133 and is in danger of being severely damaged by passing vehicles. A scheme to prevent this is essential if we want to preserve this important structure.

4.4.2 Environment

Congresbury lies in the North Somerset levels and Moors, an area known locally as the Northmarsh. It is a unique region of countryside north of the Mendip Hills which forms part of the wider Somerset Levels and Moors, being predominately low lying marsh and moorland. Congresbury itself nestles on the edge of the levels with the nearby wooded hills providing good vantage points. Congresbury Moor has six fields – 10 Acre, New Croft, Meaker, Phippen, Norton and Footmead, which are now part of Biddle Street Site of Special Scientific Interest which was designated by English Nature in 1994. There is a richness of wildlife in this area, including aquatic life in the rhynes and it is also home to nationally rare beetles and snails. Eels, amphibians and fish feed on the wealth of invertebrates, which are in turn prey for wildfowl and the frequently seen heron. The remaining areas of the village are also important and rich in wildlife and need to be protected. Birdlife is varied and plentiful; barn owls breed on Congresbury Moor.

King's Wood and Urchin Wood SSSI in the north east, designated in 1992, have ancient woodland of mixed deciduous trees and is a nationally important bat habitat. There are hibernating populations and maternity colonies of at least four different species, including the rare and endangered Greater Horseshoe Bat.

Congresbury as a settlement is split by the Congresbury Yeo, which used to be tidal as far as the village. The River Yeo and the Strawberry Line, as well as having recreational value, are green corridors and so important for wildlife.

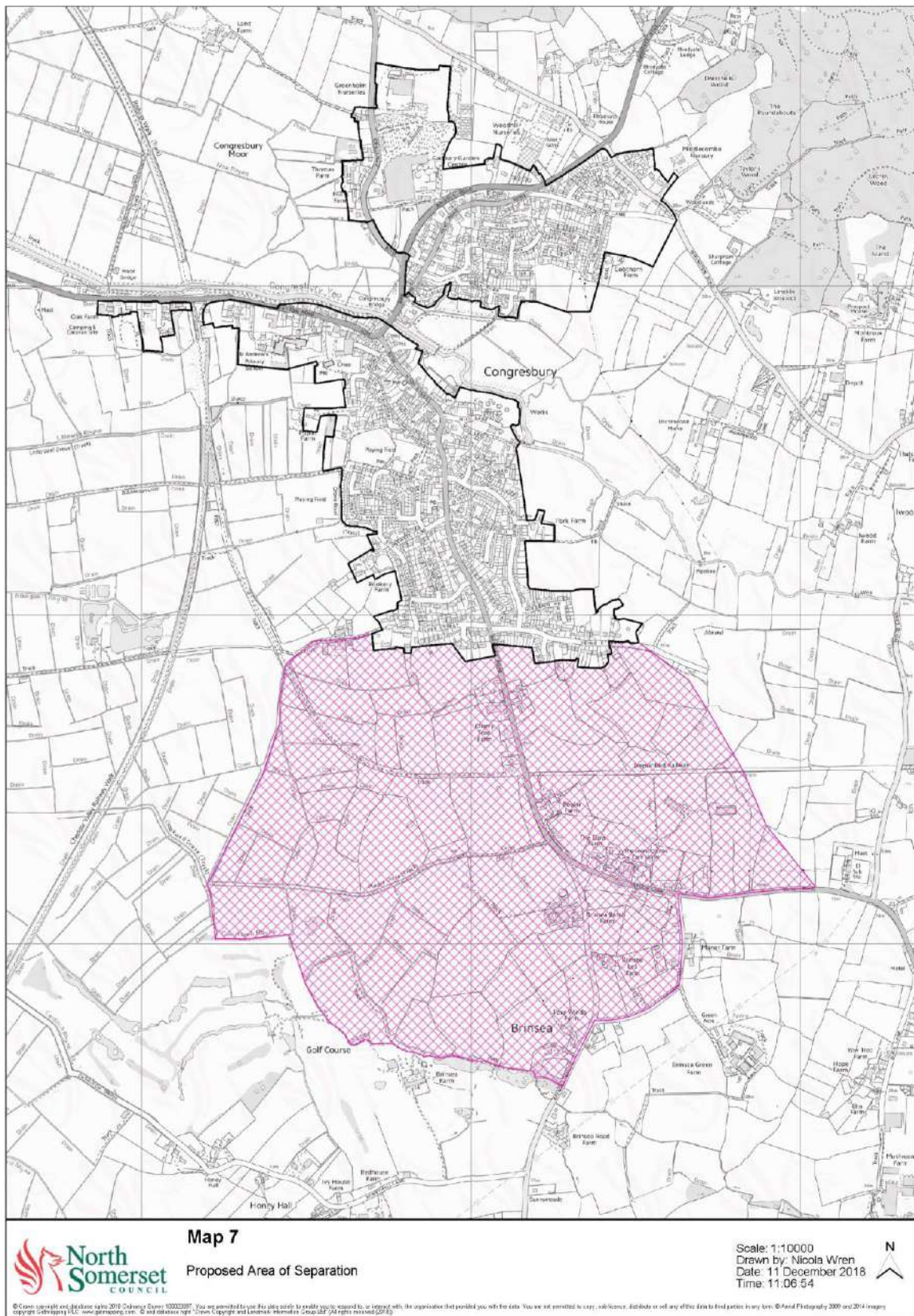
Cadbury Hill is a small hill, mostly in the parish of Congresbury, overlooking the village of Yatton in North Somerset. On its summit stands an Iron Age hill fort, which is a Scheduled Monument. Cadbury Hill is managed jointly by Congresbury and Yatton Parish Councils. Also recorded on Cadbury Hill are Neolithic flints.

The remaining areas of the village are also important and rich in wildlife and need to be protected. The southern half, around Brinsea, has remnant orchards and ancient species rich hedgerows.

Policy EH2 – Area of Separation

An Area of Separation has been designated to the south of the village as shown on map 7 below. This area is required to remain open in aspect in order to protect the character and identity of the landscape between Congresbury and Churchill & Langford. Any development that threatens the open and rural aspect of this land will not be permitted.

Map 7 Proposed Area of Separation



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Justification for Policy EH2

CS19 defines a strategic gap between Congresbury and Yatton to help retain the separate identity, character and/or landscape setting of settlements and distinct parts of settlements. The countryside to the south of the village along Brinsea Road (B3133) has been at risk from developers wishing to build large housing estates on agricultural land. The historic ridge of Silver Street and Venus Street forms the natural boundary of the settlement. To the south and west of this ridge is open countryside of the Levels, characterised by, often irregularly shaped, low lying pasture defined by historic ditches, hedges and mature trees. The North Somerset Council Landscape Sensitivity Assessment March 2018 concluded that 'land to the south of Congresbury slopes to the east and there is a strong and vegetated urban edge. Development to the south of the village would affect the settlement form. Owing to the above, this land is of high sensitivity'. The report states that within the context of the study, high sensitivity land can be attributed to the following 'This land has low capacity for housing development. If this land was developed for housing it could result in substantial harm to the landscape'.

The B3133 continues along Stock lane to the village of Langford, there is very little development along this road apart from occasional farms before getting to the University of Bristol Veterinary School. Recent planning permission has been granted for 141 dwelling on a site opposite the veterinary School off Pudding Pie Lane.

The West of England Joint Spatial Plan for additional housing requirements of up to 30,000 homes for the West of England region. The proposal for a large scale 'garden village' developments around Churchill/Langford which would dramatically impact on Congresbury. Therefore it is vitally important that an area of separation is enforced to ensure that the character, landscape and village community is maintained.

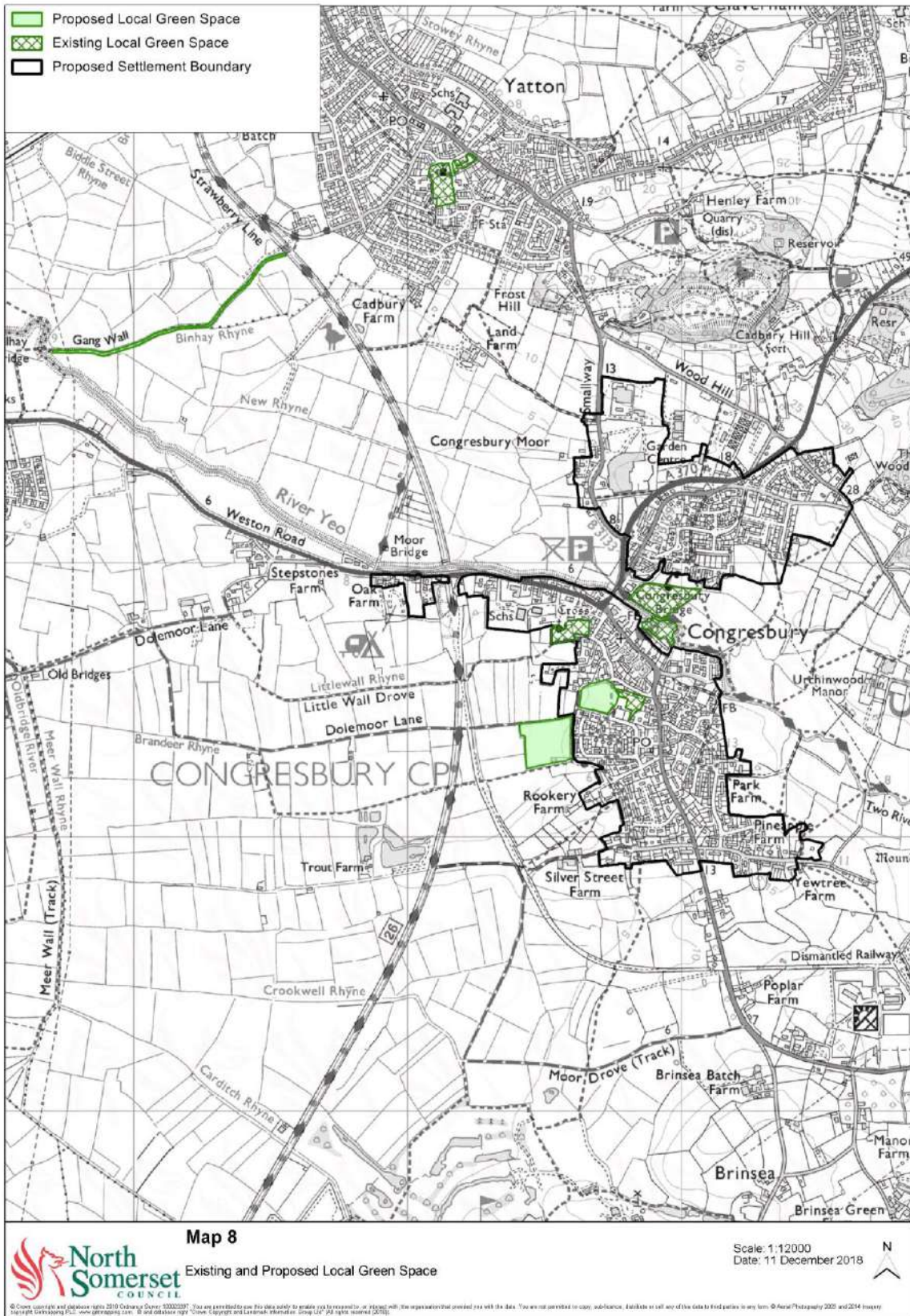
Policy EH3 – Local Green Space

Preserve the local distinctive landscape by applying for local green spaces for the following areas:

- a) The Gang Wall ancient sea defence and path
- b) King George V
- c) Broadstones



Congresbury Millennium Green



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Map 8 Existing and Proposed Local Green Space

Justification for Policy EH3

Congresbury currently has the Millennium Green and paddock, a recreation area adjoining King George V Jubilee playing field and the land at St Andrew's Church allocated as local green space in the Site Allocations Plan (April 2018).

'Millennium Green is outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising; attractive grass spaces either side of the river. Larger northern area has some mature trees on boundary and includes public footpaths and play area. Used for informal recreation. Southern area includes community orchard. HER shows archaeological site: site of tannery east of the Ship and Castle, C18.'

The recreation area adjoining King George V Jubilee playing field is outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising: *'Grass recreation area with play equipment'*.

'Land at St Andrew's Church, Congresbury outlined in Schedule 3 of the Site Allocations Plan 2018 as comprising; Attractive grass area with trees, and the adjoining historic church yard, adjacent to and important to the setting of the grade 1 listed church. While cemeteries are not normally appropriate for LGS designation, the historic importance of the site, with listed walls and monuments, together with its importance to the setting of the church, is considered to warrant an exception. Boundary amendment proposed to exclude church building itself.'

However, these are not the only areas that we believe need to be protected and provided with Local Green Space status. In accordance with guidance on Local Green Space is set out in the National Planning Policy Framework (NPPF) at paragraphs 77.

"The 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 importance, 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"

Both Broadstones and King George V Playing Field are important as recreational areas and fit the designation characteristics. King George V Playing Field is supported by Fields in Trust and Broadstones, used as football pitches, is owned by the Parish Council.

The Gang Wall is a 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. The monument is virtually complete and is extremely unusual for such a bank in having no road along its surface. Associated with it is Rennie's siphon, a structure designed by Sir John Rennie, to take the New Rhyne, new drainage works for Congresbury Moor, under the Yeo to an outfall downriver in Wick St Lawrence, during works of 1819-1827. The association of the two is unique and therefore should be protected as special to the community.

Policy EH4 – Landscape and Wildlife Preservation Measures

- a) Development proposals should seek to maintain and enhance the connectivity of all green corridors and not result in the loss or deterioration of irreplaceable habitats, including local wildlife sites, aged or veteran trees and hedges. Planning applications for new dwellings must clearly demonstrate how they have incorporated appropriate measures to ensure the connectivity of any green corridor and the freedom of movement for species on or through the site.
- b) Development proposals must adopt a ‘dark skies’ policy in relation to light pollution, particularly regarding its effect on nocturnal wildlife such as bats, hedgehogs, moths and frogs. This should include low level shielded lighting in wildlife corridors, and lighting curfews in industrial/commercial areas.
- c) The provision of associated natural landscaping; using only native species of trees and other plants, incorporation of hedgerows, wetland areas and the retention and encouragement of wildlife should be incorporated wherever feasible.
- d) Buffer zones to Sites of Special Scientific Interest, local nature reserves and local wildlife sites, especially the Strawberry Line, to be maintained.
- e) Development proposals should take into consideration and provide where appropriate mitigating measures against the harmful impact of noise pollution on animal life.

Justification for Policy EH4

The North Somerset and Mendip Bats SAC is designated under the Habitats Directive 92/43/EEC, which is transposed into UK law under the Conservation of Habitats and Species Regulations 2010 (as amended) (“Habitat Regulations”). This means that the populations of bats supported by this site are of international importance and therefore afforded high levels of protection, placing significant legal duties on decision-makers to prevent damage to bat roosts, feeding areas and the routes used by bats to travel between these locations. Any development must take into consideration the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance: Supplementary Planning Document (<http://www.n-somerset.gov.uk/wp-content/uploads/2015/12/North-Somerset-and-Mendip-Bats-SAC-guidance-supplementary-planning-document.pdf> Adopted Jan 2018) to conserve and protect the vital habitats.

Artificial light offers valuable benefits to society. It is an essential aid to safety and facilitates a thriving night-time economy. However, if used incorrectly, artificial light can contribute to a range of problems, with the potential to become light pollution. Artificial light can not only be a source of annoyance to people, it can be harmful to wildlife, waste energy and detract from the enjoyment of the night sky. Any development must strive to protect wildlife and respect the rural environment with lighting that includes low level shielded lighting in wildlife corridors, and lighting curfews in industrial/commercial areas.

Policy EH5 – Renewable Energy

Through the Neighbourhood Plan the Parish Council wishes to encourage community led renewable energy schemes, and will support community based groups working with local energy users in seeking funding to establish the technical, financial and legal feasibility of appropriate schemes within the parish.

Proposals for community owned or led renewable energy schemes (including micro-hydro, photovoltaic or bio-mass projects) will be supported subject to the following criteria for the proposed development:

- The siting and scale is appropriate to its setting and position in the wider landscape; and
- It does not give rise to unacceptable landscape or visual impact, either in isolation or cumulatively with other development; and
- It does not create an unacceptable impact on the amenities of local residents; and
- It does not have an unacceptable impact on a feature of natural or biodiversity importance.

Justification for Policy EH5

Congresbury lies within an area offering good potential for renewable energy including: bio-mass, hydro, solar and wind power. A bio-mass scheme is already operating within Congresbury and housing associations and private residential dwellings are fitting their properties with domestic photo-voltaic panels. The parish has three solar farms that are operating within the area of the Neighbourhood Plan. They cover an area of over 40 hectares of agricultural land and supply enough electricity to meet the needs of approximately 1,000 homes, thus bringing the village close to self-sufficiency in terms of renewable energy. Support for further large schemes must be balanced against the cumulative impact on local amenity and landscape.

There is a wish to consider other sources of renewable energy. In particular, community led renewable energy projects are encouraged, which would benefit the whole community and act as a focal point for other low carbon and energy saving initiatives within the community.

The government is committed to reducing CO2 emissions by 80% by 2050 and the NPPF states that local planning authorities “should recognise the responsibility on all communities to contribute to energy generation from renewable sources... They should support community led initiatives for renewable and low carbon initiatives.”

According to government statistics, around 11% of households in England are “fuel poor”. Rural communities are subject to higher incidences of fuel poverty due to more homes being hard to heat and off the gas grid. Community energy projects provide one way of helping to address these issues: they can reduce CO2 whilst generating revenue to utilise for local benefit, for example to fund advice services for those in fuel poverty (Source: Annual Fuel Poverty Statistics Report, 2018 (2016 data) England. Statistical Release: National Statistics <https://www.gov.uk/government/collections/fuel-poverty-statistics>). Such development would normally be conceived and/or promoted within the community within which the development will be undertaken and provide long term and inclusive socio-economic and/or environmental benefits which are accessible to all members of the community. Developments which are ‘led by’ or ‘meet the needs’ of local communities are defined by the outcomes achieved for the community, rather than number of people who support or oppose the scheme, and it should be recognised that 100% endorsement within the locality is unlikely.

4.5 Employment

There are very few employment opportunities in Congresbury with the majority of residents working elsewhere and commuting. 83 businesses located in and around Congresbury were surveyed in 2016 to provide a snapshot of employment opportunities within the area (see Appendix M).

Policy E1 – Retention of Business and Employment within the Parish

- a) Planning permission for conversion of business premises, (Classes B2 and B8) to residential use will not be granted unless there are exceptional circumstances. Any claim that the business is not viable should be supported by documentary evidence to show that the current use is no longer viable, alternative business uses have been seriously considered and effectively marketed.
- b) Subject to acceptable impact on nearby residential areas minor development proposals to facilitate home working, (such as office or small craft work) will be permitted.
- c) Encourage the conversion of redundant farm buildings into small industrial units.
- d) The old Green Holm Nursery site at Smallway should be designated for employment and community uses.
- e) The Cadbury Garden Centre site at Smallway should be designated as an employment site.



Congresbury Precinct

Justification for Policy E1

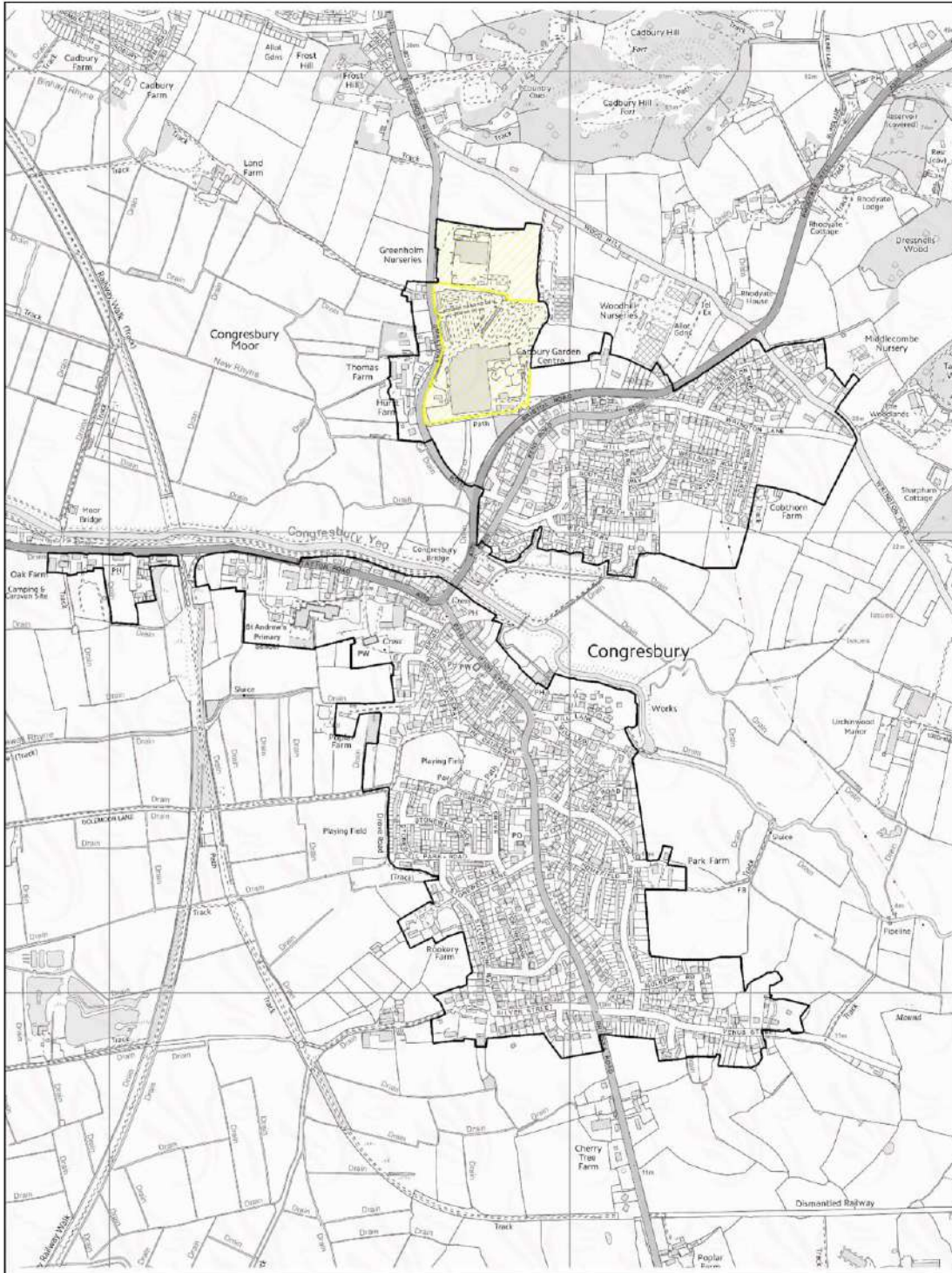
Congresbury is an out-commuting village with many residents working in Bristol and further afield. Retention and creation of jobs within the village is vital for community cohesion, reducing out commuting and sustainability.

Appendix M shows that of the 83 businesses surveyed only 4 were employing more than 21 people with the majority employing 5 or less. Also many businesses were operating from people's homes. They are all linked to the service industry including the largest employers Double Tree Cadbury Hotel and Spa and Cadbury (Wyevale) Garden Centre. A number of thriving businesses have been established in converted farm buildings on the edge of the village thereby providing employment opportunities and business for local shops etc.

Since completing this survey in the summer of 2016 a number of employers operating out of converted farm buildings have had to relocate from the area due to the loss of their business premises. The owners have had these units reclassified as residential properties. This has not only led to a loss of employment opportunities within the village but increases the number of residential properties in rural locations.

Owners of such business units must inform the Parish Council of the marketing methods they have or intend using before a change to residential use can be allowed. A time limit will be set by the Parish Council.

There is a need to retain employment sites within the village and therefore by designating the Cadbury Garden Centre as an employment site and the old Green Holm Nursery site as a site for employment/community use it is hoped to preserve these sites and provide employment and business opportunities for the local community. Designating the Green Holm Nursery site for Community Use in addition to employment would not prevent it from being a potential site for a medical centre or other community uses.



Map 9
Proposed Employment Sites

Scale: 1:7500
 Drawn by: Nicola Wren
 Date: 11 December 2018
 Time: 11:17:06

 North Somerset Council

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Map 9 Proposed Employment Sites

5 MEMBERS OF THE NEIGHBOURHOOD PLAN STEERING GROUP

Di Hassan	Ray Clarke
Liz Greaves	Stuart Sampson
Tom Leimdorfer	Sue Meyer
Dawn Harrison	Peter Hughes

Residents and Organisations that Contributed to the Neighbourhood Development Plan;

Congresbury Parish Council

Graham and Sue Lovesey

Yatton and Congresbury Wildlife Action Group (YACWAG)

Claire Courtois, Principal Planning Policy Officer, North Somerset Council

Kate Hudson-McAulay, Conservation and Heritage Officer, North Somerset Council

Lindsay Margerison, Transport Officer, North Somerset Council

Cat Lodge, Archaeologist, North Somerset Council

Phil Anelay, Principal Planning Policy Officer, North Somerset Council

Congresbury Conservation Group

Congresbury History Group

Yatton, Congresbury, Claverham and Cleve Archaeological Research Team (YCCART)

Mark Baker MBC

Mark Wells, Project Officer Local and Community Engagement, Centre for Sustainable Energy

Stuart Watts (photos)

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The Next Stage in Our Long Term Plan for Housing Update

Statement made on 19 December 2023

Statement UIN HCWS161

Statement made by



Michael Gove

Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations
Conservative

Surrey Heath

[Commons](#)

Statement from

Department for Levelling Up, Housing and Communities

Statement

This Government is committed to building more homes; more quickly, more beautifully and more sustainably. The best way to deliver is through a reformed planning system. Today we lay out our plan for reform. It is only through up-to-date local plans that local authorities can deliver for communities, protect the land and assets that matter most, and create the conditions for more homes to be delivered. Having plans in place unlocks land for homes, hospitals and GP centres, schools, power grid connections and more - laying foundations for the country's economic growth and the levelling up of communities for decades to come.

Too many local authorities have no up-to date plan, too many take too long to get their plan in place and too many plans do not deliver as they should. Even when plans are in place, too many local authorities take too long to determine applications, too many reject proposals which are in line with their policies, and officers' recommendations, and too many fail to ensure a proper pipeline of housing delivery.

Where plans are not in place, or not working effectively, communities are unprotected from speculative development. Houses still get built. But too often in inappropriate locations. Too slowly. And without the right infrastructure or community assets in place.

That serves no-one well. Communities do not have control. Developers do not have certainty. Homes for the next generation do not get built at the rate, or in the locations, we need.

This Government has a coherent, holistic, long-term reform programme to ensure the planning system at last delivers as it should.

Today's update to the National Planning Policy Framework (NPPF) addresses the concerns expressed by local elected representatives about weaknesses in the planning system which led to frustrations about the nature of development. It provides clearer protection for the Green Belt, clarity on how future housing supply should be assessed in plans, certainty on the responsibility of urban authorities to play their full part in meeting housing need and protections for the character of precious neighbourhoods, safeguarding the gentle density of suburbs and ensuring family homes are there for the next generation.

These changes meet the clearly expressed, and wholly understandable, wishes of elected politicians of all parties to deliver for their communities. Taken alongside other changes in the Levelling Up and Regeneration Act, they entrench the importance of beauty in new development, facilitate the delivery of improved infrastructure, respect the democratic voice of local communities, secure enhancements to our natural environment and deliver quality new neighbourhoods.

With these changes secure, there is now an added responsibility on local government to deliver. The reasons sometimes cited for resisting new development and expediting its delivery have been clearly addressed. So I am setting new expectations for faster delivery, strengthening accountability so poor performers can be better identified, taking further steps to enforce effective delivery of new housing where local authorities have failed most egregiously and putting other, failing, local authorities on notice of my intention to intervene if performance does not improve significantly.

With this higher level of expectation comes additional resource. We need excellent planners, well funded and well supported, to deliver the many more beautiful new homes we need. Planning is a noble profession and its role in making our communities work for every citizen is vital. That work has not always been recognised and respected as it should. So I will provide funds to support and reward planners in local government and dedicate the very best in central government to work with them to deliver.

Our approach to planning is of a piece with the broader approach my department has taken to local government. We have listened sensitively to elected representatives, we have given them more of the powers and freedom

they have requested. But with that greater freedom comes greater accountability. Where failure occurs, we intervene more quickly and decisively. Where failure risks compromising the national interest, we intervene more comprehensively. We will provide additional resource to support vital professional leaders on the front line. We will champion their good practice, not least through our new watchdog Oflog, but we will also demand that all aspire to reach the standard of the best.

With both the Levelling Up and Regeneration Act and the new NPPF now in place, alongside the additional resources for planning departments I am announcing today, our planning reforms will accelerate the delivery of new homes. We are on track to deliver one million homes this Parliament, in line with our manifesto commitment. Our reforms will also strengthen our ability to meet our target of 300,000 additional homes a year. The next generation need those homes built. Future generations need to know the developments we build for them will be beautiful and will endure. And they want the natural

environment enhanced to match a better built environment. That is what we will deliver.

National Planning Policy Framework

The NPPF is the backbone of the planning system – it sets the Framework within which local authorities, the planning inspectorate and applicants to the system must operate. Plans must take the Framework into account, and it is a material consideration for decisions. This makes it fundamental to the delivery of new housing in the right places, while also protecting and enhancing the things we care most about: our environment, heritage assets, our high streets and beyond.

In December 2022, I launched a consultation on changes to the NPPF. We received 26,000 responses and have considered them carefully. In summary, the new NPPF will: facilitate flexibility for local authorities in relation to local housing need; clarify a local lock on any changes to Green Belt boundaries; safeguard local plans from densities that would be wholly out of character; free local authorities with up-to-date local plans from annual updates to their five-year housing land supply; limit the practice of housing need being exported to neighbouring authorities without mutual agreement; bolster protections from speculative development for neighbourhoods that develop their own plans; support self-build, custom-build and community-led housing; and cement the role of beauty and placemaking in the planning system.

There is now no excuse for local authorities not rapidly adopting ambitious plans. The more plans adopted quickly, the more homes delivered quickly - and we have created the right incentives for rapid plan adoption.

The updated NPPF published today contains and should be referred to for the policy changes described in this statement. The full suite of changes are detailed in the Government's consultation response, but the principal changes are set out here.

The Purpose of Planning

The opening chapters of the NPPF have been updated to provide clarity on a core purpose of the planning system: planning for homes and other development that our communities need. It is also clear that having up-to-date plans in place is a priority in meeting this objective. All the following changes in the Framework reflect this fundamental purpose and priority.

Local Housing Need

The standard method for assessing Local Housing Need ensures that plan-making is informed by an unconstrained assessment of the number of homes needed, in a way which addresses projected household growth and affordability pressures; alongside an efficient process for establishing housing requirement figures in local plans.

These figures have, however, sometimes been difficult to achieve in some areas and blind to the exceptional characteristics of a local community. That is why the new NPPF makes clear that the outcome of the standard method is an advisory starting point in plan making for establishing the housing requirements for an area. Some local authorities may wish to deliver more homes. Where a local authority considers the number unachievable, it must provide robust evidence for that judgement. The revised NPPF provides clarity on what may constitute such exceptional circumstances for using an alternative method to assess housing need, including the particular demographic characteristics of an area, which could include those that may result from the unique nature of islands. Any assessment will be subject to examination as usual.

The Government also considered allowing authorities to take account of past 'over-delivery' when preparing new plans. Having considered responses to the consultation, which raised questions over needing to also consider 'under-delivery' and the risk of double counting homes via the standard method, we are not proceeding with this change at this time.

Green Belt

This Government is committed to protecting the Green Belt. Planning policy already includes strong protections to safeguard Green Belt for future generations. The Green Belt is vital for preventing urban sprawl and encroachment on valued countryside. England's cities are already less dense than those of most of our European neighbours. That is environmentally wasteful and economically inefficient. We seek to support the gentle densification of urban areas in preference to the erosion of Green Belt land. That is why the Government is ensuring it is clear there is generally no requirement on local authorities to review or alter Green Belt boundaries if this would be the only way to meet housing need. Where a relevant local planning authority chooses to conduct a review, existing national policy will continue to expect that Green Belt boundaries are only altered where exceptional circumstances are fully evidenced and justified, and this should only be through the preparation or updating of plans.

The Government is making no changes to the rules that govern what can and cannot be built on land that is Green Belt, but we are clarifying in guidance where brownfield development in the Green Belt can occur provided the openness of Green Belt is not harmed. I understand that the Opposition has advocated this as if it would be a new approach, suggesting a misunderstanding of existing policy, which the Government is therefore happy

Character

This Government believes in heritage, beauty and community. It is important that the character of an existing area is respected by new development, particularly in the historic suburbs of our great towns and cities. The new NPPF therefore recognises that there may be situations where significant uplifts in residential densities would be inappropriate as they would be wholly out of character with the existing area, and that this may in turn affect how much development can be planned for in the area concerned. This will apply where there is a design code which is adopted or will be adopted as part of the local plan.

Exporting Housing Need

The standard method was amended in 2020 to include an uplift in need for the 20 most populated English cities and urban centres. This urban uplift supports the Government's objectives, as outlined above, to make the best use of previously developed land and locate more homes in our larger towns and cities, where development can help to reduce the need to travel and contribute to productivity, regeneration and levelling up. The updated NPPF now makes clear that this uplift should, be accommodated within those cities and urban centres concerned rather than exported to surrounding areas – except where there is a voluntary cross-boundary agreement to do so, or where this would conflict with other policies in the NPPF. This complements the repeal of the duty to cooperate through the Levelling Up and Regeneration Act which will shortly come into effect.

Five-year Housing Land Supply

Up-to-date local plans ensure local communities are in control of where and what development happens in their area. They are key to getting more homes built in the right places. Where such plans are in place, the Government is committed to protecting local authorities from unwarranted speculative development.

The Government considers an up-to-date plan to be a plan that is less than five years old, and which contained a deliverable five-year supply of land at conclusion of its examination. All planning authorities are required to maintain a five-year supply of land to ensure homes and wider developments are built in the right places. However, authorities have previously been required to update this supply annually in a process that was burdensome and provided too many opportunities for speculative development.

We are now changing this and removing the requirement for planning authorities that have done the right thing and put an up-to-date plan in place to update annually their five-year supply of land. This change provides these authorities with additional protection from the presumption in favour of sustainable development. I am also fully removing the 5% and 10% buffers that could be applied to an authority's housing land supply. A transitional arrangement will ensure that decision making on live applications is not affected, avoiding disruption to applications in the system.

We are also rewarding local authorities at an advanced stage of plan making. Some local authorities have paused plan making in recent months. That is not good policy, lets communities down and we have warned of the consequences. Local plans at examination, Regulation 18, or Regulation 19 stage with a policy map and proposed allocations towards meeting housing need only have to demonstrate a four-year housing land supply (as opposed to five years) for a period of two years for decision making purposes. That protection is not afforded those who have dragged their feet.

And tough measures will bite where local authorities do not have an up-to-date local plan. They will be required to update their supply annually, and if they fail to do so, they will therefore be subject to the presumption in favour of sustainable development. Local authorities will have a clearer than ever incentive to get plans in place. Without them, authorities will not be able to control development as their community might wish. There are clear consequences to failing to get a plan in place which delivers a pipeline of new housing.

Another way in which consequences are applied in the planning system is through the Housing Delivery Test. This Test is an assessment of an authority's previous three years of housing delivery, and where there has been under-delivery, consequences follow. Today I am making some changes to these consequences. The 20% buffer an authority needs to add to its housing land supply where housing delivery falls below 85% of its requirement will now only apply to those authorities that do not have an up-to-date plan in place.

All authorities will however continue to be subject to the other consequences: producing an Action Plan identifying the reasons for under-delivery and the measures the authority will take to correct it where delivery falls below 95%; and becoming subject to the presumption in favour of sustainable development where delivery falls below 75%.

In summary, we want to make life easier for those authorities who are doing the right thing, getting their plans in place and delivering housing. But also ensure that authorities that continue to fail their communities on housing delivery are held to account.

When it comes to calculating a five-year housing land supply, the Government is clear that we want to bring the position on past oversupply in line with that of past undersupply. We have amended the NPPF to formalise existing planning practice guidance on this topic and will in due course update this guidance to bring the over-supply position in line with under-supply. We will also give further consideration to the proposal to take permissions granted by a local authority into account in the application of the Housing Delivery Test, in particular the operational challenges with doing so identified in the consultation.

Neighbourhood Plans

The poor performance of local planning authorities will lead to consequences. But local communities that have worked hard to put neighbourhood plans in place should not be penalised for the failure of their council to ensure an up-to-date local plan. The new NPPF therefore protects neighbourhood plans

from speculative development from two to five years, where those plans allocate at least one housing site.

Community-Led Housing and Self and Custom Build

The best councils know that driving faster housing delivery requires supporting diversity in the number and type of builders. Councils which support small and medium sized enterprises in the housing market, and which enable custom and self-build homes, drive the necessary increase we need in supply and better ensure the right homes are provided in the right places. The updated NPPF now emphasises the importance of community-led housing development, including by introducing an exception site policy for community-led housing development. Our policy changes also ensure that local authorities should seek opportunities to support small sites to come forward for community-led housing, and self-build and custom build housing. They also encourage 'permission in principle' alongside other routes to permission (such

as local development orders) to remove barriers for smaller and medium site builders in the planning system.

The Government will also encourage the delivery of older people's housing, including retirement housing, housing-with-care and care homes by requiring these to be specifically considered in establishing need.

The Role of Beauty

Building beautifully and refusing ugliness has been central to the Government's planning reforms, as the right aesthetic form makes development more likely to be welcomed by the community. From today, the NPPF goes further to cement the role of beauty and placemaking in the planning system by expressly using the word 'beautiful' in relation to 'well-designed places'. It also now requires greater 'visual clarity' on design requirements set out in planning conditions to provide certainty for those implementing planning permissions and supports gentle density through mansard roof development where appropriate.

Environment and energy

The new NPPF also strengthens protections for agricultural land, by being clear that consideration should be given to the availability of agricultural land for food production in development decisions; and supports the Government's Energy Security Strategy by giving significant weight to the importance of energy efficiency in the adaptation of existing buildings, while protecting heritage. These amendments will not impose any costs on home or building owners.

Wider reforms beyond the NPPF

In addition to those policies we have now updated in the NPPF, in December 2022 I also set out ambitions for other housing policies in relation to short-term lets regulations and the character of developers, noting the importance of these issues to communities.

On the character of developers, I also set out concerns about examples of how the planning system is undermined by irresponsible developers and landowners who persistently ignore planning rules and fail to deliver legal commitments to the community. I consulted to explore whether an applicant's past behaviour should be taken into account in decision making either through making irresponsible behaviour a material consideration or allowing local planning authorities to decline applications from applicants with a bad track record. Both options would require primary legislation and therefore are beyond the scope of this NPPF update. I welcome views expressed in the consultation and will consider these carefully in further policy development. To address the concerns and frustrations expressed by communities about breaches of planning control more immediately, I am now implementing the planning enforcement package in the Levelling Up and Regeneration Act. This includes extending the time limits to take enforcement action, increasing maximum fines and reducing loopholes to appeal against enforcement action.

Finally, I am committed to tackling slow build out rates, recognising that it remains a major concern. I will do so through a consultation on measures to improve build out rates once the Competition and Markets Authority has published its final report as part of their housebuilding market study in 2024.

Planning Performance

With the updated NPPF now reforming the planning system to take account of the concerns and hopes expressed by locally elected representatives of all parties, it is now up to those who make it work - local authorities, the Planning Inspectorate and statutory consultees - to expedite delivery.

My expectations are simple: planning decisions must be taken on time, should be robust in their reasoning, and all authorities must have an up-to-date local plan. After a period of review and reform, local authorities now have certainty, and with that certainty I now expect a higher level of performance.

As I said in a letter to all local authorities in September, that means: development should proceed on sites that are allocated in an adopted local plan with full input from the local community unless there are strong reasons why it cannot; councils should be open and pragmatic in agreeing changes to developments where conditions mean that the original plan may no longer be viable, rather than losing the development wholesale or seeing development mothballed; and better use should be made of small pockets of brownfield land by being more permissive, so more homes can be built more quickly, where and how it makes sense, giving more confidence and certainty to SME builders.

Today I am going further still, taking steps to improve planning performance on four fronts.

Greater Transparency

Being transparent about data improves understanding of relative good and poor performance, and sparks action. That is why we will publish a new local authority performance dashboard in 2024.

As part of that reporting, we will expose the way in which some local authorities drag their feet. We will strip out the use of Extension of Time agreements, which currently mask poor performance. While I recognise that there will be instances where such agreements are necessary, I am concerned

by the increase in their use – in particular for non-major applications, where the figure has jumped from 9% during the two years to March 2016 to 38% during the two years to March 2022. I therefore intend to consult on constraining their use, including banning them for householder applications, limiting when in the process they can apply, and prohibiting repeat agreements.

Additional Financial Support

In recognition that we are expecting better performance from local authorities, we are providing additional resource to help meet those expectations through a range of new funding streams.

First, as of 6 December, planning fees have increased by 35% for major applications and 25% for other applications. Local authorities are obliged to spend these fees on planning services, and I am clear there should be no decrease in authorities' spend on planning from their general fund.

Second, following the Chancellor's boost to the Planning Skills Delivery Fund at the Autumn Statement to a total £29 million, 180 local authorities have today been awarded a share of £14.3 million from the first round of funding. This will better enable them to clear their planning application backlogs and invest in the skills needed to deliver the changes set out in the Levelling Up and Regeneration Act.

Third, we are establishing our Planning Super Squad members – the new team of leading planners and specialists whose talents will be used to unblock major developments, with £13.5 million to fund their work.

Fourth, the Autumn Statement allocated £5 million to support Local Development Orders. These are a powerful way for local authorities to grant planning permission upfront where development meets pre-determined rules, but have been underused. The Government recognises both the different nature of the process for developing a Local Development Order and the loss of fee income could disincentivise take up, and will therefore use this £5 million to support a small number of authorities with exciting proposals to get such Orders in place – and if successful, look to expand this kind of support more widely.

Fifth, and demonstrating that we will act to support development where the Opposition seems determined to block it, we are today allocating up-to £57 million to the eight successful bids in the first round of the Local Nutrient Mitigation Fund. At the same time, we are confirming that the second round will open for bids in January 2024, and providing a further round of Nutrient Support Funding in the form of £100,000 to the lead local authority for large, affected catchments. The Environment Secretary and I are determined to do more in the new year to unblock these stalled homes, while enhancing public access to nature and leaving our environment in a better state than we found it.

Faster Processes

Today we also address wider causes of delay in the planning system, with action on statutory consultees, customised arrangements for major applications, and support to prioritise the work of planning committees.

On statutory consultees, while the statistics suggest that most do respond within the 21-day limit, the use of holding responses is disguising a process that is too slow. The Levelling Up and Regeneration Act makes sure statutory consultees can charge for pre-application advice, which should tackle problems upstream for developers and reduces downstream requests from local authorities.

I am however convinced there is more we can do. I am asking Sam Richards to lead a rapid, three-month review into the wider statutory consultee system to understand how best to direct their advice and resources to support speedy and effective decision making. I also expect to see greater discretion and judgement applied by both local authorities and statutory consultees on where advice is sought and where it needs to be offered.

On accelerated planning services, which were confirmed in the Autumn Statement, these will build on the existing model of Planning Performance Agreements, which are struck between local authorities and developers, detailing how an application will be handled and what timescales will apply. While we know these agreements work well in some areas, it is also clear that they are used inconsistently – with many developers finding that the payments charged and the level of service offered vary significantly between authorities.

We will now look to regularise these arrangements – making sure that they are offered across England, that clear milestones have to be agreed, that fees are set at an appropriate level, and that those fees have to be refunded where milestones are missed. Given the complexity and necessary flexibility that comes with such applications, we will work closely with the sector as we design these arrangements before consulting in the new year.

On planning committees, we rightly see elected representatives judge the merits of significant applications – and it is vital that they focus their time on applications that truly merit such scrutiny, and arrive at decisions following legitimate reasoning. On this basis, I have asked the Planning Inspectorate to start reporting to the department about cases where a successful appeal is made against a planning committee decision, and the final decision is the same as the original officer's recommendation. The overturning of a recommendation made by a professional and specialist officer should be rare and infrequent – such that I have reminded the inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.

I intend to consider what more we can do to support planning officers and the committees they serve to focus on the right applications. This might be about providing more training, or using guidance to share best practice on the tools that can help to prioritise a committee's time – including the schemes of delegation that authorities adopt to determine which applications get determined by officers and which warrant committee airing.

Direct Action

Where these expectations for the planning system are not met, I will intervene.

I support transferring power to local areas so decisions are taken as close as

possible to the areas and people most affected by them. With sharper power, authority and flexibility, however, comes sharper accountability. Where there is failure, and communities are in danger of being let down, the Secretary of State must act.

In this spirit, I am issuing a direction to seven of the worst authorities in terms of plan-making, requiring them to publish a plan timetable within 12 weeks of the publication of the new NPPF – and should they fail, I will consider further intervention to ensure a plan is put in place. This does not mean I am not prepared to act elsewhere, and I expect all other authorities to make sure that they have an up-to-date plan timetable in place within the same timeframe, with a copy provided to my department.

I have also designated two additional authorities for their poor-decision making performance and intend to review the thresholds for designation to make sure we are not letting off the hook authorities that should

be doing better. The 2022 Housing Delivery Test results will be published today too, with 20 new authorities becoming liable to the presumption in favour of sustainable development.

Finally, as the results of the Housing Delivery Test show us, action is required in London, where the homes we need are simply not being built and opportunities for urban brownfield regeneration go begging. The average of 38,000 net additional dwellings over the past three years has considerably undershot the Mayor's own target in the London Plan.

I made clear previously that I want to work with the Mayor, and I still do. But it has become evident that changes to the Plan itself may be needed if our capital is to get the homes its people need to flourish and thrive. Therefore, I am today asking Christopher Katkowski KC, Cllr James Jamieson, Paul Monaghan and Dr Wei Yang to review the London Plan, and identify where changes to policy could speed up the delivery of much needed homes in urban city sites in the heart of the Capital.

Reflecting the sincere spirit of partnership that I emphasised in the summer and repeat now, their recommendations will come to me early in the New Year and I will share their report with the Mayor of London. But recognising my responsibilities to the citizens of London, and London's role in driving growth that benefits the whole country, I stand by what I said in July – that if directing changes becomes necessary, I will do so.

Cambridge

Finally, I want to provide an update on the Government's vision for Cambridge 2040. In July, I outlined plans for a new urban quarter – one adjacent to the existing city – with beautiful Neo-classical buildings, rich parkland, concert halls and museums providing homes for thousands. This would be accompanied by further, ambitious, development around and in the city to liberate its potential with tens of thousands of new homes.

In the intervening months, Peter Freeman, the Chair of the Cambridge Delivery Group, has been developing our vision for the city, in collaboration with a whole host of local leaders and representatives. I am clear that delivering our vision means laying the groundwork for the long-term, and that starts now.

We plan to establish a new development corporation for Cambridge, which we will arm with the right leadership and full range of powers necessary to marshal this huge project over the next two decades, regardless of the shifting sands of Westminster.

We recognise the scale of development we are talking about will require support from across the public and private sectors, to realise our level of ambition.

And we must also ensure we have an approach towards water that reflects the nature of Cambridge's geography. So today I am also announcing that we will review building regulations in Spring next year to allow local planning authorities to introduce tighter water efficiency standards in new homes. In the meantime, in areas of serious water stress, where water scarcity is inhibiting the adoption of Local Plans or the granting of planning permission for homes, I encourage local planning authorities to work with the Environment Agency and delivery partners to agree standards tighter than the 110 litres per day that is set out in current guidance.

A copy of the updated National Planning Policy Framework and associated documents have been placed in the libraries of both houses. Following the judgment in the Court of Appeal in the case of Smith v SSLUHC & Ors, the Government is reverting the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites to that adopted in 2012, with this change applying from today for plan and decision making. The Government intends to review this area of policy and case law in 2024. The revised definition has been published on gov.uk.

Linked statements

This statement has also been made in the House of Lords

Department for Levelling Up, Housing and Communities

The Next Stage in Our Long Term Plan for Housing Update



[Baroness Penn](#)

Parliamentary Under Secretary of State for Housing and Communities
Conservative, Life peer

Statement made 19 December 2023

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