

Congresbury Neighbourhood Development Plan 2018-2036

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

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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.



