

Whitchurch Village Neighbourhood Development Plan 2015 – 2042

**Report by Independent Examiner to Bath & North
East Somerset Council**

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Summary and Conclusion

1. The Whitchurch Village Neighbourhood Development Plan has a clear vision. It identifies five objectives and policies to meet these objectives.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that Policies WV 1.1, WV 1.4, WV 2.2, WV 2.3, WV 2.4, WV 4.1, WV 4.2 and WV 4.3 are modified for reasons explained in full below.
3. I have recommended the deletion of Policy WV 1.3, as I have no clear evidence before me to justify departing from Bath and North East Somerset Council's method of allocation of affordable housing.
4. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Whitchurch Village Neighbourhood Development Plan 2015 – 2042 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Whitchurch Village Neighbourhood Development Plan 2015 – 2042, as modified by my recommendations, should proceed to Referendum.**

Introduction

5. On 3 November 2014, Bath and North East Somerset Council (B&NES) approved that the Whitchurch Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Whitchurch Village.
6. The qualifying body is Whitchurch Village Parish Council. The Plan has been prepared by a steering group for the Parish Council.
7. I was appointed as an independent Examiner for the Whitchurch Village Neighbourhood Development Plan in May 2017. I confirm that I am independent from the Parish Council and Bath and North East Somerset Council. I have no interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination.

Legislative Background

8. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
 - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;

- the Plan meets the requirements of Section 38B of the 2004 PCPA where 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
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
9. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
 - the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
10. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations

11. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
12. B&NES Council prepared a Strategic Environmental Assessment (SEA) Screening Determination for the Whitchurch Village Neighbourhood Plan in November 2016. This Report concluded that the Plan *is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment*. The consultees concurred with this view. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
13. B&NES Council prepared a Draft Whitchurch Village Neighbourhood Plan Initial Habitat Regulations Assessment (HRA) Screening in May 2016 to determine whether the Plan required a Habitat Regulations Assessment (HRA) under Article 6 or 7 of the Habitats Directive. It states: *The WVNP*

area is located roughly 1.3 km from the 4km buffer of the Chew Valley SPA. It is 8km from the 4km buffer of the North Somerset and Mendip Bat SAC, and about 9.2km from the Bath & Bradford on Avon Bat SAC 4km buffer. It is not therefore within a known high risk area. There are however a number of records for both Lesser and Greater Horseshoes bats for the parish. These species are associated with both Bat SACs.

14. Concern was raised by B&NES Council about an earlier draft of what is now Policy WV 2.4-Wildlife Corridors and Ecological Network. The concern was with regard to the potential loss or damage of habitat of importance to Horseshoe bats. The report suggested modified wording to this policy, which is the current wording in the submission Plan. Natural England agreed with this approach.
15. I have suggested further modification to Policy WV 2.4. This is primarily a matter of precision and my suggested modification does not alter the objective of ensuring that development must avoid harming existing ecological assets. On this basis, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. My suggested modifications to the Plan are only recommendations. If my recommended modifications to Policy WV 2.4 are not accepted, the HRA screening may need to be reassessed.
16. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

17. *The National Planning Policy Framework (2012) (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance (2014) (PPG) provides Government guidance on planning policy.*
18. Paragraph 7 in the NPPF identifies the three dimensions to sustainable development:

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

•an economic role – *contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

• **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

• **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

19. Whitchurch Village Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Neighbourhood Plan Area includes one saved site specific policy in the B&NES Local Plan 2007, the B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014) and the Placemaking Plan (PMP) adopted on 13 July 2017. Strategic policies in the B&NES development plan include policies regarding the Green Belt and the delivery of homes and jobs in the area.
20. The PMP is more detailed than the Core Strategy in that it focuses more on the specifics, including detailed design principles and development aspirations. Both documents are to be read as one. The PMP complements the strategic framework in the Core Strategy by setting out detailed development and design principles for identified and allocated development sites, as well as a range of policies for managing development and protecting valued assets across Bath and North East Somerset. This neighbourhood plan has been prepared in parallel with the PMP.
21. PMP Policy RA1 is an amended version of Core Strategy Policy RA1. PMP Policy RA1 and Core Strategy Policy RA5 identify Whitchurch Village as a RA1 and a RA5 village, which is expected to accommodate approximately 50 dwellings to meet the RA1 policy and approximately 200 dwellings as a RA5 village. Whitchurch Village has already met the RA1 and RA5 Policy requirements.
22. B&NES Council has commenced a review of the Core Strategy, with consultation on the Core Strategy Review Commencement Document at the end of 2016.
23. B&NES, Bristol, South Gloucestershire and North Somerset local authorities are producing a West of England Joint Spatial Plan (JSP), which will set out a prospectus for sustainable growth to help the region meet its housing and transport needs to 2036. In the autumn of 2016, residents, businesses, the development sector and other stakeholders responded to draft proposals for delivering new homes, land for employment and infrastructure in the JSP. This included a proposal for up to 3,500 dwellings to the southeast of Whitchurch. I understand that a further round of consultation is expected in the autumn of 2017.

24. The Neighbourhood Plan covers the period 2015-2042. Representations have questioned the time period and have highlighted discrepancies within the Plan regarding the end date. Although the Neighbourhood Plan period does not correspond to the plan period of the Core Strategy, PMP or JSP, there is no requirement for it to do so.
25. There has been some concern in representations from developers that the Plan is seeking to undermine the strategic planning process. There is no legal requirement to test the Neighbourhood Plan against emerging policy although Planning Policy Guidance advises that the reasoning and evidence informing the emerging Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. The Neighbourhood Plan at paragraph 1.3 recognises the need for it to be reviewed for its continued relevance and there are numerous references in the Plan to the emerging JSP.
26. The Neighbourhood Plan does not allocate sites for housing and there is no requirement for a neighbourhood plan to allocate housing sites. Representations on behalf of Robert Hitchins Ltd refer to a site at Stockwood Lane, which is being promoted through the JSP and Core Strategy review as a site to be released from the Green Belt. Representations on behalf of Taylor Wimpey, Lands Improvement Holdings and Bovis Homes refer to a site to the south of Whitchurch, which they are currently promoting through the JSP. Similarly, Barwood Development Securities Ltd are promoting strategic development land.
27. A neighbourhood plan cannot review Green Belt boundaries or allocate areas of land for development within existing Green Belt. In these circumstances, the policies in the Plan take a positive approach to ensuring that the village retains its identity and that inevitable future development is integrated into the community.

The Neighbourhood Plan Preparation

28. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (The Regulations).
29. The initial consultation process included an open day in October 2014 to launch the Plan. This was followed by a questionnaire in 2015, which was sent to houses in the parish. In May 2015, an event was held to explain the character assessment work and the next steps. In June 2016, there was a community consultation on the play space and recreational area feasibility study. In addition, the steering group regularly kept in contact with the three sets of developers of the existing strategic site and worked proactively with them to integrate the new development into the Whitchurch Village.

30. The Consultation period on the pre-submission draft of the Plan ran from 24 January 2017 to 7 March 2017. At the start of the consultation period a public meeting was held. This meeting and the consultation itself were advertised on parish council notice boards and via social media.
31. Throughout the consultation period the Pre-Submission Draft Plan was held on deposit for viewing at Whitchurch Village Council office; the village dental surgery/practice (Sleep Lane); and at Lea Cottage, Norton Lane, Whitchurch. The availability of copies of the Draft Plan for viewing was made clear in consultation publicity material.
32. Information on the Plan and the consultation was delivered to all households and local businesses in the parish. This included a summary of the Plan objectives, the policy framework and a questionnaire for completion. The information made it clear how the completed questionnaire and comments should be submitted (including through use of a stamped addressed envelope which was supplied) and the date by which they should be received. Statutory consultees and interested developers or their agents were consulted via email.
33. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Regulations. It is clear that the qualifying body went to considerable lengths to ensure that local residents, businesses and interested parties were able to engage in the production of the Plan. I congratulate them on their efforts.
34. B&NES Council publicised the submission Plan for comment during the publicity period between 19th May 2017 and 30 June 2017 under Regulation 16 in The Regulations. A total of ten responses were received.
35. Whilst the pre-submission consultation met the requirements of Regulation 14, unfortunately the content of the Consultation Statement available for consultation as part of the package of documents publicised for comment under Regulation 16 did not accord with the requirements of Regulation 15 (2) in The Regulations. To rectify the situation, B&NES Council publicised a revised Consultation Statement as part of the documents for a further six week consultation period from 7 July 2017 to 18 August 2017 under Regulation 16. I do not consider that anyone was prejudiced by this approach. A total of five responses were received. I have taken into consideration all representations made during both consultation stages under Regulation 16. I am satisfied that all these responses can be assessed without the need for a public hearing.
36. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Whitchurch Village Neighbourhood Development Plan

Background To The Neighbourhood Plan

37. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information. In addition, the Plan includes detailed background information regarding the Plan area.
38. Where I have found editing errors, I have identified them **as minor editing matters** and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions. One such error is the numbering of paragraphs, which is somewhat erratic and probably a result of amending previous drafts.
39. Paragraph 3.6 and 7.3 in the Plan identify different end dates and thus need to be amended to comply with the end date specified on the front cover. **I see this as a minor editing matter.**
40. Paragraphs 1.2 and 7.1 do not accurately reflect the Basic Conditions. The Basic Conditions require the Plan to be *in general conformity with strategic policy* and *have regard to national policy*. I suggest that these paragraphs are amended on this basis. **I see these as minor editing matters.**
41. The Plan has a clear vision: *Whitchurch Village wishes to remain as a distinct, stable, separate and sustainable community in a valuable Green Belt setting. It will work with developers and the new communities to achieve improvements and integration for all of its residents.* In addition, it identifies five objectives and policies to meet these objectives.
42. Under the list of objectives it is stated that there are 16 policies. There are actually only 15 policies and as I have recommended deletion of one policy, there remains 14 policies. **This is a minor editing matter.**
43. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
44. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

45. Paragraph 7.14 in the Local Policy Context section states: *transportation proposals need to be delivered as a priority before any major development can be considered reasonable*. There is no corresponding policy requirement in the Plan. In the interest of precision and to avoid internal conflict in the Plan, I recommend deletion of this sentence in paragraph 7.14.
46. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies relevant to each neighbourhood plan policy. Where I have not specifically referred to other relevant strategic policies, I have considered all strategic policy in my examination of the Plan.
47. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the last sentence in paragraph 7.14.**

OBJECTIVE 1

Housing

Policy WV 1.1 - Village Design

48. The NPPF, at paragraph 58, requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
49. Core Strategy Policy CP6 is an all-embracing policy concerned with environmental quality. Within this policy, it seeks high quality design and seeks to protect, conserve and seek opportunities to enhance the historic environment. Core Strategy Policy CP2 seeks to ensure, amongst other sustainable construction methods, that new development maximises energy efficiency and conserves water resources.
50. As background evidence to the Plan, a Whitchurch Village Character Appraisal (2015) has been produced. This is a comprehensive document providing a detailed understanding and evaluation of the defining characteristics of nine character areas in the Parish. As such, it provides comprehensive robust evidence to support Policy WV 1.1. This is a very useful and detailed document.
51. Policy WV 1.1 requires new development to comply with Whitchurch Village Character Assessment Document (2015). I have taken this to be the document I have referred to above. In the interest of precision, I recommend that the correct title of the document is included in Policy WV 1.1.
52. The Plan does not allocate land for development but recognises the possibility of future development and provides design guidance for such development. Policy WV 1.1 requires compliance with the character appraisal, seeks high quality design, and refers to the setting of heritage assets, energy efficiency and water conservation. The Character Appraisal is primarily an analysis of the existing situation, rather than a policy

document. In this respect, in the interest of precision, I recommend modification to Policy WV 1.1 to refer to new development having 'regard to' the Character Appraisal, rather than complying with it.

53. Subject to the modifications I have suggested above, Policy WV 1.1 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy WV 1.1, as modified, meets the Basic Conditions.
54. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WV 1.1 to read as follows:**

All proposals for new development shall have regard to the Whitchurch Village Character Appraisal (2015). Furthermore, each new development application shall demonstrate the following:

- a) is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Whitchurch Village as defined in the Character Appraisal in terms of; height, scale, spacing, layout, orientation, design and materials of buildings, the scale, design and materials of the public realm (highways, footways, open space and landscape)**
- b) is sympathetic to the setting of any heritage assets**
- c) incorporates energy efficient design and climatic resilience into the design; and,**
- d) efficiently uses water (such as through the use of flow regulators, water efficient fittings and appliances) and encourages water reuse.**

Policy WV 1.2 - Provide a mix of housing types

55. The NPPF seeks to ensure that there is provision of a wide choice of quality homes that reflects the needs of different groups in the community.
56. Core Strategy Policy CP10 seeks a variety of housing types and size to accommodate a range of different households as evidenced by local needs assessments.
57. Although Policy WV 1.2 only refers to schemes of more than 10 dwellings, this policy is in general conformity with Core Strategy Policy CP10 with regard to requiring a mix of housing types. It has regard to national policy and contributes towards the social role of sustainable development. Policy WV 1.2 meets the Basic Conditions.

Policy WV 1.3 - Allocation of Affordable Housing

58. As part of the delivery of a wide choice of high quality homes, the NPPF seeks to ensure the need for affordable homes is met.

59. Core Strategy Policy CP9 seeks affordable housing. The supporting text to this policy states: *affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent.*
60. The Homesearch\Bath and North East Somerset Council's Housing Allocation Scheme (2016) states: *In rural communities where there is a population of less than 3000, people with a connection to the parish will be given priority when a property becomes vacant. To have a priority an applicant will need to meet the rural connection criteria.* This allocation scheme does not define a strong local connection.
61. Policy WV 1.3 seeks a proportion of the affordable housing in Whitchurch to be first offered to people with a strong local connection. The criteria for strong local connection are defined in the policy and are not the same criteria as those specified in the B&NES Housing Allocation Scheme. I have no clear evidence before me to justify departing from the B&NES method of allocation. In these circumstances, in the interest of clarity and precision, particularly for the practical provision of affordable housing, Policy WV 1.3 should not refer to a 'strong' local connection. It follows that the 'at least 30% of affordable housing being available to people with a strong local connection' specified in Policy WV 1.3 is no longer relevant.
62. I have considered suggesting modification to this policy, but for the reasons stated above, a modified policy would simply refer to the need to allocate the affordable housing in accordance with current B&NES housing allocation policy. This will happen in any case and is not what Policy WV 1.3 intended. Therefore, I recommend the deletion of Policy WV 1.3.
63. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy WV 1.3.**

Heritage

Policy WV 1.4 - Heritage Assets and their Setting

64. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
65. The NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
66. Core Strategy Policy CP6 seeks to protect, conserve and seek opportunities to enhance the historic environment. This is emphasised in PMP Policy HE1.
67. The background evidence supporting Policy WV 1.4 provides a detailed account of the historical features in the Parish.

68. There has been objection to Policy WV 1.4 including reference to maintaining settlement separation. I see no problem with this approach where the importance of the setting of a heritage asset is that there is settlement separation.
69. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where development has absolutely no impact on heritage assets. In these circumstances, it is not possible for such development to be able to 'enhance' heritage assets as required in Policy WV 1.4. In the interest of precision, I recommend modification to Policy WV 1.4 to take this into consideration.
70. Paragraphs 132-135 in the NPPF explain in some detail the decision process for development proposals that would cause substantial or less than substantial harm to the significance of heritage assets, including the settings of these assets. The last sentence of Policy WV 1.4 does not have regard to this national policy requirement with regard to 'harm' and I have not been provided with robust evidence to justify the approach in the last sentence of Policy WV 1.4. It could be modified by either repeating a substantial amount of paragraphs 132-135 in the NPPF, or to refer to the need to accord with the NPPF. Neither of these is necessary in this instance as the decision process for development proposals that would cause substantial or less than substantial harm to the significance of heritage assets will happen in any case in accordance with national policy. Therefore, I recommend the deletion of the last sentence in Policy WV 1.4. This will still ensure that heritage assets are conserved or enhanced as appropriate to their significance.
71. Subject to my suggested modifications, Policy WV 1.4 has regard to national policy, contributes towards the environmental role of sustainability and is in general conformity with strategic policy, particularly Core Strategy Policy CP6. Policy WV 1.4, as modified, meets the Basic Conditions.
72. **Recommendation : to meet the Basic Conditions, I recommend modification to Policy WV 1.4 to read as follows:**
- Any development must conserve or enhance the heritage assets of the Parish and their setting, including maintaining settlement separation. Inappropriate extensions or revisions to Listed Properties will be resisted.**

Employment

Policy WV 1.5 - Retain employment in the village

73. The NPPF promotes a strong rural economy. Core Strategy Policy DW1 promotes sustainable economic development, which includes prioritising the use of brownfield sites. Core Strategy Policy CP12 identifies Whitchurch as a Local Centre where the vitality and viability of the centre is encouraged.

74. Placemaking Plan Policy ED.2B allows the redevelopment of non-strategic industrial premises unless there is a strong economic reason why this would be inappropriate. This policy refers to evidence of unsuccessful marketing during a 12 month period, subject to certain criteria, as evidence for there not being a strong economic reason for refusal.
75. Paragraph 8.10 in the Plan states: *new employment should aim to create high quality jobs and employment*. There is no policy in the Plan to support this vague and generalised statement. To provide a practical framework for decision making, I recommend deletion of this sentence.
76. Background evidence clearly indicates that a number of local people would like to see more local employment. Policy WV 1.5 seeks to retain the existing employment premises within the village unless it can be proven that the premises is no longer economically viable. I suggest modification to Policy WV 1.5 by re-ordering the words, as it does not make sense to refer to the 'ground floor of redundant land'. **I see this as a minor editing matter.** Policy WV 1.5 has regard to national policy, contributes towards the economic role of sustainable development and is in general conformity with strategic policy. Policy WV 1.5 meets the Basic Conditions.
77. **As a minor editing matter, I suggest the words in Policy WV 1.5 are re-ordered as follows:**
- Proposals for the redevelopment or change of use of redundant land or the ground floor of buildings in employment or service trade use to non-employment uses will only be permitted if the existing use is no longer economically viable and the site has been marketed for freehold or leasehold at a reasonable price for at least a year without restriction.**
78. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 8.10.**

Policy WV 1.6 - Broadband Provision Policy

79. The NPPF emphasises that advanced high quality communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services.
80. Core Strategy Policy CP13 requires the timely delivery of required infrastructure to provide balanced and more self-contained communities. PMP Policy LCR7B requires new residential and employment developments to be provided with superfast broadband infrastructure.
81. Policy WV 1.6 seeks to ensure that new dwellings, employment premises and education facilities make provision to connect to superfast broadband where available. This policy has regard to national policy, contributes towards the social and economic roles of sustainable development and is in general conformity with strategic policy. As such, Policy WV 1.6 meets the Basic Conditions.

82. There should be a comma after 'to be supported' in Policy WV 1.6. **I see this as a minor editing matter.**

Community Facilities

83. Paragraph 8.11 refers to community assets that the Plan would seek to retain. Paragraph 11.1 refers to the Plan bringing forward a long term site specific set of proposals for a community shop. However, neither of these matters is referred to within policies. Thus, in the interest of precision, to provide a practical framework for decision making, these two references should be deleted.
84. **Recommendation: to meet the Basic Conditions, I recommend deletion of reference to community assets that the Plan would seek to retain in Paragraph 8.11 and reference to the Plan bringing forward a long term site specific set of proposals for a community shop in Paragraph 11.1.**

OBJECTIVE 2

Policy WV 2.1 - Positive green buffer management between Whitchurch Village and Bristol

85. Section 9 in the NPPF explains that the Government attaches great importance to Green Belts. A fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
86. Paragraph 58 in the NPPF requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. In particular, it refers to the need for policies in neighbourhood plans to *establish a strong sense of place and respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.*
87. Core Strategy Policy CP6 seeks to ensure that the distinctive quality, character and diversity of environmental assets will be promoted, protected, conserved or enhanced. PMP Policy NE2A seeks to conserve and enhance the landscape setting of settlements.
88. Whitchurch Village is surrounded by Green Belt. Core Strategy Policy CP8 identifies the general extent of the Green Belt. Supporting text in Table 8 identifies one of the purposes of including land within this Green Belt is to preserve the individual character, identity and setting of villages in the Green Belt.
89. My initial concern was that Policy WV 2.1 creates a level of protection from development over and above that offered by the wide range of national and

local strategic policies for the protection of the Green Belt, for which a clear justification was necessary.

90. I have visited the Parish and seen for myself the close proximity to Bristol. Helpful background evidence documents are the B&NES *Whitchurch Landscape and Visual Assessment Summary* (August 2013) and B&NES *Rural Landscapes of Bath and North East Somerset A Landscape Character Assessment Supplementary Planning Guidance* (2003). In addition, the B&NES *Bath & North East Somerset Green Belt Review Stage 1 Report* (April 2013) provides a detailed analysis of land parcels around Whitchurch.
91. Whilst these background documents were compiled for other purposes, of particular relevance is reference in the latter report to urban sprawl threatening the merger/enveloping of Whitchurch into the built up area of Bristol. In particular, for the land parcel surrounding Whitchurch it states that Green Belt in the northern portion to the west is: *of particular importance for preventing the sprawl of Bristol into open countryside that could result in the coalescence of the city with the rural village of Whitchurch.*
92. Whilst there are existing significant policy restrictions to development within the Green Belt, it is clear that the local community wishes to retain the separate village identity for Whitchurch, which has been identified as a defining characteristic. This is a stated objective for the future of the village.
93. There is a likelihood of there being Green Belt releases around Whitchurch. The narrow gap between the village and the outskirts of Bristol, together with the defining characteristic of Whitchurch as a separate village and the objective of retaining this separate identity provide a clear justification for Policy WV 2.1.
94. Policy WV 2.1 does not specify any circumstances where development may be permitted and does not define a green buffer zone on a map. Even so, I do not consider that the expression of the aspiration to maintain a separate identity in Policy WV 2.1 is unduly restrictive in terms of the presumption in favour of sustainable development and other requirements of the NPPF as it need not preclude all development outside the housing development boundary. In particular, the aim of preventing coalescence and thereby reinforcing local identity and distinctiveness is not at odds with the NPPF.
95. Policy WV 2.1 seeks to prevent increasing the coalescence between Whitchurch Village and Bristol and seeks to retain their separate identities. I do not see this as a conflict with Green Belt or other policy at national or strategic level. As such, Policy WV 2.1 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy WV 2.1 meets the Basic Conditions.
96. A representation promoting a site within the Green Belt for a self-build dwelling for people with local connections has suggested amendment to Policy WV 2.1 to enable such development. My role is restricted to determining whether the Plan meets the Basic Conditions. For the reasons

stated above, such an addition to Policy WV 2.1 is not required for it to meet the Basic Conditions.

Policy WV 2.2 - Development proposals, particularly where sited on the edge of Whitchurch Village must maintain visual connections with the countryside

97. I have referred to paragraph 58 in the NPPF above with regard to the quality of development.
98. Core Strategy Policy CP6 seeks high quality design. One criterion specifies the need for inclusive design that *reinforces and contributes to its specific local context*. PMP Policy NE2 requires new development *to reinforce the local landscape character and make a positive contribution to views*.
99. Policy WV 2.2 refers to maintaining open views towards the countryside and across open spaces from key existing routes. However, 'key existing routes' are not specifically defined in any supporting text. This does not provide a practical framework for decision making. 'Key routes' are not mentioned in the Whitchurch Village Character Appraisal, although it does identify movement routes and analyses views in and out in some considerable detail. I can only assume that Policy WV 2.2 is referring to those views from existing movement routes towards the countryside and across open spaces identified in the Character Appraisal. I sought clarification from the Parish Council as part of my fact checking on my draft report and received confirmation that my assumption was correct. In the interest of precision, I recommend modification to Policy WV 2.2 to refer to these routes identified in the Character Appraisal.
100. Policy WV 2.2 seeks to create new views where possible. I see this as making a positive contribution to views in conformity with the requirements of PMP Policy NE2.
101. Subject to the modification recommended above, Policy WV 2.2 has regard to national policy, contributes towards the social role of sustainable development and is in general conformity with strategic policy. As such, modified Policy WV 2.2 meets the Basic Conditions.
102. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WV 2.2 to read as follows:**

Where possible, open views towards the countryside and across open spaces must be maintained from existing movement routes within the village as identified in the Whitchurch Village Character Appraisal (2015). Views along streets and/or open spaces to the surrounding countryside must be created within new developments where there are opportunities to do so.

Policy WV 2.3 - The Visual impact of new development on views into and from the countryside must be minimised.

103. The NPPF explains that the environmental role of sustainable development includes contributing to protecting and enhancing the natural, built and historic environment.
104. Core Strategy Policy CP6 seeks high quality design including the conservation and enhancement of the distinctive character and quality of the landscape.
105. Policy WV 2.3 seeks Visual Impact Statements. PMP Policy NE2 requires a Visual Impact Statement only where a development proposal has potential to impact on the landscape/townscape character of an area or on views.
106. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where development has no impact on views. I see no reason to depart from this assumption. In the interest of clarity and to be in general conformity with strategic policy with regard to conserving and enhancing the natural and built environment, I recommend modification to Policy WV 2.3. I have suggested modified wording to accord with PMP Policy NE2. Subject to this modification, Policy WV 2.3 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. As such, Policy WV 2.3 meets the Basic Conditions.
107. **Recommendation: to meet the Basic Conditions I recommend modification to Policy WV 2.3 to read as follows:**

Proposals with potential to impact on views into and from the countryside should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner. An assessment of views to and from the proposed development must be included in the supporting Landscape and Visual Impact Assessment. Visual impact should be minimised through the design of the site layout, buildings and landscape. The approach to minimising visual impact must be fully explained in the Landscape and Visual Impact Assessment.

Policy WV 2.4 - Wildlife Corridors and Ecological Network

108. The NPPF, in Paragraph 109 requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
109. Core Strategy Policy CP6 seeks, amongst other matters, to protect and enhance existing valued habitats. PMP Policies NE3, NE4, NE5 and NE6 are concerned with protecting and enhancing wildlife, species and habitats.

110. Policy WV 2.4 seeks to avoid harming existing ecological assets. I recognise the need to ensure that new development does not have an adverse impact on landscape and ecology. Paragraph 118 in the NPPF seeks to conserve and enhance biodiversity. It includes reference to mitigation measures, or as a last resort, compensatory measures for loss of biodiversity if significant harm arises from a development. Policy WV 2.4 does not include such a reference. Paragraph 118 in the NPPF is a long paragraph. As I have previously mentioned under Policy WV 1.4, Policy WV 2.4 requires modification by either repeating a substantial amount of the NPPF (in this instance paragraph 118), or by referring to the need to accord with the NPPF. As this policy has been included to satisfy the HRA screening, I consider it necessary in this instance to add reference to the need to accord with the NPPF. I have recommended modification to Policy WV 2.4 in this respect.
111. My remaining concern is with regard to all development proposals being required to submit a Landscape and Ecological Mitigation and Management Plan. This may be an onerous and unnecessary requirement for some development, particularly some small-scale development. In this context, I have in mind paragraph 193 in the NPPF, which seeks to ensure that information required for planning applications should be *proportionate to the nature and scale of development proposals*. To have regard to national policy in this respect, I recommend modification to Policy WV 2.4 by the deletion of the second sentence and modification of the last sentence to require Landscape and Ecological Mitigation and Management Plans only where proposals have a potential to impact on ecological assets.
112. Subject to the above modifications, Policy WV 2.4 has regard to national policy, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. As such, Policy WV 2.4 meets the Basic Conditions.
113. As previously mentioned, the precise wording of Policy WV 2.4 has been suggested by B&NES Council as part of the HRA screening. My suggested modifications do not alter the objective of ensuring that development must avoid harming existing ecological assets and ensures regard to national policy. Therefore, I do not consider that my suggested modifications will have any significant bearing on the conclusion in the HRA screening.
114. My suggested modifications to the Plan are only recommendations. If my recommended modifications to Policy WV 2.4 are not accepted, the HRA screening may need to be reassessed.
115. **Recommendation: to meet the Basic Conditions I recommend modification to Policy WV 2.4 to read as follows:**
- Development must avoid harming existing ecological assets i.e. the habitats and dependent local biodiversity, including any features of importance for foraging and for maintaining habitat connectivity (including local and strategic Ecological Networks). Where a proposal has a potential to impact on ecological assets, it should be**

accompanied by a Landscape and Ecological Mitigation and Management Plan, which should accord with the National Planning Policy Framework.

OBJECTIVE 3

Policy WV 3.1 - Proposals for new housing in Whitchurch Village must ensure that the new homes are well integrated with the existing village.

116. The NPPF seeks high quality and inclusive design. This is reflected in Core Strategy Policy CP6. PMP Policy ST1 seeks to ensure the delivery of well-connected places.
117. Objective 3 takes a positive approach to ensuring that new development is integrated within the village. The Plan emphasises the importance of welcoming new residents into the community. Such a positive approach must be applauded. Policy WV 3.1 seeks to ensure that new homes are well connected. Policy WV 3.1 has regard to national policy as outlined above, contributes towards the social and environmental roles of sustainable development and is in general conformity with strategic policy. Policy WV 3.1 meets the Basic Conditions.
118. Supporting paragraph 13.6 requires the impact of about 200 houses to be assessed before any significant further strategic allocations are proposed. As this is not a policy requirement in the Plan, in the interest of precision, I recommend deletion of this paragraph.
119. **Recommendation: to meet the Basic Conditions, I recommend the deletion of paragraph 13.6.**

OBJECTIVE 4

Air Quality

Policy WV 4.1 - Air Quality

120. Paragraph 109 in the NPPF seeks to prevent new and existing development from *contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of* air pollution. Paragraph 124 states: *planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas.*
121. The recently published *UK Plan For Tackling Roadside Nitrogen Dioxide Concentrations* (July 2017) sets out the Government's commitment to bringing nitrogen dioxide air pollution around roads within statutory limits in the shortest possible time.

122. PMP Policy PCS3 seeks to ensure that the effects of a development on the local air quality are properly considered.
123. I realise the concern of the local community with regard to air quality, particularly from traffic on the A37. Background evidence in Appendix 12, *B&NES 2016 Air Quality Annual Status Report*, supports these concerns. In addition, I note that an Air Quality Management Area may be defined in the future. The first paragraph of Policy WV 4.1 addresses the concerns of the local community and ensures that the effects of a new development on the local air quality are properly considered.
124. The second sentence in Policy WV 4.1 refers to resisting detrition of nitrogen dioxide levels. I have looked up the meaning of 'detrition' and the most common definition is 'the act of wearing away by friction'. I assume that this sentence in Policy WV 4.1 seeks to resist further *deterioration* in nitrogen dioxide levels. However, I cannot see how the second sentence in Policy WV 4.1 would create a practical framework for decision making. It does not refer to sustaining compliance with and contributing towards EU limit values or national objectives for pollutants. As such, this part of Policy WV 4.1 does not have regard to national policy concerning air pollution and is an imprecise statement that does not provide a practical framework for decision making. Therefore, I recommend deletion of this sentence. By retaining the first sentence, the concerns of the local community are sufficiently addressed.
125. Subject to the modification I have suggested above, Policy WV 4.1 has regard to national policy concerning air pollution, contributes towards the environmental role of sustainable development and is in general conformity with strategic policy. Policy WV 4.1, as modified, meets the Basic Conditions.
126. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the second sentence in Policy WV 4.1.**

Policy WV 4.2 - Traffic Impacts of Developments

127. The NPPF at paragraph 32 states: *all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. It further states: development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*
128. PPG states: *local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis.*
129. Core Strategy Policy CP6 seeks *high quality and inclusive design of schemes, including transport infrastructure which reinforces and contributes to its specific local context, creating attractive, inspiring and safe place.*

130. PMP Policy ST1 promotes sustainable travel, including reducing the adverse impact of travel on the natural and built environment.
131. Policy WV 4.2 refers to the need for an assessment where development proposals are likely to have a severe impact on traffic. My concerns are firstly, as stated in the NPPF, that if there are severe effects, then development should not take place. To have regard to national policy and in the interest of precision, I recommend modification to Policy WV 4.2 to refer to developments that *generates significant amounts of movement*. Secondly, I have assumed that an assessment is to be either a Transport Statement or Transport Assessment as defined in the NPPF. In the interest of precision, I recommend modification to Policy WV 4.2 to clarify these matters. I have suggested alternative wording.
132. Subject to the modifications above, Policy WV 4.2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WV 4.2 meets the Basic Conditions.
133. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WV 4.2 to read as follows:**
- Development proposals that are likely to generate significant amounts of movement must be accompanied by a Transport Statement or Transport Assessment outlining the transport implications during both construction and in operation, in particular addressing impacts on:**
- a) Road dangers**
 - b) Pedestrian environment and movement**
 - c) Cycling infrastructure provision**
 - d) Public transport**
 - e) The street network**
- Policy WV 4.3 - Traffic and Safety**
134. The national and strategic policies most relevant to Policy WV 4.3 are those outlined under Policy WV 4.2.
135. Policy WV 4.3 seeks to ensure highway safety. As mentioned under Policy WV 4.2, national policy requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The second sentence in Policy WV 4.3 does not have regard to this test of severity. Whilst I note the background evidence concerning traffic issues in the Plan area, I see no clear robust reason to disregard national policy in this respect. To have regard to national policy, I have recommended modification to the second sentence in Policy WV 4.3. Subject to this modification, Policy WV 4.3 has regard to national policy,

contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy WV 4.3 meets the Basic Conditions.

136. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy WV 4.3 to read as follows:**

Proposals that accord with the policies in the Plan and result in improvements to the free flow of traffic in the Village will be supported. Proposals requiring planning permission and which seek to increase the number of access points, or which would involve an increase in traffic generation, will need to demonstrate that they do not severely further inhibit the free flow of traffic or severely exacerbate conditions of parking stress, including conflict with larger vehicles or encourage through traffic.

Policy WV 4.4 - Pedestrian and cycle routes must be provided to link together housing and Whitchurch Village community facilities and services

137. The NPPF supports sustainable transport modes. In particular, paragraph 35 seeks to ensure that *plans give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones.*
138. PMP Policy ST1 promotes sustainable travel, including giving priority to pedestrian and cycle movements.
139. Policy WV 4.4 seeks to ensure the integration of pedestrian and cycle routes, including links to community facilities. This contributes towards Objective 3 in the Plan of taking a positive approach to ensuring that new development is integrated within the village, and gives priority to pedestrian and cycle movements. Policy WV 4.4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy WV 4.4 meets the Basic Conditions.

OBJECTIVE 5

140. Whilst there are no land use policies under Objective 5, there is a detailed account of the community aspirations to create a more sustainable village.
141. Paragraph 15.13 refers to details regarding the Barbarian RFC in Appendix 11. This is actually Appendix 1. As explained below, I have recommended the deletion of most of the appendices. Therefore, paragraph 15.13 should refer to the document as being within the background evidence. **I see this as a minor editing matter.**

Appendices

142. There are a number of appendices in the Plan. These are background evidence rather than policy documents. Apart from the Whitchurch Village Character Appraisal (2015), which is specifically referred to in policies, I do not consider that they should remain as appendices. Their status is confusing. To provide a practical framework for decision making, I recommend the deletion of all appendices apart from the Whitchurch Village Character Appraisal (2015). The remaining appendices can be retained separately as background evidence.
143. Appendix 3 lists Whitchurch Village Community Assets and indicates the protection of a number of these facilities. This document implies the protection of many of the village assets, but there is no specific corresponding policy in the Plan. Even though I recommend that this appendix is removed from the Plan and retained as background evidence, in the interest of precision and thus to provide a practical framework for decision making, I recommend the addition of an explanatory sentence in Appendix 3, stating that this is a background evidence document and is not planning policy.
144. I have concern regarding Appendix 5. This is a document with the title 'Transport Policy'. The policies in that appendix are not in the Plan. Although Appendix 5 refers to a report: Whitchurch Village – Transport and Planning issues by David Worskett, it is unclear where the policies originate from. Even though I recommend that this appendix is removed from the Plan and retained as background evidence, in the interest of precision and thus provide a practical framework for decision making, I recommend that Appendix 5 is modified to state that it is an evidence base document to support policies in the Plan and that these policies are not policy in the Plan.
145. **Recommendation: to meet the Basic Conditions, I recommend that all appendices, apart from the Whitchurch Village Character Appraisal (2015), are removed from the appendices and retained separately as background evidence.**

I recommend the addition of an explanatory sentence in Appendix 3 (to be moved to background evidence), stating that this is a background evidence document and is not planning policy.

I recommend that the title of Appendix 5 (to be moved to background evidence) is altered to 'Transport Issues' and I recommend the addition of an explanatory sentence stating that this is a background evidence document and is not planning policy.

Referendum and the Whitchurch Village Neighbourhood Development Plan Area

146. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
147. **I am pleased to recommend that the Whitchurch Village Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**
148. I am required to consider whether or not the Referendum Area should extend beyond the Whitchurch Village Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Minor Modifications

149. The Plan is a well-written document, which is easy to read. Where I have found minor editing errors, I have highlighted and identified them above. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as minor editing matters which can be dealt with as minor modifications to the Plan.

Janet Cheesley

Date 28 September 2017

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Planning Practice Guidance (2014)
B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014)
B&NES Placemaking Plan (adopted July 2017)
West of England Joint Spatial Plan and Transport Study Towards the Emerging Spatial Strategy and Transport Vision Consultation report 2017
B&NES Homesearch (2016)
Regulation 16 Representations made during both consultation periods
Appendices to the Submission Plan
Whitchurch Village Neighbourhood Plan Area Designation
Whitchurch Village Neighbourhood Plan Basic Conditions Statement
Whitchurch Village Neighbourhood Plan Consultation Statement
Whitchurch Village Neighbourhood Plan Evidence Base, July 2017 (updated Transport Evidence on 11/07/2017)
Whitchurch Village Neighbourhood Plan Assessment Walk for Travel Plan, April 2017
Whitchurch Village Neighbourhood Plan Employment, Skills and Commuting Evidence Report, March 2016
Whitchurch Village Neighbourhood Plan Habitats Regulation Assessment (HRA) Screening, May 2016
Whitchurch Village Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening, November 2016
The Whitchurch Neighbourhood Plan Application Pack