

LF/P17-0183

17th August 2017

Planning Policy
Planning Services
B&NES Council
PO Box 5006
Bath
BA1 1JG

Dear Sir/Madam,

Whitchurch Neighbourhood Plan Revised Regulation 16 Consultation

I am pleased to enclose representations made on behalf of my client, Robert Hitchins, on the Whitchurch Neighbourhood Plan Revised Regulation 16 Consultation.

I would be most grateful please to be notified of the Council's decision on the plan proposal under Regulation 19 and I would also be grateful if you could please acknowledge receipt of these representations,

Yours faithfully,



LOUISE FOLLETT
Principal Planner

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Enc. Statement of representations

Cc: Phil Hardwick – Robert Hitchins Ltd

WHITCHURCH NEIGHBOURHOOD PLAN REVISED REGULATION 16 PUBLIC CONSULTATION – AUGUST 2017

STOCKWOOD LANE, WHITCHURCH




ON BEHALF OF ROBERT HITCHINS LTD

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004
LOCALISM ACT 2011**

Prepared by: LOUISE FOLLETT

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PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

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1. INTRODUCTION

- 1.1 A Regulation 16 consultation provides the opportunity to comment on the Whitchurch Neighbourhood Plan (WNP) and all its accompanying evidence base and appendices, plus the statutory Consultation Statement and Basic Conditions Statement required under Section 15 (b) and (d) of the Neighbourhood Planning (General) Regulations 2012¹.
- 1.2 Pegasus, on behalf of Robert Hitchins Ltd, submitted representation on the initial Regulation 16 Consultation on the WNP in June 2017. However, owing to an administrative error concerning the 'Consultation Statement' that was made available for consultation at that time, Bath and North East Somerset Council have re-consulted on the WNP and its associated documents for 6 weeks between 7th July 2017 and 18th August 2017.
- 1.3 Pegasus has been instructed by Robert Hitchins Limited to submit representations in response to the revised Regulation 16 Consultation. The consultation provides the opportunity to draw to the attention of Bath and North East Somerset Council and the Examiner where the plan fails to meet the Neighbourhood Planning 'Basic Conditions' test.
- 1.4 In representing Robert Hitchins land interests in Whitchurch Parish it is necessary to raise objection to parts of the plan. My client's site is situated adjacent to the Whitchurch settlement boundary in the north of the Parish wholly within the Green Belt, and is outlined in red on the plan attached at Appendix 1.

APPENDIX 1 – SITE PLAN OF LAND AT STOCKWOOD LANE

- 1.5 Pegasus previously submitted representations at the Regulation 14 stage to those preparing the WNP in March 2017. The Consultation Report accompanying the Revised Regulation 16 WNP provides Pegasus with the consultee reference number of '178'. The revised Consultation Report lists and describes the response of the WNP to the representations Pegasus made to the Regulation 14 Consultation. It is submitted however that the Regulation 16 WNP still fails to pick up on all the actions listed as responses in the Consultation Report, these matters are discussed further below.
- 1.6 For the benefit of the local authority and the Examiner the Pegasus Regulation 14 representations are attached at Appendix 2.

¹ <http://www.legislation.gov.uk/ukxi/2012/637/regulation/15/made>

APPENDIX 2 – PEGASUS REPRESENTATIONS TO WNP REGULATION 14 CONSULTATION

- 1.7 The WNP is required to be in 'general conformity' with the adopted development plan, in this instance that is the Bath and North East Somerset Core Strategy (BANES CS), which was adopted in July 2014 with a fifteen-year plan period 2014-2029 and the BANES Placemaking Plan which was adopted by the Council on 13th July 2017. These two adopted documents together with any relevant 'made' Neighbourhood Plans comprise the Development Plan for the Council and will be used in the determination of planning applications.
- 1.8 The BANES CS is currently being reviewed and will have an up to date evidence base and an extended plan period of twenty years to cover the period 2016-2036. This twenty-year time horizon will be commensurate with the emerging West of England Joint Spatial Plan (JSP)² that is being prepared jointly by Bristol City, Bath and North East Somerset, North Somerset and South Gloucestershire Councils to meet the housing needs of the Bristol and Bath Strategic Housing Market Areas.
- 1.9 The JSP will establish new housing requirements for BANES and will identify strategic locations for growth. The Core Strategy Review³ will deliver the vision and objectives of the JSP by allocating as appropriate any strategic sites required as well as identifying a spatial strategy and allocating those sites required for non-strategic development.

² www.jointplanningwofe.org.uk/consult.ti

³ <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-policy/local-plan-2016-2036#three>

2. PLAN PERIOD FOR WHITCHURCH NEIGHBOURHOOD PLAN

- 2.1 Regulation 14 representations submitted by Pegasus drew attention at Section 2 to the need for the Neighbourhood Plan to amend its plan period to be in 'general conformity' with the adopted local plan, the BANES CS 2014-2029.
- 2.2 Despite noting this point as '*Error noted and amended*' in the Consultation Statement (July 2017) the published Regulation 16 version of the WNP (July 2017) still fails to amend its plan period and is internally inconsistent as a document. Paragraph 3.6 states that the WNP is a plan for the village for the next 27 years (which would be up to 2044); paragraph 7.3 states that it has a lifespan until 2040 and the front cover states that the plan covers the period 2015-2042.⁴
- 2.3 In suggesting a plan period longer than that of the adopted local plan, (which is until 2029), the WNP does not meet the basic conditions test as it is not in general conformity⁵ with the adopted local plan, the BANES CS, which sets the strategic planning policy for the area until 2029. Moreover, there is no previously examined evidence base against which to assess housing or employment needs for the WNP beyond 2029. The correct plan period for the WNP to be in conformity with the adopted development plan is 2014-2029.
- 2.4 To date evidence for plan making beyond 2029 is being prepared and consulted on for the JSP and Core Strategy review, this evidence covers the period up to 2036. There is no evidence in the public realm that would enable the WNP to be able to plan beyond 2036. Housing and employment needs for this period are as yet unknown and untested.
- 2.5 The WNP states at paragraph 1.3 that it:

"...has been produced in accordance with approved B&NES Core Strategy and the creation of the Joint Spatial Plan (JSP) in the greater Bristol area. It has been undertaken so the timescale of this Plan and the long-term implications for the village are acknowledged and agreed. However, it is recognised that the Plan will need to be reviewed to ensure its continued relevance. Therefore, every 5 years the Plan will be revised or sooner if necessary to ensure community concerns are addressed and any amendments can be made to ensure housing, economic ideas, transportation, infrastructure etc. as necessary."

⁴ http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/NPP/wvndp_draft_plan.pdf

⁵ www.gov.uk/guidance/neighbourhood-planning--2#General-conformity-with-strategic-policies

2.6 Acknowledgement of the JSP process by the WNP is welcomed as this was missing from the Regulation 14 version of the document. The JSP will certainly require the WNP to be reviewed once it is adopted as Whitchurch has been identified as a location for strategic growth.

2.7 The JSP consultation document, 'Towards the Emerging Spatial Strategy Document' (Nov 2016)⁶ states at page 20 that 'exceptional circumstances' exist for the removal of sites currently in the Green Belt at Whitchurch to allow for the allocation of sites for housing.

"Housing capacity is constrained to about 3,500 dwellings to avoid causing unacceptable harm to nationally important heritage assets as well as retaining the Green Belt separation of Whitchurch Village from the Bristol Urban area. Whilst the location lies within the Green Belt and plays an important role in preventing urban sprawl, protecting the countryside and helping regeneration, the need to provide for strategic new growth, the relative sustainability of this location and its relative performance in Green Belt terms compared with other locations is evidence of the exceptional circumstances for the release of this location from the Green Belt."

2.8 It is therefore not correct for the WNP to state at paragraph 1.3 that it has been produced '*in accordance*' with the JSP as the WNP seeks to protect all current Green Belt surrounding the village and only allocates site for development in accordance with adopted BANES CS single site allocation for the village (policy RA5) plus one further site that is committed for housing development having been allowed on appeal in 2012.

2.9 The reference in the Consultation Statement to the quantum of development in the WNP reflecting Policy RA5 and Policy RA1 of the BANES Core Strategy is noted, however objection is maintained to the WNP suggesting it has been produced '*in accordance*' with the JSP.

2.10 Notwithstanding the above a commitment to a WNP review '*every five years or sooner if necessary*' (which is also reiterated at paragraph 7.8) is welcomed as this demonstrates that the local community, and those preparing the WNP are aware of the current direction of travel of the JSP and BANES Core Strategy Review and the need that exists in the very near future to identify sites for green

⁶ www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West_of_England_Joint_Spatial_Plan_Towards_the_Emerging_Spatial_Strategy.pdf

belt release to facilitate housing growth within the Parish on the urban edge of Bristol.

3. QUANTUM OF DEVELOPMENT PROPOSED BY WHITCHURCH NEIGHBOURHOOD PLAN

- 3.1 The Regulation 16 WNP continues to propose the same quantum of residential development as the Regulation 14 consultation document, namely the development of two sites, one at 'Sleep Lane' and one at 'Horseworld', as illustrated in Figure 12 on page 22 of the WNP.
- 3.2 The 'Sleep Lane' site is a commitment and therefore a BANES CS RA1 site, granted on appeal for 47 dwellings on 29th Nov 2012.
- 3.3 The 'Horseworld' site is allocated in the BANES CS by Policy RA5 and removed from the Green Belt for 'approximately 200 dwellings'.
- 3.4 The WNP therefore replicates the BANES CS in terms of development sites, it does not re-consider the settlement boundary, or undertake any options appraisals for the growth of the village that will be required through the JSP.
- 3.5 It is submitted that the planning practice guidance states that when a neighbourhood plan is prepared that there should be sufficient flexibility to be able to take account of the requirements of emerging higher tier development plans and the implications they may have on land use within the neighbourhood plan area.
- 3.6 The practice guidance states at Paragraph: 084 reference ID:41-084-20160519 that:

"To reduce the likelihood of a neighbourhood plan becoming out of date once a new Local Plan is adopted, communities preparing a plan should take account of latest and up-to-date evidence of housing need, as set out in guidance." ⁷

- 3.7 In this instance the most up to date evidence on housing need will be that emerging through the JSP evidence base including the JSP Strategy which identifies Whitchurch as a potential location for up to 3,500 dwellings as it performs well against sustainability criteria owing to its proximity to Bristol. The 'Towards the Emerging Spatial Strategy' consultation strategy states that

⁷ www.gov.uk/guidance/neighbourhood-planning--2#preparing-a-neighbourhood-plan-or-order

'exceptional circumstances' exist for the release of land at Whitchurch from the Green Belt⁸.

- 3.8 While the Consultation Report (July 2016) states in response to Pegasus Regulation 14 representations that *'it is not the role of a Neighbourhood Plan to test alternatives to a strategic policy'* Pegasus maintain that it would still have been opportune for the WNP to have undertaken an analysis of potential development sites, in conjunction with the local community, to help inform the JSP, as part of the Neighbourhood Plan process. This would have required an analysis of my client's site of 13ha at Stockwood Lane, attached at Appendix 1, and consideration of its development potential to meet emerging housing needs for the period up to 2036.
- 3.9 The Stockwood Lane site is deliverable and has been promoted through the JSP and the BANES CS Review 'call for sites' processes. The site has the potential to deliver dwellings and should be considered in conjunction with other Green Belt sites at Whitchurch to provide for the large quantum of growth identified through the JSP.

⁸ www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West_of_England_Joint_Spatial_Plan_Towards_the_Emerging_Spatial_Strategy.pdf

4. STRATEGIC PLANNING BACKGROUND

4.1 The South West Regional Spatial Strategy (RSS) concluded that new urban extensions provided the more sustainable approach to accommodating future development needs. An urban extension to the south east of Bristol was identified in the Draft RSS in June 2006 and endorsed by the Panel following the Examination in Public in 2007 and included in the Secretary of State's Proposed Changes in 2008. This area included land off Stockwood Lane, Whitchurch.

4.2 The RSS set out the exceptional circumstances to alter the general extent of the Green Belt and it is believed that these circumstances still apply. Paragraph 4.1.3 of the Secretary of State's Proposed Changes to the RSS (2008) agreed with these general points and went on to state that:

"The Green Belt will continue to maintain the separate identities of Bristol and Bath by keeping land open between and around them. However, necessary provision for new homes and to fulfil the SSCT's economic potential cannot be met within the existing urban areas. The most sustainable solution is to provide for urban extensions to the SSCT, including at the six locations that have been subject to review of the green belt.

Substantial amount of new housing will be required, provided both within the existing urban area and at a number of urban extensions. These should be sustainable communities, within revised green belt, fully integrated into the existing urban area. There is considerable potential for urban extensions to the south west and south east of Bristol, including land in the City of Bristol administrative area, which can support and complement the regeneration of south Bristol." (paragraph 4.1.12 of the Proposed Changes to the RSS).

4.3 The RSS stated that in order to fulfil Bristol's economic potential the provision of new homes cannot be met within the existing urban areas. The RSS indicated that the most sustainable solution is to provide for major urban extensions to the SSCT's, including six locations that had been subject to a review of the Green Belt.

4.4 One of these urban extensions was to the south east of Bristol (within both Bristol City Council and BANES). The area identified extended from the Whitchurch area (including land off Stockwood Lane), through Stockwood Vale and then north towards Hicks Gate.

-
- 4.5 The requirement of each Local Planning Authority to meet the fully objectively assessed needs for market and affordable housing results in the need to reconsider some of the previous options for growth, acknowledging that the emerging evidence base for the West of England JSP indicates that provision needs to be made.
- 4.6 The opportunities to accommodate the scale of growth proposed in the RSS for the West of England are arguably still relevant, including the need to relax the Green Belt boundary within the BANES area, not only to meet the needs arising in BANES but also to deal with inadequacies in the supply of land within Bristol to meet predicated housing needs.
- 4.7 The Inspector for the Bristol Core Strategy acknowledged that the Bristol housing requirement was constrained by the restricted supply (para 54) and that the only credible contingency to provide additional land for housing was development in the Green Belt (Appendix C of the Inspector's report).
- 4.8 Land off Stockwood Lane, Whitchurch is well placed to meet the needs of Bristol and it is a sustainable location given its proximity to facilities and services.
- 4.9 The consideration of Whitchurch through the West of England JSP has been described above at paragraph 3.7. Both the Green Belt review and the Towards the Emerging Spatial Strategy evidence base papers point to the need for land to be released from the Green Belt at Whitchurch to deliver in the order of 3,500 new dwellings.
- 4.10 The Stockwood Lane site was considered as part of a wider area 'W2' in an assessment of strategic development locations beyond development boundaries for the JSP. Land at Whitchurch, South East Bristol (W) expansion area was subdivided into Area W1 and Area W2.
- 4.11 Area W1 was assessed as 'significantly constrained due to the impact on the setting of Maes Knoll SAN and a number of listed buildings' while the assessment for Area W2 suggests that, 'there is potential for additional strategic growth within the general area of the south and east of Whitchurch village up to 3,500 dwellings and supporting infrastructure. However, the eastern part of W2 is constrained by the setting of Queen Charlton Conservation Area'.

4.12 Given the constraints that affect Area W1 and the constraints affecting parts of Area W2 and the fact that Table 1 of the Emerging JSP Spatial Strategy consultation states that the SE Bristol Whitchurch area performs relatively well in the sustainability appraisal because of its proximity to Bristol and the choice of travel options available in this location – these comments must apply to the Stockwood Lane site.

5. OBJECTIVE 1 POLICIES: MAINTAIN THE VILLAGE AND INCREASE SUSTAINABILITY

- 5.1 *Policy WV1.1 – Village Design* – requires the efficient use of resources in the design of new development, however the Policy should not go beyond Building Regulation requirements in terms of its ask of new development.
- 5.2 *Policy WV1.2 – Provide a mix of housing types* – housing mix on sites within the WNP area should be provided in accordance with the Strategic Housing Market Assessment (SHMA) published to support the adopted BANES CS or any updated SHMA published to support the JSP or emerging BANES CS Review 2016-2036.
- 5.3 Policies CP9 and CP10 of the adopted Core Strategy address the matter of housing mix on new development. The WNP policy adds nothing additional to these strategic policies, therefore WV1.2;

“does not provide an additional level of detail and/or a distinct local approach to that set out in strategic policy”⁹

and does not meet the Basic Conditions test.

- 5.4 *Policy WV 1.3 - Allocation of Affordable housing* – this policy requires 30% of all Affordable Housing delivered in the village to be allocated to those with a local connection to the village. Given the plan makes provision for 290 dwellings, (the capacity consented at Sleep Lane plus the potential capacity at Horseworld – as detailed in Pegasus Regulation 14 representations) if delivered at a policy compliant level of 30% the village could expect 87 affordable units to come forward by 2029. If 30% of these units were allocated on a local connection basis that would result in 26 units coming forward to meet local need.
- 5.5 While the Consultation Report (July 2017) states that Policy WV 1.3 has been updated to reflect the comments of the Council’s housing officers the WNP still fails to provide any reasoned justification or evidence on local housing need to justify this policy. The WNP states that the village currently has approximately 550 dwellings. Appendix 8 of the WNP (Village Questionnaire 2015) states that of these 550 dwellings 92% are owner occupied. While this points to little accommodation being available to rent within the village it is not the appropriate evidence on local housing need that would be required to add local distinctiveness

⁹ www.gov.uk/guidance/neighbourhood-planning--2#General-conformity-with-strategic-policies

to Policy CP9 of the Core Strategy. The correct evidence is not provided to support the approach of WV1.3 and therefore the Policy remains unsubstantiated.

- 5.6 *Heritage and Ecology* - The maps at page 32 of the WNP have been provided by BANES and refer to ecological corridors and risk to the significance of heritage assets of development. My client's site is annotated in both plans; however, it should be noted that matters of both ecology and heritage have been addressed in site submissions to the JSP and BANES CS Review which demonstrate a layout for the site that take into consideration site specific constraints that the Council have previously identified. This site layout is attached at Appendix 3.

APPENDIX 3 – STOCKWOOD LANE SITE LAYOUT PLAN

- 5.7 *Policy WV1.4 – Heritage Assets and their Setting* – this policy adds nothing to that found in the National Planning Policy Framework (NPPF) at Section 12 'Conserving and enhancing the historic environment'. The need to preserve and enhance the character and setting of Listed Buildings and Conservation Areas is enshrined in the 'Planning (Listed Buildings and Conservation Areas) Act 1990'.
- 5.8 The consideration of heritage assets, including archaeology and non-designated heritage assets through both the plan making and decision taking processes is required by the NPPF.
- 5.9 Policy WV1.4 does not provide an additional level of detail or a distinct local approach to that set out in the strategic policy of the Council.

6. OBJECTIVE 2 POLICIES: MANAGE AND MAINTAIN THE GREEN BUFFER

- 6.1 Given the village has been identified as a growth point through the JSP, subject to the delivery of enhanced transport infrastructure, it is submitted that the WNP should facilitate future growth requirements. The commitment to review the WNP in the light of the emerging JSP and BANES CS Review is welcomed because it is clear from the emerging JSP evidence base¹⁰ that Whitchurch will be required to accommodate significant additional development in the future within the current Green Belt, because of its sustainable location to the south of Bristol.
- 6.2 My clients 13ha site should be removed from the Green Belt in the forthcoming review of the Green Belt through the BANES Core Strategy Review to allow for development in accordance with NPPF paragraph 85¹¹.
- 6.3 Objection is raised to Policy WV2.1 of the WNP as it is considered that development could be adequately accommodated on my clients site without either demonstrably increasing the coalescence between Whitchurch Village and Bristol or reducing the gap between Whitchurch Village and Bristol.
- 6.4 Development at the site can be master planned to ensure that visual connections with the countryside are maintained and that a green buffer is retained between the village and the edge of the urban area of Bristol in accordance with Policy WV 2.2 of the WNP.
- 6.5 The visual impact of development at the site can also be minimised in accordance with Policy WV2.3.
- 6.6 The site can be developed to ensure that wildlife corridors and the ecological network is enhanced and to ensure that the 13ha site, which is currently used for grazing affords greater connectivity between the village and the urban fringe of Bristol for walking and cycling.
- 6.7 Currently there is limited public access or connectivity from the urban area to Whitchurch, however sensitive and carefully designed development at the Stockwood Lane site would provide improved green infrastructure linkages and

¹⁰ [www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy.pdf](http://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy.pdf)

¹¹ www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

biodiversity corridors between the urban fringe of the City and the village as demonstrated by the site plan attached at Appendix 3.

- 6.8 The need to provide sustainable transport linkages between Whitchurch and Bristol is cited in the JSP: 'Towards the Emerging Spatial Strategy Document' (Nov 2016)¹² including a walking and cycling package. Development of my clients site would help to contribute to the delivery of a walking and cycling package in this location, this is demonstrated by the site layout plan attached at Appendix 3.
- 6.9 WNP Policies WV 2.1 and WV.2.2 are locally distinctive and provide local policy which adds to the adopted Core Strategy Green Belt Policy - CP8, however as stated above both these policies will need to be reviewed in the light of the outcomes of the JSP and BANES CS Review.

¹² www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West_of_England_Joint_Spatial_Plan_Towards_the_Emerging_Spatial_Strategy.pdf p.20

7. OBJECTIVE 3: ENSURE NEW DEVELOPMENTS ARE INTEGRATED WITHIN THE VILLAGE

7.1 No comment.

8. OBJECTIVE 4: THE A47 IMPACT

8.1 *Policy WV 4.1 – Air Quality* – Pegasus previously submitted comments on the Air Quality Policy during the Regulation 14 consultation of the WNP. The policy has been amended since the Regulation 14 consultation however the comments made previously by Pegasus, and attached at Appendix 2 still stand.

8.2 The NPPF makes reference to Air Quality at paragraph 124. It states that while the cumulative impacts on air quality from individual sites in local areas can be taken into consideration that:

“Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.”¹³

8.3 Given that the BANES Environmental Health Department have yet to establish an Air Quality Management Area in Whitchurch there is currently no adopted ‘local air quality plan’ for the village, however the local authority indicated in the ‘Local Air Quality Management Annual Status Report 2016’¹⁴ that more detailed assessment of air quality is being undertaken in Whitchurch to determine if there is a problem in the village and this will be reported on further in 2017.

8.4 Until such time that an AQMA is established individual planning applications should continue to be considered on their own individual merits with regard to air quality matters and in accordance with information submitted to support a planning application as required by the BANES Local Validation Checklist.

8.5 As Air Quality Assessments are currently required by the BANES Local Validation Checklist for major applications the policy adds nothing to existing planning practice.

8.6 The second paragraph of the policy is not written positively as it seeks to resist development that will result in the ‘detrition’ of Whitchurch Village’s nitrogen oxide pollution levels. This statement should be deleted as it is written negatively. A more positive approach would be to review the matter, and any associated policy through a WNP review.

¹³ www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf para 124.

¹⁴

http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Environment/Pollution/bnes_asr_2016_final_v2.pdf p.20

8.7 The adopted BANES CS does not have a specific strategic policy on air quality, it points to saved Policy ES.10 of the Bath and North East Somerset Local Plan 2007 on Air Quality. This plan states at paragraph B6.35 that:

“The influence of air quality considerations on planning decisions will vary according to the circumstances and must be weighed against other material considerations...” ¹⁵

8.8 *Policy WV4.2- Traffic Impact of Developments*

Policy WV4.3- Traffic and safety

It is submitted that while these matters are of concern to local residents and to the community of Whitchurch they are not required as planning policies in the WNP. These policies repeat national planning policy guidance contained in the NPPF at paragraphs 32-33 which require the submission of a Transport Statement or Transport Assessment according to the impact a scheme may have on the local highway network.

8.9 The consideration of highways, transport and traffic matters is a material consideration in the determination of a planning application with highway evidence and input from the relevant highway authority integral to the consideration of a major planning application by the local authority.

8.10 It is submitted that these policies do not add local distinctiveness to existing national planning policy guidance or to Policy RA5 of the adopted BANES CS and therefore do not meet the Basic Conditions test.

¹⁵ http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Local-Plan/local_plan_141108_web_version.pdf p.90

9. CONSULTATION STATEMENT

- 9.1 As stated at the outset of these representations it is submitted that while the revised Consultation Statement (July 2017) responds to the matters raised by Pegasus in the Regulation 14 WNP consultation, and suggests in some instances proposed changes, not all these changes have been implemented in the Regulation 16 version of the WNP.
- 9.2 Moreover, the Consultation Statement would still seem to require updating, as there are no entries for engagement with the Parish Council, with BANES, with neighbouring parishes or with developers since May 2016.
- 9.3 This matter should be addressed and the Consultation Statement updated and reviewed in the light of the comments provided above in order that the WNP can proceed to examination and referendum.

10. THE BASIC CONDITIONS STATEMENT

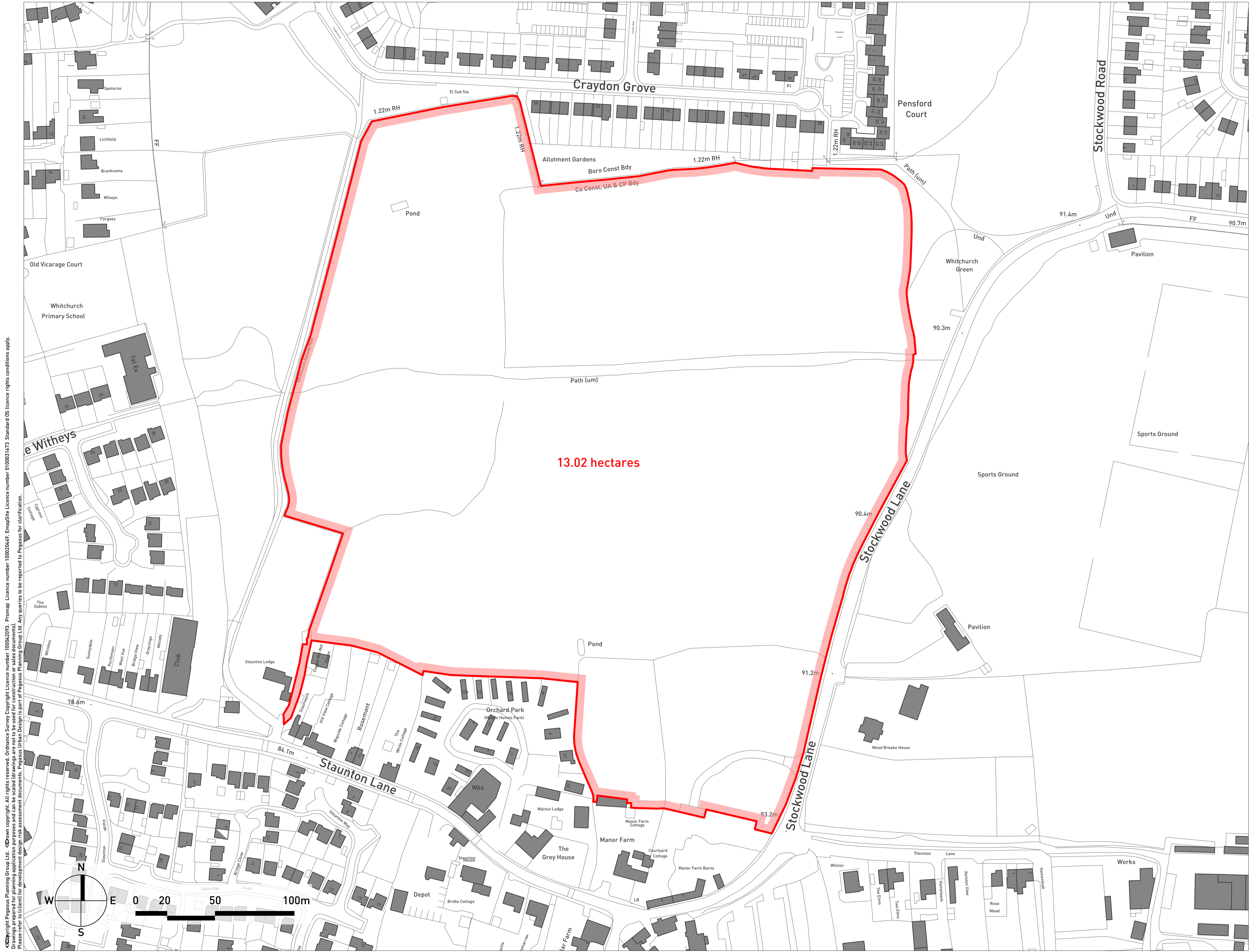
- 10.1 The Basic Conditions Statement accompanying the Regulation 16 Consultation states that the WNP has met the test of general conformity, however, as submitted above there are several policies in the plan that add nothing locally distinctive to existing adopted national or local planning policy.
- 10.2 In terms of 'planning positively' to meet housing need the WNP merely reflects the position of the adopted BANES Core Strategy through policies RA1 and RA5.
- 10.3 It is noted that the Basic Conditions Statement accompanying the revised Regulation 16 Consultation (July 2017) now cross references every WNP policy to the NPPF or BANES adopted planning policies, this is welcomed, however this should now be updated to also take account of the adopted BANES Placemaking Plan.
- 10.4 It is suggested that this matter should be addressed and the Basic Conditions Statement reviewed in the light of the comments provided above in order that the WNP can proceed to examination and referendum.

11. CONCLUSIONS

- 11.1 It is requested that Bath and North East Somerset Council take these representations into consideration before considering whether the WNP should proceed to Examination.
- 11.2 Pegasus also request that these representations be forwarded to the Examiner of the WNP in accordance with the Neighbourhood Planning Regulations Section 17 (d).
- 11.3 Pegasus would like to request that they be informed of the any decisions on the Plan proposal going forward.

APPENDIX 1

SITE PLAN OF LAND AT STOCKWOOD LANE



Key:
 Site boundary (13.02ha)

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Land off Stockwood Lane, Whitchurch - Site Location Plan



APPENDIX 2

PEGASUS REPRESENTATIONS TO WNP REGULATION 14 CONSULTATION

WHITCHURCH VILLAGE NEIGHBOURHOOD PLAN

Consultation Response Form

Please refer to the plan and policies at: www.whitchurchparishcouncil.co.uk and www.wvnp.org.uk. Details of how to respond are detailed below. Use additional pages as necessary.

Responses to be filled in on the websites below or sent to:-

Sue Dyer, Parish Clerk, The Community Centre, Bristol Road, Whitchurch Village, Bristol BS14 0PT or e mail info@whitchurchparishcouncil.co.uk
OR e mail: group@wvnp.org.uk n or Alyson Lampard, Sleep Lane Smiles Dental Practice, Sleep Lane, Whitchurch alysonlampard@hotmail.co.uk

www.whitchurchparishcouncil.co.uk

www.wvnp.org.uk

DEADLINE FOR RESPONSES: 7th March 2017

Objective 1: Maintain the village identity and increase sustainability

Do you agree with the policies in this section – YES NO

Comments

1.0 INTRODUCTION

- 1.1 Pegasus Group, on behalf of Robert Hitchins Ltd welcome the opportunity to provide representations to the emerging Whitchurch Neighbourhood Plan (WNP) in order to ensure that it contributes to the achievement of sustainable development.
- 1.2 A Neighbourhood Plan is required to meet the basic conditions as set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended). These basic conditions include the requirement that the Neighbourhood Plan:
- i. Has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - ii. Contributes to sustainable development;
 - iii. Is in general conformity with the strategic policies contained in the development plan; and
 - iv. Is compatible with European Union(EU) and European Convention on Human Rights (ECHR) obligations.
- 1.3 The following representations provide commentary as to whether or not the WNP meets these 'basic conditions'.
- 1.4 The Whitchurch Neighbourhood Plan Area was designated by Bath and North East Somerset Council on the 3rd November 2014. This consultation on the WNP is a Regulation 14 consultation of a Pre-Submission neighbourhood plan and runs from 24th January to 7th March 2017.
- 1.5 It is appreciated and understood that the local community and neighbourhood forum have already put many hours of time and effort into the preparation of the WNP. As well as assessing the WNP against the basic conditions tests these representations are made in order to help the local community produce a plan that can be 'made' as quickly as possible and that accordingly can become part of the adopted development plan. In order for this to occur the WNP will need to meet the basic conditions test at examination and be recommended by an examiner and the local planning authority to be put to the local community for a local referendum.

- 1.6 The WNP has to be prepared in 'general conformity' with the adopted development plan, in this case that is the Bath and North East Somerset Core Strategy (BANES CS) which was adopted in July 2014 and the emerging BANES Placemaking Plan which has been subject to consultation on the Main Modifications. The adopted BANES CS has a fifteen-year time horizon from 2014-2029.¹
- 1.7 To be in conformity with the adopted Core Strategy the Neighbourhood Plan should therefore be planning for the same period for the purposes of being 'made', however the Neighbourhood Forum and local community should also be paying regard to the work being undertaken by BANES to produce a new Core Strategy which is being prepared to align with the West of England Joint Spatial Plan (JSP).²
- 1.8 National Planning Practice Guidance (PPG) states at paragraph: 70 Ref ID: 041-0709-20140306 that those producing neighbourhood plans should support the strategic development needs set out in Local Plans, including policies for housing and economic development. ³
- 1.9 Paragraph 184 of the National Planning Policy Framework states that neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies.⁴

'The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans and orders should not promote less development than set out in the Local Plan or undermine its strategic policies.'

- 1.10 The new BANES Core Strategy will have an up to date evidence base, and an extended plan period of twenty-five years to cover the period 2016-2036, commensurate with the West of England JSP.

2.0 PLAN PERIOD FOR THE WHITCHURCH NEIGHBOURHOOD PLAN

- 2.1 The Draft WNP has a plan period on the front cover of 2015-2042, some 27 years, while paragraph 3.6 of the document states that the plan period is 23 years. Neither of these periods conform to either the adopted Core Strategy, which has a 15-year plan period (2014-2029) or the plan period being proposed by the JSP and the revised BANES CS which has a plan period of 20 years (2016-2036).

¹ http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Core-Strategy/core_strategy_-_adopted_interactive_version.pdf
http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/schedule_of_main_mods.pdf

² <http://www.bathnes.gov.uk/consultations/core-strategy-review>
[https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy.pdf)

³ <https://www.gov.uk/guidance/neighbourhood-planning--2#key-stages-in-neighbourhood-planning>

⁴ <https://www.gov.uk/guidance/national-planning-policy-framework/plan-making#para183>

2.2 It is not possible for the neighbourhood forum to plan effectively for the village for the length of time proposed by the Draft WNP as there is no published evidence base that covers this period with regard to housing or other development needs. The PPG states at Paragraph: 040 Reference ID:41-040-20160211⁵ that,

‘Neighbourhood plans are not obliged to contain policies addressing all types of development. However, where they do contain policies relevant to housing supply, these policies should take account of latest and up-to-date evidence of housing need.

In particular, where a qualifying body is attempting to identify and meet housing need, a local planning authority should share relevant evidence on housing need gathered to support its own plan-making.’

2.3 In order to meet the Basic Condition to be in general conformity with the local plan the WNP should have a plan period that is consistent with the adopted BANES Core Strategy. The WNP plan period should be revised to reflect the adopted BANES CS time period of 2014 – 2029 as this is based on evidence that has been found sound through a previous development plan examination.

2.4 However, emerging development plans and their evidence base are significant material considerations and neighbourhood plans should be prepared with sufficient flexibility to be able to take account of the requirements of an emerging higher tier development plan and the implications that may have on land use within the neighbourhood plan area.

2.5 The PPG states that the policies of a neighbourhood plan will become out of date if they conflict with the policies in a Local Plan that is adopted after the making of the neighbourhood plan. In such cases the most recent Local Plan policy takes precedence. The practice guidance continues at Paragraph:084 Reference ID: 41-084-20160519,

‘To reduce the likelihood of a neighbourhood plan becoming out of date once a new Local Plan is adopted, communities preparing a plan should take account of latest and up-to-date evidence of housing need, as set out in guidance.’⁶

3.0 QUANTUM OF DEVELOPMENT PROPOSED BY THE WHITCHURCH NEIGHBOURHOOD PLAN

3.1 The WNP alludes at paragraph 7.2 to two sites that will provide growth in the village in accordance with the adopted BANES CS. The location of the two schemes is shown at Figure 12 on page 17.

The sites are;

- (i) The ‘Horseworld’ site – which was allocated by the adopted BANES CS under Policy RA5, and removed from the Green Belt, for ‘approximately 200 dwellings’.

⁵ <https://www.gov.uk/guidance/neighbourhood-planning--2#evidence-to-support-a-neighbourhood-plan>

⁶ <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-a-neighbourhood-plan>

- (ii) The 'Sleep Lane' site – which had already been granted planning permission on appeal prior to the Core Strategy being adopted, for 47 dwellings (11/02193/FUL granted on appeal 29th Nov 2012).

3.2 Both of the above sites are shown as lying outside the Green Belt on the adopted BANES CS Proposals Map.⁷

3.3 The most recent development plan monitoring report published by BANES on their website, the 'BANES Local Plan: Housing Supply Findings Report' (April 2016)⁸ states that the Sleep Lane site is currently under construction and that the Horseworld site is likely to yield more than the 200 dwellings proposed by the RA5 allocation, alluding to an indicative potential capacity of 243 dwellings.

3.4 Sites in the WNP therefore currently allow for the delivery of 290 dwellings through the identified sites at Figure 12.

4.0 JSP AND EMERGING BANES CS (2016 – 2036)

4.1 The West of England JSP, a plan prepared by the four authorities of Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire Unitary authorities, will plan to meet the needs arising from both the Bristol and Bath housing market areas up to 2036.

4.2 The 'Towards the Emerging Spatial Strategy' consultation that took place on the plan during Autumn 2016 stated that the JSP would provide a framework for the delivery of 105,000 new homes which in turn would support planned job growth of 82,500 new jobs for the period 2006-2036.

4.3 Of the 105,000 new homes required approximately 84,000 are to meet housing need in the Wider Bristol Housing Market Area. The emerging spatial strategy for the JSP allows for the consideration of development in sustainable Green Belt locations owing to the exceptional circumstances that exist in accommodating the growth needs of the sub-regional area.⁹

4.4 Taking into account existing local plan allocations across the JSP area and an element for urban capacity (urban living) the JSP currently needs to find locations for a further 24,400 dwellings up to 2036. The majority will be found at strategic development locations with a smaller quanta of non-strategic growth identified through individual Local Plans.

7

<https://isharemaps.bathnes.gov.uk/atmycouncil.aspx?MapSource=BathNES%2fLocalPlan&StartEasting=373650.0&StartNorthing=164180.0&StartZoom=60000&o=1>

⁸ http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Housing/cdpmps3_banes_housing_land_supply_findings_report.pdf

⁹ [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy.pdf)

4.5 The JSP Strategy identifies Whitchurch as a potential location for up to 3,500 dwellings as it performs well against sustainability criteria owing to its proximity to Bristol. The 'Towards the Emerging Spatial Strategy' consultation strategy states that exceptional circumstances exist for the release of this location from the Green Belt.¹⁰

5.0 DISCUSSION

5.1 At first reading the policies of the WNP at Objective 1 would seem to achieve the aim of '*maintaining village identity and increasing sustainability*', however it is clear from the aforementioned that it is likely that the village will be required to accommodate substantial growth through the JSP and revised BANES CS.

5.2 The draft WNP should be more ambitious in the way it approaches this matter by identifying wider areas of the village that could be suitable for sustainable growth and removal from the Green Belt through future development plans, this would improve the longevity of the WNP and would allow the local community to influence and inform the place shaping of the village and growing community as it emerges. The evidence base of the JSP should be used by the Neighbourhood Forum to achieve this.¹¹

5.3 In particular the 13ha of land at Stockwood Lane, as identified at Appendix 1 (see plan at end of document), should be considered as a suitable site for sustainable development. The site is deliverable and has been promoted through the JSP and BANES CS 'call for sites' processes. The site has the potential to deliver dwellings and should be considered in conjunction with other Green Belt sites at Whitchurch to provide for the larger quantum of growth identified through the JSP.

5.4 With regard to the specific policies at Objective 1 the following points are made;

5.4.1 In response to **Policy WV 1.1 Village Design** it is noted that the Whitchurch Village Character Assessment Document (2015) is not immediately available to comment on as part of this public consultation and no web link is provided on the Neighbourhood Plan website to the document in the word document comprising the evidence base list.¹²

5.4.2 The Parish Council have made the Whitchurch Village Character Assessment Document (2015) document immediately available to Pegasus on request, however as alluded to in 5.4.1 above, if it is to be relied upon for policy preparation as evidence then it should be publically available for comment alongside the WNP. The Whitchurch Village Character Assessment is a document that identifies character areas within the village, including the nature of the size and type of the built form, including material palettes. It does not make any recommendations on design or layout for new development, it comments on existing built form.

¹⁰ [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23262021.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy The formulation of the Emerging Spatial Strategy.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23262021.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy%20The%20formulation%20of%20the%20Emerging%20Spatial%20Strategy.pdf)

¹¹ <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-a-neighbourhood-plan>

¹² <http://www.wvnp.org.uk/draft-neighbourhood-plan>

- 5.4.3 In response to Policy **WV 1.2 Provide a mix of housing types** housing mix should be provided in accordance with advice and guidance in the SHMA published to support the adopted BANES CS (2014) – or any updated SHMA published to support the JSP or emerging BANES Local Plan 2016 -2036. No mention is made in this policy of housing for downsizers or for the elderly who may wish to stay in the village.
- 5.4.4 In order to respond to Policy **WV1.3 Allocation of Affordable Housing** clarity was sought from the parish Council with regard to the interpretation of the policy as the adopted BANES CS includes Policy CP9 Affordable Housing which requires ‘major’ residential development delivering 10 or more dwellings in Whitchurch to provide 30% affordable housing, with sites of 5-9 dwellings making a 15% on site contribution or commuted sum payment.¹³
- 5.4.5 As written WV.13 requires 30% of affordable housing delivered in Whitchurch to be allocated to those with a local connection in the village. Given the plan makes provision for 290 dwellings, if delivered at a policy complaint level of 30% the village could expect 87 affordable units to come forward. If 30% of these units were allocated on a local connection basis that would result in 26 units coming forward for local need.
- 5.4.6 With regard to the local connections criteria in the draft policy, it is normal practice for new affordable housing products to be allocated to those in greatest housing need generally, unless there is an adopted development plan policy to the contrary. It is considered in this instance that insufficient evidence has been presented to support a policy seeking to require that 30% of all affordable housing delivered in the Parish be allocated to those with a local connection to the parish, especially given the parish currently only has 550 dwellings.
- 5.4.7 In response to Policy **WV 1.4 Heritage Assets & Their Setting** it is suggested that part of the policy is missing as the list of heritage assets alluded to by the policy is not included. The ‘separation’ of Whitchurch from the south of Bristol is not a matter to be addressed by a heritage policy. The adopted BANES CS does not have a policy for Whitchurch that alludes to the landscape setting as a heritage asset. It is wrong therefore to include the matter of settlement separation in this policy.
- 5.4.8 Heritage assets of national significance are protected by relevant statute, the 1990 Town and Country Planning (Listed Building and Conservation Areas) (England) Act, and by national policy guidance contained in the NPPF at paragraphs 126-141¹⁴. There is therefore no need to repeat this in the WNP.
- 5.4.9 Policy that makes reference to buildings that appear on a local list of heritage assets would be appropriate for the WNP but a local list is not included in the plan or as part of the evidence base for this consultation.

¹³ Policy CP9 p.162 http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Core-Strategy/core_strategy_-_adopted_interactive_version.pdf

¹⁴ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

- 5.4.10 Reference is made to the BANES Strategic Land Availability Assessment Report Findings (Nov 2013) which uses a RAG system to assess the 'overall risk to the significance of heritage assets' of a site. The map is shown at Figure 14 of the WNP.
- 5.4.11 Land at Stockwood Lane is shown in Figure 14 as green and therefore presents as 'low risk' to the significance of heritage assets. Figure 14 does indicate that there is a high risk of known archaeological heritage assets at the site. The presence of archeology remains does not necessarily preclude development across the majority of the site. Good design and layout can address the presence of archaeology while the development process can aid understanding of historic settlements and previous inhabitants of an area.
- 5.4.12 In response to Policy **WV.106 Broadband Policy Provision** it is submitted that the policy needs to be NPPF paragraph 43 compliant and that the plan may be better future proofed by not stating a '*symmetrical speed of 25 Mbps*' but instead refer to a recognized industry standard that would allow for standards to be automatically updated or rolled forward over time.
- 5.4.13 The NPPF requires plans to be positively prepared and the Planning Aid Guidance on 'How to write Planning Policies'¹⁵ for Neighbourhood Plans builds on the tenor of national planning policy at page 7 and recommends that the language used in the policies of Neighbourhood is positive. It is noted that both policy WV1.2 and WV1.4 include negative phrases; '...large areas of uniform type and size will not be acceptable' and '...will be resisted...' respectively. It is submitted that these polices do not satisfy the basic conditions test owing to their negative wording and it is requested they be redrafted positively in order to meet national planning policy guidance requirements.

Objective 2: Manage and maintain the Green Buffer

Do you agree with the policies in this section – YES NO

Comments

1.0 INTRODUCTION

1.1 As stated under Objective 1 the West of England JSP is proposing Land to the south East of Bristol, Whitchurch as a growth area for 3,500 dwellings up to 2036.¹⁶

1.2 As part of the spatial strategy being pursued by the West of England JSP the whole Bristol and Bath Green Belt has been subject to independent review in order to provide the evidence base for the JSP and to inform the emerging spatial strategy.¹⁷

2.0 EMERGING JSP EVIDENCE BASE

2.1 Paragraphs 47-49 of the JSP evidence base document 'The Formulation of the Emerging Spatial Strategy' (November 2016) states the following with regard to the identification of Whitchurch as an appropriate location for growth through the JSP¹⁸;

'47. Therefore, it is concluded that because of the substantial sub-regional housing need, combined with the relatively sustainable nature of its location, the contribution that could be made to improving sustainable transport options south east of Bristol, as well as its relative performance in Green Belt terms constitute the exceptional circumstances to justify the release of land south of Whitchurch Village from the Green Belt.

48. However, this location (as with other locations being considered) is only deliverable if substantial new sub-regional and local transport infrastructure is provided, focussing on public transport, including conventional bus service upgrading, new park & ride, and future Metrobus or rapid transit provision. Additional highway capacity would also be needed, to address underlying congestion issues, to provide access to new development and to release space for public transport improvements. The location's capacity must take into account the need to avoid unacceptable harm to nationally important heritage assets as well as retaining the Green Belt separation of Whitchurch Village from the Bristol Urban area.

49. This location has the capacity to contribute up to 3,500 dwellings to housing land supply which would be sufficient to meet the housing target as well as provide some flexibility/safeguarded land.'

¹⁶ [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23366789.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy.pdf)

¹⁷ [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23257829.1/PDF/-/Towards the Emerging Spatial Strategy Green Belt Assessment Stage 2.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23257829.1/PDF/-/Towards%20the%20Emerging%20Spatial%20Strategy%20Green%20Belt%20Assessment%20Stage%202.pdf)

¹⁸ [https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23262021.1/PDF/-/West of England Joint Spatial Plan Towards the Emerging Spatial Strategy The formulation of the Emerging Spatial Strategy.pdf](https://www.jointplanningwofe.org.uk/gf2.ti/-/756738/23262021.1/PDF/-/West%20of%20England%20Joint%20Spatial%20Plan%20Towards%20the%20Emerging%20Spatial%20Strategy%20The%20formulation%20of%20the%20Emerging%20Spatial%20Strategy.pdf)

3.0 ADOPTED BANES CS 2014

- 3.1 The Village boundary as proposed by WNP does not comply with the extent of the Green Belt boundary on the adopted BANES CS Proposals Map¹⁹ which removes more sites to the north east of RA5 from the Green Belt over and above the quantum of land shown to comprise RA5 in the WNP.
- 3.2 The WNP has only identified sites for development that were either allocated through the adopted BANES CS or already consented when the BANES CS was adopted. It is submitted therefore that the WNP is not proactive about identifying sites to 'boost significantly' the supply of housing in accordance with paragraph 47 of the NPPF as it merely replicates housing growth already identified in the adopted local plan.
- 3.3 Given the village has been identified as a growth point through the JSP, subject to the delivery of enhanced transport infrastructure, it is submitted that the WNP should be facilitative about future growth requirements, even with regard to development in the green belt.
- 3.4 Such facilitative wording has recently (January 2017) passed the Examination process in the Bredon Neighbourhood Plan where development is required in part of Bredon Parish in order to provide for a neighbouring authorities unmet housing need. The Local Gaps Policy of the Bredon Neighbourhood Plan 'NP2' states that;

'This policy will not apply to any sites which have been allocated under the strategic policies of an adopted local plan.'²⁰

- 3.6 The reasoned justification of the Bredon plan states at paragraph 7.13,

'This policy is consistent with NPPF 184, which states that Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan.'

- 3.7 It is submitted therefore that the following wording be inserted into each of the Green Belt policies of the draft WNP in order to ensure the longevity of the WNP and to future proof it so that it does not become immediately out dated by the adoption of the JSP and the BANES CS review.

'This policy will not apply to any sites which have been allocated under the strategic policies of an adopted local plan.'

¹⁹

<https://isharemaps.bathnes.gov.uk/atmycouncil.aspx?MapSource=BathNES%2fLocalPlan&StartEasting=373650.0&StartNorthing=164180.0&StartZoom=60000&o=1>

²⁰ p.25

<http://www.wychavon.gov.uk/documents/10586/0/Bredon+Parish+Neighbourhood+Plan+%28Submission+Version%29%2C+May+2016.pdf/fc319a1d-f0b6-409a-9138-7ef1c7503c5d>

- 3.8 With regard to the site at Stockwood Lane, it is submitted that the site should be removed from the green belt in order to allow for development. It would be possible to design any development at the site so that visual connections with the countryside could be maintained and therefore ensure that a green buffer was retained between the village and the edge of the urban area of Bristol.
- 3.9 Currently the 13ha site is used for agricultural grazing with limited public access or connectivity to the countryside from the urban area. Bringing forward the site for development would result in enhanced connectivity and public access for walking and cycling with improved green infrastructure linkages and biodiversity corridors.
- 3.10 It is submitted that **Policy WV2.1 Positive green buffer management between Whitchurch village and Bristol** is not worded positively, the comments previously raised at paragraph 5.4.13 of Objective 1 comments are relevant. The policy begins '*Development will not be permitted outside the housing development boundary...*', this should be amended to become positive policy wording in accordance with national planning policy guidance and to meet the basic conditions test.

Objective 3: Ensure that new development is integrated within the village

Do you agree with the policies in this section – YES NO

Comments

Objective 4: The A37 Impact

Do you agree with the policies in this section – YES NO

Comments

1.0 COMMENTS

- 1.1 With regard to **Policy WV4.1 Air Quality**, it is noted that developers are required to submit an Air Quality Assessment to BANES for a major planning application as identified on the BANES local validation checklist for planning applications.²¹ The first part of this policy therefore does not add anything to existing planning practice for major applications within the BANES administrative area. The second paragraph of the policy is also worded negatively and comments raised at paragraph 5.4.13 of Objective 1 on wording to meet the basic conditions test are again relevant.
- 1.2 Moreover, it is the statutory responsibility of a local authority's Environmental Health Department to assess the air quality of their area on an ongoing basis – an Air Quality Assessment will only provide a snap shot for a period of time. Should a problem be identified by an assessment it would not be for a single development site to remedy a wider air quality situation as this would be addressed through a series of measures put in place by the local authority.
- 1.3 It is suggested that it may be a more positive and appropriate approach to have a policy in the WNP that requires developers to ensure sustainable transport measures for their schemes, including designing in order to encourage and ensure that local trips can be safely and easily made by walking and cycling rather than to seek to '*resist development*' on air quality grounds. Impact on air quality is something that would be considered in the planning balance by decision makers when determining an application alongside other material considerations such as the need to deliver new housing, including affordable homes.
- 1.4 It is a statutory requirement for local authorities to request that adequate information be submitted with an application in order to be able to make an informed decision on proposals. This includes the impact of a proposal on the highway network in a Transport Statement or Transport Assessment in accordance with paragraphs 32- 33 of the NPPF²² so WNP policy does not need to re-iterate this matter at **Policy WV4.2 Traffic Impacts of Development**.

²¹ <http://www.bathnes.gov.uk/services/planning-and-building-control/planning-application-forms-and-checklists/full-planning-appli>

²² https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Objective 5. Seek improvements for the community arising from future growth

Do you agree with the policies in this section – YES NO

Comments

1.0 INTRODUCTION

1.1 As there are no policies in this section of the Draft Plan my client has no comment.

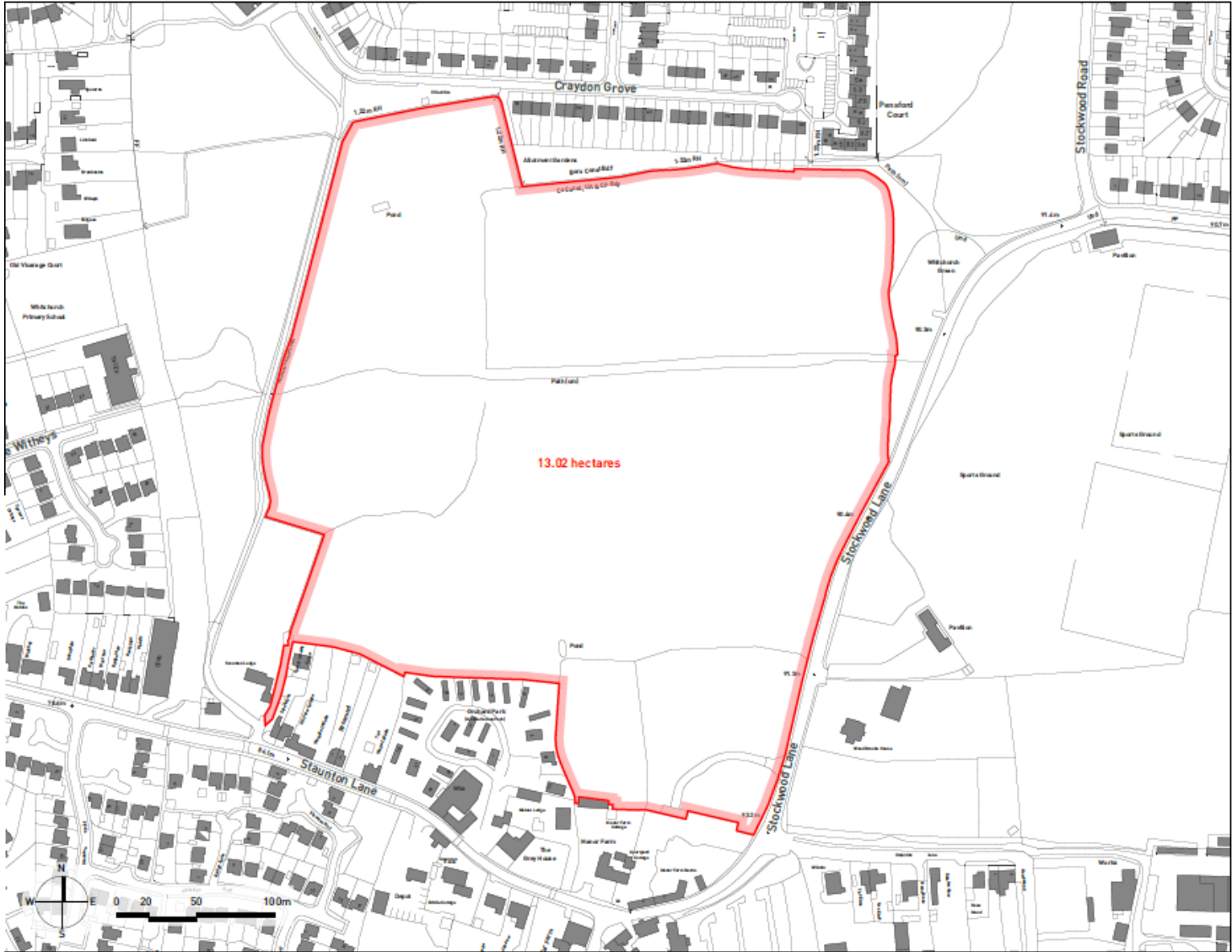
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On behalf of..... Robert Hitchins Ltd
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.....

Please note that all names and addresses will be made public.



Key:
 Site boundary (13.02ha)

Land off Stockwood Lane, Whitchurch - Site Location Plan



APPENDIX 3

STOCKWOOD LANE SITE LAYOUT PLAN

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Key:

-  Site boundary (13.4ha)
-  Residential development (5.56ha)
200 dwellings @ 35.9 dph
-  Formal Open Space (1.036ha)
-  Informal Open Space (3.442ha)
-  Land to be retained in existing use (2.992ha)
-  Indicative location for Allotment provision (see above)**
-  Existing vegetation
-  Existing public footpath
-  Proposed re-aligned section of footpath
-  Existing public footpath to be re-aligned
-  Existing cyclepath
-  Indicative internal access road
-  Indicative private drive

* POS requirement based on 200 dwellings (population of 461) in accordance with Local Plan Policy SR.3:



Land off Stockwood Lane, Whitchurch, Bristol - Concept Masterplan

| T 01285 641717 | F 01285 642348 | www.pegasuspg.co.uk | Team: MED/AM | 15 AUGUST 2013 | 1:1250 @ A1/1:2500 @ A3 | drwg. H.0402_01D | Client: Robert Hitchins Ltd |

