

Charfield Neighbourhood Development Plan 2019-2036

**A report to South Gloucestershire Council on the
Charfield Neighbourhood Development Plan**

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Executive Summary

- 1 I was appointed by South Gloucestershire Council in October 2020 to carry out the independent examination of the Charfield Neighbourhood Plan.
- 2 The examination was undertaken by way of written representations. I visited the neighbourhood plan area on 26 October 2020.
- 3 The Plan includes a variety of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding its attractive and distinctive character and ensuring that any new development takes account of this character.
- 4 The Plan has been underpinned by community support and engagement. It is clear that all sections of the community have been engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Charfield Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

Andrew Ashcroft
Independent Examiner
16 December 2020

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Charfield Neighbourhood Development Plan 2019-2036 (the Plan).
- 1.2 The Plan has been submitted to South Gloucestershire Council (SGC) by Charfield Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, 2018 and 2019. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether or not the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the local plan in particular. It seeks to provide a context in which the neighbourhood area can maintain its distinctiveness and identity.
- 1.6 Within the context set out above this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

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

Examination Outcomes

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

Other examination matters

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

3 Procedural Matters

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

- the submitted Plan
- the Basic Conditions Statement (as incorporated in the Plan).
- the Consultation Statement (as incorporated in the Plan)
- the SGC SEA/HRA Screening report.
- the evidence base;
- the representations made to the Plan.
- the responses from the Parish Council to the clarification note.
- the adopted South Gloucestershire Local Plan Core Strategy 2013.
- the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan 2017.
- the National Planning Policy Framework (February 2019).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 26 October 2020. I observed the social distancing arrangements in place at that time. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

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

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a Consultation Statement. It is incorporated as Appendix 4 of the Plan. This Statement is proportionate to the Plan area and its policies.
- 4.3 The Statement records the various activities that were held to engage the local community and the feedback from each event. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (September to October 2019). It provides the details of the responses to the pre-submission Plan in a series of appendices. This contributes significantly to the legibility of the relevant information.
- 4.4 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. It includes details about:
- the drop-in session (November 2015);
 - the village-wide survey (November 2016);
 - the organisation of a stall at the Charfield village fete (June 2018);
 - the village meeting (June 2019); and
 - the organisation of a stall at the Charfield village fete (June 2019).
- 4.5 Various detailed documents in the Evidence Base sets out the nature of the community questionnaire and other consultation exercises and the responses received. They demonstrate the thorough way in which those responsible for the preparation of the Plan sought to address the expectations of the wider community. They also set out how the submitted Plan took account of consultation feedback at the pre-submission phase. It does so in a proportionate and effective way. This analysis helps to describe how the Plan has progressed to its submission stage.
- 4.6 Consultation on the submitted plan was undertaken by South Gloucestershire Council. It ended on 12 October 2020. This exercise generated representations from the following organisations:
- CEG and Charfield Landowners Consortium
 - The Coal Authority
 - Gloucestershire Wildlife Trust
 - Highways England
 - National Grid
 - Environment Agency

- Natural England
- Historic England
- South Gloucestershire Council
- Bloor Homes
- Cotswolds Natural Landscape
- Gloucestershire County Council

4.8 Representations were also received from eleven local residents.

4.9 I have taken account of all the representations in preparing this report. Where it is appropriate to do so, I refer to specific representations on a policy-by-policy basis.

5 The Neighbourhood Area and the Development Plan Context

The Neighbourhood Area

- 5.1 The neighbourhood area is the parish of Charfield. Its population in 2011 was 2538 persons living in 985 households. It was designated as a neighbourhood area on 27 January 2016.
- 5.2 The neighbourhood area is irregular in shape. It is located on the B4058 to the east of the M5 and to the west of Wotton-under-Edge. The Bristol-Cheltenham-Birmingham railway line runs through the neighbourhood area in a north-south direction. The neighbourhood area sits in the Little Avon river valley.
- 5.3 Charfield is the largest settlement in the neighbourhood area. It is a self-contained village set in attractive open countryside to the immediate west of the Cotswold Hills AONB. The other settlement is Churchend to the west of Charfield. Charfield developed along the Wotton Road. This is reflected in the various community and educational buildings along this axis together with a series of public houses. The railway line and the former station form a central commercial core of the village. More recently housing development has taken place both to the north and to the south of Wotton Road.

Development Plan Context

- 5.4 The development plan for the neighbourhood area consists of the adopted South Gloucestershire Local Plan Core Strategy and the adopted South Gloucestershire Local Plan Policies, Sites and Places Plan. Together they form the Local Plan for South Gloucestershire.
- 5.5 The Core Strategy was adopted in December 2013. As its name suggests is set out the strategic approach to development. The following policies are particularly relevant to the submitted Plan:
- CS5 Location of Development (including the Green Belt)
 - CS12 Safeguarded Areas for Economic Development
- 5.6 The Local Plan, Policies and Places Plan (PSP) was adopted in November 2017. It supplements the Core Strategy and includes additional levels of detail. For the neighbourhood area this consists primarily of detailed development management policies. The following policies are particularly relevant to the submitted neighbourhood plan:
- PSP 4 Designated Local Green Spaces
 - PSP 5 Undesignated Open Spaces within Urban Areas and Settlements
 - PSP10 Active Travel Routes
 - PSP14 Safeguarding Rail Schemes and Infrastructure
 - PSP24 Minerals and Safeguarding Areas

- PSP27 B8 Storage and Distribution Uses
- PSP47 Site Allocations and Safeguarding

5.7 SGC is in the process of preparing a new Local Plan (the South Gloucestershire Local Plan 2020). It will incorporate a review of the adopted development plan. The current timetable anticipates that the Plan will be adopted in 2023. Consultation on the Issues and Approaches document stage began in November 2020 and will run until March 2021. Plainly good progress is being made on this matter. Nevertheless, given the timings involved the emerging Local Plan has had no practical implications for the examination of the neighbourhood plan.

5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in South Gloucestershire.

Visit to the neighbourhood area

5.9 I visited the neighbourhood area on 26 October 2020. I approached it on the B4058 and from the M5. This helped me to understand its position in the wider landscape in general and its position in a natural valley in particular.

5.10 I looked initially at Churchend. I saw the Church of St James at its southern end and the impressive Rectory at its northern end. In addition, I saw several other interesting vernacular buildings. I also saw the extensive views to the east over the wider landscape in general, and the neighbourhood area in particular.

5.11 I then drove to Charfield. I looked initially at the area around the Memorial Hall. I saw its central location and the extensive recreational ground to its south. In doing so I saw the recent and ongoing residential development on the northern side of Wotton Road. The play area by the recently-completed development off Falcon Road was particularly impressive and well-designed.

5.12 I then looked at the Primary School, St John's Church and the Pear Tree Micro Pub. In their different ways they highlighted the development of the village along the Wotton Road.

5.13 I then looked at the area around Station Road and the former railway station. I saw the range of commercial premises and the way in which they brought important services and associated employment opportunities to the village.

5.14 I carried on along Wotton Road to the east. I saw the attractive Park Farm, the Congregational Church and The Plough public house. I then looked at the new development to the east of the village off Cowslip Way. I saw the way in which it defined a revised boundary of the village.

- 5.15 On my way back to the village centre I looked at the residential areas off New Street. I saw the petrol station and its popularity with the local community.
- 5.16 I drove out of the neighbourhood area along Wotton Road to Wotton. This helped me to understand the neighbourhood area's relationship to this important element of highway infrastructure and the way in which it related to the wider landscape.

6 The Neighbourhood Plan and the Basic Conditions

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

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

National Planning Policies and Guidance

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

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

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

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

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension the Plan includes policies for employment development (Policy 12) and to support retail development (Policy 13). In the social role, it includes policies on a community centre (Policy 16), on recreation space (Policy 17) and for green spaces and allotments (Policies 18 and 19). In the environmental dimension the Plan positively seeks to protect its natural, built and historic environment. It has a policy on design (Policy 3), on climate change and emissions (Policies 20 and 21) and a series of biodiversity issues (Policies 23 to 28). This assessment overlaps with the Parish Council's comments on this matter in the submitted Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the wider South Gloucestershire area in paragraphs 5.4 to 5.8 of this report.

- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. Subject to the recommended modifications in this report I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

European Legislation and Habitat Regulations

- 6.13 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, SGC undertook a screening exercise in January 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The report is thorough and well-constructed. As a result of this process SGC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require SEA.
- 6.14 SGC also prepared a Habitats Regulations Assessment (HRA) of the Plan at the same time. It concludes that the submitted Plan is unlikely to have significant effects on a European site. The report is very thorough and comprehensive. In particular it assesses the likely effects of the implementation of the policies in the Plan on the Severn Estuary SPA/SAC/Ramsar site which, whilst outside the neighbourhood area, has the potential to be affected by policies in the Plan. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and Appropriate Assessment is not required.
- 6.15 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 6.16 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Summary

- 6.17 On the basis of my assessment of the Plan in this section of my report I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report. Section 7 assesses each policy against the basic conditions. Where necessary it recommends modifications to ensure that the relevant policy meets the basic condition

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (Section 41-004-20190509) which indicates that neighbourhood plans must address the development and use of land. Appendix 4 includes a series of non-land use Aspirations.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. The Aspirations are considered after the policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial part of the Plan (Section 1)

- 7.8 The Plan as a whole is very well-organised. It includes several helpful photographs. It makes an appropriate distinction between the policies and their supporting text. The initial elements of the Plan set the scene for the policies. They are proportionate to the Plan area and the subsequent policies.
- 7.9 Section 1 comments about the vision for Charfield and the background to neighbourhood planning. It also helpfully describes the role and nature of sustainable development.
- 7.10 The Neighbourhood Plan Regulations set out the need for certain matters to be included within a plan. I recommend modifications to Section 1 of the Plan to ensure that it meets these requirements as follows:
- Map of neighbourhood area – provide the map on page 3 with a key to identify that it shows the neighbourhood area;
 - The date of the designation of the neighbourhood area – include the details in paragraph 1.3; and
 - The Plan period - include the details in paragraph 1.3.

Provide the map on page 3 with a key to identify that it shows the neighbourhood area

At the end of paragraph 1.3 add: 'The neighbourhood area was designated on 27 January 2016. The Plan period is 2019 to 2036'

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

Policy 001 Electric Car Charging Points

- 7.12 This policy provides a positive approach to facilities for electric car charging. In particular it addresses:

- the need for all new homes to be connected with fast charging points;
- supplies should be isolated to the house/garage concerned; and
- public parking spaces should also include fast charging points which are metered and chargeable to the customer.

- 7.13 The specific nature of the policy has attracted commentary from the development industry. The commentary acknowledges that the direction of travel on this matter is clear. It also highlights that the matter may eventually be regulated by the Building Regulations.

- 7.14 Plainly national policy is likely to evolve on this issue. However, at the moment the National Planning Policy Framework (NPPF) does not require every home to have an electric vehicle charging point. Instead, its paragraph 110e comments the need for new development to ensure adequate provision and to be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. Whilst a neighbourhood plan has the ability to provide very specific local policy advice which has regard to national policy there is no such evidence provided in the Plan.

- 7.15 In July 2019 the Government consulted on 'Electric Vehicle Charging in Residential and Non-Residential Buildings'. In due course, this may result in changes to national policy. In addition, the government is proposing to amend the Building Regulations to deal with infrastructure for electric vehicle charging points. However, the extent of amendments and the timescale for their implementation are not yet clear.

- 7.16 In all the circumstances I recommend that the policy is replaced with one which takes a more general approach and which will be future-proofed for the duration of the Plan period. The modified policy has been designed to take account of the different nature of housing developments which may come forward in the Plan period. I also recommend consequential modifications to the reasoning behind the policy.

Replace the policy with:

'As appropriate to their scale, layout and design new residential developments should have access to electric vehicle charging provision, including a combination of both active and passive provision. Electric vehicle charging points should be provided for both on-street and off-street spaces in accordance

with the most up-to-date national or local standards and should include a combination of standard and fast charging points'

In the opening sentence of the reason replace 'all new build.....charging points' with 'new residential developments should be provided with electric vehicle charging facilities to comply with the relevant standards in place at that time'

Policy 002 Appearance of Dwellings

- 7.17 This policy sets out an approach towards the appearance of new dwellings. Its ambition to achieve high quality and distinctive development has regard to national policy.
- 7.18 The more detailed elements of the policy (in relation to building heights and a restriction to 10% or less of buildings of two and a half storeys) are very perspective and fail to take account of the particular circumstances of specific sites. In addition, their approach is not directly supported by detailed evidence. In these circumstances I recommend modifications to the policy to ensure that it meets the basic conditions.

Replace the policy with:

'New buildings should reflect the rural environment of Charfield and take its local characteristics and materials into account. Where appropriate they should also be designed to incorporate best practice construction principles.

The development of modern designs will be supported where they do not detract from the character and appearance of the village. Modern designs which incorporate low carbon technology will be particularly supported'

Policy 003 Design of Buildings

- 7.19 This policy requires that new development is designed in a sustainable fashion. It offers particular support to developments which would deliver a specific set of measures.
- 7.20 I recommend detailed modifications to the wording used to bring the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the second sentence replace 'followed' with 'incorporated within the design of the buildings concerned'

Replace the opening part of the third sentence with: 'Development which incorporates any or all of the following features will be particularly supported'

Policy 004 Size of Dwellings

- 7.21 This policy comments on dwelling sizes. It comments that all new build development should contain an appropriate element of smaller dwellings.
- 7.22 The generality of the approach seeks to be in general conformity with Policy CS17 (Housing Diversity) of the Core Strategy. However, it requires the provision of small dwellings outside the context of the wider assessment of housing needs as included in the Core Strategy policy. In this regard it has the ability to pull in a different direction from that policy.

- 7.23 I recommend that the policy is modified to remedy this issue. The first part of the modified policy follows the approach in the Core Strategy. The second part provides particular support in the neighbourhood area for the development of smaller houses.
- 7.24 I also recommend consequential modifications to the reasoning behind the policy.

Replace the policy with:

‘New housing developments should provide a wide variety of housing type and size to accommodate a range of different households, including families, single persons older persons and low-income households as evidenced by local needs assessments and strategic housing market assessments’

Proposals which include smaller dwellings (one or two bedroom) will be particularly supported’

Replace the first sentence of the Reason with: ‘New residential developments can sometimes concentrate on delivering larger houses. Policy 004 applies the housing needs approach in the Core Strategy’

In the second sentence replace ‘However’ with ‘The second part of the policy offers particular support to the development of one- and two-bedroom houses. In doing so it acknowledges that’

Policy 005 Housing Density

- 7.25 This policy has two related elements. The first is that new development should not increase the overall density of the village. The second is that there should be a gap of at least three metres between neighbouring detached dwellings.
- 7.26 As submitted the policy raises practical issues for its implementation through the development management process. The first is that each proposal needs to be assessed on its own merit rather than in relation to a broader mathematical formula over which it has little, if any, control. The second is that the minimum distance proposed between dwellings is a rather blunt tool which may be appropriate to some site and not to others. In addition, it may conflict with the wider ambitions of the Plan to promote good design.
- 7.27 In the round I am satisfied that the issue is one which is important for the Plan to address both in general, and given the differing types of houses and their density in the neighbourhood area in particular. I recommend that the policy takes on a more general nature so as to ensure that the density and arrangement of any new residential developments reflect the nature and density of the village and secure good layout and design standards. In this context it will provide a complementary approach to that of Policy 003 which has a focus on the technical and sustainability component of design.

Replace the policy with:

‘Proposals for new housing development should be designed and arranged in a way which meets the following criteria:

- **their density and layout take account of the density and layout of adjoining residential areas;**
- **their layout respects and where practicable enhances the natural, built and historic environment of the neighbourhood area and through design and the use of materials reinforces local distinctiveness and a strong sense of place; and**
- **the overall development is of a scale and form which complements the character of the immediate area and does not result in an unacceptable loss of amenity for existing residents'**

Policy 006 Broadband Connectivity

- 7.28 This policy requires the installation of full fibre broadband in all new developments.
- 7.29 However in technical terms the installation of full-fibre broadband is dependent both on Openreach and the communications provider. As such barriers to connectivity and the timing of infrastructure delivery can be beyond the control of housing developers. To reflect these potential circumstances, I reflect that the policy is modified accordingly.

Replace the policy with:

'All new developments should provide suitable connections to services to ensure that future occupiers have access to full fibre broadband'

Policy 007 Parking Restrictions

- 7.30 This policy comments about the need for new development to provide sufficient off-road parking facilities. The Parish Council considers that an outcome of this policy will be that emergency service vehicles will have the necessary access as and when required.
- 7.31 The related matters of highways design and car parking requirements are already addressed by SGC in development plan policies and other detailed guidance. In these circumstances I recommend that the policy is deleted and is replaced by an additional Aspiration. I recommend that the wording of the resulting community aspiration is refined from that in the submitted policy so that it indicates the work which the Parish Council will undertake to achieve the objective. I also recommend that the additional aspiration is combined with the recommended approach to Policy 008. I set out the proposed community aspiration in my commentary on that policy.

Delete the policy

Delete the Reason

See the additional Aspiration set out at the end of paragraph 7.33

Policy 008 Maintenance of Bus Routes

- 7.32 This policy seeks to ensure that bus routes through the village should be kept clear from parked cars and other vehicles by the enforcement of parking restrictions and the provision of off-road parking.

- 7.33 The matter is one of significant concern for local residents. Nevertheless, it is not directly a land use matter. The application of appropriate car parking standards is addressed elsewhere in the development plan. In these circumstances I recommend that the policy is deleted and is replaced by an Aspiration. I recommend that the wording of the resulting community aspiration is refined from that in the submitted policy so that it indicates the work which the Parish Council will undertake to achieve the objective.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with South Gloucestershire Council to ensure that both new developments and existing bus routes through the village are kept clear from parked vehicles by a combination of the enforcement of parking restrictions, and the appropriate provision of off-road parking in new developments'

Policy 009 Bus Stops

- 7.34 This policy requires that bus stops should incorporate a layby and a bus shelter.
- 7.35 As with Policy 008 this is an important matter for local residents. Nevertheless, it is not directly a land use matter. The application of standards for bus stops and associated facilities is addressed by SGC in its capacity as the highway authority. In these circumstances I recommend that the policy is deleted and is replaced by an additional Aspiration. I recommend that the wording of the community aspiration is refined from that in the submitted policy so that it indicates the work which the Parish Council will undertake to achieve the objective.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

The Parish Council will work with South Gloucestershire Council to ensure that bus stops include appropriate facilities, and where necessary, incorporate a layby and bus shelter.

Policy 010 Pavement Size

- 7.36 This policy raises similar issues to those associated with Policies 007-009.
- 7.37 As with these policies this is an important matter for local residents. Nevertheless, it is not directly a land use matter. The size and accessibility of pavements is addressed by SGC in its capacity as the highway authority. In these circumstances I recommend that the policy is deleted and is replaced by an additional Aspiration. I recommend that the wording of the community aspiration is refined from that in the submitted policy so

that it indicates the work which the Parish Council will undertake to achieve the objective.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with South Gloucestershire Council to ensure that pavements are of an appropriate size and design to enable pushchairs to pass each other and to provide suitable access for wheelchairs'

Policy 011 Footpaths

7.38 This policy comments about pedestrian and cycle paths. It requires that:

- paths are incorporated into new developments;
- the paths link up with existing pathways; and
- there should be wider connectivity between footpaths, other facilities in the village and to the proposed Greenway (as set out in Policy 015).

7.39 The policy has been well-developed. It meets the basic conditions.

Policy 012 Business Hub

7.40 This policy identifies the need for a business hub in the neighbourhood hub. It reflects the Parish Council's commentary about the desirability of more people staying in the village to work remotely where practicable, rather than drive in and out of the village each day. It acknowledges that not everyone can do this, by nature of their work, by not being able to work at home, or because of their domestic circumstances. Plainly the impact of Covid has heightened these issues.

7.41 However as submitted the policy is a statement of need rather than a policy. In its response to the clarification note the Parish Council commented that it had no immediate plan to build a business hub, nor has a site been identified. It confirmed that it would happy to change the wording of the policy to instead provide support for the building of a business hub, should the opportunity arise. I recommend accordingly.

Replace the policy with:

'Proposals for the development of a business hub will be supported'

Policy 013 Retail Units

7.42 This policy expresses a preference for small independent retail units in the village rather than for larger commercial developments.

7.43 In its response to the clarification note the Parish Council acknowledged that the ambition expressed is not a planning policy. In these circumstances I recommend that the policy is deleted and is replaced by an additional Aspiration. I recommend that the wording of the aspiration is refined from that in the submitted policy so that it indicates

the work which the Parish Council will undertake to achieve the objective. In any event the development of small shop units in appropriate locations would be supported by existing policies in the development plan.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with property owners and independent traders to support the development small shop units in Charfield'

Policy 014 Tortworth Footway

- 7.44 This policy sets out the Plan's ambition for the development of foot and cycle connections towards Tortworth.
- 7.45 It has the ability to provide an important recreational facility for local residents. Nevertheless, it is not directly a land use matter. Rather it is a project which will involve several agencies working in collaboration to achieve its objectives. In these circumstances I recommend that the policy is deleted and is replaced by an Aspiration. I recommend that the wording of the resulting community aspiration is refined from that in the submitted policy so that it indicates the work which the Parish Council will undertake to achieve the objective.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with South Gloucestershire Council to secure pedestrian and cycle connections/improvements towards Tortworth along the Wotton Road to the Tafarn Bach roundabout and along the B4059 (or along another viable alternative routes). The Parish Council will also work with the adjacent local planning authorities, neighbouring parish councils, landowners and developers to secure a foot/cycle way to Tortworth where such improvements would lie outside of the plan area'

Policy 015 Wotton-Kingswood-Charfield Greenway

- 7.46 This policy sets out the Plan's ambition for the development of foot and cycle connections between Wotton, Kingswood and Charfield.
- 7.47 It has the ability to provide an important recreational facility for local residents. Nevertheless, it is not directly a land use matter. Rather it is a project which will involve several agencies working in collaboration to achieve its objectives. In these circumstances I recommend that the policy is deleted and is replaced by an Aspiration. I recommend that the wording of the resulting community aspiration is refined from that in the submitted policy so that it indicates the work which the Parish Council will undertake to achieve the objective.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

‘The Parish Council will work with South Gloucestershire Council, adjacent local planning authorities, neighbouring parish councils, landowners and developers to secure a Wotton-Kingswood-Charfield Greenway’

Policy 016 Community Centre

- 7.48 This policy comments that any new large development should include a community facility.
- 7.49 As submitted the policy does not define the nature of development which would trigger the need for the provision of such a facility. In addition, it does not identify support for any specific development which itself may generate the need for a community facility. In its response to the clarification note the Parish Council identified that it had no immediate plans to secure or develop such a facility. In these circumstances I recommend that the policy is modified so that it offers general support for the development of such a facility.

Replace the policy with:

‘Proposals for the development of a community centre will be supported’

At the end of the Reason add: ‘Particular support will be offered to proposals which complement the existing Memorial Hall and include a large auditorium, a range of meeting rooms, games courts leisure studios, office space and an equipped kitchen area’

Policy 017 Recreational Space

- 7.50 This policy comments that new residential development should provide an appropriate level of recreational space.
- 7.51 I have considered this policy carefully in general, and in relation to the reasons for the policy in particular. However, it adds no distinctive local value to existing development plan policies. In particular PSP Policy CS16 ensures adequate levels of public open space within new developments. In addition, PSP Policy CS23 identifies that the Council will work with developers to ensure appropriate provision or contribution towards community infrastructure including public and private recreation space. In these circumstances I recommend that the policy is deleted.

Delete the policy

Delete the Reason

Policy 018 Green Space

- 7.52 This policy follows a similar approach to that of Policy 017. In this case its focus is on the provision of green space.
- 7.53 As with Policy 017 I have considered this policy carefully in general, and in relation to the reasons for the policy in particular. However, I have come to the same conclusion as that for Policy 017 and for the same reasons.

Delete the policy

Delete the Reason

Policy 019 Allotments

- 7.54 This policy sets out the need for new development to deliver allotments. It also makes comments on their allocation and revenue/funding streams.
- 7.55 In its response to the clarification note the Parish Council comment about various requests to provide allotments and its lack of any access to appropriate land for such provision. As with Policies 017/018 I have considered this policy carefully in general, and in relation to the reasons for the policy in particular. In this case PSP Policy CS24 requires new development to include the provision of green infrastructure (including allotments) in compliance with appropriate local standards. This matter is already acknowledged in the reason for the policy. Nonetheless given the importance of this matter to the local community I recommend that the policy is modified so that it takes on a general, supportive nature. The issues of allocation and profit allocation are not land use issues.

Replace the policy with

‘Proposals for the development of allotments will be supported’

Replace the first sentence of the Reason with: ‘This policy highlights the ongoing requests received by the Parish Council for the provision of allotments. The policy would support the development of free-standing allotments or allotments within new residential developments’

Policy 020 Climate Change

- 7.56 This policy comments that greenhouses gases should be reduced by 80% of the Plan period and that all developments should contribute to this goal.
- 7.57 The policy is both ambitious and forward looking. However, at a national level the ambition will be delivered through the Building Regulations. In addition, as submitted the policy does not set any specific targets, does not provide a suitable context for how development should contribute to the goal of reducing greenhouse gas emissions and does not take account of the likely composition of new development within the Plan period. In these circumstances I recommend that the policy is deleted and replaced with an additional Aspiration which is forward-looking in its nature

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with developers and other organisations to secure reductions in the greenhouse gas emissions in the neighbourhood area within the national target of the national plan for net zero greenhouse gases by 2050'

Policy 021 Emissions

- 7.58 This policy incorporates similar issues to those in Policy 020
- 7.59 I recommend an identical package of modifications for the same reasons

Delete the policy

Add a further Aspiration to the schedule in Appendix 4 to read:

The Parish Council will work with developers and other organisations to secure developments which would deliver net zero carbon development (regulated and unregulated emissions) in terms of heat and power.

Policy 022 Gas Energy

- 7.60 This policy is very simple. It requires that new developments should be gas-free. It anticipates changes in national legislation which would ensure this outcome by 2025.
- 7.61 In its response to the clarification note the Parish Council commented about the relationship between this policy and its eventual delivery by way of the Building Regulations in due course. It commented that 'once these Building Regulations come into force, this policy will become redundant. Until that time, this will help with the sustainability aspirations of the village'
- 7.62 I can understand the Parish Council's ambitions on this matter. However, in the context of impending national legislation there will be a period where the use of electricity-based systems is implemented in a phased approach. As such it would be inappropriate to require such an approach before the appropriate legislation is in place. In these circumstances I recommend that the policy is deleted and replaced by a forward-looking Aspiration. Plainly developers would be able to future-proof their proposals in the short term should they wish to do.

Delete the policy

Delete the Reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with developers and other organisations to promote and encourage the use of gas free heating systems before national legislation requires such an approach'

Policy 023 Street Trees

- 7.63 This policy addresses the need for street trees within new developments. It includes the following components:
- the incorporation of a significant number of trees in new developments;
 - their potential incorporation in avenues;
 - the use of native species;
 - the location of the trees; and
 - the use of protection systems in relation to ground heave.
- 7.64 The policy's approach is generally appropriate. However, it does not provide clarity on its extent (given that it applies to all developments) and on its requirements (to provide an unspecified significant number of trees). I recommend modifications to the policy so that it would have the clarity required by the NPPF. In particular they will ensure that it can be applied as appropriate to the development concerned.
- 7.65 I recommend that some elements of the policy are relocated into the reason for the policy. As submitted, they are elements of explanation rather than policy.
- 7.66 In these circumstances the policy will be complementary to other development plan policies.

Replace the policy with:

'As appropriate to their scale, nature and location new developments should include street trees and shade trees in any associated green spaces. Trees should be local native species. Specimen trees should be located within the development to allow their natural growth to full maturity without unacceptably impacting on the level of lights for residents of properties in their immediate locality'

At the end of the reason to the policy add: 'Policy 023 has been designed to be applied as appropriate to the development concerned. Street trees could be planted in avenues on larger developments. The use of native trees is particularly important. The use of beech and oak would actively be supported. Trees should be efficient at reducing air pollution, be resistant to pests and disease and be resilient to the effects of climate change. They should be selected in accordance with up-to-date specialist scientific advice and the arboricultural advice of South Gloucestershire Council. Where street trees are embedded in the pavement or road, root protection systems should be used which minimise ground heave and allow for watering and/or drainage'

Policy 024 Landscape Buffering

- 7.67 This policy sets out a requirement that large new developments should include a landscape buffer where they adjoin existing dwellings. The policy then sets out specific details for buffers. They include the provision of trees, the alignment of footpaths and the scale of the buffer and the resulting minimum distances between windows of residential properties.

- 7.68 I have taken account of the reasoning behind the policy. Nevertheless, as submitted it is too prescriptive. In addition, it has the ability to result in solutions which do not respond to the site concerned and which would not make the best use of land.
- 7.69 In these circumstances I recommend modifications to the policy so that it takes on a format which seeks to preserve the amenities of existing dwellings in a general rather than a specific sense. Based on the scale and nature of potential new developments and their relationship with existing dwellings a landscape buffer may be an appropriate solution.

Replace the policy with:

‘Proposals for large new development should be designed in a way which safeguards the amenities of adjacent residential properties. The design and layout of new development proposals should address:

- **the potential for trees, ditches and hedgerows to provide screening and privacy between new and existing dwellings;**
- **the design and alignment of footpaths; and**
- **the resulting distances between existing and new dwellings.**

In the Reason replace the first paragraph with: ‘This matter is one of great significance to local residents. The policy has been designed in a general fashion. Development proposals should respond to its approach in a fashion which relate to the circumstances of the site concerned and its relationship with existing homes. Where it would represent an appropriate solution to ant development site the incorporation of a landscape buffer into landscaping schemes would be supported’

Policy 025 Hedgehog Preservation

- 7.70 This policy comments that all new developments should take appropriate actions to protect hedgehogs.
- 7.71 Plainly this is an important matter in general, and one which has particular impacts in the neighbourhood area. However, the matter is already addressed in Policy CS2 of the Core Strategy. On this basis I recommend that it is deleted and replaced with an additional community aspiration. I have recommended a similar approach for Policy 026. The combined additional community aspiration is set out at the end of the analysis of that policy.

Delete the policy

Delete the reason

Policy 026 Wildlife Migration Routes

- 7.72 This policy continues the approach of Policy 025. In this case it requires at least one purposely-constructed access for wildlife migration. I recommend an identical approach to that of Policy 025 and for the same reasons. In addition, the requirement for a dedicated access for wildlife migration is a very specific approach which may not be appropriate for all developments

Delete the policy

Delete the reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with developers, South Gloucestershire Council and other organisations (including the British Hedgehog Preservation Society) to promote and encourage the use of design features which protect hedgehogs whilst development takes place. In addition, it will promote solutions for new development which incorporate wildlife migration routes which are appropriate to the site concerned and its surroundings.'

Policy 027 Tree and Hedgerow Preservation

- 7.73 This policy takes a sensitive approach to the preservation of trees and hedgerows where development takes place.
- 7.74 I recommend detailed modifications to the wording used so that it has the clarity required by the NPPF. Otherwise, it meets the basic conditions.

In the first sentence replace 'possible' with 'practicable'

In the second sentence replace 'Planning applications should aim to' with 'Development proposals should'

Policy 028 Tree and Hedgerow Netting

- 7.75 This policy comments that the netting of trees and hedgerows for the purpose of restricting bird nesting will not be accepted.
- 7.76 The approach is environmentally-sensitive. However, it is addressed by other legislation. In these circumstances I recommend that the policy is deleted and replaced with an additional Aspiration on collaborative working on this matter.

Delete the policy

Delete the reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with developers and other organisations to promote and encourage the use of sensitive measures for protecting trees and hedgerows before and during development. Where practicable the use of netting should be avoided'

Policy 029 Construction Environmental Management Plans

- 7.77 This policy comments about the need for Construction Environmental Management Plans for large developments. In its response to the clarification note the Parish Council expressed its concerns about the way in which such arrangements have been managed in the past.

7.78 I have considered the Parish Council's concerns on this matter very carefully. However, I recommend that the policy is deleted for the following reasons:

- it is submitted as a condition on a planning application rather than as a planning policy;
- the matter will ultimately be considered by SGC on a case-by-case basis; and
- in any event it would be inappropriate for a general policy to be explicit on hours of working without understanding the details of specific proposals (including their locations in the neighbourhood area).

7.79 I recommend that the wider issue is captured as an additional Aspiration in Appendix 4 of the Plan.

Delete the policy

Delete the reason

Add a further Aspiration to the schedule in Appendix 4 to read:

'The Parish Council will work with South Gloucestershire Council and relevant developers concerned to ensure that large developments are sensitively managed during their construction phases. Where necessary the Parish Council will encourage South Gloucestershire Council to require developers to comply with a Construction Environment Management Plan that reflects the nature and location of the site as part of the determination of the planning application concerned'

Aspirations

7.80 The Plan includes five Aspirations. They are non-land use matters which have naturally arisen during the preparation of the Plan.

7.81 They are included separately from the policies. This is best practice and relates to advice on this matter in national policy.

7.82 The Aspirations are as follows:

- Traffic Control (01);
- Access to Wotton Road (02);
- Relief Road (03);
- Home Working (04); and
- Health Clinic (05)

7.83 I am satisfied that the Aspirations are both appropriate and distinctive to the neighbourhood area. However, their language is more instructional than setting out the non-land use approach which the Parish Council has in mind to address the various issues. I recommend modifications to the wording used so that the Aspirations are more appropriate within the context of their appearance in a neighbourhood plan.

Modify the wording of the Aspirations as follows:

'01 The Parish Council will work with South Gloucestershire Council to ensure that the following traffic potential control measures Wotton Road are evaluated and where appropriate implemented:

- *speed limits within the village enforced by cameras; and*
- *light-controlled pedestrian crossings.*

Speed cameras should be sighted so that speeds are reduced on entering the village from either direction, and undue acceleration is discouraged through the centre of the village and at accident blackspots.

02 The Parish Council will work with South Gloucestershire Council to ensure that potential traffic control measures are evaluated and where appropriate implemented for side-roads which adjoin Wotton Road.

03 In the event that major new developments take place within the Plan period, the Parish Council will lobby South Gloucestershire Council to plan and develop a secondary route through/around the village. This route should provide an alternative means of crossing the railway line and include a safe foot/cycle path.

04 The Parish Council will work with developers and South Gloucestershire Council to ensure that restrictive covenants are not applied to new homes which would otherwise prevent homeworking or operating a business from home.

05 The Parish Council will work with South Gloucestershire Council and relevant organisations to secure a health facility, including dispensing facilities in the neighbourhood area. This could be part-time or full-time depending on the growth of the village and the population profile'

7.84 I have recommended elsewhere that some of the policies should become Aspirations. They are as follows:

- Maintenance of Bus Routes (as originally submitted as Policy 008);
- Bus Stops (as originally submitted as Policy 009);
- Pavement Size (as originally submitted as Policy 010);
- Retail Units (as originally submitted as Policy 013);
- Tortworth Footway (as originally submitted as Policy 014);
- Wotton-Kingswood-Charfield Greenway (as originally submitted as Policy 015);
- Climate Change (as originally submitted as Policy 020);
- Emissions (as originally submitted as Policy 021);
- Gas Energy (as originally submitted as Policy 022); and
- Construction Environmental Management Plans (as originally submitted as Policy 029)

For clarity the Parish Council can number the consolidated schedule of Aspirations as it sees fit.

Other Matters - General

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

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

8 Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2036. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community to safeguard the character and setting of the neighbourhood area, to ensure that new residential development is well-designed and to protect its community facilities.
- 8.2 Following my independent examination of the Plan I have concluded that the Charfield Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

Conclusion

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

Other Matters

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

Andrew Ashcroft
Independent Examiner
16 December 2020