

:

INDEPENDENT EXAMINER'S REPORT OF

**THE THORNBURY PARISH NEIGHBOURHOOD DEVELOPMENT
PLAN**

Deborah McCann

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SECTION 2

Summary

As the Independent Examiner appointed by South Gloucestershire Council in agreement with Thornbury Town Council to examine the Thornbury Neighbourhood Development Plan, I can summarise my findings as follows:

1. *I find the Thornbury Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions.*
2. *I am satisfied that the Referendum Area should be the same as the Plan Area, should the Thornbury Neighbourhood Development Plan go to Referendum.*
3. *I have read the Thornbury Consultation Statement and the representations made in connection with this subject I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.*
4. *I find that the Thornbury Neighbourhood Development Plan can, subject to the recommended modifications proceed to Referendum.*
5. *At the time of my examination the adopted local plan was the South Gloucestershire Local Plan: Core Strategy for 2006 – 2027 which was adopted in December 2013 and the Policies, Sites and Places Plan which was adopted in November 2017*

SECTION 3

3.Introduction

3.1. Neighbourhood Plan Examination.

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Thornbury Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

My role is to consider whether the submitted Thornbury Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Thornbury Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Thornbury Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner is to take the form of the consideration of the written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the South Gloucestershire Council website and covered in my report within the relevant policy.

3.2. The Role of Examiner including the examination process and legislative background.

The examiner is required to check whether the neighbourhood plan:

- *Has been prepared and submitted for examination by a qualifying body*
- *Has been prepared for an area that has been properly designated for such plan preparation*
- *Meets the requirements to*
 - i) specify the period to which it has effect;*
 - ii) not include provision about excluded development; and*
 - iii) not relate to more than one neighbourhood area and that*
- *Its policies relate to the development and use of land for a designated neighbourhood area.*

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum

Where a policy does not meet the basic conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or

provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications, policies in a plan which have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In these circumstances it will be necessary to make modifications to the plan. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community's intent in producing their neighbourhood plan.

3. The Plan does not meet the legal requirements and cannot proceed to Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Thornbury Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

Has regard to national policies and advice contained in guidance issued by the

Secretary of State;

Contributes to the achievement of sustainable development; and

Is in general conformity with the strategic policies contained in the Development Plan for the area; and

Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and

Does not breach, and otherwise is compatible with EU obligations and Human Rights requirements.

South Gloucestershire Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

SECTION 4

4.The Report

4.1. Appointment of the Independent examiner

South Gloucestershire Council appointed me as the Independent Examiner for the Thornbury Neighbourhood Development Plan with the agreement of Thornbury Town Council.

4.2. Qualifying body

I am satisfied that Thornbury Town Council is the Qualifying Body.

4.3. Neighbourhood Plan Area

Thornbury Town Council applied for designation as a Neighbourhood Plan Area on the 28th of February 2017 under the Neighbourhood Planning Regulations 2012 (as amended), and it was approved by South Gloucestershire Council on the 6th of March 2017.

The designated Thornbury Neighbourhood Area covers the entire parish for Thornbury Town Council.

The Basic Conditions Statement submitted with the Thornbury Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Thornbury Neighbourhood Development Plan.

4.4. Plan Period

The Basic Conditions Statement states that the Thornbury Neighbourhood Development Plan will cover the period 2019-2027, chosen to align with the South Gloucestershire Core Strategy.

4.5. South Gloucestershire Council initial assessment of the Plan (Regulation 15).

Thornbury Council submitted the draft Thornbury Neighbourhood Plan to South Gloucestershire Council for consideration under Regulation 15 of the Neighbourhood

Planning (General) Regulations 2012 on the 22nd October 2020. South Gloucestershire Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

4.6 Site Visit

I carried out an unaccompanied site visit on the 4th of October 2021 to familiarise myself with the Neighbourhood Plan Area.

4.7. The Consultation Process

The Thornbury Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement described the approach to consultation, the stages undertaken but did not explain in detail how the Plan had been amended in relation to comments received. During the course of my examination, I requested that the neighbourhood plan group provide additional information in connection with this matter to ensure that the neighbourhood plan meets the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012) in full:

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted; (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

I have also received representation questioning the role of South Gloucestershire Council in advising on the content of the plan and their suggested modifications or inclusions. In addition to their role in supporting groups in developing a neighbourhood plan, LPA's are also consultees on a neighbourhood plan and can legitimately propose

additions and modifications. It is for the neighbourhood plan group to decide whether to include those additions or modifications and for the Independent Examiner to ensure that the neighbourhood plan meets the Basic Conditions.

The neighbourhood plan group supplied a substantial amount of additional information (available to view on the South Gloucestershire Council website) which provides detailed information on how the consultee responses were considered and the plan and its policies revised as a result. My examination of the additional information, documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

4.8. Regulation 16 consultation by South Gloucestershire Council and record of responses.

South Gloucestershire Council placed the Thornbury Neighbourhood Development Plan out for consultation under Regulation 16 for 6 weeks to the 11th of June 2021 to 23rd July 2021.

A number of representations were received during the consultation period, and these were made available by South Gloucestershire Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate.

4.9. Compliance with the Basic Conditions

A Basic Conditions Statement was produced for the Thornbury Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Thornbury Neighbourhood Development Plan:

- 1. Has regard to national policies and advice*

2. *Contributes to sustainable development*
3. *Is in general conformity with the strategic policies in the appropriate Development Plan*
4. *Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.*
5. *Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Matters)*

Documents brought to my attention by South Gloucestershire Council for my examination include:

(a) The Thornbury Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

(b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Thornbury Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

Please see my comments under 4.7

(c) Basic Conditions Statement.

This is a statement setting out how Thornbury Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

(d) Sustainability Appraisal.

Comment on Documents submitted

I am satisfied having regard to these documents and other relevant documents,

policies and legislation that the Thornbury Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

4.10 Planning Policy

4.10.1. National Planning Policy

National Policy guidance is set out in the National Planning Policy Framework (NPPF). During the course of my examination of the Neighbourhood Plan, a revised version of the NPPF was issued and the relevant NPPF for the purposes of my examination is the National Planning Policy Framework (NPPF) July 2021 (as updated).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan “must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

The Thornbury Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Thornbury Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

4.10.2. Local Planning Policy- The Development Plan

Thornbury lies within the area covered by South Gloucestershire Council. The relevant development plan is the South Gloucestershire Local Plan: Core Strategy for 2006 - 2027 which was adopted in December 2013 and the Policies, Sites and Places Plan

which was adopted in November 2017

4.10.3 To meet the Basic Conditions, the Thornbury Neighbourhood Development Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2021 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision¹² for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

4.10.4 Neighbourhood Plans should only contain non-strategic policies. The NPPF 2021(updated) states:

“Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable

development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area or undermine those strategic policies.”

4.10.5 Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

4.10.6 The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

4.10.7 Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Thornbury Neighbourhood Development Plan and consider that, subject to the recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the South Gloucestershire Council Local Plan Core Strategy 2006-2027 and policies and places plan.

4.11. Other Relevant Policy Considerations

4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In the case of Directive 2001/42/EC a screening opinion was obtained from South Gloucestershire Council in terms of the need for Strategic Environmental Assessment (SEA) in September 2019. The screening report concluded that:

“Following analysis of likely significant effects, South Gloucestershire Council considered that the Thornbury Neighbourhood Development Plan was unlikely to have any significant effects on the environment. The initial opinion was that a Strategic Environmental Assessment of the Thornbury Neighbourhood Development Plan was not required.”

Natural England, the Environment Agency and Historic England were consulted as part of the screening process and agreed with the conclusion of South Gloucestershire Council.

I am satisfied with this conclusion.

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitats Regulations Assessment Screening was also carried out by South Gloucestershire Council as the competent authority. The Council concluded that:

“that no significant negative or uncertain effects on the Severn Estuary SPA/SAC/Ramsar site arise as a result of this Neighbourhood Plan. Therefore, the TNDP can be screened out from further consideration under the Habitat Regulations.

I am satisfied with this conclusion.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that the Thornbury Neighbourhood Development Plan, subject to modification meets this Basic Conditions on EU obligations.

4.11.2 Sustainable development

The Sustainability Appraisal sets out how the plan addresses achieving sustainable development:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Thornbury Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

4.11.3 European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations.

I am satisfied with this conclusion.

4.11.4 Excluded development

I am satisfied that the Thornbury Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

4.11.5 Development and use of land

I am satisfied that the Thornbury Neighbourhood Development Plan covers development and land use matters.

4.12.1 Thornbury Neighbourhood Development Plan Policies

4.12.2 General comments

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Thornbury Neighbourhood Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system

or where existing policy already sets out the scope of control.

- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

During the course of my examination the NPPF was updated and the relevant NPPF is now the NPPF July 2021(updated). The update of the NPPF has resulted in the change to a number of paragraph references and for clarity the plan as a whole should reflect the new paragraph numbering.

The plan as a whole needs to be updated to remove any references to the WEJSP withdrawn in April 2020.

4.12.3. The Neighbourhood Plan Vision, Strategic Aims and Policies

4.12.5 VISION

The vision for the Thornbury Parish is:

Thornbury will retain its market town and historic character and its sense of community. It will keep and expand its green spaces, streamside walks, connections with nature and access to the countryside. It will be resilient to climate change and will provide well planned, high quality, sustainable and affordable homes. It will support the prosperity and wellbeing of its residents by providing a vibrant town centre, quality local jobs, a good choice of retail and employment facilities and appropriate services.

4.12.6 Objectives of the Thornbury NDP.

- Preserve its unique character and historic identity and rural separation through well planned holistic high-quality placemaking and design. Provide high-quality, well designed, affordable, sustainable housing that meets the needs of people of all ages and which does not distinguish between owned or rented properties.
- Support a vibrant, unique and historic town centre with mixed retail, business and

residential facilities and a thriving economy that provides jobs for local people to enable them to work where they live.

- Support the timely provision of appropriate services, infrastructure and community facilities to meet the needs of a growing population.
- Be resilient to climate change, support and protect the natural environment through sustainable development and strengthen its sense of community, creating connections to enhance integration between existing and new developments.
- Promote active, smarter and sustainable ways of getting around, establishing appropriate transport infrastructure to support population growth, developing the network of paths and cycleways and green corridors.

COMMENT

I am satisfied that the Thornbury NDP vision, aims and objectives were developed from the consultation process and that the policies within the plan reflect them.

4.13 Thornbury Neighbourhood Development Policies

Policy 1 - Rural Character and Landscape Setting

The rural hamlets and villages surrounding Thornbury have separate characters and identities and play an important role within the wider landscape. Development which effectively merges the town of Thornbury with surrounding hamlets and villages will not be supported. This is essential in order to maintain the separate rural character of these hamlets and villages and to preserve the landscape setting of Thornbury. All development must demonstrate that it will conserve or enhance the important views identified in Appendix C.

Development proposals should:

- Protect, enhance or create easy access routes from Thornbury Town into the countryside for walking, cycling and riding (See Figure 8. Green Infrastructure within Thornbury)

- Protect key views and vistas as shown in Appendix C.
- Be sensitive to and reflective of the separate characters and identities of nearby and adjacent villages and hamlets.
- Protect the rural character of Thornbury’s local environs, taking into account Thornbury’s location in the bowl of the Severn Vale (see Figure 6. Severn Ridges Plan).

COMMENT

I received representation that the Policy 1 was changed between the Regulation 14 version of the policy and the submission of the plan at Reg 15 without adequate explanation of the reasons for doing so or without following an appropriate procedure. The Regulation 14 version of the policy is as follows:

“Policy 1 - Rural Character and Landscape Setting

The rural hamlets and villages surrounding Thornbury have separate characters and identities and play an important role within the wider landscape. Development which effectively merges the town of Thornbury with surrounding hamlets and villages including Upper Morton, Lower Morton, The Hackett, Crossways, the Knapp, Upper Buckover, Lower Buckover, Milbury Heath and The Slad will not be supported. This is essential in order to maintain the separation of these hamlets and villages from Thornbury and to protect the landscape setting of the Town and the character and identity of other hamlets and villages. All development must demonstrate that it will conserve or enhance the important views identified in Appendix C.”

As the changes made were not explained adequately in the Consultation Statement (see my comments under 4.7) I sought clarification from the neighbourhood plan group as to how and why these changes were made. I received the following response:

“Modifications to Policy 1 following Reg 14 public consultation

When the consultation responses were analysed by the Steering Group, it became clear that Policy 1 as it was originally worded had not been clear enough in its intent, nor sufficiently well described to allow Planning Officers to make judgements against its criteria. Although the villages and hamlets in the original version of the policy were meant as possible examples, it was felt that having them named in the list possibly suggested special status. The Steering Group at its virtual meeting on 7 July 2020 delegated a sub-group to consider how the policy wording could be improved.

A further response was received from South Gloucestershire council with an offer to hold a meeting to help the group to clarify the policy wording. The sub-group was grateful for the help, especially in highlighting how using bullet points could make intentions clearer and allow planning officials in future to ensure that consideration could be given to the policy when looking at any future development applications.

Following the meeting, the sub-group redrafted the Policy in order to fulfil its remit from the Steering Group “to reword the policy so that it makes clear its objective is to protect the rural character and landscape setting and not a blanket ban on all development” *. The revised draft was circulated for agreement by the Steering Group and the Town Council. It was then incorporated into the revised final draft submission.

*Extract from Steering Group minutes 7 July 2020”

I am satisfied that the changes made to Policy 1 followed an appropriate procedure.

I have also received representation that the removal of the list of hamlets and villages to which the policy was to apply raises a significant issue in terms of effectiveness of the policy as whilst a village is generally easy to identify, it is not clear what constitutes a ‘hamlet’ for the purposes of applying this policy. I have also received representation that there is a lack of evidence to describe the character of these settlements and why these should be protected. Whilst I have some sympathy with the argument that not naming or defining settlements

within the policy would create a difficulty in applying the policy I do not consider that it is necessary to demonstrate that the settlements are “unique” for it to be a legitimate policy aim to prevent coalescence with larger settlements or protect their identity. This does however, have to be balanced against the need to have a policy which allows adequate flexibility to deliver any strategic housing need.

Having carefully considered the policy as proposed and the representations received I have concluded that for clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy 1 - Rural Character and Landscape Setting

The rural character and the landscape setting of Thornbury Parish should be protected. Development proposals should demonstrate how they will:

- Protect, enhance or create easy access routes from Thornbury Town into the countryside for walking, cycling and riding (See Figure 8. Green Infrastructure within Thornbury)**
- Protect key views and vistas as shown in Appendix C.**
- Be sensitive to and reflect the character and identity of nearby and adjacent villages and hamlets and avoiding visual coalescence.**
- Protect the rural character of Thornbury’s local environs, taking into account Thornbury’s location in the bowl of the Severn Vale (see Figure 6. Severn Ridges Plan).**

Policy 2 - Neighbourhood Development Frameworks

Applicants for development schemes for any major development site within the Neighbourhood Plan area are encouraged to prepare Neighbourhood Development Frameworks for approval by The Local Planning Authority with the submission of any planning application. Where a site crosses multiple land ownerships, the different landowners are encouraged to work together to prepare a joint development framework that demonstrates how comprehensive development will be delivered.

The development frameworks should demonstrate how good placemaking can be achieved through establishment of:

- A clear vision and concept for the development
- A development and land use plan showing the mix and type of development to come forward, including the broad locations of necessary supporting services, including local centres, health and education
- Framework plans establishing the intended form and grain of development, character areas, densities and building typologies, which respond to local character and context
- A movement plan establishing the street hierarchy and typologies, and sustainable transport measures prioritising walking, cycling and public transport
- A green infrastructure plan setting out the network and typology of green spaces, links and areas of ecological importance
- A phasing and delivery plan, demonstrating a logical pattern of development that helps build community with supporting facilities provided at the right time

Neighbourhood Development frameworks should outline how infrastructure (physical, social and green) will be delivered and the mechanisms by which landowners will work together to deliver those infrastructure items. Provision of waste water treatment and appropriate drainage is essential and must be agreed with the relevant organisations, including the statutory water company and the Environment Agency, as well as the lead local flood authority. All infrastructure shall be well designed and accord with best practice and design principles outlined in the development plan and other relevant guidance.

The Neighbourhood Development Frameworks will be subject to a programme of community consultation and supported by a statement outlining feedback received during the process and how the framework has responded to this.

COMMENT

I have received representation that this policy places an overly onerous requirement on applicants however the wording of the policy is clear applicants are only “encouraged” to prepare a framework therefore I am satisfied that this policy meets the Basic Conditions.

Policy 3 - High-quality Design

Development must reflect principles of high-quality, sustainable design, in particular, it should:

- *Contribute to the creation of high-quality places through a design-led approach underpinned by good design principles and reflecting a thorough site appraisal*
- Ensure all buildings, spaces and the public realm are well-designed and display a high level of architectural quality which responds positively to local context, paying particular attention to traditional local character
- Parking featured strongly in survey responses. The minimum and maximum standards for residential and distinctiveness
- Seek to optimise the capacity of the site by responding appropriately to the scale, character, materials,
- Demonstrate how they respond to the landscape, local and longer-views, the environment and historic assets and market town character.
- Contribute to the creation of green and attractive environments, echoing Thornbury’s linear parks, linked green spaces through the provision of high-quality green space for recreation and biodiversity
- Integrate well with existing neighbourhoods, positively contributing to the public realm and street environment, creating well connected, accessible and safe places. This should include establishing a walkable environment which connects with Thornbury’s many (urban and rural) public rights of way and contributes towards strengthening the connectivity of formal and informal routes through and around the town, encouraging sustainable transport, especially walking and cycling
- Have active frontages, particularly at street level, and provide a clear distinction between areas of public and private realm
- Demonstrate how they respond to and enhance the amenity value of an area

through consideration of matters such as overlooking, natural light, micro-climate, outlook and amenity space

- Be designed with flexibility and adaptability in mind, so that they can respond to changing social, environmental, *economic and technological needs*
- *Provide for adequate parking and garages at least to the parking standards stipulated by South Gloucestershire Council's Development Plan*
- Ensure the road infrastructure provides adequate space for on-street parking and road widths are adequate for bus, refuse and emergency vehicle access

Applications for major developments are encouraged to demonstrate how they respond to best practice through submission of a Building for Life 12 assessment (or a later equivalent).

Planning permission will not be granted for development of a poor design that does not respond to the opportunities for improving local character and quality.

COMMENT

The wording of this policy is confusing and includes the repetition of issues. For clarity the policy should be modified as follows:

Policy 3 - High-quality Design

Development proposals must reflect principles of high-quality, sustainable design, in particular, it should:

- **Contribute to the creation of high-quality places through a design-led approach underpinned by good design principles and reflecting a thorough site appraisal**
- **Ensure all buildings, spaces and the public realm are well-designed and display a high level of architectural quality which responds positively to local context, paying particular attention to traditional local character**
- **Provide parking to meet standards in the development plan and ensure the road infrastructure provides adequate space for on-street parking and road**

widths are adequate for bus, refuse and emergency vehicle access

- Seek to optimise the capacity of the site by responding appropriately to the scale, character, materials,**
- Demonstrate how they respond to the landscape, local and longer-views, the environment and historic assets and market town character.**
- Contribute to the creation of green and attractive environments, echoing Thornbury's linear parks, linked green spaces through the provision of high-quality green space for recreation and biodiversity**
- Integrate well with existing neighbourhoods, positively contributing to the public realm and street environment, creating well connected, accessible and safe places. This should include establishing a walkable environment which connects with Thornbury's many (urban and rural) public rights of way and contributes towards strengthening the connectivity of formal and informal routes through and around the town, encouraging sustainable transport, especially walking and cycling**
- Have active frontages, particularly at street level, and provide a clear distinction between areas of public and private realm**
- Demonstrate how they respond to and enhance the amenity value of an area through consideration of matters such as overlooking, natural light, micro-climate, outlook and amenity space**
- Be designed with flexibility and adaptability in mind, so that they can respond to changing social, environmental, economic and technological needs**

Applications for major developments are encouraged to demonstrate how they respond to best practice through submission of a Building for Life 12 assessment (or a later equivalent).

Planning permission will not be supported for development of a poor design that does not respond to the opportunities for improving local character and

quality.

Policy 4 - Design Review

Emerging schemes for major development should be assessed through design review. Design review of smaller schemes is also encouraged including those in sensitive or important locations, such as the town centre and conservation areas.

It is envisaged that schemes will be referred to a recognised Design Review Panel. Design reviews should take place early in the process and engage the local community to allow scope for input into the emerging design. The final scheme submitted to the Council should include a report on the design review process and how the scheme has responded to this. Design review of live applications is also encouraged.

COMMENT

I have no comment on this policy.

Policy 5 - Sustainable Design and Construction

Developers are encouraged to produce proposals for new development which embed sustainable design and construction techniques from the outset including:

- Maximising energy efficiency and integrating the use of renewable and low carbon energy
- Waste and recycling during construction and operation
- Conserving water resources and minimising vulnerability to flooding
- The type, lifecycle and source of materials to be used
- Flexibility and adaptability, allowing for future modification of use and layout, facilitating future refurbishment and retrofitting
- Opportunities to incorporate measures which enhance the biodiversity value of developments such as green roofs

Applications for development are encouraged to demonstrate a higher standard of energy efficiency than current Building Regulations or compliance with BREEAM, LEED or equivalent standards in use at the time of submission. Encouragement is also given to schemes that meet Passivhaus standards.

House builders are encouraged to register for assessment under the Home Quality Mark. This should show how resource efficiencies and climate change adaptation measures will be incorporated through aspects such as the layout of the proposed development, orientation, massing, landscaping and building materials.

Waste, recycling and storage areas should be carefully designed into any new development and be in accordance with the South Gloucestershire Waste Collection: Guidance for new developments SPD 2015 (or successor guidance).

All new dwellings will be expected to meet the national optional Building Regulations requirement for water efficiency of 110 litres per person per day (or a future higher building regulations standard) and include rainwater harvesting or other methods of capturing rainwater for use by the residents.

The impact on flood risk from development should be minimised and opportunities maximised to implement sustainable urban drainage systems through use of green roofs, swales, planting and ponds etc.

Encouragement is given to proposals for development that maximise the opportunities for using on-site renewable forms of energy.

COMMENT

This policy includes compliance with Building Regulations which fall outside the planning regime, there are also elements which are confusing. For clarity and to meet the Basic Conditions the policy should be modified as follows:

Policy 5 - Sustainable Design and Construction

Proposals for new development which embed sustainable design and construction techniques are encouraged including:

- Maximising energy efficiency and integrating the use of renewable and low carbon energy. Encouragement is given to proposals for development that maximise the opportunities for using on-site renewable forms of energy.
- Waste and recycling during construction and operation
- Conserving water resources and minimising vulnerability to flooding. All new dwellings will be expected to meet include measures to minimise water consumption including rainwater harvesting or other methods of capturing rainwater for use by the residents. The impact on flood risk from development should be minimised and opportunities maximised to implement sustainable urban drainage systems through use of green roofs, swales, planting and ponds etc.
- Choosing appropriate materials with consideration for the type, lifecycle and source.
- Flexibility and adaptability, allowing for future modification of use and layout, facilitating future refurbishment and retrofitting
- Opportunities to incorporate measures which enhance the biodiversity value of developments such as green roofs

Applications for development are encouraged to demonstrate a higher standard of energy efficiency than current Building Regulations or compliance with BREEAM, LEED or equivalent standards in use at the time of submission. Encouragement is also given to schemes that meet Passivhaus standards.

House builders are encouraged to register for assessment under the Home Quality Mark. This should show how resource efficiencies and climate change adaptation measures will be incorporated through aspects such as the layout of the proposed development, orientation, massing, landscaping and building materials.

Waste, recycling and storage areas should be carefully designed into any new development and be in accordance with the South Gloucestershire Waste

Collection: Guidance for new developments SPD 2015 (or successor guidance).

Policy 6 - Energy Efficiency

Development proposals which demonstrate that the proposed buildings have a net emission rate of zero or below, or are proposed to be certified Passivhaus buildings, are encouraged and will be considered favourably, subject to other policies.

Development which contributes to both mitigating and adapting to climate change and to meeting the national targets to reduce carbon emissions beyond the minimum requirements will be supported. All new housing development is encouraged to exceed the minimum energy standards in current Building Regulations.

COMMENT

I have no comment on this policy.

Policy 7 - Renewable Energy

Proposals for small scale renewable energy installations, particularly domestic solar provision within new and existing residential and commercial development, will be supported in accordance with Core Strategy Policy CS3: Renewable and Low Carbon Energy Generation. Major developments should provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in new buildings by at least 10% unless it can be clearly demonstrated that this is not viable.

COMMENT

I have no comment on this policy.

Policy 8 - Mixed Development

A minimum of 35% affordable housing is expected for developments of 10 dwellings or 0.5 hectares as in the NPPF definition of major housing development and as set out in the South Gloucestershire Core Strategy as amended by the NPPF 2019. The provision of 35% affordable housing in terms of tenure & house type shall be in line

with the West of England Strategic Housing Market Assessment or as updated by future housing market assessments. Reference should also be made to South Gloucestershire's Affordable Housing and Extra Care Housing Supplementary Planning Document May 2014 or as updated.

Preference will be given to residential schemes which offer a mix of dwelling types and tenures, including some or all of the following:

- Flats and apartments
- Smaller properties (studios, one and two beds) that provide homes that younger and older people can afford
- Accessible and adaptable housing development flexible to the needs of the elderly or those with disabilities
- Self-build
- Build-to-rent

The larger the proposal, the greater the number of the above elements will be expected to be

COMMENT

This policy references the NPPF 2019, this should be revised to the NPPF 2021(as updated). The introductory paragraph to this policy is confusing, for clarity it should be modifies as follows:

For major housing developments (as defined in the NPPF 2021(as updated)) a minimum of 35% affordable housing is expected in compliance with South Gloucestershire Core Strategy policy CS18 or any replacement policy. The provision of 35% affordable housing in terms of tenure & house type shall be in line with the West of England Strategic Housing Market Assessment or as updated by future housing market assessments. Reference should also be

made to South Gloucestershire's Affordable Housing and Extra Care Housing Supplementary Planning Document May 2014 or as updated.

Policy 9 - Brownfield and Infill Sites

Development of infill sites within the settlement boundary or redevelopment of previously developed sites, for example the Castle School Sixth Form Centre, will be supported where the following criteria have been met:

- The development is proposed at a high density, making good use of the available land whilst still respecting the character and appearance of the surrounding area including any heritage assets
- Opportunities to reinforce the existing green infrastructure network around and through the site have been taken in accordance with policy 17
- The development connects with existing walking and cycling routes within Thornbury and takes opportunities to create new links or routes through the site in accordance with policy 21
- The development does not result in the loss of locally important green space as set out in Policy 19: Local Green Space.

For previously developed sites in the town centre boundary as identified in PSP31 and defined on the South Gloucestershire Policies Map, such as Thornbury library, there is a preference for 'main town centre uses' other than residential.

COMMENT

I have no comment on this policy.

Policy 10 - Town Centre Design Principles

All proposed development will be required to reflect best practice design principles, responding positively to the character and qualities of the town centre as defined on the South Gloucestershire Policies Map. Key design principles for the town centre

include the following:

- Active frontages and street level activity should be provided
- Generous floor to ceiling heights at ground floor level should be provided to allow for flexibility and change of use over time
- The principal points of access to buildings should be from the main street on to which it fronts
- Buildings should respect the prevailing building height in the town centre. Where building heights vary this change should be subtle and step up or down by no more than half to one storey between buildings
- Proposals for new development should respect local context through continuity of the building line, responding to adjacent building heights, roof and cornice lines and protecting important views or gaps.
- Buildings should be aligned with the back of the pavement edge and also provide space for activity within the public realm
- Corner buildings should be well articulated and blank gable ends avoided
- Blank walls and exposed back land areas, including servicing yards and car parking should be screened from view, preferably through the wrapping of these with active development edges. Alternatively, opportunities for green walls and artwork that enhances the quality of the townscape will be encouraged
- Development to the rear of existing buildings will be considered acceptable where it would be appropriate to enclose space, define the public and private realm or create new active frontages, and would not unduly impact upon the operation of existing units or the historic importance of the place.

Applications will need to demonstrate how they reflect local vernacular and urban grain/historic pattern of development through the scale and design for buildings and

use of materials, contributing positively to the quality and character of the town centre, and the high-quality historic townscape of the conservation area.

COMMENT

I have no comment on this policy.

Policy 11 - Preserving Historic Identity

Any new development or improvements proposed in the town centre should be undertaken with a view to preserving and enhancing the historic market town character and identity of Thornbury. Within the Conservation Area, development should respect the provisions of the 2004 Thornbury Conservation Area Advice Note, produced by South Gloucestershire Council, the following elements of which are especially pertinent:

- Respect for the style and form of the town centre buildings and streetscape, enhancing the character and appearance of the historic market town and
- The use of materials which are sustainable and fit for purpose, but which blend with the existing colours and styles and
- A consistent and appropriate style of street furniture including benches, lighting, signage and bins and
- Maintain the views over the lowland levels and Severn Estuary and the open aspects to the west and north with the old town walls set within open space and the open spaces identified within the town development boundary.

COMMENT

For clarity and to meet the Basic Conditions the word “preserving” in the first paragraph should be replaced with “conserving”.

Policy 12 - Town Centre Vitality

Development

Any proposals for development in the town centre should add to the vitality and viability of the centre and enhance its image as a destination for a rewarding and enjoyable shopping or leisure experience.

Proposals for retail development and other complementary uses within the town centre are welcome, particularly where they strengthen the retail offer and visitor experience. Applications for development will be required to demonstrate how they:

- Respond to good practice design principles
- Strengthen the core retail area in the town centre
- Optimise the use of land through the mixing of development and management of car parking provision
- Facilitate new and improved pedestrian and cycle routes
- Contribute to the delivery of an improved public realm within the town centre

Suitable town centre uses include:

- Retail development
- Leisure and entertainment
- Office development
- Arts, culture and tourism

Proposals for additional town centre retail provision and supporting facilities such as public toilets and changing facilities will be encouraged to promote a diverse retail offer in the town and encourage visitors to stay longer.

COMMENT

I have no comment on this policy.

Policy 13 - Provision of office and light industrial units

Applications for office and light industrial units are encouraged where they:

- Provide for local employment including small scale social enterprises, small and medium size businesses, and live/work units, particularly where they reduce out-commuting
- Provide flexible employment space and support small and medium sized businesses in the town centre and existing employment areas.

Applications for new business-related development should improve the quality of the environment and should accord with best practice design principles.

To support a thriving and diverse economy in Thornbury, proposals which will intensify the use of the remaining safeguarded employment land will be supported, provided HGV and other traffic/transport impacts of the proposal are adequately mitigated to avoid road safety hazards and harm to residential amenity.

COMMENT

I have no comment on this policy.

Policy 14 - Phasing of Community Infrastructure with Housing Development

The infrastructure necessary to ensure the sustainability of housing development must be delivered through phased arrangements in parallel with the housing to ensure that community infrastructure keeps pace with the demand generated by new occupiers as well as supporting existing residents. For example, this could apply to the provision of the following:

- Local transportation
- Public Open Space & landscaping schemes
- Landscaping and ecological mitigation and habitat creation/maintenance

- Highways improvements
- Contributions to, or provision of, educational and medical facilities contributions
- Formal and informal outdoor play and recreation space and facilities, including allotments and community gardens/orchards
- Contributions to or provision of community, cultural and leisure facilities

Section 106 agreements or planning conditions should ensure that infrastructure associated with a development is delivered at the earliest possible opportunity taking account of the forecast demand generated by the development, the need to ensure existing residents of Thornbury as well as early occupiers of a major or multi-phased development are adequately served by infrastructure and appropriate services.

COMMENT

I have no comment on this policy.

Policy 15 - Leisure Opportunities for Young People

Proposals which make provision for services and facilities for young people, in particular, recreation, sport, informal leisure and youth club provision, will be supported. Schemes to increase the recreation and play offer for all ages of children and young people at the Mundy Playing Fields will also be supported.

COMMENT

I have no comment on this policy.

Policy 16 - Community Facilities

Applications to enhance and provide additional community facilities will be supported. Community facilities for the purposes of this policy include education, healthcare, younger people's facilities and community meeting spaces.

All facilities should be easily accessible to everyone, and provide for good walking and

cycling connections, and where possible, be located close to public transport. Proposals for new development should provide for the appropriate level of parking provision in accordance with the Local Planning Authority's parking standards and, where appropriate, be subject to a Transport Assessment.

Where social and community facilities are to be provided as part of any major mixed-use development proposal the planning application should be supported by a statement establishing the phasing and delivery of these facilities. Wherever possible, new community uses should be delivered during the early phases of development to help build a sense of community and integration with existing surrounding communities.

Flexible multi-functional buildings that provide for future adaptability to allow for the widest possible use and activity will be supported.

Valued existing community facilities will be retained, unless it can be demonstrated that demand within the locality for the facility no longer exists or that suitable alternative provision of at least equivalent community value is made elsewhere.

COMMENT

I have no comment on this policy.

Policy 17 - Planning for Green Infrastructure, Biodiversity and Food Production

Development will be expected to identify, retain and enhance biodiversity and wildlife habitats, wildlife corridors and other aspects of green infrastructure. Proposals should also avoid damage to mature trees and hedges, not only those subject to Tree Preservation Orders, and respect the pattern and form of the landscape. Creating links for wildlife within new developments, forming "bridges" across existing green spaces and wildlife corridors and the network of wooded paths in Thornbury will be essential to avoid creating environments hostile to biodiversity. Agriculture, tree planting and informal recreational uses will be encouraged on land known to be liable to flooding.

Developments should provide opportunities for gardening, for wildlife and for food production within existing and new residential areas including the utilisation of

underutilised roadside verges. They should enhance the quality of public spaces and the streetscape within built-up areas including new tree planting, landscaping and suitable sustainable urban drainage.

COMMENT

I have no comment on this policy.

Policy 18 - Creating connections through Streamside Walks

Applications for development are encouraged to show how they will connect to and enhance the Streamside Walks so that these become a thread running all the way through Thornbury, connecting various areas of the town. The ecological impact of proposals should be clearly stated. The Walks should:

- Provide routes that support wildlife and biodiversity, are rich in tree and other planting and accessible by foot and bicycle
- Incorporate new links to and from the Streamside Walks to housing developments for pedestrians and cyclists, integrating with an enhanced walking and cycle network across Thornbury
- Create trails which enhance safety and security through natural surveillance
- Provide unobtrusive lighting along the Streamside Walks
- Enhance the environmental quality of the habitat, biodiversity and trees along the Streamside Walks

In the longer-term, development opportunities that provide scope to reconnect missing links along the Streamside Walks, creating a seamless connected route, will be welcome.

COMMENT

I have no comment on this policy.

Policy 19 - Local Green Space

The Local Green Space below is important for the leisure and recreation needs of the people of Thornbury as well as providing valuable habitats for a range of biodiversity. It will be protected from inappropriate development in accordance with South Gloucestershire Policies Sites and Places Policy PSP 4: Local Green Space.

New Local Green Spaces identified in this Plan is:

- Land off Vilner Lane: Land adjacent to the sports centre including the area bounded by Vilner Lane, the Skate Park and the Leisure Centre Car Park within which the community composting site sits

COMMENT

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2021 states:

“101. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

102. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;**
- b) demonstrably special to a local community and holds a particular local**

significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

103. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

I have carefully considered the evidence put before me for the designation proposed and I am satisfied that the proposed Local Green Space does meet the NPPF requirements. Paragraph 103 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Paragraphs 147-149 detail the policy framework for development affecting the Green Belt. Paragraph 147, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

Page 44 of the neighbourhood plan, first paragraph refers to proposing two local Green Spaces, but the policy only refers to one. I assume that this is a drafting error which should be corrected.

For clarity and to meet the Basic Conditions, the policy should be modified to reflect the requirements of the NPPF 2021 (as updated) and recent caselaw (see Court of Appeal Judgement in the case of The Queen (On the Application of Lochailort Investments Limited) and Mendip District Council Norton St Philip Parish Council 2nd October 2020) which clearly states that Local Green Space policies in neighbourhood plans should not deviate from the policy requirements of the NPPF:

Policy 19 - Local Green Space

The following area shown on Fig.9 is designated as a Local Green Space due to its importance for the leisure and recreation needs of the people of Thornbury as well as providing valuable habitats for a range of biodiversity:

- Land off Vilner Lane: Land adjacent to the sports centre including the area bounded by Vilner Lane, the Skate Park and the Leisure Centre Car Park within which the community composting site sits.**

Inappropriate development on this site will only be supported in very special circumstances.

Policy 20 - Highway Impact

Major development proposals which create either individual or cumulative impacts on the highway network will be required to fully mitigate these impacts by highway improvements or contributions towards their mitigation. Contributions will be used to mitigate the congestion and safety impacts of the development. Highways infrastructure associated with new development should be delivered in accordance with Policy 14.

Proposals involving highway alterations or provision of new roads must ensure there is sufficient capacity to accommodate peak time traffic and that road safety, in particular for pedestrians and cyclists, is demonstrably factored into the scheme.

Development proposals which due to their scale, nature or location will adversely affect air quality especially within the town centre should demonstrate what measures will be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity.

COMMENT

I have no comment on this policy.

Policy 21 - Walking and Cycling

In order to encourage sustainable transport both within and outside the town, development proposals will be required to make provision for safe and attractive walking and cycling, appropriate to its size and scale. This may be in the form of contributions towards upgrading the existing network of paths and cycleways in Thornbury or in the case of large-scale development, ensuring pedestrian and cycle routes are provided which link into the existing network. Developers are encouraged to incorporate the design standards as set out by Sustrans in their infrastructure development guidance²⁹

All applications for development are encouraged to demonstrate how they support active travel through delivery of walking and cycling routes that reduce reliance on vehicular movement.

Where new walking and cycling routes are provided as part of new areas of development, they must be direct, safe and convenient to use. The layout of proposed new development should allow for the natural surveillance of routes through overlooking with active development frontages.

Proposals for new development are encouraged to demonstrate how they link into the existing footpath and cycle network, providing connections between residential, retail, leisure, commercial and community uses.

Proposals for commercial, leisure and community uses should support and enable active travel through inclusion of safe, secure and convenient cycle parking and changing facilities where appropriate.

Proposals for development that reduce the capacity or safety of existing active travel infrastructure, including footpath and pavement space, or which results in the removal of locally important facilities, will not be considered acceptable.

COMMENT

I have no comment on this policy.

Policy 22 - Safeguarding former railway line

In order to allow for its potential future use as a transport link, the route of the former railway line shown in Figure 11, excluding that designated as Local Green Space, will be safeguarded.

COMMENT

I have no comment on this policy.

Policy 23 - Town Centre Parking

The loss of off-street parking within or adjoining the town centre as defined on South Gloucestershire Council's Policies Map will not be permitted unless replacement off-street parking of equivalent quantity and quality is provided within or adjoining the town centre.

COMMENT

South Gloucestershire Council are the Local Planning Authority and as such they are the determining authority for planning applications. The use of the word "permitted" should be replaced with "supported".

SECTION 5

Conclusion and Recommendations

1. I find that the Thornbury Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Thornbury Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Strategic Environmental Assessment and Habitats Regulations Assessment meet the EU Obligation.
5. The policies and plans in the Thornbury Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the South Gloucestershire Local Plan: Core Strategy for 2006 - 2027 which was adopted in December 2013 and the Policies, Sites and Places Plan which was adopted in November 2017.
6. I therefore consider that the Thornbury Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

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NPIERS Examiner

CEDR accredited mediator

3rd December 2021

