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FRESHFORD AND LIMPLEY STOKE NEIGHBOURHOOD PLAN DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1 Pursuant to the Adopted Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol (p.42), the Divisional Director (Development) is authorised on behalf of the Local Planning Authority to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation.
- 1.2 Pursuant to the Wiltshire Council constitution and in particular Part 3B, the Associate Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation.

2. BACKGROUND

- 2.1 The Freshford and Limpley Stoke Plan area comprises the whole of the two parishes of Freshford in the Bath & North East Somerset Council authority area (B&NES) and Limpley Stoke in the Wiltshire Council authority area. On 30 October 2013, B&NES Council, acting on behalf of both local authorities, approved that the Freshford and Limpley Stoke Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Freshford and Limpley Stoke Parish Councils submitted the draft Freshford and Limpley Stoke Neighbourhood Plan, and supporting documents, to B&NES Council and Wiltshire Council on 18 July 2014.

- 2.3 Following submission of the Freshford and Limpley Stoke Neighbourhood Plan to the local authorities, B&NES Council and Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 27 October to 10 December 2014.
- 2.4 In December 2014, B&NES Council, acting on behalf of both authorities, appointed an independent examiner, Ms Janet Cheesley BA (Hons) DipTP MRTPI, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 30th January 2015 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.6 In accordance with legislation, the local authorities must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authorities are satisfied then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1 Having considered the examiner's recommendations and reasons for them, B&NES Council and Wiltshire Council concur with the examiner's view and have decided to make modifications to the draft Freshford and Limpley Stoke Neighbourhood Plan to ensure that it meets legal requirements including the Basic Conditions as set out in legislation. Appendix 1 sets out the modifications to be made in response to the examiner's recommendations, together with the reasons for them.
- 3.2 B&NES Council and Wiltshire Council are satisfied that the Neighbourhood Plan as modified complies with the legal requirements and can proceed to referendum.
- 3.3 B&NES Council and Wiltshire Council also agree with the examiner that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum.
- 3.4 We declare that we have no private interest in respect of this matter that would prevent us from making this decision.

Signed:



Lisa Bartlett
Divisional Director – Development
Bath & North East Somerset Council



Alistair Cunningham
Associate Director, Economic Development & Planning
Wiltshire Council

Dated: 26th February 2015

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<p>“3.0.08 The Freshford Mill dates back to the 17th Century and, until 1993, it was used by Peradins for the manufacture of rubber components for the car industry. A brownfield site, in 2005 detailed planning permission was granted to construct 21 units of housing on this site, <u>this permission is extant</u>. but the developers, Ypres Rose, went into administration in 2010. Since May 2014 the Mill was re-marketed at a value of £2,950,000. The Particulars of Sale make reference to the fact that a new planning application will be required before any further development can take place because there have been fundamental breaches of the planning conditions attached to the original Planning Permission. Concerns remain about the extent of the decontamination of this site and the current state of its flood defences. The Environment Agency have been consulted on the Neighbourhood Plan and their latest position on issues such as flood defences are incorporated into the Sustainability Appraisal.”</p> <p>Update paragraph 3.0.09 to reflect the above:</p> <p>“3.0.09 The Pipehouse Nursery site commonly known as the Rentokil site is situated in Pipehouse Lane, Freshford, to the west of the A36. It is a brownfield site and is in the private ownership of a company, Belgravia Land. Early in 2014 the company invited residents to view on</p>		

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	<p>site its proposals for housing development comprising six units of market housing and four units of Affordable Housing. This has resulted in the submission of a planning application for the erection of 10 housing units, which is under active consideration <u>was granted planning permission in 2014.</u>"</p>		
<p>2 (Page 8, Para 42)</p>	<p>Amend the Planning and Development Policy as follows:</p> <p>“(a) Any development <u>requiring planning permission</u> within the Neighbourhood Plan area should reflect the Guidance contained in the Villages Design Statement.</p> <p>(b) Applicants must demonstrate to the relevant Parish Council <u>local planning authority</u> how any planning application conforms to that Statement.</p> <p>(c) Villages Design Statement</p> <p><i>New developments:</i> New developments must be mindful of and sensitive to the physical and environmental context of the site and its location. This includes the need for any development to be proportionate both to its site and in relation to its immediate neighbours.</p> <p><i>Design:</i> The design, contemporary or traditional, must be a positive addition to the rural</p>	<p>Page 13 (Planning and Development Policy)</p>	<p>For clarity and to meet the Basic Conditions, for the following reasons:</p> <p>(a) not all development requires planning permission and thus not all development can be required to conform</p> <p>(b) The local authorities will determine any planning applications. It is unnecessarily onerous for developers to demonstrate to Parish Councils how their schemes conform to the Village Design Statement</p> <p>(c) Drains being blocked by silt and gravel are not a land use and development policy matters. Deletion of sustainability paragraph to reflect changes in national policy.</p>

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	<p>environment reflecting the character of its setting and acknowledging the local built heritage. It must sit well in the landscape and not dominate it.</p> <p><i>Detailing:</i> The detailing of new development and changes to existing buildings must reflect the quality of craftsmanship and materials both of the area and of the specific location. Where possible, local and durable materials should be used which improve appearance with age. Materials used must not aggravate existing problems, e.g. drains being blocked by silt and gravel. Any exterior lighting must minimise light pollution.</p> <p><i>Sustainability:</i> new dwellings will be encouraged to be zero carbon and water efficient and meet the Code for Sustainable Homes level 5 and above. See: http://www.energysavingtrust.org.uk/Organisations/Technology/Free-resources-for-housingprofessionals/New-build/The-Code-for-Sustainable-Homes.</p> <p><i>Car Parking:</i> any development, whether for extensions or new housing, must provide for sufficient off-road car parking to avoid worsening on-road parking and congestion.</p> <p><i>Heritage:</i> The historic fabric of buildings should be preserved and repaired wherever possible (where buildings are 'listed' specialist advice should be sought.)"</p>		
3 (Page 12, Para	Amend paragraph 3.0.05 as follows:	Page 6	For clarity – so that the Plan is consistent with the recently adopted Wiltshire Core Strategy which

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67)	<p>“Limpley Stoke is defined as a “small village” in the draft Wiltshire Core Strategy and is within the Green Belt. As a “small village”, Limpley Stoke does not have a Housing Development Boundary and the whole area is covered by the Green Belt. Development is governed by Wiltshire Core Policy 51 with a particular objective to: “maintain the open character of undeveloped land adjacent to Bath, Trowbridge and Bradford on Avon and prevent the coalescence of Bradford on Avon with Trowbridge or the villages to the east of Bath”. The draft <u>adopted</u> Wiltshire Core Strategy plans for at least 160 houses <u>approximately 185 dwellings in the Bradford on Avon Community Area outside of Bradford on Avon town over the period 2006-2026. The Bradford on Avon Community Area includes three Large Villages and four Small Villages (including Limpley Stoke).</u> to be allocated between the three large and four small villages (including Limpley Stoke) around Bradford on Avon up until the year 2026.”</p>		identifies an increased indicative requirement of 185 dwellings in the Bradford on Avon Community Area remainder (i.e. outside of Bradford on Avon town) over the Core Strategy plan period (2006-2026).
4 (Page 12, Para 67)	<p>Amend Affordable Housing Policy as follows:</p> <p>“To meet the needs of people with local connections, development of 6 -8 new units of affordable housing (or such different number as is evidenced by demonstrable need at the time of development) will be pursued <u>through contributions from market housing developments</u></p>	Page 15 (Affordable Housing Policy)	For clarity and to have regard to the national policy (Planning Practice Guidance thresholds) and relevant development plan policies.

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	<p><u>where possible, and affordable housing developments:</u></p> <p>a) By the conversion of existing buildings and/or</p> <p>b) By the construction of new houses either on brownfield sites within the NP area and/or on infill sites within the Village Settlement Areas”</p>		
5 (Page 15, Para 88)	<p>Amend Map 2 – change designation of Local Green Space sites 1-6 from ‘Local Green Space’ (green) to ‘Grassland / Other’ (yellow).</p> <p>Amend paragraph 5.1 as follows:</p> <p>“5.1 Policy objectives</p> <p>To designate for special protection local green spaces in Freshford and Limpley Stoke:</p> <ul style="list-style-type: none"> • to guard that land from any development, • to prevent coalescence of the two villages, • to acknowledge its beauty, historic significance, richness of wildlife and importance for play and recreation. • to recognise that the footpaths criss-crossing the land are essential pedestrian routes which bring the community together and provide access to local facilities.” 	<p>Page 11 (Map 2)</p> <p>Page 21</p>	<p>Deletion of Local Green Spaces 1 – 6.</p> <p>To meet the Basic Conditions. Sites 1-6 do not meet the Local Green Space criteria as set out in paragraph 77 of the National Planning Policy Framework.</p> <p>Sites 7 (Tynning Village Green) and 8 (King George V) to be retained and designated as Local Green Space.</p>

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	<p>Amend paragraph 5.2 as follows:</p> <p>“5.2 Local Green Space Policy Rationale</p> <p>Reasons in support of the proposal are addressed in Appendix B4 and reflect the criteria specified in NPPF para 77. The Local Green Space is the green land separating Limpley Stoke from Freshford and is needed to prevent agglomeration between the settlement areas. Parts are steeply contoured and unsuitable for development, much of it is criss-crossed with local footpaths and used by walkers and by local farmers for grazing, which adds to the rural character of the community. An important part is covered by the medieval settlement of Woodwick which is an ancient site, important to the history of the areas and worthy of preserving. The space is bounded by ancient hedgerows which are ecologically rich and provide a natural limit to the size of the Local Green Space.”</p>	Page 22	
6 (Page 15, Para 91)	<p>Amend paragraph 6.1 as follows:</p> <p>“6.1 Policy <i>Plan</i> Objectives”</p> <p>Delete Highways Policy (and blue policy box) and</p>	Page 24	To meet the Basic Conditions. The Policy should be deleted as it does not relate to land use and development.

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	<p><u>to walk in increased safety on roads with no pavements.</u></p> <p><u>e) The reduction or elimination of road signage and associated street clutter as and when the principles of shared space are implemented.</u></p> <p><u>f) The upgrading or improvement of the network of pathways both to the community hub and to other community facilities.”</u></p> <p>Insert section 6.3 as follows:</p> <p><u>“6.3 Rationale for Highways Approach</u></p> <p><u>6.3.1 The Plan seeks to advance those shared space principles recognised by the National Planning Policy Framework in order to improve road safety and to give local people a real choice about how they travel. The Plan applies measures that are considered to be best suited for this community and challenges the traditional assumptions over road safety and road design which have tended to dominate both national and local transport policy.”</u></p> <p>Amend paragraph 6.3 as follows:</p>	<p>Page 26</p>	

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8 (Page 16, para 95)	<p>Amend Community Development Policy 2 as follows:</p> <p>This policy identifies in Table 2 the key Assets of Community Value <u>community facilities and assets</u>. There will be a presumption in favour of safeguarding them from any adverse proposal which would result in their loss.</p> <p>Amend paragraph 7.1.03 as follows:</p> <p>“To safeguard key <u>community</u> facilities and assets from any adverse proposal which would result in their loss.”</p> <p>Amend heading of Table 2 as follows:</p> <p>“Table 2. Assets and Land of Community Value to register <u>Key community facilities and assets</u>”</p>	<p>Page 30 (Community Development Policy 2)</p> <p>Page 30</p> <p>Page 34</p>	<p>For clarity and to meet the Basic Conditions. This change reflects a joint clarification note between the Qualifying Body and local authorities (dated 8 December 2014) which confirmed that the assets of community value referred to in this policy apply more broadly to community facilities and assets as opposed to specific designated assets of community value as defined by the Localism Act.</p>
9 (Page 16, Para 97)	<p>Delete reference to ‘D. Middle Stoke Disused Land’ as an asset on Map 5.</p>	<p>Page 33 (Map 5)</p>	<p>For clarity and to meet the Basic Conditions. There is no clear evidence to justify that this land currently has a wider value as a community asset.</p>