

# **Freshford and Limpley Stoke Neighbourhood Plan 2014 - 2039**

**Report by Independent Examiner**

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**CHEC Planning Ltd**

**30 January 2015**

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## Summary and Conclusion

1. The Freshford and Limpley Stoke Neighbourhood Plan has a clear community vision to seek to ensure that Freshford and Limpley Stoke remain the unique and cherished villages that they are.
2. The Plan does not allocate sites for housing development. It does provide policy guidance in terms of design guidance in the Planning and Development Policy and the Housing Policy restricts development in the Village Settlement Areas to infill only, within a definition of infill specific to the Plan area. Subject to minor amendments to the Planning and Development Policy, I consider that the approach to limiting development to infill sites within the Village Settlement Areas will contribute towards the achievement of sustainable development.
3. In the interest of clarity, I have recommended modifications to the Plan to specify that the identified brownfield sites have planning permission and are not site allocations.
4. In the interest of clarity, I have recommended an addition to the Affordable Housing Policy to state that affordable housing will be pursued through contributions from market housing developments where possible, and affordable housing developments.
5. I have spent a considerable time determining whether the proposed Local Green Spaces meet the criteria for Local Green Space designation. I have come to the conclusion that the green areas between the settlements, (sites 1-6 in the evidence base) do not meet the criteria either collectively or individually. Whilst this is not likely to be a popular decision amongst the local community, I consider that the existing protective designations on these areas will help the local community achieve its vision.
6. I can clearly see the reasons behind the Highways Policy. However, this is not a land use and development policy, it is more a list of aspirations. Thus, I have recommended the deletion of the policy, but with the retention of this list of objectives in the Walking, Cycling and Safer Roads Section.
7. I have recommended minor modifications to the Community Development Policies, primarily for clarification purposes.
8. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Freshford and Limpley Stoke Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made.

## Introduction

9. I was appointed as an independent Examiner for the Freshford and Limpley Stoke Neighbourhood Plan 2014 - 2039 in December 2014.

10. The Plan area covers the Parishes of Freshford in the Bath and North East Somerset Council authority area (B&NES) and Limpley Stoke in the Wiltshire Council authority area.
11. 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. The Area covers the whole of both parishes of Freshford and Limpley Stoke.
12. The qualifying body is the Parish Councils of Freshford and Limpley Stoke. The plan covers the period 2014 to 2039.

## Legislative Background

13. As an independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
  - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
  - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
  - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
14. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
15. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
  - 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 contained in the Development Plan for the area; and
  - not breach, and is otherwise compatible with, EU obligations and human rights requirements.

## EU Obligations

16. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
17. B&NES Council and Wiltshire Council have prepared a Strategic Environmental Assessment Screening Report, within which it has concluded that the Plan is unlikely to have significant environmental effects and accordingly does not require a SEA. This has been confirmed by the consultation bodies.
18. The SEA screening decision confirms that following a Habitats Regulations Assessment (HRA), all policies in the Plan have been screened out and no further assessment is required under EU Directive 92/43.
19. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

## Policy Background

20. *The National Planning Policy Framework 2012 (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. *The Planning Practice Guidance* provides Government guidance on planning policy.
21. The development plan for the Freshford and Limpley Stoke Neighbourhood Plan area comprises plans in both local authority areas.
22. In B&NES the development plan comprises saved policies in the B&NES Local Plan 2007 and the B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014). Strategic policies in the B&NES development plan include policies regarding the Green Belt, the Cotswolds Area of Outstanding Natural Beauty and strategic housing policies.
23. The development plan for Wiltshire Council includes the Wiltshire Core Strategy adopted on 20 January 2015. Strategic policies include housing provision and landscape protection policies.

## The Neighbourhood Plan Preparation

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The Plan has been prepared under a structure comprising a Steering Committee, a Management Committee, four Working Groups and a

Communications Group. I note that planning officers from both local authorities have been engaged with the Plan throughout the plan making process.

26. The initial consultation process included community meetings and workshops. Further consultation included surgeries, a newsletter and a questionnaire. A Sustainability Appraisal Scoping Report was circulated to statutory consultees.
27. The consultation period on the pre-submission draft of the Plan ran from 11 January to 22 February 2014. Publicity included emails to the community database with supporting information on the community website, local press article and local public notices on community notice boards. Two surgeries were held during this consultation period.
28. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. This has taken considerable effort and dedication. I congratulate them on their efforts.
29. B&NES Council publicised the submission Plan for comment during the publicity period 27 October to 10 December 2014 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. I am satisfied that all the responses can be assessed without the need for a public hearing.
30. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.
31. I have been provided with detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.

## **The Freshford and Limpley Stoke Neighbourhood Plan 2014 - 2039**

32. The Plan sets out considerable background detail. The sections regarding the Natural Environment and Business and Technology do not include policies. A Neighbourhood Plan is not required to include policies, but where it does so, these policies are required to be land use and development policies, justified by robust evidence. My examination is confined to determining whether the policies in the Plan meet the Basic Conditions. In

the interest of clarity, it is necessary that the supporting text accords with these policies, but I am not examining the non-policy content of the Plan.

33. It is necessary for Neighbourhood Plans to provide ‘*a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency*’ as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF.

### **Vision and Objectives**

34. The whole Neighbourhood Plan area lies within the Cotswolds Area of Outstanding Natural Beauty (AONB) and Green Belt.
35. A clear Community Vision for the Parish has been established with regard to seeking to ensure that Freshford and Limpley Stoke remain the unique and cherished villages that they are.

### **Brownfield Sites**

36. A joint clarification note dated 8 December 2014 confirmed that both brownfield sites on Map 2 have planning permission. In the interest of clarity, this should be reflected in the key to the map and accompanying text.
37. **Recommendation: In the interest of clarity, to meet the Basic Conditions, I recommend modification to Map 2 and accompanying text to clarify that the brownfield sites identified on Map 2 have planning permission and are not site allocations.**

### **PLANNING AND DEVELOPMENT POLICY**

38. This policy requires any development to accord with the Village Design Statement. Whilst this is a desirable objective, not all development requires planning permission and thus not all development can be required to conform. In the interest of clarity, this should be reflected in the policy.
39. The local planning authorities are B&NES Council and Wiltshire Council. They 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. Instead, criterion (b) should refer to the need to demonstrate to the relevant local planning authorities how schemes conform to the Village Design Statement.
40. Drains being blocked by silt and gravel are not a land use and development policy matters. Thus, I recommend deletion of that reference.
41. The Housing Standards Review (March 2014) and a Ministerial Statement on Building Regulations (12 September 2014) indicate that it is unlikely for it to be appropriate to refer to the Code for Sustainable Homes in

Neighbourhood Plans once a statement of policy has been produced in early 2015. As this is a clear indication of the direction and intentions of National Policy, I recommend deletion of the sustainability paragraph.

42. **Recommendation: to meet the Basic Conditions, I recommend modifications to the Planning and Development Policy to read as follows:**

**(a) Any development requiring planning permission within the Neighbourhood Plan area should reflect the Guidance contained in the Villages Design Statement.**

**(b) Applicants must demonstrate to the relevant local planning authority how any planning application conforms to that Statement.**

**(c) Villages Design Statement**

***New developments:* 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.**

***Design:* The design, contemporary or traditional, must be a positive addition to the rural environment reflecting the character of its setting and acknowledging the local built heritage. It must sit well in the landscape and not dominate it.**

***Detailing:* 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. Any exterior lighting must minimise light pollution.**

***Car Parking:* any development, whether for extensions or new housing, must provide for sufficient off-road car parking to avoid worsening on-road parking and congestion.**

***Heritage:* The historic fabric of buildings should be preserved and repaired wherever possible (where buildings are 'listed' specialist advice should be sought.)**

## **HOUSING POLICY**

43. This policy allows infilling in the three Village Settlement Areas. The Eastern Settlement is an extension of the existing Freshford settlement boundary defined by B&NES Council. The Northern Settlement and Southern Settlements have been defined as part of this Neighbourhood Plan.



44. National Green Belt Policy allows for limited infilling in villages. Saved B&NES Local Plan Policy GB.1 allows for infilling in the villages defined as R3 villages within the Green Belt in accordance with saved Policy HG.6. Infilling is allowed providing it lies within the defined housing development boundary. Freshford is defined as a R3 village for the purposes of these saved policies. Infilling in the B&NES saved Local Plan is defined as *the filling of a small gap within existing development*.
45. B&NES Core Strategy defines infilling as: *The filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage. The plot will generally be surrounded on at least three sides by developed sites or roads.*
46. At the time of my examination of this Plan, B&NES Council is currently consulting on its Placemaking Plan options document. Draft Policy UD.7 proposes a new definition of infill which is proposed to supersede the Local Plan definition for B&NES in due course. *Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only.* In addition, this draft policy states that *Neighbourhood Plans in B&NES can identify locally specific definition of infill with reference to local characteristics.*
47. Whilst draft policy UD.7 can be afforded only limited weight at the current time as it may be subject to future amendment, it is clear that the definition of infilling is anticipated to alter from that of the saved Local Plan policies and the existing Core Strategy and that the emerging direction of B&NES Council is to allow for some flexibility in the definition of infilling in neighbourhood plans.
48. The Wiltshire Core Strategy identifies Limpley Stoke as a small village where small levels of infill are allowed within the existing built environment. The Core Strategy does not define a settlement boundary for Limpley Stoke. For the purposes of Core Policy 2, infill is defined as the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPDs.
49. The Neighbourhood Plan defines infilling as *the filling of a gap normally capable of taking no more than two houses. Infill development must be consistent with the policies set out in the Plan and preserve the openness of the Green Belt.*
50. There has been some objection to the definition of infill in the Plan. Objectors have raised concerns that it will encourage too much development to the detriment of the character of the area. Concern has also been raised that the definition will restrict development, particularly with regard to the promotion of a site at Middle Stoke, which is being promoted for three dwellings (and associated community benefits). I will refer to this site again later.

51. I consider that the proposed definition of infilling in the Plan allows for a degree of flexibility, in that it refers to *normally capable of taking no more than two houses*, whilst at the same time ensuring that the openness of the Green Belt is preserved. This has regard to national policy and is in general conformity with strategic policy.
52. There has been some objection to the three Village Settlement Areas boundaries, particularly that they may allow for an unacceptable increase in development. In addition, there has been objection to the Plan with regard to an insufficient amount of housing for the area.
53. The Neighbourhood Plan Examination process does not require a rigorous examination of borough wide housing land requirements. The Neighbourhood Plan does not need to set a target total for the number of dwellings required during the Plan period.
54. The Village Settlement Areas have been defined as part of an extensive consultation process. I see no justifiable evidence to alter or remove the boundaries. I consider the approach to limiting development to infill sites within the Village Settlement Areas will contribute towards the achievement of sustainable development.
55. For the above reasons, I conclude that the Housing Policy meets the Basic Conditions.
56. I have considered detailed representations seeking residential development on land at Middle Stoke. The proposal includes an extension to the King George V play park with improved access, public parking spaces and three dwellings, two of which would be affordable housing. I note that this site has been promoted for development during the process of the preparation of the Neighbourhood Plan.
57. The addition of three dwellings on this site would have a very limited effect on the total housing requirement for the Wiltshire Council wider area. I am only required to consider whether the Plan meets the Basic Conditions. For the reasons stated above, I consider that the Housing Policy meets the Basic Conditions. Thus, it is not necessary to include the site at Middle Stoke as an allocation in the Housing Policy in order to meet the Basic Conditions.

### **AFFORDABLE HOUSING POLICY**

58. Paragraph 3.0.05 in the Plan states *that the draft Wiltshire Core Strategy plans for at least 160 houses to be allocated between the three large and four small villages (including Limpley Stoke) around Bradford on Avon up until the year 2026*. The recently adopted Core Strategy has increased this figure to an indicative requirement of 185. Paragraph 3.0.05 in the Plan should be modified to reflect this.
59. The promoter of land at Middle Stoke has requested that the affordable housing policy should refer to the development of seven to nine affordable

dwellings as a result of the increase in the overall housing requirement stated above.

60. Whilst I realise that the overall housing requirement has increased in the Core Strategy for the Bradford area, I do not have sufficient detail to equate this increase with the need for an increase in affordable housing in the Neighbourhood Plan from 6 to 8 units to 7 to 9 units.
61. The Neighbourhood Plan Examination process does not require a rigorous examination of borough wide housing land requirements. I am satisfied that the Affordable Housing Policy provides sufficient flexibility with regard to the amount of affordable housing provision where it states *or such different number as is evidenced by demonstrable need at the time of development*. Therefore, I do not consider that the number of affordable dwellings needs to be modified in this policy.
62. I have sought clarification regarding the interpretation of criterion b) in the Affordable Housing Policy. By email dated 19 January 2015, the qualifying body confirmed that: *the intention of the policy is to direct development to brownfield/infill sites – it relates to all housing types not just affordable (affordable housing policy requirements would apply as per the relevant Core Strategy policies)*.
63. In the interest of clarity, I recommend modification to the policy to explain that it relates to both affordable housing contributions from market housing developments and affordable housing developments.
64. Planning Policy Guidance has been revised (on 28 November 2014) with regard to infrastructure contributions through planning obligations. By way of explanation, the following is an extract from the Planning Practice Guidance (Paragraph: 012 Reference ID: 23b-012-20141128):

*There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.*

*Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.*

*In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.*

*Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.*

65. B&NES Council has confirmed that both the Parishes of Freshford and Limpley Stoke lie within a rural area designated under the Housing Act 1996, not the Housing Act 1985. At the time of my examination, the local authorities were seeking clarification on this matter. As there are no housing allocations in the plan, or specific policies concerning the amount of developer contributions towards affordable housing, this is not a reason to hold up the examination of the Plan.
66. To have regard to the Planning Practice Guidance thresholds and relevant development plan policies, I recommend reference to contributions from market housing developments 'where possible', in the first sentence in the Affordable Housing Policy.
67. **Recommendation: in the interest of clarity, I recommend the following:**  
**modification to paragraph 3.0.05 to refer to the recently adopted Wiltshire Core Strategy indicative housing requirement of at least 185 dwellings around Bradford; and**  
**modification to the first sentence of the Affordable Housing Policy to read as follows: 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 through contributions from market housing developments where possible, and affordable housing developments:**
68. A representation has suggested the inclusion of a Policy requiring the creation of a Housing Association entirely in the control of the community. This is a management, rather than a land use and development matter. Thus, I see no requirement for such a policy in the Plan.

### **Natural Environment**

69. Whilst the section regarding the Natural Environment does not include policies, there is reference in paragraph 4.2.06 to developing an ecological reserve on a site at Middle Stoke. In addition, paragraphs 5.0.07 and 5.3.04 in the Safeguarding Local Green Spaces section refer to seeking to acquire the land to improve access to the King George V play park and enhance the green space. There are objections to these references on behalf of the owner of the site who is seeking development as explained above.
70. These are not policies in the Plan. They are ongoing work and actions. Whether or not the Plan's aspirations are achievable with regard to this site, the inclusion of these references to the land at Middle Stoke in this context has no bearing on whether the Plan meets the Basic Conditions.

## LOCAL GREEN SPACES POLICY

71. Paragraph 77 in the NPPF states that: *The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*

*where the green space is in reasonably close proximity to the community it serves;*

*where the green area is 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*

*where the green area concerned is local in character and is not an extensive tract of land.*

72. Planning Policy Guidance states (at Paragraph: 010 Reference ID: 37-010-20140306): *If land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*

*One potential benefit in areas where protection from development is the norm (e.g. villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community.*

73. The joint clarification note dated 8 December 2014 states that the central Local Green Space on Map 2 is made up of a number of smaller proposed Local Green Spaces and each of these should be considered on their own merits. In my opinion, this can only be the correct approach if it does not result in an extensive tract of land, however it is derived.

74. I have spent a considerable amount of time at my visit to the area looking at the areas proposed to be designated as Local Green Spaces. Appendix B4 includes a map identifying each parcel of land by a number and by ownership. For ease of reference, I will refer to each parcel in accordance with that map

75. Combined sites 1, 2, 3 and 4 comprise an extensive tract of land, which is part of the wider countryside, rather than local in character. Thus, the combination does not meet the criteria for Local Green Space designation. The Plan states *that the Local Green Space is needed to prevent agglomeration between the settlement areas.* This is not the purpose of a Local Green Space Designation. There is already considerable protection of the fields between the settlements, being protected by both Green Belt policy and AONB policy.

76. Whilst I do not consider the combined sites of site 1, 2 3 and 4 meet the Local Green Space criteria, I have considered the sites individually below as

requested. I must emphasise that in order for an area to be designated as a Local Green Space, it has to meet all the criteria for designation.

77. I realise that footpaths dissect some of the parcels of land. This is not in itself a reason to designate a parcel of land as a Local Green Space.

Site 1 Richie

78. Whilst this small parcel of land is in reasonably close proximity to the community, there is no robust justifiable evidence to indicate that it is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 2 Millard

79. This is an extensive tract of land dissected by the A36. It is part of the wider countryside, rather than local in character. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 3 Dawson

80. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 4 Walden

81. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 5 Alexander

82. Site 5 appears to have been included for designation to prevent coalescence between the settlements. This is not a reason to designate land as Local Green Space. There is no robust justifiable evidence to indicate that this parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 6 Fletcher

83. Site 6 appears to have been included for designation to prevent coalescence between the settlements. This is not a reason to designate land as Local Green Space. . There is no robust justifiable evidence to indicate that this small parcel of land is demonstrably special. Thus, it is not appropriate to designate this parcel of land as Local Green Space.

Site 7 Freshford Parish Council (Tynning Village Green)

84. This area is a registered Village Green. Clearly it is close to the community, is demonstrably special and holds a particular local significance, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.



Site 8 Limpley Stoke Parish Council (King George V)

85. This play park is within the community; clearly it is demonstrably special and holds a particular local significance, is local in character and is not an extensive tract of land. I am satisfied that it meets the criteria for designation as a Local Green Space.
86. To meet the Basic Conditions, I recommend the deletion of sites 1-6 from the Local Green Space designation. I realise that this will not be welcomed by a considerable number of people in the local community. It is clear from the evidence base that strong reasons for designating these sites have been to prevent coalescence of the settlements and to provide a visual break between the built up areas. These are not Local Green Space criteria. Existing protective designations, i.e. Green Belt and AONB designations provide considerable protection against development on these sites.
87. There has been a request for further land to be designated as Local Green Space. My role is to determine whether the Plan meets the Basic Conditions. The inclusion of further Local Green Space is not necessary to meet these conditions.
88. **Recommendation: to meet the Basic Conditions, I recommend modification to Map 2 by the deletion of Local Green Spaces 1-6 and associated modification to the text in the Safeguarding Local Green Spaces section.**

## **HIGHWAYS POLICY**

89. I have visited the Neighbourhood Plan area and have experienced both driving and walking around the narrow roads. In particular, I see the importance of 'painted pavements' for pedestrian safety. (I must emphasise that I was unscathed by my experience).
90. The Highways Policy seeks to advance shared space principles in order to improve road safety. However, the policy is not a land use and development policy, it is more a list of aspirations. Thus, to meet the Basic Conditions, the policy should be deleted, but can be retained as a list of objectives in the Walking, Cycling and Safer Roads Section.
91. **Recommendation: to meet the Basic Conditions, I recommend the deletion of the Highways Policy and the incorporation of this list of objectives into the accompanying text, with the text modified to remove reference to 'policy' objectives.**

**Removal of reference to the Highways Policy in paragraph 8.2 in the Business and Technology Section.**

## **COMMUNITY DEVELOPMENT POLICY 1**

92. This Policy refers to bringing the defined hub of the combined community into the Village Settlement Area. Map 2 appears to already show this area as part of the Southern Settlement. Therefore, in the interest of clarity, there is no need to include this statement in the Policy.

93. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend modification to sub-section a) in this policy to read as follows:**

**a) to define the area that includes the Freshford Village Memorial Hall, the Queen Elizabeth Playing Field, the car park and the Galleries Community Shop (see map 5 page 33) as the hub of the combined community.**

## **COMMUNITY DEVELOPMENT POLICY 2**

94. The joint clarification note dated 8 December 2014 stated that 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. In the interest of clarity, the policy and accompanying text should reflect this interpretation.

95. **Recommendation: In the interest of clarity, to meet the Basic Conditions, I recommend modification to this policy to refer to ‘key community facilities and assets’, with an explanation of the definition included in the accompanying policy objectives. In addition, the heading of Table 2 should be similarly revised.**

**The policy to read as follows:**

**This policy identifies in Table 2 the key community facilities and assets. There will be a presumption in favour of safeguarding them from any adverse proposal which would result in their loss.**

96. Map 5 identifies Middle Stoke disused land as an asset. Representations on behalf of the owner have objected to this designation. I have viewed the site. Whether or not the site has any ecological value, I am not in a position to determine. Whatever the circumstances, there is no clear evidence to justify that this land currently has a wider value as a community asset. Therefore, I recommend the deletion of this reference on Map 5.

97. **Recommendation: In the interest of clarity, to meet the Basic Conditions, I recommend the deletion of reference to Middle Stoke disused land as an asset on Map 5.**



## Referendum and the Freshford and Limpley Stoke Neighbourhood Plan Area

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

**Janet Cheesley**

**Date 30 January 2015**

## Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning Regulations (2012)  
The Planning Practice Guidance (2014)  
Regulation 16 Representations  
Saved policies in the B&NES Local Plan 2007  
B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014)  
Wiltshire Core Strategy (January 2015)

### **Submission Plan:**

Freshford & Limpley Stoke Neighbourhood Plan

### **Supporting Documents:**

Appendix A: Policy options  
Appendix A1: Environment Impact of Policies Matrix  
Appendix B: Sustainability Appraisal Report, 2013  
Appendix B1: HRA Screening  
Appendix B2: HRA Screening opinion  
Appendix B3: HRA Screening determination  
Appendix B4: Local Green Spaces Justification and background evidence  
Appendix C: Neighbourhood Area Designation  
Appendix C1: Basic Conditions Statement  
Appendix D: Consultation Statement  
Appendix D1: Community Planning Workshop Report, 2012  
Appendix D2: Neighbourhood Plan Launch Leaflet, 2012  
Appendix D3: "Making Progress" Questionnaire Leaflet, 2013  
Appendix D4: Quiz Involvement Leaflet, 2012  
Appendix D5: "Making Progress" Questionnaire Responses, 2013  
Appendix D6: Draft Neighbourhood Plan, 2013  
Appendix D8: Revised Draft Neighbourhood Plan, January 2014  
Appendix D9: Clarion Articles  
Appendix D10: Bulletin Articles  
Appendix D11: Community Emails  
Appendix D12: Comments on Revised Draft Neighbourhood Plan  
Appendix D13: Legal Compliance Guide  
Appendix E: Project Timetable  
Appendix F: Limpley Stoke Village Plan, 2008  
Appendix F1: Parish Plan for Freshford, 2008  
Appendix G: Heart of Wessex Report  
Appendix H: Shared Space in Freshford report  
Appendix I: Getting About: People and Vehicles in Freshford  
Appendix J: Limpley Stoke Housing Needs, 2009  
Appendix J1: Freshford Housing Needs, 2009

Appendix J2: Limpley Stoke Housing Needs, 2011  
Appendix K: Freshford & Sharpstone Conservation Area Appraisal  
Appendix L: Ownership of key Neighbourhood facilities  
Appendix M: Freshford Village Memorial Hall Redevelopment  
Appendix N: Cotswold AONB Landscape Strategy and Guidelines

**Examination - clarification notes**

8th December 2014: To aid the Examiner, the B&NES and Wiltshire Councils, together with the qualifying bodies (Freshford & Limpley Stoke Parish Councils) have prepared a brief clarification note.

9th January 2015: Freshford & Limpley Stoke Parish Councils further Clarification Note

19 January 2015 email clarification regarding the intent of the Affordable Housing Policy

26 January 2015 email from B&NES Council regarding affordable housing and the Planning Practice Guidance.