

Lawrence Weston Neighbourhood Development Plan

Report by Examiner

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Introduction

1. I was appointed in June 2016 as the independent examiner for the Lawrence Weston Neighbourhood Development Plan. The plan has been prepared by the Lawrence Weston Neighbourhood Planning Group¹ with the support of several other bodies, including the local planning authority, Bristol City Council.
2. The examiner's role is to provide an independent review of the plan and to make recommendations in accordance with the 2011 Localism Act and related regulations. In particular, the examiner has to consider whether the plan meets certain "basic conditions", satisfies legal requirements, and identifies an appropriate area for a referendum.
3. In order to act as examiner I am required to be appropriately qualified. I am a chartered town planner with previous professional experience in local government, consultancy and the Planning Inspectorate. I am independent of Bristol City Council and I do not have any interests in land or property in or near Lawrence Weston.
4. The basic conditions, which are set out in the legislation,² are intended to ensure that neighbourhood plans fit with their wider context. In summary, the main basic conditions are that the plan must:
 - have regard to national planning policies and guidance;
 - contribute to achieving sustainable development;
 - be in general conformity with the strategic policies of the development plan; and
 - be compatible with European Union law and human rights obligations.
5. The policies of neighbourhood development plans should also relate to the development and use of land in a designated neighbourhood area, should be prepared by a qualifying body, should specify the period for which they are intended to have effect, should not include provisions on excluded development,³ and should not cover more than one neighbourhood area.

Format of Report

6. I have set out this report in the following sequence. In the next section I cover some general matters relating to the plan area, preparation procedures and regulatory requirements, and I refer to the written representations submitted during the most recent period of consultation on the plan. The policies of the plan and the related text are then considered in plan sequence, with recommendations made where appropriate. Some comments are then made about other matters. A final section briefly considers the next stage. The report also contains some suggestions, mostly about points of presentation or other aspects on which I hope my comments may be helpful but which are of lesser importance and do not relate to any of the basic conditions.

¹ The Neighbourhood Planning Group is part of a not-for-profit company limited by guarantee known as Ambition Lawrence Weston.

² The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. I have paraphrased the Basic Conditions here.

³ Excluded development refers to matters such as mineral workings which are not relevant here.

7. Three appendices are attached: the first contains a summary note of the topics covered in the latest representations; the second has comments on some detailed objections; the third provides a list of minor editing points.
8. I have adopted a convention in this report that when referring to a specific plan (such as the Lawrence Weston Neighbourhood Development Plan or the Bristol Core Strategy), I use initial capitals. When making more general references, for example to "neighbourhood plans", or when using adjectival nouns (as in "neighbourhood plan document") I normally use lower case initial letters. I use the labels "Neighbourhood Development Plan" and the slightly briefer "Neighbourhood Plan" interchangeably as having the same meaning; I also use the abbreviation "NDP" to refer to the Neighbourhood Development Plan.
9. References to maps in this report use numbers assuming that the numbers shown in the map titles are corrected, as explained in Appendix 3. Thus for example when I refer to Map 2, I am referring to the map showing the Lawrence Weston Retail Centre Core Area, which is labelled "Map 1" in the plan.

The Development Plan, National Policy and Guidance

10. The parts of the statutory development plan relevant to the Neighbourhood Plan consist of the Bristol Development Framework Core Strategy adopted in June 2011, and the Site Allocation and Development Management Policies adopted in July 2014.⁴ The latter has two associated documents: an Annex containing site allocations information, and a volume of policies maps in which most of Lawrence Weston is covered in Maps 5 and 11. These documents form part of the Bristol Local Plan.⁵
11. National policy is set out in the National Planning Policy Framework ("NPPF"). National Planning Practice Guidance ("NPPG") also provides advice on the preparation of neighbourhood plans.
12. The NPPF states that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".⁶ A similar point is made in the NPPG, which 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".⁷
13. Unlike local plans, neighbourhood plans do not have to pass a test of soundness. Nevertheless, the NPPG states that if policies and proposals are to be implemented as the community intended, a neighbourhood plan needs to be "deliverable", which I take to mean effective or capable of being carried out.
14. Many of my recommendations concern details of words or phrases. In some parts of the plan, I have found it difficult to avoid going into detail, simply because the objections to the plan raise such points. Even where there are no

⁴ There are other parts of the development plan not relevant to the Neighbourhood Plan, including the Bristol Central Area Local Plan and the Joint Waste Core Strategy.

⁵ In their fact check comments the council give the full name of this plan as "Bristol City Council Local Plan"; but I am using the title ("Bristol Local Plan") which appears on the front cover of local plan documents.

⁶ NPPF paragraph 17.

⁷ NPPG, Section 5.

objections, detailed wording can matter because neighbourhood plan policies which are imprecise or would not be readily capable of being implemented would not meet the basic condition relating to national policy and guidance noted above. Imprecision or ambiguity in plans can also become the subject of dispute, causing problems for those responsible for deciding planning applications or appeals which can be exploited by developers seeking to carry out development contrary to what plan-makers intended.

15. The Neighbourhood Plan does not have to be entirely consistent with the development plan - the Basic Conditions refer to "general conformity with the strategic policies" of the development plan. Judgment is necessary to decide which policies are "strategic" and the extent to which "general conformity" allows differences.

Examination Procedure

16. I judged that the responses which had been submitted to Bristol City Council following the latest round of consultation (sometimes named "Regulation 16" responses) could be considered on the basis of written representations, so it was not necessary to hold any hearing. Where I felt that I needed further information, or that the Neighbourhood Planning Group or the planning authority should have an opportunity to comment on an issue, I put a number of questions or invitations to comment. The questions and responses were made by emails copied to both the Group and Bristol City Council. I also sent a draft of my report to the City Council and to the Group in early August 2016 for fact checking. This took about a month, because both bodies needed time to make comments. I have taken account of the comments and revised the text in places, mainly to improve its clarity or accuracy.
17. I am grateful to all those who responded to my questions. The information supplied assisted me in carrying out the examination, assessing the submitted representations and writing my report.
18. I made an unaccompanied visit to Lawrence Weston in July 2016 so as to familiarise myself with the area and to see particular features mentioned in the plan.

The Neighbourhood Development Plan and Other Documents

19. The version of the NDP I have examined is labelled "Submission Version FINAL dated 31/03/16". Apart from the Neighbourhood Plan itself, the main source documents which I have read or referred to are as follows.

Lawrence Weston Design Statement - March 2016 Submission Version.

Basic Conditions Statement - March 2016 (by LB Planning).

Consultation Statement.

Lawrence Weston Neighbourhood Development Plan Reg 14 Consultation - Feedback 2015.

Lawrence Weston Local Lettings Policy (Version 0_07)

Strategic Environmental Assessment & Habitat Regulations - Screening Opinion and Determination, September 2015, with covering letter from Bristol City Council.

Equality Impact Assessment, March 2016.

Bristol Development Framework Core Strategy - Adopted June 2011.

Site Allocations and Development Management Policies - Local Plan.
Adopted July 2014.

Site Allocations and Development Management Policies - Annex: Site
Allocations Information, Adopted July 2014.

Site Allocations and Development Management Policies - Policies Map,
Adopted July 2014.

General Matters

Plan Area, Preparation Procedures and Regulatory Requirements⁸

20. The plan area is shown edged with a red line on Map 1 on page 6 of the plan. The Consultation Statement describes how the plan has evolved from initial research for a community plan in 2011, and how numerous events and consultation processes took place up to 2016. Impressively, these included training local volunteers to undertake household interviews, producing about 1,000 questionnaires. Other activities included:
- Preparation of and consultation on a community plan in 2011-12 - Towards a Community Plan - commissioned by Avonmouth and Kingsweston Neighbourhood Partnership and Public Health, and supported by local residents.
 - An audit and review of community buildings.
 - A survey of businesses and shoppers in Ridinglease.
 - Establishing the Lawrence Weston Neighbourhood Planning Group, training its members, and holding meetings and workshops supported by Planning Aid.
 - Completing a Housing Needs Study, which involved a survey of local people and data analysis by Bristol City Council.
 - Completing the Design Statement, with the support of workshops supported by the Design Council and White Design.
 - Contributing to work on a Design Brief for the college site led by Bristol City Council, preparing a "High Level Business Plan" for the Hub, and later designing the Hub with funding from the Homes and Communities Agency.
 - Undertaking transport studies with Avonmouth and Kingsweston wards and contributing to City Council transport and traffic studies.
 - Formal consultation on the draft NDP (at "Regulation 14" stage), and modifying the plan in response to feedback. This consultation included making a film to raise awareness of the plan, articles in local publications, drop-in events, email circulation, attendance at church and social club meetings and the use of social media.
21. The table on pages 13-29 of the Consultation Statement lists the main comments from the Regulation 14 consultees, and records the responses and alterations to the plan in the light of representations. The appendices in that document provide further information about the consultation process, the response forms and the consultees.

⁸ The source of most of the information reported here about the plan preparation procedures is the Consultation Statement. Other information is sourced from the Basic Conditions Statement.

22. The Basic Conditions Statement contains schedules setting out how the Neighbourhood Plan's policies relate to national policy in the NPPF and to development plan policies in the Core Strategy and the Site Allocations and Development Management Policies Local Plan. Some of the content of the Basic Conditions Statement is the subject of objections by Bristol City Council and I deal with these points when considering the individual policies later in this report.
23. At the time of writing, the UK is a member of the European Union, and I am assuming that this will remain so during the period for consideration of my report, so that the Basic Conditions which are linked at least partly to European legislation will apply. A screening decision was issued by Bristol City Council in December 2015, after consultation with statutory consultees, stating that the plan did not require a Strategic Environmental Assessment or an Assessment under the European Union Habitats Regulations.
24. For purposes relating to the European Convention on Human Rights and the UK Human Rights Act, an Equality Impact Assessment has been carried out and reported in a document dated March 2016. This was evidently undertaken following a challenge to an earlier version of Policy H6 on local lettings, on the grounds of indirect discrimination. Changes have apparently been made to this policy. There are no objections on grounds of discrimination in the latest (Regulation 16) representations, although I make a recommendation about Policy H6 later for other reasons.
25. The Basic Conditions Statement explains that a Sustainability Appraisal has not been undertaken, although the plan has taken account of the need to contribute to achieving sustainable development. Table 3 in the Basic Conditions Statement sets out the economic, social and environmental factors which have been assessed in relation to each policy,
26. As is clearly stated on the front cover, the plan is intended to cover the period from 2015 to 2030.
27. There is some inconsistency in the way various bodies and their roles are described. According to the plan itself (paragraph 2.2), the Lawrence Weston Neighbourhood Planning Group applied to be the Neighbourhood Planning Forum and was designated as such. Thus the "Forum" is in effect an alternative term for the Neighbourhood Planning Group, designated by Bristol City Council as the "qualifying body" (as stated on the front cover of the plan). According to the Basic Conditions Statement, the plan was prepared by Ambition Lawrence Weston on behalf of the Neighbourhood Forum. This statement seems to be the wrong way round. However, since all these bodies are apparently part of the same organisation I am satisfied that the relevant regulations were met.
28. In summary, the information available to me shows that the NDP has been prepared by a properly constituted qualifying body, that the plan covers a suitably designated area, and that all other appropriate regulations relating to the preparation process either have been met or would be met after amendment as recommended. In all those respects I consider it appropriate to make the plan.

Representations

29. The closing date for representations to be made following the most recent public consultation on the plan was 17 June 2016. Representations were submitted by the following:⁹

⁹ These are listed in alphabetical order. See also the footnotes to Appendix 1.

Ambition Lawrence Weston.¹⁰
 Bristol City Council.
 Coal Authority.
 I K Dubber.
 Ann Fay (British Horse Society).
 Highways England.
 Historic England.
 Joint Local Access Forum
 Charlotte Leslie MP.
 National Grid.
 NHS England and Bristol Clinical Commissioning Group.
 Natural England.
 Network Rail.
 Persimmon Homes Severn Valley.¹¹
 Public Health England South West.
 South Gloucestershire Council.
 Sue Wilkes.

30. Some of those listed above did not have any specific comments, or expressed general support for the plan; others submitted a range of comments or objections to various parts of the plan. A summary note of the main topics raised in the representations is attached to this report as Appendix 1. I have taken account of all the representations where appropriate when considering the policies of the plan and its related text later in this report.

The Plan and its Policies

Background and Context

31. The plan contains introductory sections outlining the historical and legal background to the plan and the policy context. Section 3 describes some key features relevant to planning in Lawrence Weston under six main headings: housing; parks and green spaces; traffic and transport; jobs, skills and employment; community facilities, retail, health and well-being; and design, public realm and community safety. These parts of the plan provide useful, relevant information which sets the scene for the later policies.
32. Sections 6, 7 and 8 set out the plan's vision, aims and objectives, which have evidently been developed during the process of consultation with local people. Two brief sections (9 and 10) contain statements about reviewing the plan and ongoing community engagement. The plan then sets out 25 policies. These are arranged in six groups, covering various topics:
- Housing (H1-H6).
 - Moving around (MA1-MA3).
 - Jobs, Skills, business and retail policies (JSB1-JSB4).

¹⁰ It is unusual for representations on a neighbourhood plan to be submitted at Regulation 16 stage by a body which is in effect the same body as prepared the plan, but this appears to have happened here. As noted in Appendix 1, the submissions concerned human rights matters and Policy H6.

¹¹ This company raised around 30 objections so the plan, so it is necessary to make a number of references to them, and for brevity I refer to the company as "Persimmon Homes" elsewhere in this report.

- Open space and public realm policies (OPR1-OPR3).
- Community facilities, health and wellbeing policies (CSF1-CSF4).
- Site-specific policies (SSP1-SSP5).

Format of Policies

33. I have three general comments on the format of the plan's policies. First, some of the policies start with a group of words which appear to be a mixture of a heading and a policy statement. Two early examples are: "Policy H1 Provide a minimum of 360 homes on vacant or derelict sites (as shown on Map 3) across Lawrence Weston"; and "Policy H2 Make best use of brownfield infill sites and former PRC housing sites". Some policies do not follow this format - for example, Policy H6 starts with the more neutral words: "Local Lettings Policy"; Policy MA1 is headed "Provision for Cycling and Walking"; and Policy JSB4 is headed "Retail Development".
34. For clarity and consistency, a decision should be made whether or not to give all policies a topic heading or label. A heading or label is not necessary,¹² but if there is one, it should be worded neutrally, leaving the actual policy to be stated within the policy itself. Taking Policy H1 as an example, the heading could be: "Residential Development on Vacant or Derelict Sites". Then part of the actual policy (if left unaltered for any other reason) could read: "A minimum of 360 homes will be provided on vacant or derelict sites (as shown on Map 3) across Lawrence Weston".
35. On balance I think policy headings are helpful to readers of the plan, so I adopt that approach in my recommendations on individual policies, and I make the following general recommendation.
- 36. I recommend that each policy should have a neutrally worded "topic heading" and that all policy statements should be placed after the policy number and heading, within the text of the policy itself.**
37. Secondly, I can see that the criteria-based policies have mostly been drafted with attention paid to placing the word "and" at the end of each criterion. This makes each criterion inclusive (that is to say, all the criteria have to be met for any proposed development to be acceptable under the policy, as opposed to the exclusive status of criteria which would be conferred by the use of the word "or"). The little word "and" may seem unimportant at first sight, but can be crucial in the application of policies. That said, it is not necessary to repeat "and" after every sub-paragraph, provided that this word appears after the semi-colon following the penultimate sub-paragraph, so that as a matter of normal English interpretation, it links all the preceding sub-paragraphs.
38. The combined use of "must" with "and" in some policies would make some requirements too onerous. For example, the requirements (in Policy H2) that development on what the plan terms "brownfield infill sites" *must* provide a mix of social and affordable housing *and* address the need for accommodating older people *and* address the local need for family houses with gardens would be impracticable when assessing a scheme for one or two dwellings or a small block of flats. I return to this point in dealing with individual policies.
39. My third general comment is that it is usually preferable to avoid using bullet points in policy statements. This form of presentation can be useful, and I do not

¹² The Bristol Core Strategy does not use policy headings, but another part of the development plan (the Site Allocation and Development Management Policies) does use policy headings.

suggest any change in the non-policy parts of the plan. But bullet-pointed sub-paragraphs in policies could cause some minor difficulties for future users of the plan, particularly where such sub-paragraphs set out numerous policy criteria. Planning officers preparing reports to council committees, or advocates and witnesses at public inquiries, may often need to refer to sub-paragraphs of policies. Where policies contain bullet-pointed sub-paragraphs setting out criteria, references to the criteria become more clumsy and less easy to apply in practice as the number of sub-paragraphs increases - and some policies in this plan have up to 15 sub-paragraphs of criteria.¹³

40. This point is not so important that it needs to be covered by a recommendation. Nevertheless I suggest that consideration be given to using either numbering (eg (i), (ii), (iii) etc) or lettering (eg (a), (b), (c) etc) instead of bullet points in criteria-based policies. For the purposes of this report, I have adopted the former, but lettering would be equally suitable.¹⁴

Policies H1 and H2

41. I have several comments on Policy H1. Some are from my own assessment and others are because I consider that several of the criticisms made by Persimmon Homes Severn Valley are justified, largely because of the need under the Basic Conditions to have regard to national guidance about policies being clear, concise, precise and capable of being implemented.
42. The absolute requirement that all new residential development "must" comply with the six criteria set out under the policy is too inflexible. The Design Statement states that it has been written "to provide guidance", and converting guidance into criteria which must be met under what is intended to become development plan policy would be going too far, especially as not all of the criteria listed in Policy H1 would be reasonable or practical. The requirements in the policy also go beyond the Design Statement. For example, the proviso that new residential development must apply best practice techniques in sound insulation is more stringent and more rigid than what the Design Statement describes as an "objective to be met as far as possible" for a "high level of internal sound insulation".
43. The expression "new residential development" would apply to proposals for only one or two dwellings, and such schemes could not be expected to provide a mix of tenures and dwelling types as specified in the third bullet point. Some of the other terms used in the criteria could also be a source of potential problems. An example is the requirement to carry out development "in accordance with the recommendations set out in the Lawrence Weston Design Statement" - the Design Statement sets out principles, objectives, ideas, initiatives and other such points, but not recommendations.
44. Some of the criteria in this policy could be combined so as to make the policy more concise. For example, I think "low carbon living" (which is anyway a rather

¹³ This refers to Policy SSP2. Other policies have even more bullet-pointed sub-paragraphs but they do not all set out criteria for assessing development proposals. During my examination, particularly when reading and cross-referencing the objections, the responding submissions on the site-specific policies, and the plan itself, I found myself repeatedly counting down the bullet points so that I could understand the comments about, for example, "bullet 12" or "bullet 15" - until I inserted numbers into a copy of the plan.

¹⁴ I have considered suggesting a format similar to existing development plan documents, but they vary - the Bristol Core Strategy uses bullet points in criteria-based policies, but another development plan document (Site Allocations and Development Management Policies) uses Roman numerals (without brackets) when setting out criteria, and bullet points elsewhere.

- imprecise jargon term) would be covered by the references to renewable energy technology and energy efficiency.
45. Policies H1 and H2 both set out criteria, and Policy H2 appears to duplicate some of Policy H1. The requirement that development proposals must "provide a mix of social and other affordable housing in line with the latest Housing Needs assessment" would be very similar to the requirement in Policy H1 for all new residential development to "ensure a mix of tenures and dwelling types and to reflect local demands as set out in the Lawrence Weston Housing Needs Study 2013 or any future updated study". The requirement that development must "comply with the Lawrence Weston Design Statement" (in the fourth bullet point of Policy H2) is duplicated in the seventh bullet point under which development must "implement the highest standards of energy efficiency and comply with the LW Design Statement"; and the topic of energy efficiency would be already covered by Policy H1.
46. The criterion relating to the Lawrence Weston Design Statement is also duplicated in Policy H4 ("...adhere to guidance set out in the Lawrence Weston Design Statement") which is aimed at all new development. The requirement that development on the sites referred to in Policy H2 must "consider how to promote" custom build opportunities is fairly vague, but a differently-worded reference to opportunities for custom-built housing could be inserted into one of the other criteria.
47. As a fairly minor point, the term "new residential development" can be taken to include domestic extensions, whereas Policies H1 and H2 are evidently intended to cover proposals for new dwellings. Therefore I think "New Housing" would be a more apt heading than either of the headings in the submission version of the plan.
48. Policy H1 refers to the provision of a minimum of 360 homes on vacant and derelict sites, whereas the relevant aim of the plan, as stated in paragraph 7.1, is the delivery of around 360 homes in the neighbourhood. In view of this inconsistency (which has been accepted by the Neighbourhood Planning Group in response to my query), one of the amendments in my recommendation is to change "a minimum of" to "about".
49. Having regard to the above points, I consider that Policies H1 and H2 would be better combined together, with various amendments as set out below. If the final decision is to keep the two policies separate, they should be drafted so as to avoid duplication of any criteria, or the near duplication with slightly different wording.
50. **I recommend that Policies H1 and H2 be amended and combined to read as follows:**
- Policy H1: New Housing Development.**
- The provision of about 360 homes on the vacant or derelict sites shown on Map 3 will be supported, subject to assessment against the following criteria:**
- (i) **the extent to which the proposal would make efficient use of under-used land (including "brownfield" sites and former PRC housing sites) and would meet local needs as set out in the most recent housing needs assessment by Bristol City Council;**

- (ii) **whether the proposal would reflect the guidance set out in the Lawrence Weston Design Statement and would integrate well with or improve the character of the existing neighbourhood;**
- (iii) **whether the proposal would provide a mix of tenures and dwelling types, including custom-build opportunities and family houses with gardens, where this is feasible on any one site; and**
- (iv) **the extent to which renewable energy technology, energy efficiency and best practice in sound insulation would be incorporated into the development.**

51. If the recommendation to combine these policies is not accepted, **I recommend as an alternative that at least the two policies should be drafted to avoid part-duplication of terms such as "apply best practice techniques...in...energy efficiency in any new residential development" and "implement the highest standards of energy efficiency".**
52. The supporting text to Policy H1 refers to Appendix 1 of the plan, so it is convenient here to deal with the objection by Ms Wilkes to the figures in the appendix relating to the site at Awdelett Close. Ms Wilkes draws attention to the much higher density which would result from the apparent replacement of eight precast reinforced concrete (PRC) dwellings by 32 dwellings.
53. I raised this point in one of my written questions, and from the responses and fact check comments it seems that the figure of 32 dwellings relates to a much larger area than the site formerly occupied by eight PRC homes. According to a development brief supplied by the City Council, the correct figure for the Awdelett Close site should be 12 dwellings, and it would appear that this is the figure which should be stated in the appendix. **I recommend that Appendix 1 be amended accordingly.**

Policy H3 and Related Parts of the Plan

54. This policy concerns so-called "affordable housing", which term covers various types of housing including dwellings owned and managed by a local authority or registered providers such as a housing association, shared-ownership dwellings or other forms of housing as described in the glossary to the plan. The aims of this policy appear to include not only ensuring that affordable housing is provided in future development proposals, but also that there is a greater variety of housing types and tenures, bearing in mind NPPF advice about creating "inclusive and mixed communities". The table at Appendix 1 of the plan is linked with Policy H3.
55. There are objections to several aspects of this policy by Bristol City Council and Persimmon Homes. Both objectors point out that the policy and the related table in Appendix 1 conflict with the affordable housing percentages and thresholds in the Bristol Local Plan (with particular reference to Policy BCS17 of the Core Strategy and Policy DM3 of the Site Allocations and Development Management Policies¹⁵). As regards scheme viability, Persimmon Homes draw attention to the difference between the local plan requirement for "full development appraisals" and the NDP's requirement for "clearly evidenced open book viability", on the grounds that the latter wording implies public disclosure of confidential financial information.
56. National policy guidance advises that where scheme viability may be affected by the provision of affordable housing, developers will be expected to provide full development appraisals to demonstrate an alternative affordable housing

¹⁵ Policy BCS17 of the Core Strategy relates to development proposals of 15 dwellings or more. Policy DM3 of the SADMP deals with proposals for 10 to 14 dwellings.

- provision. Policies BCS17 and DM3 of the Local Plan also both refer to "full development appraisals". As already noted, the basic conditions do not require exact matching; nevertheless this is an instance where I consider that for consistency with both national and development plan policy, Policy H3 of the NDP should use similar phrasing.
57. The City Council have objected to some of the percentages shown for affordable housing in the table at Appendix 1, and to the commentary under the table, because of conflict with the Local Plan. The plan indicates that three of the small sites accommodating less than ten dwellings listed in Appendix 1 are being developed by Bristol City Council and a fourth is being developed by a housing association. In practice, these sites are likely to be developed with 100% affordable housing (the figure shown in the table); but as the City Council point out, there is no policy requirement in the Local Plan for affordable housing on sites with less than ten dwellings. The issue of affordable housing provision on sites of less than ten dwellings has also recently been the subject of legal challenges in the courts, culminating in a confirmation of national policy that developers should not be expected to provide affordable housing on such sites.
 58. The City Council say that the affordable housing percentages listed in Appendix 1 for the college and Astry Close sites should both be 30% in line with the Local Plan, instead of the figures of 20% and 70% respectively shown in the table, with explanations in the commentary. Persimmon Homes, understandably, do not complain about the lower 20% percentage for the college site but have other objections, including the comment that the NDP is not clear in the way it deals with affordable housing. Persimmon Homes also refer to the disparity between Policy H3 and Policy SSP2, which specifically relates to the college site and contains the criterion that "20-30% of housing will be affordable".
 59. There is an apparent discrepancy between Policy H3 as currently drafted and the information (including the commentary) presented in Appendix 1. The policy states that new development should seek to provide a broader range of affordable housing types and tenures beyond social housing. Yet the four small sites listed in Appendix 1 show a "suggested split" of 100% affordable housing, and the commentary states that these are all for social housing. The Neighbourhood Planning Group has stated that they would not want to preclude market housing or self-build on these sites and would be happy to remove these sites from the table in Appendix 1. In my view this would be an appropriate amendment.
 60. The third bullet point of Policy H3 seems to have caused some misunderstanding. Under this criterion, development on allocated sites will be supported if "shared ownership or custom-build housing comprises at least 20% of sites with ten or more dwellings". Persimmon Homes (and possibly others) have interpreted this as meaning that at least 20% of housing on sites with ten or more dwellings would be required to be affordable housing. The Neighbourhood Planning Group has referred to evidence of demand for shared ownership properties and stated that the policy "was meant to indicate 20% of the affordable housing required".
 61. However, the Group has also accepted that custom-build housing is not always affordable, and has suggested that the third bullet point should be changed to read: "Shared ownership or affordable custom-build housing comprises at least 20% of sites with 20 or more dwellings". It is not clear to me why the ten-dwelling threshold should be raised to 20 dwellings for this suggested criterion, and this appears to be an arbitrary figure. Bearing additionally in mind that custom-build housing may or may not be defined as "affordable" I think the

requirements of this bullet point would be better omitted. A more general aim referring to shared ownership but leaving open other possibilities such as some form of affordable custom-built housing could be included in the first paragraph of the policy.

62. The affordable housing percentages set out in the Local Plan are expressed as "targets [which] will be sought through negotiation", so are not rigid requirements; and the heading to Appendix 1 refers to a "suggested" split of tenure types. Bearing also in mind that the NDP does not have to correspond exactly to the Local Plan, I consider that the percentages in Appendix 1 for all of the larger sites should be specified as "20-30%", except for the Astry Close site, which seems to be a special case.

63. **I recommend that Policy H3 be amended to read:**

Policy H3: Affordable Housing Types and Tenures

Proposals for new housing development should aim to provide a variety of affordable housing types and tenures, including shared ownership. Development on allocated sites will be supported if:

- (i) **either affordable housing would be provided in accordance with the figures in Appendix 1, or the developer can show by means of a full development appraisal why the identified levels cannot be achieved; and**
- (ii) **affordable housing would be integrated with open market housing.**

64. **I recommend that the Table in Appendix 1 be modified in the following ways:**

- (i) **by omitting the entries for Deansmead Depot, Lawrence Weston Road, Chapel Lane and Long Cross Pub;**
- (ii) **by substituting "20%-30% in the "% Affordable" for all the other sites except Astry Close, with a corresponding range of figures in the "Affordable homes" column (for example, for the College site this would be 18-28).**
- (iii) **by omitting the "Total" line and the commentary below the table, except for the note of explanation about Astry Close.**

65. **I also recommend that if the policy is amended as recommended, the supporting text should explain that it is recognised that the aim to provide a variety of affordable housing types and tenures could not necessarily be met on each and every site, but is a criterion to be assessed with reference to the particular circumstances of a development proposal.**

Policy H4

66. This policy has the laudable aim of obtaining high standards of design and "sustainability" for new buildings. The expectation that new development will "adhere to" guidance in the Lawrence Weston Design Statement is unduly rigid, since guidance is only guidance. The Neighbourhood Planning Group's suggestion of "accord with" would be much the same as "adhere to". Therefore I partly agree with the City Council's suggested substitution of "have regard to", although this could be strengthened by putting the onus on potential developers to show that proper regard has been had to the guidance.¹⁶
67. The second bullet point is in my view too imprecise to form a policy provision realistically capable of being implemented. The requirement to "strive to

¹⁶ Instead of "have regard to", an alternative could be "reflect" as suggested by Persimmon Homes.

implement" a specified standard is not a requirement to meet that standard. In addition, the effect of any one proposal might well be quite localised, so it would not necessarily help raise the standard of design "more generally in the area". I can see why Persimmon Homes say that "outstanding or innovative design" is a subjective judgment, but some aspects of design quality (such as the height, massing and shape of buildings, the proportion of window to wall, the finishing materials and the way a building fits with its setting) should be capable of being assessed with a degree of objectivity. "Innovative design" is a generalised term, but is reasonably capable of interpretation, and I note that the NPPF refers (in paragraph 58) to "appropriate innovation" without further definition. I am recommending some amendments with these points in mind.

68. In the third bullet point, the references to "the 12 objectives in the Buildings for Life 12 Guidance" and to "a fabric-first approach" are made with little explanation, either in the policy itself or in the supporting text (which refers only briefly - and differently¹⁷ - to "the 12 Building for Life points". I suggest that these references, which are not explained in the glossary, should be related to their source, either by a footnote or entry in the glossary.¹⁸
69. I do not consider it necessary for the policy to refer specifically to the "fabric-first approach" or to adaptability for future needs, since these aspects would be adequately covered either by the Building for Life criteria or by Building Regulations rather than planning legislation.
70. The statement in the last part of this policy that development proposals "will not be supported" if they are of poor design is weak - lack of support is similar to an abstention. If what is really meant is that proposals judged to be poorly designed will be opposed, the policy should say so.
71. **I recommend that Policy H4 be amended to read:**

Policy H4: Building Design and Sustainability

New built development will be expected to have high standards of design and to reflect the guidance in the Lawrence Weston Design Statement. Proposals for new housing will be assessed against the 12 objectives in the guidance published in the latest edition of "Building for Life 12", and should obtain the Building for Life quality mark with at least nine "green" levels.

Proposals of innovative design will be encouraged. Development proposals which are poorly designed and would not improve the character, quality, or function of the area will be opposed.

Policy H5

72. The intention of this policy is evidently to encourage individuals or groups who want to build, or to have built, their own houses. This is in line with national policy.
73. One problem with this policy would be applying it to certain types of proposal. For example, as it stands - referring to "dwellings" in the first line - the policy would apply to applications seeking planning permission for a block of 30 flats, or for three blocks each containing ten flats. In such circumstances it would

¹⁷ The document title refers to "Building" not "Buildings" as in Policy H4.

¹⁸ A Third Edition of the document "Design for Life 12" was published by Nottingham Trent University in 2015 on behalf of the Design Council, Cabe, the Home Builders Federation and Design For Homes.

probably be unreasonable to require developers to offer serviced plots for self-build use.

74. I have some doubts about the lack of precision of the term "reasonable price" in this policy; but on balance I think it should be capable of interpretation.
75. The Self-Build and Custom Housebuilding Act 2015 came into force in April 2016. There are also related regulations,¹⁹ under which local authorities have to keep a register of individuals or associations who are seeking to acquire serviced plots in order to build homes. I suggest that this legislation could usefully be mentioned in the supporting text of Policy H5 (or perhaps in a footnote). It seems to me that whether the register should contain information to prevent people registering for multiple locations or to show that those registering have sufficient finance to implement development (as suggested in one objection) is primarily a matter for the local authority, and does not need to be mentioned in the Neighbourhood Plan.
- 76. I recommend that Policy H5 be amended so that it refers in the first line to "houses" instead of "dwellings".**

Policy H6

77. This policy relates to "local lettings". The plan indicates that in the past, young families and the elderly have had to move out of the area because of the lack of housing suitable for them, while tenants requiring social housing have moved to Lawrence Weston from elsewhere in Bristol even if the location is not suitable for them. The policy is evidently aimed at helping to create a more stable and less transient population, with tenants having more interest in the local community than has historically been the case. This is an understandable aim and I can see why it has been made the subject of a policy in the NDP. The Neighbourhood Planning Group (through Ambition Lawrence Weston) has evidently been advised by a firm of solicitors that preferential arrangements of this type do not conflict with human rights law provided there is justification and supporting evidence.
78. Bristol City Council consider that this policy should be omitted from the Neighbourhood Plan, because it could infer that the local lettings policy is part of the plan and would be inconsistent with the NPPF.
79. Policy H6 would only apply to 50% of "new affordable homes", not to the existing housing stock. The plan states (in paragraph 11.9.5) that the policy will be implemented "through the Bristol City Council Lawrence Weston Local Lettings Policy", indicating that this part of the NDP would be duplicating a City Council policy. That policy in turn would only apply to the first time a property is let, not to any subsequent occupiers.
80. I have four main reservations about Policy H6 and the related local lettings policy. First, there is a risk that if the local lettings policy were to be changed, the support for it expressed in the NDP might or might not still apply. Second, the lettings policy itself contains some vague terms. For example, it states that there will be "flexibility in the allocation of properties to allow landlords to....divert away from this policy in cases of strategic interest where direct offers may be used as per LAT". The term "strategic interest" is not defined.²⁰

¹⁹ The Self-build and Custom Housebuilding (Register) Regulations 2016.

²⁰ Nor is "LAT", though this is a lesser point as it is obviously an abbreviation the meaning of which could be sourced.

81. Third, the local lettings policy is evidently intended to be operated by a body known as HomeChoice Bristol, and is not the responsibility of the City Council's planning department.²¹ I have doubts whether a policy on how tenants are selected under non-planning legislation by an organisation which is a partnership between the City Council and housing associations could be effectively applied to applications for planning permission and so could properly be regarded as a land use planning policy. An illustration of this is the fact that unlike occupancy restrictions in plans elsewhere, there is apparently no suggestion that planning permissions for the housing in Lawrence Weston to which Policy H6 is intended to apply should be subject to planning conditions or Section 106 agreements or undertakings.
82. The summary of the legal advice mentioned in one of the documents supplied to me specifically refers to the adviser's experience of Section 106 agreements. This suggests to me that the advice may not have taken into account that the proposed controls would operate through housing tenancy arrangements, not by planning conditions or Section 106 agreements. Indeed, in view of the imprecisions mentioned above it would probably not be feasible to compose valid planning conditions or Section 106 agreements. I do not know whether or to what extent these points were considered by the solicitor who supplied the legal advice.
83. Fourth, the City Council's written representations indicated that the local lettings policy is "subject to confirmation that the policy is operational". This seemed to me a rather strange comment and was one of the reasons why I sought further information with a written query to the City Council, since I had gained the impression from the Neighbourhood Plan that the policy had been adopted by the City Council. I now know that the policy has not been formally adopted by the City Council.²² The current situation is evidently that a decision will be made under delegated authority by the service director for strategic housing; and once agreed, the policy will form part of the HomeChoice Bristol Housing Allocation Scheme.
84. Because of those reservations I have come close to recommending leaving out Policy H6 from the Neighbourhood Plan. However, the local community evidently attach considerable importance to it. The circumstances are also rather unusual in that the City Council as both landowner and housing authority has a status beyond its role as planning authority. A neighbourhood plan policy stating support for the council's Local Lettings Policy is evidently a compromise resulting from discussions between the council and those representing the local community, based on the latter's acceptance that the council would apply the policy in good faith. As has been pointed out in comments on behalf of the Neighbourhood Plan Group, the normal democratic process would continue to be available if the local community were to be aggrieved.
85. I conclude on balance that subject to amendment, Policy H6 can satisfactorily remain in the plan as a simple statement of support for the council's policy; but to prevent it becoming rapidly obsolete, Policy H6 should refer to whatever version of the local lettings policy is currently adopted by the City Council's service director for strategic housing under his delegated powers. The version apparently current at the time of writing is "Version 0_07".

²¹ Bristol City Council state that HomeChoice Bristol is s a partnership between the City Council and other housing associations in the city.

²² Further confirmation of this is that the "Date Adopted" box on the front page of the document headed "Lawrence Weston Local Lettings Policy" is blank.

86. Another question which needs to be decided is whether a copy of the local lettings policy document should be included within, and be part of, the Neighbourhood Plan. In the submission version of the plan sent to me for examination, Appendix 2 is blank except for a heading "BCC Lawrence Weston Local Lettings Policy" followed by a note "To be added".
87. Since the local lettings policy itself has not been formally adopted by the City Council and will not be operated by the council's planning department, I do not think it can properly form part of the Neighbourhood Plan. It could conceivably be attached as an appendix, subject to a note explaining that it is there for information and is not part of the plan; but as explained above, this could cause confusion if the policy were to be changed, and inconsistency within the plan document would arise from the fact that the local lettings policy document has its own glossary, which does not define "affordable homes" in the same way as the glossary to the Neighbourhood Plan. There is also a parallel with the Lawrence Weston Design Statement - many references are made in the plan to that document but it is not physically part of the NDP and there does not appear to be any strong reason why the local lettings policy could not be similarly treated.²³ Taking these points into account, I conclude that the document titled Lawrence Weston Local Lettings Policy should not be added to the plan, but should be left as a separate document.
88. **I recommend that Policy H6 be amended by deleting the words after "supported", so that it reads: "The Bristol Local Plan Local Lettings Policy is supported".**
89. **I also recommend that:**
- (i) **the heading and note on page 53 "Appendix 2 BCC Lawrence Weston Local Lettings Policy" be omitted; and**
 - (ii) **instead of the reference to Appendix 2 in paragraph 11.9.5, the supporting text to Policy H6 should explain that the Lawrence Weston Local Lettings policy is published by the City Council as a separate document,²⁴ and that Policy H6 is intended to refer to the version of the Local Lettings Policy which is extant at the time a relevant planning application is decided.**

Policy MA1

90. This policy is directed at facilities for cycling and walking. The map on page 24 of the plan shows related information on cycle routes.
91. This policy suffers from some imprecision. Phrases such as: "commensurate with the traffic impact of the development and opportunities existing"; or "implemented and improved where feasible" would leave loopholes which would make implementation difficult. The term "address" is also ambiguous, since "addressing" a problem does not necessarily mean solving it.²⁵

²³ The Neighbourhood Planning Group have submitted that other neighbourhood plans such as the Lyn Plan have local lettings policies. The Lyn Plan has an *occupancy* policy, operated through planning controls. The same applies elsewhere, for example in the Upper Eden Neighbourhood Plan under which occupancy of new dwellings by people with a local connection would be controlled by conditions attached to planning permissions; a lettings policy operated by a housing department is not directly comparable. There are other significant differences - for example, most occupancy policies under planning controls apply to more than the first occupiers, whereas the Bristol local lettings policy only applies to the first let (paragraph 2.2 of the policy).

²⁴ Note: If this recommendation is accepted a minor change to the table of contents will be needed ("Appendix" for "Appendices")

²⁵ "Address" may mean "give attention to" - which is why some people use this word when they want to be deliberately unclear.

92. The second paragraph of the policy refers to Map 4²⁶ and states that the network of existing pedestrian and cycle routes together with desired improvements are to be safeguarded in any development proposal and implemented and improved where feasible. The map shows, among other things, a potential re-directed cycle route NCN 41 and a potential "cycle strategy route" F14. The latter in particular appears to follow a straight-line route across fields and some drainage watercourses, with no relationship to landscape features or physical obstructions. It seems unlikely that in practice this route could be safeguarded and implemented, contrary to the NPPG guidance about the need for neighbourhood plans to be "deliverable". In any case, I understand from a response to one of my questions that the route shown on the map is only intended to be a general "desire line", so it would not be appropriate to safeguard this route. I also note that the map is labelled "Draft 15/10/14", which implies that it is not finalised.
93. The third part of the policy referring to a cycle path along Lawrence Weston Road and setting out the issues which should be addressed is really describing a project which the Neighbourhood Planning Group would like to see carried out. My earlier comments about the ambiguity of the term "addressed" apply again. Similarly, matters such as signage, road markings and the prevention of fly-tipping along this path are more matters of project design than planning policy for use when determining planning applications, as described in national guidance.
94. Taking those points into account, I consider that the part of the policy relating to a cycle path project should be omitted and that other parts of the policy would be better expressed in a positive way, that is to say expressing support for development proposals which would provide or enhance cycle and pedestrian facilities. The development of a cycle path along Lawrence Weston Road could usefully be mentioned in the supporting text as a project rather than a policy (together with the text of the related five bullet points), in the same way as the connection between Lawrence Weston Greenway and Lawrence Weston Road is referred to in paragraph 12.2.5. For similar reasons I suggest that the points made by the Joint Local Access Forum ("JLAF") about improving footpath access to Lawrence Weston Moor could also be incorporated into this text.
95. In their representations, the JLAF express surprise that no provision is made in the plan for horses, and Mrs Fay (British Horse Society) points out that there is a bridleway alongside the motorway behind St Bede's School. Neighbourhood plans do not have to include policies on every conceivable topic relating to the planning of an area, so I do not see the absence of specific provision for horses as a major flaw. However, it would be helpful to show at least existing bridleways on Map 4. The footpath rights of way are also quite difficult to discern on this map, which is only intended to show existing and proposed cycle routes. Adding more information may make the map too complicated (and would need a change of title) but in response to one of my questions, the City Council have said they would be happy to update the map to include public rights of way, so I suggest that consideration should be given to including bridleways and footpaths.
96. **I recommend that Policy MA1 be amended to read as follows.**

Policy MA1: Provision for Cycling and Walking

Proposals for development which would provide or improve cycle or pedestrian routes and associated facilities will be supported, particularly where this would apply to links between Lawrence Weston and employment locations such as Avonmouth, Filton and Patchway.

²⁶ This is the map labelled in the plan as Map 3.

Development which would adversely affect existing pedestrian or cycle routes or would be likely to prevent their improvement will be resisted.

Policy MA2

97. This policy sets out six tests which would have to be met by new developments before they would be supported. My main comment is that it would be unreasonable to apply these tests to all new developments, and a decision maker would not be able to apply it with the sort of confidence mentioned in national guidance. As the policy stands, a proposal for an otherwise acceptable building extension or change of use would not be supported unless the scheme "prioritised" pedestrian movement, which could be impracticable, and of doubtful relevance if no significant pedestrian traffic would be caused. The policy seems to be really aimed at development likely to generate increased movement by people or vehicles. I also consider that "permeability" and "legibility" are jargon terms which are better avoided, especially as other parts of the policy (such as the reference to "safe and suitable access...for all people") cover much the same point.

98. **I recommend that Policy MA2 be re-worded as follows.**

Policy MA2: Sustainable Movement

Proposals for new development which would be likely to generate increased movement by people or vehicles will be supported, provided that they:

- (i) provide for pedestrian movement as a priority;**
- (ii) are located so that most daily needs can be conveniently met within walking or cycling distance.**
- (iii) enable safe and convenient access to be provided for all people including the disabled; and**
- (iv) make possible or do not hinder the provision of improvements to public transport and of facilities for car clubs and electric vehicles.**

Policy MA3

99. This policy aims to achieve good street design and also refers to parking provision. The explanatory text mentions the disturbance caused to people in Lawrence Weston by noise from the nearby motorways (the M5 and M49), which are outside the NDP area.
100. In a comment on this last point, Highways England say that the section of motorway around junction 18 has not been identified as a "noise important area", so is not due for any noise mitigation measures, but consideration will be given to the use of lower-noise materials when this section of motorway is next resurfaced. Evidently no resurfacing schemes are currently planned on the nearby lengths of motorway. Traffic noise is evidently a problem locally so it is rightly mentioned in the NDP, even though the source of the problem is outside the area and so any solution lies outside the scope of the plan.
101. On the matter of parking provision, there should be no need to refer to "BCC guidelines [in the] SA&DMP Local Plan" as these guidelines would apply anyway when development proposals are being assessed. Street design and parking is also covered in the Lawrence Weston Design Statement (pages 16-18), which is referred to elsewhere in this policy.

102. I recommend that Policy MA3 be amended to read:**Policy MA3: Street Design**

Proposals for development which involve the formation of new streets or alterations to existing streets will be supported, subject to the following criteria:

- (i) the potential for conflicts between motor vehicles, cyclists and pedestrians should be minimised;**
- (ii) streets should be designed to secure low vehicle speeds whilst avoiding clutter from signs; and**
- (iii) planning applications should show that the proposed layouts reflect best practice guidelines in "Manual for Streets 2" and guidance in the Lawrence Weston Design Statement.**

Policies JSB1 and JSB2

103. There appears to be some duplication between these policies - Policy JSB1 is about increasing facilities for employment and training, and Policy JSB2 is aimed at maximising employment and training for local people. The second sentence in Policy JSB1 relating to "major developments" is rather vague as it is not clear how "major developments" would be defined, or what is meant by "employment and training facilities". I think the apparent aim expressed here could anyway be adequately covered by Policy JSB2, so my recommendation includes omitting this sentence.

104. I recommend that Policy JSB1 be amended to read as follows.**Policy JSB1: Provision of Employment and Training Facilities**

Proposals for small business workspaces, training rooms and employment support facilities will be supported.

105. I perceive two main difficulties with Policy JSB2. One is that the terms "major developments" and "mixed developments" could be open to widely ranging interpretations. The other is that the policy appears to prevent proposals for "major development" gaining planning permission unless the development is "mixed".
106. A scheme for housing development of six or more dwellings would apparently be opposed under this policy unless it incorporated some other type of land use such as industry or offices. Similarly, a proposal for new industrial development would not comply with the policy unless it included non-industrial uses such as housing or shops. In my view such a requirement would be unworkable and not realistically capable of implementation. The Neighbourhood Planning Group have suggested substituting "are encouraged" for "should" and have drawn attention to the words "wherever possible"; but even so, I find it difficult to see why an applicant seeking planning permission for a small-scale housing development should lose encouragement simply because the proposal would not include some commercial floorspace.
107. An agreement to use local labour on a construction project has only indirect relevance to land use planning. Nevertheless in this instance I consider that there is sufficient linkage to the social well-being of the area to make this a valid planning policy, though I am recommending modified wording intended to enable potential developers to submit a simple statement with a planning application, instead of the "local labour agreement" specified in the originally drafted policy. My aim here is to reduce the burden on developers in line with national policy.

108. In response to my query about whether the threshold of six dwellings or 500 square metres was intended to be the criterion for defining "major development", the Neighbourhood Planning Group indicated that they were happy for the regular planning definition of major development to apply to Policies JSB1 and JSB2. I am not sure what was meant by "the regular planning definition", but I have taken this to mean the definition used in the Town and Country Planning Development Management Procedure (England) Order 2015. For housing schemes, this definition is development of ten or more dwellinghouses, or a site area of 0.5 hectares or more where it is not known whether the number of dwellinghouses would exceed ten.²⁷
109. The ten-dwelling threshold could cause problems if not defined as gross or net. For example, if a proposed development involved demolishing one dwelling and constructing ten new homes, or converting a house into ten flats, the net provision would be nine dwellings.
- 110. I recommend that Policy JSB2 be amended to read:**

Policy JSB2: Employment and Training Opportunities for Local People

Proposals for development of ten or more dwellings, or for development on a site of 0.5 hectares or more, will be required to show how the labour force will include a proportion of local residents.

- 111. I also recommend that if the thresholds above are used in the policy, the supporting text should state whether the threshold referring to the number of dwellings is gross or net provision.**

Policy JSB3

112. I have five comments on this policy. First, the explanatory text mentions that 80% of residents want more shops, and I would have thought that there would be good policy reasons to resist the change of use of existing ground floor retail premises to *any* non-retail use (which might include, for example, storage or offices), not just to residential use. Second, as I have commented elsewhere (in relation to Policy H4) the statement that certain types of development "will not be supported" is weak and somewhat ambiguous, since lack of support is not the same as opposition.
113. Third, it is not clear from the policy how the 20% figure in the phrase "unless the proportion of A5 units is less than 20%" is to be measured. The text in paragraph 13.4.3 explains that fast food outlets account for over 20% of current retail units in Ridingleaze. This appears to refer to the number of units, as opposed to frontage length or floorspace, either of which might well be a better way of allowing for the effect of non-retail uses. On balance I think a more straightforward and clearer approach would be for the policy simply to resist changes of use to fast food take-away units.
114. Fourth, the proviso in the last part of the policy about the creation of local jobs would be better omitted, because it would be unclear - it would leave open questions about whether such development should create a *net* increase in local employment (that is to say, allowing for any loss of jobs in nearby retail premises), and whether the term "local jobs" is intended to mean any part-time job or an increase in full-time equivalent employment. As an incidental point, the last part of the policy supporting the provision of a retail market at Ridingleaze can be made a little more concise by re-casting the text without bullet points.

²⁷ The same definition is referred to on page 32 of the plan, in the text relating to policy OPR1.

115. My fifth comment will seem to be only a matter of detail, but is aimed at making the policy more precise and "deliverable" having regard to national guidance. The heading in Map 2 refers partly to "Core Area"; but in the map itself the blue line is described as showing "Retail Centres (SA&DMP Local Plan)". Paragraph 13.4.4 of the text justifying Policy JSB3 states that Map 2 shows the "core retail area" in Ridingleaze, and that for the purposes of permitted development rights, shops within the boundary of this area are classified as being within the "key shopping area". This last statement is potentially quite important because it could affect the extent to which the planning authority would have control over any proposals for change of use of shops to uses including restaurants or cafes, which can often have a significant proportion of take-away trade.²⁸ Therefore I think this point - using the words "key shopping area" - would be better included in the policy rather than just the supporting text.
116. My recommendation is intended to take all the above matters into account.
- 117. I recommend that Policy JSB3 be amended to read:**

Policy JSB3: Retailing in Ridingleaze

Proposals for development which would create improvements to the Ridingleaze district centre will be supported provided that the development would reinforce or contribute to the character and retailing vitality of the centre. The area edged with a blue line on Map 2 is designated as the retail core and key shopping area. In this area, proposals for changes of use to fast-food take-away outlets will be resisted.

Proposals for the provision of a retail market at Ridingleaze will be supported, provided that the design would be attractive and welcoming, and that it would not significantly reduce the availability of open space used for recreation.

Policy JSB4

118. This policy would apparently apply throughout the neighbourhood plan area, but the related text in paragraph 13.5.1 suggests that the policy is really directed at the college site off Stile Acres. This site is within the "retail core" as defined on Map 2, so would be subject to Policy JSB3. Supporting retail development anywhere in Lawrence Weston could have an adverse effect on the retailing vitality and viability of the Ridingleaze centre. Therefore in order to be implemented as the community intended, this policy should differentiate between the general support for retail development in the core area and a more specific, limited support for small shops (under 200 square metres) to serve local needs elsewhere.²⁹

²⁸ The relevant permitted development rights are rather complicated. Several classes of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as currently amended grant planning permission for changes of use from retail to other uses, subject to provisos and conditions, the terms of which include the phrase "key shopping area". For example, under Class C, permission is granted for the change of use of a building from, among other things, a shop to a use falling within Class A3 of the Schedule to the Use Classes Order (restaurants and cafes), together with some specified building operations. The provisos include a floorspace limit and one of the conditions requires that before beginning the development, the developer must apply to the planning authority for a determination as to certain matters. One of these matters [in condition C.2(1)(f)(ii)] applies "where the building is located in a key shopping area".

²⁹ The 200 square metre figure comes from the Neighbourhood Planning Group's response to one of my questions. This would provide a local refinement of Core Strategy policy BCS7, under which "new small scale retail facilities will be encouraged where they would provide for local needs and would not be harmful to the viability and diversity of any nearby centres".

119. The restriction on operating hours mentioned in the first bullet point of Policy JSB4 could also have the undesirable effect of putting off potential developers and retail occupiers. Whether conditions would be appropriate on any planning permission for retail development, to safeguard residential amenity or for any other purpose, would be best decided if and when precise details of any proposed development are known. It might be appropriate, for example, to control delivery times if the delivery bays for a proposed retail unit would be sited close to dwellings, but the opening hours to shoppers might not need to have the same limits, or might not need to be controlled at all. Looked at in that light, the proviso in the first bullet point of this policy that "operational hours are limited" would be too sweeping, and I think would be best left to the normal development management process.
120. The second and third bullet points set out fairly innocuous provisos; but the policy as a whole does not seem to add much to Policy JSB3, with its support for retail development proposals which would reinforce the retail function of the district centre. Therefore, although I am recommending some amendments to Policy JSB4, I also suggest that the possibility of combining Policies JSB3 and JSB4 should be considered.

121. I recommend that Policy JSB4 be amended to read:

Policy JSB4: Retail Development

Within the core area shown on Map 2, proposals for retail development will be supported, provided that:

- (i) **any adverse impact on neighbouring uses or residential amenity would be within acceptable limits and subject to appropriate conditions;**
- (ii) **the development would contribute to the sense of place having regard to the principles set out in the Lawrence Weston Design Statement; and**
- (iii) **the development would be well related to local public transport, walking and cycling links.**

Outside the core area shown on Map 2, proposals for retail development will only be supported if the above criteria would be met and if the proposal is for a small unit of up to 200 square metres of gross internal floor area which would provide for a local need.

Policy OPR1

122. This policy relates to open space and the public realm, and provides that the public open space shown on Map 5 and listed in the policy will be maintained as open space and any development on it will only be acceptable if it enhances and protects that use. The policy contains a list of 16 named sites. However, another eight sites are labelled on Map 5³⁰ as "important open space". Because of the way the policy is worded ("...shown on Map 5 *and* listed below..."[my italics]) the sites not listed would not be subject to Policy OPR1. I have established from a written query that all the sites on the map were meant to be listed in the policy, so it should be amended accordingly. It would be advisable for those with good local knowledge to cross-check the map and the list in the policy, but as far as I can tell, the "missing" sites are:
- BMX track.
 - Roman Villa site.

³⁰ This is the map numbered on the map itself as Map 4.

- Kingsweston House gardens.
 - Henacre.
 - Lawrence Weston Community Farm.
 - Kingsweston Sports Ground.
 - Thirty Acre Wood.
 - Ridingleaze.
123. An alternative would be not to include the list of named sites in the text of the policy, and simply refer to the map. On balance, I think this would be a preferable option - it would make the policy more concise and avoid a long list of some 24 sites.

124. I recommend that the first part of Policy OPR1 be amended to read as follows:

Policy OPR1: Open Spaces and Allotments

The important open spaces shown on Map 5 will be maintained as open space..." etc

[Then the list naming the sites can be omitted].

Policy OPR2

125. This policy concerns parcels of land designated as Local Green Space. There are four such areas: the Roman villa site off Long Cross; Lawrence Weston Community Farm; the BMX track; and Ridingleaze green space. The policy states that the areas are shown on Map 5 as darker green. However, the open space labelled "Ridingleaze" on Map 5 (Map 4 in the submission version) is not coloured dark green, so apparently needs to be corrected.
126. The proviso that development in these designated areas will not be permitted unless it "preserves and enhances" the existing use and community value is in my judgment unduly severe - after all, even in designated conservation areas it is only necessary under national and local policies for development to preserve *or* enhance the area's appearance *or* character [my italics]. Substituting "or" for the first "and" (so that this part of the text reads "preserve *or* enhance the existing use and community value") would make the policy more reasonable and achievable in line with national guidance.
- 127. I recommend that Policy OPR2 and Map 5 be amended taking account of the above points.**

Policy OPR3

128. Under this policy, development proposals which incorporate open space would be "required to offer new play facilities and enhance and maintain current facilities as local need requires at the time of the development". Because of the construction of this sentence (with the repeated "and") it can be interpreted in three different ways - the phrase "as local need requires" could be treated as being attached just to "maintain current facilities", or to "enhance and maintain current facilities", or to "offer new play facilities and enhance and maintain current facilities". So the policy is ambiguous. Either way, it would place a burden on potential developers, such that they would try to avoid their schemes falling into the category of "new development incorporating open space", or would be deterred from carrying out development at all on any site where play facilities could need providing, enhancing or maintaining.

129. Not all of the open spaces which may be incorporated into the layout of, say, a new housing scheme or commercial development project would necessarily be suitable for children's play. As worded, the policy could hinder the provision of planted amenity space or flood control measures such as balancing ponds, which can sometimes be landscaped to provide attractive breaks between built development but may not be suitable as play areas.

130. I recommend that the first paragraph of this policy be modified to read:

Where new development would incorporate open space suitable for the provision of play facilities, a financial contribution will be sought towards the provision and maintenance of the facilities.

Policy CSF1

131. This policy makes provisions about "new and upgraded community facilities" and states that "development proposals will be expected to maintain and enhance existing community facilities". I have some comments similar to those on Policy OPR3 - the requirement just quoted, which would apply to all development proposals, would be too onerous, for two reasons. First, many types of small-scale development (including changes of use or extensions to buildings) could not reasonably meet such an expectation. Second, "maintain *and* enhance" would be a steep requirement which could deter even some larger scale development projects, going against national policy guidance that investment in business should not be overburdened by planning policy expectations.³¹ The amendments I am recommending to this policy are relatively minor but it is easier to set out the recommended policy as a whole below.

132. I recommend that this policy be amended to read:

Policy CSF1: Provision of Community Facilities

Development proposals will be expected to maintain or enhance community facilities or to demonstrate why this is not feasible.

Community facilities and services should:

- (i) be located within existing neighbourhood centres and should be easily accessible by all members of the community;**
- (ii) be retained unless they are replaced with services or facilities of an equal or higher value to the community; and**
- (iii) form an integral part of development so as to help to generate community spirit and sense of place.**

Policy CSF2

133. This policy aims to encourage community consultation before applications are made for planning permission for developments on "key sites". There is some inconsistency between the policy and the justifying text, because the policy only refers to what are called the key sites subject to Policies SSP1-SSP5 in the plan, whereas the text in paragraph 15.3.1 states that "this requirement should relate to planning applications both inside and outside of the neighbourhood plan area". Moreover, the Neighbourhood Plan cannot properly impose requirements on planning applications involving development outside the neighbourhood plan area, especially to an undefined extent.

134. It also seems to me that some further thought needs to be given to the definition of the "over 100m²" figure for non-residential development in the policy, since

³¹ NPPF paragraph 21.

from the related text this figure is apparently intended to cover anything from moderately sized buildings with more than one storey - which could have a floor-space of well over 100 square metres on a much smaller site area - to developments such as wind turbines where the built floor area may be very small. If this threshold was taken to refer to the floor area of buildings (as opposed to, for example, total site area), it might not cover all the types of development intended.

- 135. I recommend that the wording of this policy be amended so as to clarify the definition of the scale of non-residential development which the policy is intended to cover. I also recommend that the third sentence in paragraph 15.3.1 be omitted.**

Policy CSF3

136. This policy encourages the temporary use of empty buildings for community-related uses. There are no objections to the policy and I only have recommendations for some minor re-wording, which are mainly for clarity. For example, instead of "justified need" I am recommending "demonstrated need" to make it clear that a potential developer would have the responsibility of showing the justification - in most circumstances this should not be an onerous requirement. I set out below the whole policy with my recommended changes.
137. On a minor point in the supporting text (paragraph 15.4.4), this could usefully mention that a community-led retail use might not involve development at all. I also suggest that the date of the Town and Country Planning (General Development) Order would probably be better omitted, because this Order tends to be subject to fairly frequent amendment, and the 2015 Order has already been amended. An alternative would be to refer to the 2015 Order "as amended". My overall suggestion for the first sentence in this paragraph is: "A community-led retail use might not involve development under planning legislation, or might be permitted under the current Town and Country Planning (General Permitted Development) Order."
- 138. I recommend that Policy CSF3 be amended to read as follows:**

Policy CSF3: Temporary community-led use of empty buildings.

Proposals for the temporary use of vacant buildings to provide community facilities will be supported where:

- (i) there is a demonstrated need for the facilities;**
- (ii) the new use would improve the appearance of the premises;**
- (iii) the new use would result in improved access to support services for residents; and**
- (iv) the new use would not have an unacceptable impact on residential amenity.**

Policy CSF4

139. This policy sets out a list of "community infrastructure priorities to be funded from developer contributions". Persimmon Homes have put forward several objections to this policy. The Neighbourhood Planning Group feel that the objector has misunderstood the purpose of the policy, which they say is not a detailed requirement to provide certain infrastructure but sets out projects which are priorities for Community Infrastructure Levy payments received as a result of having a made neighbourhood plan.

140. The policy sets out a list of 19 projects, many of which are themselves not individual schemes but are generalised - for example "investment in community-led employment and training facilities or "projects to enhance and develop existing and new sports facilities". The policy describes all the projects as "priorities" but does not establish priorities between the projects or suggest any phasing. Nor does the policy or the justifying text consider how the projects might affect the viability of development schemes. The list is also stated to be not exclusive, implying that the policy may be intended to apply to other projects.
141. National policy guidance on neighbourhood planning states that a qualifying body should set out in their draft neighbourhood plan "the prioritised infrastructure required to address the demands of the development identified in the plan".³² I can see why Policy CSF4 is set out as it is, because of the difficulty of deciding priorities between the listed projects. A lack of priorities between projects could perhaps have been regarded as not seriously conflicting with the basic conditions if there were only a small number of projects; but here, the list is so large, so general, and also apparently so incomplete that I have to agree with the objector's description of the policy as a "wish list". I think it could usefully be included in the plan for information and general guidance, but not as a policy.
142. If the recommendation below is implemented, suitable adjustments will need to be made to the text of the plan. For example, the heading "Justification CSF4" would have to be omitted and the reference to "this policy" in the last sentence of paragraph 15.5.1 would need to be changed. The paragraph numbering may also change, as there would presumably no longer be a section numbered 15.5. If the list of projects becomes part of the plan's text rather than a policy, I suggest that it would most appropriately follow the paragraph currently numbered 15.5.1.
143. **I recommend that Policy CSF4 be omitted as a policy, but modified so as to form part of the text of the plan. The modifications should include omitting the heading: "Policy CSF4 Community infrastructure priorities to be funded from developer contributions" and changing the next paragraph so that it reads: " The following list is intended to give a general indication of how funds derived from Community Infrastructure Levy or Section 106 contributions are likely to be spent. This is not a complete list and it is not possible to set priorities between these projects, so it is included in the plan only as an indication for guidance rather than as a policy."**

Site Specific Policies (SSP1-SSP5)

144. Although expressed in slightly varying ways, all of these policies have in common a requirement that development should (or "must" in the case of Policy SSP5) conform to other policies in the plan. This requirement not only seems superfluous, but also too sweeping and generalised, since for any one proposal not all the other policies in the plan will be relevant; and for those which are relevant, a requirement to conform to all policies could make it difficult to carry out the weighting exercise which has to be carried out for most applications for planning permission. My recommendations on each of these policies therefore include omitting this provision; the policies would also thereby be made a little more concise, in accordance with national guidance.

³² In view of my comments elsewhere, I make no comment here about the use of the word "address" in national policy guidance!

Policy SSP1

145. This policy relates to the Henacre site and sets out various criteria which a development proposal would have to meet. Bristol City Council contend that the policy conflicts with the Local Plan in various ways and suggest a number of changes. The Neighbourhood Planning Group disagree with most of the council's points on the grounds that the policy does no more than add detail to the strategic policy and is thus in general conformity with the Local Plan.
146. The site labelled SSP1 in the Neighbourhood Plan is evidently the same site as is labelled BSA0101 in the Site Allocation and Development Management Policies Policies Map document³³ which forms part of the Local Plan. The site is allocated for housing in the Local Plan. However, the annex document "Site Allocations Information" sets out what are called "development considerations", some of which are similar to the criteria in the Neighbourhood Plan, and it appears to be the differences between these details which are at the centre of the dispute between the City Council and the Neighbourhood Planning Group. The Local Plan Annex document states that a minimum of 50 homes should be provided on the site and that the estimated number of homes for the site is 150. The document explains why a housing allocation is appropriate; it also states: "Business uses and a community facility would also be suitable on the site, but would not be a requirement of development".
147. Having studied the submissions by both sides, my assessment is as follows.
148. As it stands, the Neighbourhood Plan requires developers to (among other things): provide green space; improve the cycle track; enhance the wildlife corridor; set aside and safeguard land for public use; enhance existing recreation facilities such as the BMX track and play facilities; and provide infrastructure for a future combined cool heat and power or district heating scheme. I consider it likely that these requirements, taken together with all the other restrictions, would appear so onerous to potential developers as to hinder development which the Neighbourhood Planning Group would evidently like to see. In summary, the large number of requirements and restrictions not only makes the policy less than concise, but could also place a considerable burden on potential developers, contrary to national policy.
149. For those reasons, I judge that the requirements in the ninth, tenth and eleventh bullet points of this policy would go too far. Some of the other matters referred to in the bullet points - for example, the extent to which open spaces could have passive surveillance - are also so detailed that they would be more appropriately the subject of the design brief mentioned in the policy.
150. Some of the judgments I have made above are in line with the views expressed by the City Council. However, I do not accept all the City Council's criticisms. Although the Local Plan allocates the site for housing, it also confirms (as noted above) that business uses and a community facility would be suitable on the site. The dispute here is essentially about the degree of firmness used in the Neighbourhood Plan when referring to such uses as potential components of the overall development. On balance, I agree with the Neighbourhood Planning Group that the NDP would be in general conformity with the Local Plan if Policy SSP1 expressed more than "encouragement" for these non-residential components. I consider that the policy could usefully state that business uses and a community-related facility would be "desirable" - this would show

³³ The repetition of "Policies" here is not an error as I am quoting the title of the document.

developers and decision-makers what the local community wants and expects, whilst being in general accordance with the Local Plan.

151. Although there could be future benefits from the installation of infrastructure for a combined heat and power or district heating schemes, the prospects of such a scheme happening in the future seem to depend on the installation of a thermal grid heat distribution or district heating system in Avonmouth. The plan refers only to the "potential development" of such a scheme in Avonmouth. Until this potential becomes more definite, the requirement to install infrastructure for it would be unreasonable, and so would not provide what national policy guidance calls a practical framework for decision-making. At most, the policy could perhaps specify that an application for planning permission should show that consideration had been given to the provision of this infrastructure. This criterion would then be similar to the last bullet point in Policy SSP2, which specifies that CCHP schemes should be "considered", and the Neighbourhood Planning Group have accepted re-wording along these lines.

152. **I recommend that Policy SSP1 be amended to read as follows:**

Policy SSP1: Henacre Site

Development on the Henacre site should accommodate at least 50 new homes. It would be desirable for the development to be informed by a design and planning brief and for business uses and a community facility to be accommodated.

Any development should have regard to the adjacent Baptist Church site, with provision made for developments on both sites to be integrated and linked.

Development should:

- (i) provide "multifunctional" spaces including open space;**
- (ii) be informed by a flood risk assessment;**
- (iii) take account of the aviation fuel pipeline to the north of the site;**
- (iv) safeguard the existing cycle track;**
- (v) take account of the ecological interest of the site;**
- (vi) be informed by a health impact assessment showing the effect of the development on local primary health care provision;**
- (vii) be informed by a contaminated land assessment; and**
- (viii) show that consideration has been given to providing infrastructure for a future combined heat and power (or cooling heat and power) scheme.**

Policy SSP2

153. This policy is about what has apparently become known as the college site - the area of about 2.8 hectares formerly occupied by the Lawrence Weston College of Further Education (and before 2002, the Lawrence Weston secondary school). Part of the site is evidently controlled by Persimmon Homes, who have raised about ten objections to the policy. Bristol City Council have also submitted various objections and comments, which include either re-wording or omitting most of the 15 bullet-pointed provisos which form parts of the policy. The Neighbourhood Planning Group disagree with most of the objections, primarily on the grounds that changes are not needed for the plan to meet the basic conditions.

154. Planning permission has evidently been granted for a "community hub" on part of the site. A planning and design brief has apparently been prepared for this site, and at the time when Persimmon Homes submitted their written representations (mid-June 2016), the company were about to apply for full planning permission for the development of the residential part. Some preparation work appeared to be under way when I saw the site in July.
155. The Site Allocations and Development Management Policies Annex of the Local Plan refers to this site in Policy BSA0102, under which the site allocation is "housing, community use and retail". The estimated number of homes is stated as 80.
156. As with Policy SSP1, there is no dispute that the site should be redeveloped. The dispute between the three parties mentioned above mainly concerns the wording of the numerous bullet pointed sub-paragraphs setting out the provisos subject to which the policy expresses support for development.
157. Some of the objections appear to result from a combination of misunderstanding and lack of clarity in the policy. For example, Persimmon Homes are concerned that the twelfth bullet-pointed sub-paragraph ("supports the existing planning approval for the community hub") is unclear, and that it would establish a requirement for financial contributions. The Neighbourhood Planning Group say: "The development will need to accommodate the existing planning proposal and permission for a community hub. We do not find this unclear". I note that the Group's response uses the word "accommodate", rather than "support". Accommodating development is not the same as supporting it.
158. Even setting aside the objections mentioned above, I perceive flaws in the policy. As a general point, a policy expressing support for development proposals subject to 15 provisos is not in my judgment concise and so does not meet the national policy guidance mentioned in paragraph 12. I have therefore tried to reduce the length of the policy. I describe other flaws in the next three paragraphs.
159. There is inconsistency between the aim to "encourage" a mixture of housing, community, health retail and office uses and the more rigid specifications set out in some of the bullet-pointed provisos, such as the first one under which development will only be supported if it would promote a mix of uses. It may well be unrealistic to expect any particular planning application, which might be only for part of the overall site, to "promote" a mix of uses. It is not clear what is meant by "day to day activities including work on site" (Persimmon Homes think this may refer partly to construction jobs but it may refer to employment in future businesses or to making dwellings suitable for home working).
160. The requirement to "address any cycle parking, car parking, traffic and road safety issues" (bullet point 6) is unnecessary since such issues as might arise - and the word "any" imply that none have been identified so far - could satisfactorily be dealt with through the normal planning application process and the application of normal standards on matters such as road safety. Similarly, if a proposal were to be made for a supermarket development (bullet point 7) so designed that its servicing by delivery traffic would be routed through a housing area there would be good reasons to withhold planning permission, and this sort of detailed design point would be out of place in a potential development plan policy statement. The reference to local labour opportunities (bullet point 8) partly duplicates Policy JSB2. Given the existence of a design brief, the submission of an "overarching masterplan" (bullet point 14) should not be a requirement for every development proposal within this site, provided that each

proposal could show how it would relate to existing buildings and take account of the urban design of the site as a whole.

161. One of the details subject to objection is the number of proposed homes mentioned in the policy. The policy refers to a minimum of 80; the Local Plan states this figure as "the estimated number" of homes; the figures in paragraph 16.2.2 of the NDP add up to 93; the "homes estimate figure" in Appendix 1 of the plan is 93. For the purposes of my recommendation I have decided to leave the "minimum of 80" unchanged since it would allow for enough variation to cover all the other figures, but I suggest that those involved in finalising the plan may wish to consider the inconsistencies just mentioned in case the figures should be updated. It may be appropriate to amend the appendix or the text rather than the policy.
162. I find it surprising that the Neighbourhood Planning Group want the character of new development on this site to be in keeping with the existing Ridingleaze centre (bullet point 9). Indeed I do not think this can have been really intended, especially as the description in paragraph 3.20 of the plan seems less than enthusiastic about the Ridingleaze centre,³⁴ and another requirement is to enhance the character of the area (bullet point 5). To avoid an apparent contradiction which would go against national policy guidance about the need for consistency in policies, my recommended amendment omits the reference to "character" from the requirement for development to have a "scale and character" in keeping with the Ridingleaze centre.
163. Having considered all the objections and made my own assessment, I have concluded it would be appropriate to revise parts of the policy in the ways set out below.
- 164. I recommend that Policy SSP2 be amended to read as follows:**

Policy SSP2: College Site

A mixed use development including housing, community use, retail and a small element of office uses will be supported. The estimated minimum number of homes for this site is 80. Proposals should:

- (i) allow for a mix of uses to be provided on the site as a whole and enable the different uses to be linked and integrated;**
- (ii) take account of the need for developer contributions to help provide new community and health facilities, having regard to national policy on such contributions;**
- (iii) safeguard the land identified for development for a new community facility;**
- (iv) reflect the guidance in the Lawrence Weston College Site Planning and Design Brief 2014.**
- (v) create retail and employment benefits;**
- (vi) have a scale in keeping with the existing Ridingleaze centre while catering to its proposed catchment area;**
- (vii) allow for the need to provide affordable housing having regard to other policies of this plan;**
- (viii) allow for the existing planning permission for the community hub;**

³⁴ A "retail strip....within a 1960s widely-used standard-build rank with maisonettes above".

- (ix) **make provision for cycle and pedestrian links to the existing Ridingleaze centre.**
- (x) **show how the proposal would relate to existing buildings and take account of the urban design of the site as a whole;**
- (xi) **show that consideration has been given to providing infrastructure for a future combined heat and power (or cooling heat and power) scheme.**

Policy SSP3

165. This policy concerns land at Deering Close. The land evidently has an area of about 1 hectare but constraints affect the scope for development - it slopes down irregularly from roughly south-east to north-west and is partly covered with trees or other vegetation.
166. This site is subject to Policy BSA0103 in the Site Allocations and Development Management policies of the Local Plan. Bristol City Council object to several aspects of Policy SSP3 and the supporting text, essentially on the grounds of conflict with the Local Plan. The Neighbourhood Planning Group feel that the policy meets the basic conditions and do not want any changes.
167. I have the following comments. The first part of the policy is a freestanding statement: "Encourage community involvement for development of Deering Close". It is not clear whether this is meant to be part of a title for the policy or part of the policy itself. Either way, it is a vague statement which begs several questions - in particular, what does "community involvement for development" mean?
168. I can see why the Neighbourhood Planning Group would like to include a requirement to "retain as much of the open space as possible and seek to enhance and improve this for public use"; but this requirement is imprecise and I think would be more satisfactorily incorporated into the other bullet point about undeveloped parts of the site. In any case, the topographical and other constraints which result in the estimated capacity of the parts of the site reasonably capable of development (20 dwellings according to the table in Appendix 1) would in effect decide the amount of open space.
169. As for a "resident-led" design brief, this might be desirable, but does not appear to be a necessity required by policy, given the relatively small scale of potential development here. Whilst it is reasonable for nearby residents to have a say through consultation on any development scheme, I think it would be going too far to give leading control for such an exercise to "residents" (which itself is an undefined term). It would also be wrong for the planning authority not to have any input to a design brief, and that is the implication of a "resident-led brief produced in partnership with land owners". On the assumption that a design brief is not made a policy requirement, it would be reasonable for this policy to mention the principles of retaining the public right of way and improving passive surveillance of it.
170. My recommendation takes those points into account and also includes some other changes to wording intended to improve clarity and conciseness in line with national policy objectives.

171. I recommend that Policy SSP3 be amended to read as follows:**Policy SSP3: Land at Deering Close**

Proposals for housing development to provide approximately 20 dwellings on this site will be supported, subject to the following criteria.

Development should:

- (i) be of an appropriate scale and type for the site, having regard to its topography and landscape;**
- (ii) be informed by an ecological survey and incorporate any ecological mitigation measures which may be necessary as a result of the survey;**
- (iii) provide suitable landscape treatment for undeveloped parts of the site, whilst allowing for some public use;**
- (iv) provide suitable access and mitigate the impact of vehicular traffic; and**
- (v) retain the existing public right of way and improve passive surveillance of it.**

Policy SSP4

172. This policy sets out support for the redevelopment of the Baptist Church site subjects to three provisos. No objections have been raised to the policy as a result of the Regulation 16 consultation, and my recommendation only affects the last bullet point specifying conformity with other policies in the plan, for the reasons previously explained.

173. I recommend that Policy SSP4 be amended by omitting the last bullet point referring to other policies.**Policy SSP5**

174. This policy states that a mixed use development on the current clinic site at Ridingleaze will be supported and refers to two uses which could be included. Bristol City Council have objected to the last part of the policy, which states that the development "must....be subject to robust community consultation".

175. Even before seeing the City Council's objection, I had doubts about the requirement for "robust" community consultation, because it would be difficult to define and enforce. As the City Council point out, national policy on pre-application engagement in the NPPF is that where planning authorities think this would be beneficial, they should encourage any applicants who are not already required to do so by law to engage with the local community before submitting their applications. Indeed, national policy is that even planning authorities cannot require that a developer engages with them before submitting a planning application, although such engagement is encouraged and can often be helpful to all involved. Thus a requirement that applicants must consult the "community" (however that might be defined) would be contrary to national policy.

176. I recommend that Policy SSP5 be amended by omitting the last sentence.**Supporting Text to Site Specific Policies SSP1-SSP5**

177. The recommendations above are focused on the wording of policies. The objections by Bristol City Council (and some others but to a much lesser extent) include suggested changes to the plan's text, and the City Council have submitted details of deletions, insertions or additions shown as "tracked changes". Because

of their detailed nature, I have provided my comments in an appendix to this report (Appendix 2).

178. I recommend that amendments be made to the plan's text as described in Appendix 2 of this report.

Other matters

Map 3

179. Map 3 on page 17 of the plan (labelled Map 2 in its title) is headed: "Housing sites identified by BCC in Lawrence Weston". It was evidently supplied by the City Council's strategic planning department. It is dated 2013, so it apparently shows the situation before the Site Allocation and Development Management Policies of the Local Plan were adopted. The key of the map lists site allocations with reference to local plan allocations. One of these is BSA0107 - land to the rear of Ridingleaze - allocated for housing. I queried this item because I could not find this site shown or listed as allocated for housing in the relevant local plan documents. The information supplied in response to my query confirms that the site is not allocated for development in the Local Plan, following an objection by the Neighbourhood Planning Group to the originally proposed allocation.
180. This situation should be corrected. For the plan to indicate that a site is allocated for housing with a reference to a local plan allocation, when the Local Plan does not in fact make any such allocation, is confusing - especially since the deletion of the allocation resulted from an objection by the group which prepared the Neighbourhood Plan. From my on-site inspection and comparison of the maps, it also appears to me that the yellow-coloured area shown as allocated for housing in Map 3 partly overlaps the blue-edged area designated as shopping core and subject to policy JSB3; but given the other circumstances that is perhaps a secondary point.
181. I have not cross-checked all the items in Map 3, but I suggest that they should be verified against the latest information in case there have been other changes since 2013. If the site numbered 4 (BSA0107) on Map 3 is omitted from the map, it may also be necessary to consider whether the figure of "about 360 homes" in policy H1 should be amended.

Ongoing Community Engagement

182. Various statements are made under this heading in paragraphs 10.1 and 10.2 of the plan. Paragraph 10.1 contains a statement that Ambition Lawrence Weston (ALW) and the Lawrence Weston Neighbourhood Planning Group (LWNPG) have been consulting on "these plans" (which is apparently a reference to different versions of the NDP) since 2012. Paragraph 10.2 mentions the wish of the community to be involved in planning issues, working alongside the local authority and developers to co-create community-led design, plans and strategies as well as influencing city wide and national policy. Then there are references to the Neighbourhood Planning Forum (LWNF)³⁵ wanting to comment on developments outside the plan area and to ensure that neighbouring areas are considered in relation to developments within the plan area.
183. These are not policy statements, but I consider it appropriate to comment that whilst the plan's ambitions are to be admired, it is not clear how the local

³⁵ As a minor point, I abbreviate the name of this body as "LWNF" because according to paragraph 1.1 of the Basic Conditions Statement, this body is called the Lawrence Weston Neighbourhood Forum" (without the word "Planning") My comments in paragraph 29 also refer to this body.

community, however that might be defined, intends to maintain the Neighbourhood Planning Group or the Neighbourhood Forum to influence future development nearby or national policy. There is nothing to prevent any person or organisation making representations on planning matters to planning authority officers or elected members of Bristol City Council or (for national policy) a member of parliament. Nevertheless I suggest that it might be useful if this part of the plan were to mention briefly how the Group or the Forum intend to continue in existence, presumably under the auspices of Ambition Lawrence Weston, for the purposes of plan monitoring and influencing future planning policy.

184. I note in passing that there are also several references in the plan to the "Neighbourhood Partnership". This is apparently a body which, among other things, would receive and administer funds obtained under the Community Infrastructure Levy (CIL).³⁶ Apart from the footnote on page 11 stating the Partnership's name ("Avonmouth and Kingsweston Neighbourhood Partnership"), the plan does not give any details about this body, which would seem to have a potentially important future role, although I am not sure about its status with regard to disbursing CIL funds. This body also appears to have a slightly different, longer name ("Avonmouth and Kingsweston Neighbourhood Partnership and Public Health") on page 4 of the Consultation Statement. I have found information about the Partnership elsewhere (mainly the City Council's website), but a few words of explanation about this Partnership, its status and relevance to the NDP, could usefully be added either to the main text or to the footnote on page 11.

Existing Health Facilities

185. Paragraph 8.10 of the plan contains the statement that: "Health facilities cannot meet local demand". NHS England and the Bristol Commissioning Group object to this statement: they say that health facilities are able to meet local demand. In paragraph 16.2.4, the NDP states that: "Community research and the failure of the neighbourhood to comply with Local Access Standards suggests there is a need for a GP surgery and health services...." etc. The objectors say there is already a GP practice and health services in the local community, whereas the plan implies that there is no existing provision.
186. Some basic facts need to be sorted out here. The plan states in paragraph 3.18 that there are two GP surgeries in Lawrence Weston. The NHS and Bristol Commissioning Group evidently believe that there is only one GP surgery (that is how I interpret their phrase "already a GP practice"). It should be possible for all parties to agree on how many GP practices there are in Lawrence Weston.
187. Whether health facilities are meeting local demand is not a matter on which I could properly adjudicate without taking what I consider would be disproportionate measures, such as obtaining detailed evidence about waiting times for appointments and testing disputed evidence if necessary by oral questioning. Those involved should be able to agree on how the situation should be described, but I suggest that if agreement is not possible, the disputed text in paragraph 8.10 could be modified to read: "There is a local perception that health facilities cannot meet local demand".

Reviewing the Plan

188. Paragraph 9.1 of the NDP refers to the wish for an interim review of the plan after five years and a major review after ten years, plus the possibility of an early

³⁶ This is mentioned on pages 40 and 41 of the plan.

review. Although these are sensible aims, current legislation on neighbourhood plans does not make any specific provisions for reviews. The published national guidance states that if a neighbourhood plan is in force, a qualifying body may make a proposal for the existing plan to be replaced by a new one; and the process for making a replacement plan is the same as the process for making the existing plan.³⁷ It is of course possible that future legislation will provide the option of reviewing the plan without the full procedures associated with making a new plan; but meanwhile I suggest that having regard to national guidance, the text in paragraph 9.1 should refer to "new" or "replacement" plans instead of interim or major reviews.

Status of Lawrence Weston Design Statement

189. Numerous references are made in the plan to the Lawrence Weston Design Statement. The Design Statement itself states (in the Introduction on page 1) that "this statement makes recommendations..."; but as I have already commented, the Design Statement does not actually make recommendations. On page 2 the Statement says it is a "guide for [among other things] land use work"; but on page 22 the Statement mentions the Neighbourhood Plan and states that the Neighbourhood Plan "needs to comply" with the Design Statement. In paragraph 1.5, the NDP describes the Design Statement as "its close companion".
190. Taking the various descriptions above into account, it seems to me that the status of the Design Statement and its relationship with the NDP needs a little further consideration. Otherwise there is some ambiguity about requirements for strict compliance with something which is only intended to be a guide and is not part of the NDP. I suggest that the NDP should contain a clear statement that the Lawrence Weston Design Statement is not part of the plan (and therefore will not be part of the statutory development plan), but is intended to have the status of a supplementary planning document; and that in line with this status, several policies provide that proposals should have regard to (or reflect, or whatever similar term is chosen) the content of the Design Guide.

Concluding Comments

191. All those involved in the preparation of the plan have clearly worked hard to produce the plan and deserve great credit for doing so, especially since much of the work has been carried out voluntarily. Although I have made numerous recommendations and suggestions, I have tried to keep the main thrust of the plan intact as much as possible. Most of my recommendations have been made having regard to national policies and guidance about the need for neighbourhood plans to be concise, precise, capable of being implemented, and able to provide a practical framework for decision-making. I hope that the plan will be a positive force for the future social, economic and physical development of the neighbourhood.

The Next Stage

192. My recommendations are not binding, but they will now need to be considered as part of the next stage. In view of the joint working which has happened in the past I expect that the Neighbourhood Planning Group will have an input, although the responsibility for deciding whether to modify the plan will now fall to Bristol City Council as local planning authority, since regulations require the planning authority to decide what action to take in response to an examiner's recommendations. The decision and the reasons for it also have to be published.

³⁷ Source: NPPG on Neighbourhood Planning paragraph 085 ID: 41-085-20160519; also Section 38A(11) of the Planning and Compulsory Purchase Act as amended by the Localism Act.

193. The amount of re-drafting and editing of the plan will depend on the extent to which my recommendations are accepted. If any of the policies in the examination version are omitted some re-numbering may be appropriate.
194. With regard to a referendum, the Joint Local Access Forum has expressed concern about whether people who live outside the neighbourhood plan area will "have a voice". Some residents of places near but not within the plan area may well have an interest in the future of Lawrence Weston; but a line has to be drawn somewhere and the plan is based on surveys and research covering a specific area, which appears to have a reasonably logical boundary, as designated by Bristol City Council in January 2013. Bearing those points in mind I do not see any reason to alter the plan area for the purpose of holding a referendum.
195. If the plan goes forward to a referendum and receives a simple majority of the votes cast, it can then proceed to be "made" by Bristol City Council, so that it can become part of the statutory development plan for the area, carrying the weight of such plans when planning decisions are taken.
- 196. I recommend that the Neighbourhood Development Plan, as modified following my recommendations, be submitted to a referendum.**

G F Self

Graham Self MA MSc FRTPI

6 September 2016.

APPENDIX 1 : REGULATION 16 REPRESENTATIONS

This is a summary note of the representations submitted during the consultation period ending in June 2016. The list below is in alphabetical order.

<u>Name</u>	<u>Main Topics</u>
Ambition Lawrence Weston	Human Rights Act and Policy H6.
Bristol City Council	Various comments on (1) parts of the plan considered to be in conflict with strategic policies of Local Plan, including policies H3, SSP1, SSP2 and SSP3 plus related text; (2) parts of the plan potentially in conflict with national policy, including policies H4, H6 and SSP5 plus related text.
Coal Authority	No specific comments.
I K Dubber	Comments on three areas in Lawrence Weston.
Ann Fay (British Horse Society) ³⁸	Suggestions relating to horse riders and bridleway.
Highways England ³⁹	Motorway noise and re-surfacing.
Historic England	No issues causing need to comment.
Joint Local Access Forum	Access to Lawrence Weston Moor, footpaths and provision for horses.
Charlotte Leslie MP	Support for plan, particularly retail offerings, community hub, public transport and local lettings policy.
National Grid	No specific comments.
NHS England & Bristol CCG ⁴⁰	Various comments on parts of the plan where wording is considered incorrect.
Natural England	No specific comments.
Network Rail	Standard general comments applicable to England.
Persimmon Homes Severn Valley ⁴¹	Various comments on legal requirements, policies H1, H2, H3, H4, H5, MA3, JSB2, OPR3, CSF4 and SSP2, and Lawrence Weston Design Statement.

³⁸ Ms Fay writes that she represents people who ride horses in the area and the words "British Horse Society" follow her name at the end of her email, but she does not state that her representation is actually on behalf of the Society, so I have listed it under Ms Fay's name.

³⁹ Formerly the Highways Agency (and listed as such in Bristol City Council's website - converted to a government-owned company in 2015).

⁴⁰ This refers to joint representations from National Health Service England and Bristol Clinical Commissioning Group.

⁴¹ According to their representation, this is a trading division of Persimmon Homes Limited, a subsidiary of Persimmon plc.

Public Health England South West ⁴²	Wording of parts of plan referring to health facilities.
South Gloucestershire Council	Policies JSB1 and OPR1, paragraphs 12.2, 13.3 and role of Heritage Lottery Fund.
Sue Wilkes	Apparent density of proposed housing on former PRC site.

⁴² The representations appear to be from the Avon, Gloucestershire and Wiltshire Health Protection Team of Public Health England South West.

APPENDIX 2: SUPPORTING TEXT TO POLICIES SSP1-SSP3

This appendix is to provide my comments on the detailed objections by Bristol City Council to the text in the plan relating to some of the site-specific policies.

Paragraphs 16.1.1-16.1.4 (Policy SSP1)

I consider that the underlined reference to an estimated 150 homes and a minimum of 50 should be included in the text. As for the sentence stating: "The site acts as an important buffer between the residential uses and the industry beyond the motorway" (which the City Council say should be deleted), I suggest that the Group and the council should be able to agree on an alternative wording. To assist, I offer the following comments. Taking this text on its face, it would not seem logical for a site described as an important buffer between residential and industrial areas to be itself developed as a largely residential area - yet there is apparently general agreement that residential development is appropriate here. To put it another way, all parties have apparently agreed that the buffer function of the site is less important than its potential for housing development. Perhaps as an alternative this text could usefully mention that the layout of new housing will need to take into account the constraints which arise because of the presence of the motorway and industrial areas to the west.

I do not think it matters whether the second sentence in paragraph 16.1.2 refers to "should" or "could" (since "should" is not an absolute "must" requirement).

Paragraphs 16.2.1-16.2.5 (Policy SSP2) (*Note: the paragraph numbers here relate to the plan, not to the paragraph numbers in the City Council's written submission, which are incorrect.*)

No amendments are proposed by the City Council.

Paragraphs 16.3.1-16.3.5 (Policy SSP3) (*The note above applies again here.*)

I consider that:

- (i) Although a design brief could be useful it does not appear to be a necessity, since the key principles and criteria for developing this site are set out in the policy itself; so I think encouraging a design brief would be more appropriate than requiring one. Therefore in my view the City Council's amendments of paragraph 16.3.2 (paragraph 1.1.7 in the council's submission) are suitable.
- (ii) The provision of additional vehicle parking spaces for residents could potentially improve the street scene as suggested in paragraph 16.3.4 (paragraph 1.1.9 in the council's submission), but whether this would be best achieved by sacrificing "bordering but inaccessible green space", or whether there are other solutions is debatable. Either way, this is not part of a policy in the plan and in my judgment is not a point of such importance that it needs to be amended as suggested by the City Council.
- (iii) The reference to "the adjoining green space" should be omitted as indicated by the City Council, since this appears to refer to land outside ("adjoining") the site subject to this policy, and it would not be appropriate for a policy relating to a specific site to apply to other land.

APPENDIX 3: SUGGESTED EDITING POINTS

The list below is not intended to be comprehensive, but records minor textual flaws which I have noticed when reading the plan, with suggested corrections. Some of these have been incorporated into my recommendations, but I list them here with the intention that they could help the process of editing the plan.

Maps

The map numbering appears to have gone awry. The references to maps in the text and the numbering in the contents page seem to be mostly correct (except for Map 13), but the numbers in the titles of the maps themselves are incorrect, because two maps are labelled "Map 1". Thus the map titled "Lawrence Weston Retail Centre - core area" should be Map 2; the next map labelled Map 2 should be Map 3, and so on. Map 13 is not listed in the list of maps on page 3.

Page

- 7 In paragraph 3.2, "51%1" should presumably be "51%".
- 8 In paragraph 3.10 the words beginning "In particular" and ending "central Bristol" are not constructed as a sentence - perhaps the full stop before these words was intended to be a comma?
- 8 In the second sentence of paragraph 3.11, some punctuation (perhaps a colon or a dash) is needed after the word "low".
- 8+ The format of paragraphs is inconsistent with previous pages after the start of page 8, and changes again in later pages. There are unnumbered paragraphs on pages 14 and 15. The layout of some paragraphs also varies - towards the bottom of page 15 and on page 16, some paragraphs start with the first line of text indented, unlike the layout of previous and later paragraphs, including those with three numbers (where the layout has a greater margin width to accommodate the longer numbers without indenting the first line). It is not clear why from page 18 onwards the paragraph numbering changes from two numbers to three.
- 11 In paragraph 4.2, "20133" is confusing. The last figure 3 is apparently intended to be a footnote reference, which should be superscripted (as in the footnote). The same applies to the first line of paragraph 4.1, where the figure 2 in "Partnership2" should be a superscript footnote reference.
- 15 The text under the heading numbered as paragraph 8.10 seems to state that the last remaining public house has closed, whereas part of paragraph 3.19 indicates that this is still open. Perhaps this text should read: "...inappropriate for modern needs. Some facilities have already closed; others are under threat of closure, including the last remaining public house".
- 15 Paragraph 9.1 refers to "the Forum". No such body is mentioned in the introductory sections of the plan as having been responsible for its preparation. Presumably this should be a reference to the Neighbourhood Planning Group?
- 16 In the last bullet point of Policy H1, "practise" should be "practice" (as this is not a verb here).
- 18 In paragraph 11.5.2 "contributes" should be "contribute" (plural).
- 20 I have found it difficult to understand the meaning of the last sentence on page 20, particularly the effect of the opening words "Prior to that". I suggest that consideration be given to re-casting this sentence to make it clearer.
- 21 In the last bullet point in paragraph 11.8.3 "ncrease" should be "increase".

- 23 In Policy MA1, "driers" should be "drivers" - but this part of the policy is subject to a recommendation which may result in its omission.
- 25 In paragraph 12.2.3 "Lawrence Weston Lane" should be "Lawrence Weston Road". (Also, "Smoke Lane end" appears to refer to Smoke Lane, ie without "end".)
- 32 In paragraph 14.2.2 there is an asterixed reference to "major development". The asterix causes readers to search for a similar asterix in the policy, but there is none, so it seems to be superfluous.
- 34 In the bullet point referring to the Roman villa site, "long cross" should be "Long Cross".
- 38 Some text appears to be missing from paragraph 15.2.5.
- 39 The reference to the Direct Planning (Pilot) Bill 2015-2016 could usefully be brought up to date with a reference to the Housing and Planning Act 2016 (Sections 139-142 relate to neighbourhood planning).
- 46 In the thirteenth bullet-pointed sub-paragraph, "Ridinglease" should be "Ridingleaze".
- 53 In Appendix 1 "Awdelete" should be "Awdelett" (this refers to a street known as Awdelett Close).

Other Suggestions

1. If the document "Lawrence Weston Local Lettings Policy" were to be included in the plan as Appendix 2 (not as recommended), there are some editing points which could usefully be considered: eg "resident's" on page 3 should be "residents"; "criteria is" on page 4 should be "criteria are"; and "Feeing" on page 4 should be "Freeing".)
2. On reading through the plan, one point which struck me was the amount of unexplained jargon in the text. I think the plan would be more easily understood if jargon terms could be modified or eliminated, or at least first introduced with a few words of explanation. Some random examples of the sort of terms I have in mind are given below.
 - Acoustic de-coupling.
 - Co-housing.
 - Fabric-first.
 - Lower Layer Super Output Area.⁴³
 - Future proofed.
 - BME families.

⁴³ The glossary has an abbreviation LSOA meaning Local Super Output Area but does not give an explanation of this term or of Lower Layer Super Output Area (in paragraph 5.2).