

# **Old Market Quarter Neighbourhood Development Plan**

**Report by Examiner**

**Graham Self**

June 2015

## Introduction

1. I was appointed in May 2015 as the independent examiner for the Old Market Quarter Neighbourhood Development Plan. The plan has been prepared by the Old Market Quarter Neighbourhood Planning Forum with the support of the local planning authority (Bristol City Council) and other bodies.
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 of the Neighbourhood Planning Forum, and I have no interests in any land or property in the Old Market area.
4. The basic conditions, which are set out in the legislation,<sup>1</sup> are intended to ensure that neighbourhood plans fit with their wider context. In summary, 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 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 (such as national infrastructure projects), and should not cover more than one neighbourhood area.

### National Policy Guidance and the Development Plan

6. National policy is set out in the National Planning Policy Framework ("NPPF"), published in 2012. National Planning Practice Guidance ("NPPG") provides advice on the preparation of neighbourhood plans.
7. The development plan current for the city of Bristol at the time of writing consists of:<sup>2</sup>
  - Bristol Development Framework Core Strategy, June 2011.
  - Bristol Local Plan - Site Allocations and Development Management Policies - Local Plan - Adopted July 2014.
  - Bristol Local Plan - Site Allocations and Development Management Policies - Annex: Site Allocations Information - Adopted July 2014.
  - Bristol Local Plan - Site Allocations and Development Management Policies - Policies Map - Adopted July 2014.

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<sup>1</sup> 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.

<sup>2</sup> The titles of these documents are taken from their front covers.

Bristol Local Plan - Bristol Central Area Plan - Adopted March 2015.

Bristol Local Plan - Bristol Central Area Plan - Policies Map - Adopted March 2015.

### **The Neighbourhood Plan and Other Documents**

8. The version of the Neighbourhood Plan which I have examined is the "submission version" which I understand was published in early 2015. Apart from the Neighbourhood Plan itself, the main source documents which I have read or referred to are:

Consultation Statement.

Basic Conditions Statement, January 2015.

Strategic Environmental Assessment and Habitats Regulations Assessment Determination (letter from Bristol City Council dated 3 February 2015 with appendices).

### **Examination Procedure**

9. The normal standard practice for neighbourhood plan examinations is for them to be carried out by written representations, unless the examiner decides that a hearing is necessary. I judged that the consultation responses which had been submitted to the City Council (sometimes named "Regulation 16" Responses) could be considered on the basis of the written representations, so it was not necessary to hold any hearing. However, I put a number of questions to the Neighbourhood Planning Forum and to the planning authority (Bristol City Council), for which purpose I sent emails to the persons nominated as contact points for both bodies, inviting answers or comments. Written responses were emailed to me. Although I have some general knowledge of the area going back about 35 years to the 1980s, I made an unaccompanied visit in early June 2015 to check some current features and look at specific sites.
10. I am grateful to all those involved in responding to my questions. The information supplied assisted me in carrying out the examination and completing my report.
11. It appears from the submitted representations that some parties would have liked to be consulted about my recommendations. For example, Bristol Civic Society "ask to be consulted should [the examiner]<sup>3</sup> propose amendments to the policies". There is no obligation on neighbourhood plan examiners to give prior notice of recommendations to those who have made representations, or to open a further period of consultation, and I do not consider that there are such exceptional circumstances in this instance as to make prior notification or further consultations necessary or appropriate, especially as my recommendations are not binding on the planning authority.

### **Format of Report**

12. 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 submission version of the Neighbourhood Plan. The policies and explanatory text of the plan are then considered, with recommendations made where appropriate. A final section briefly considers the next stage.

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<sup>3</sup> The Civic Society actually refer to "the inspector" but this should be "the examiner".

13. Some of my recommendations result from my consideration of the submitted representations; others result from my own assessment of the plan.<sup>4</sup> In addition to recommendations, I also make some suggestions. The *recommendations* (which are in bold text) cover points where I consider a specified action needs to be taken, although recommendations are not binding. My *suggestions* (not picked out in bold text) relate to matters of presentation or of lesser importance.

## General Matters

### Qualifying Body

14. One of the matters I sought to clarify with a question was the identity of the qualifying body - that is to say, the body designated by Bristol City Council to have responsibility for preparing the Neighbourhood Plan. The reason for my question was that the plan states (on pages 2 and 14) that it has been prepared by "Old Market Quarter Neighbourhood Planning Forum" or the similarly named "Old Market Neighbourhood Forum"; and the diagram on page 15 (in the top right-hand corner) also refers to the designation of the "Old Market Quarter Neighbourhood Planning Forum". But the Basic Conditions Statement states that the plan was prepared by the Old Market Community Association, and describes this Association as "a qualifying body for the neighbourhood area covering the Old Market area as designated by Bristol City Council". The different names suggested that these were two different bodies.
15. In their response to my question the Old Market Community Association stated that the Association is the qualifying body. Bristol City Council stated that the Old Market Community Association applied to be designated as a neighbourhood planning forum in March 2013, and that they were designated as the Old Market Quarter Neighbourhood Planning Forum on 1 May 2013. I am therefore taking it that the Association and the Forum are in effect the same body, and that this is the body responsible for preparing the plan. I therefore use the terms "the Association" and "the Forum" interchangeably in this report.

### Plan Area, Preparation Procedures and Regulatory Requirements<sup>5</sup>

16. The plan area lies east of Bristol city centre. This area was designated by Bristol City Council as a neighbourhood area and as noted above, the Old Market Community Association was designated as the "qualifying body", named as the Old Market Quarter Neighbourhood Planning Forum, for the purpose of preparing the Neighbourhood Plan.
17. I invited comments from the Association and the City Council about the plan area and its boundary. I did this because it seemed to me that there were inconsistencies in the boundary of the area. For example, in the east the boundary follows a modern road, whereas in the west, part of the boundary does likewise (following the east side of the A4044) but another part crosses the A4044 to bring properties such as a city-centre hotel into the Neighbourhood Plan area. In other locations, the boundary follows rather obscure property boundaries instead of what would appear to be more significant nearby physical features. The boundary does not appear to follow any distinctive change of land uses; nor does it encompass any administrative area such as an electoral ward.

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<sup>4</sup> It may be assumed that I have no recommendations on any parts of the plan on which I do not comment.

<sup>5</sup> 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.

18. Although I still consider that there are some illogical aspects about the boundary of the plan area, I have decided not to interfere with it, especially bearing in mind that the area as designated has been approved by the City Council and that in the representations on the latest version, no objections have been raised to this aspect of the plan.
19. The idea of a Neighbourhood Plan evidently began in 2010 or 2011, in particular when a community planning workshop sponsored by the Prince's Foundation was held in October 2011. In 2012, Members of the Old Market Community Association decided to produce a neighbourhood development plan, supported by Bristol City Council and other bodies. At the same time, the City Council in partnership with the Association were progressing designs for improvements to Old Market Street, financed by the Local Sustainable Transport Fund. A second workshop was held in September 2012. Consultation with local people was carried out at various events from October 2012 to January 2013 using a "wish cart", where people could write their wishes on postcards, which helped to identify the community's main concerns and hopes for the future.
20. A further phase of consultation was carried out from about January 2013 as sites were better identified and policies became formed. This used on-line and paper questionnaires distributed through local premises and exhibitions. The priorities for issues and concerns were worked out and used in preparing the first draft of the Neighbourhood Plan. This was subject to "Regulation 14" consultation between October and December 2013 at a series of about 11 events. Display stands with questionnaires were also set up at local shops and other premises including cafes, an arts centre and library, although only 19 written responses were received at this stage. The responses were collated for consideration and meetings took place between the Forum and the City Council to discuss amendments to the plan as a result of the consultation feedback.
21. The plan period is stated in the Introduction on page 5 as "until 2026 and beyond".
22. In November 2014 Bristol City Council issued a "screening opinion", which advised that the plan was unlikely to have any significant effects on the environment and therefore did not require a Strategic Environmental Assessment. The screening opinion was then sent to statutory consultees (English Heritage, Natural England and the Environment Agency), all of whom agreed with the City Council's opinion. Natural England also determined that the plan would be unlikely to cause any significant environmental effects on European designated sites and could therefore be "screened out" from any requirement for further assessment under Habitat Regulations.<sup>6</sup>
23. If the recommendations made in this report are accepted, the plan would be in general accordance with the strategic policies of the development plan for this area. The plan would also contribute to achieving sustainable development.
24. I note from the Consultation Statement that some local people or bodies have criticised the way the plan was prepared. For example it has been alleged that the Old Market Community Association is not representative of the community, that insufficient minuted meetings were held, and that the architect or architects involved in plan preparation had a conflict of interest. However, no evidence has been put to me showing that there has been improper conduct or bias in the preparation of the plan.

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<sup>6</sup> Source: letter from Bristol City Council dated 3 February 2015 with attached appendices.

25. In summary, the information available to me shows that the Neighbourhood Plan has been prepared by a properly constituted qualifying body, that the plan covers a 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.

### **Representations**

26. The closing date for representations to be made following the most recent public consultation on the Neighbourhood Plan was 23 March 2015. Representations were submitted by the following:<sup>7</sup>

Tim Belsten.

Bouygues Development (Agent: Savills).

Bristol City Council.

Bristol Civic Society.

Bristol Pubs Group.

Coal Authority.

English Heritage.<sup>8</sup>

Harmsworth Pension Fund Trustees Ltd (Agent: Indigo Planning).

Highways Agency.

Marine Management Organisation.

Mr T Martin.

Old Market Manor Ltd.

Regen SW.

South West Transport Network.<sup>9</sup>

Martyn Trowbridge.

27. **Tim Belsten** expresses support for the plan but makes some comments on Policies B2 and B4 and on Appendices 2 and 3, including visual clutter from advertising signs and "future-proofing" the restoration of historic buildings.
28. The submission for **Bouygues Development** mainly concerns Policy C14 and Project PR 6 relating to the ambulance station site and Castle Park. Objection is raised to these parts of the plan on several grounds, including conflict with national and local planning policy.
29. **Bristol City Council** object to Policy C14.9 on the ground that it is not consistent with the recently adopted Bristol Central Area Plan Policy BCAP 37 (site KS05), which also relates to land at or near the ambulance station site. The council say that references to this site should be removed from aspirational projects TR1 and PR6 and the medium-term aims in Chapter 9. The council also make various observations about the clarity of the plan, the status of the "Projects", and the map of building quality.

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<sup>7</sup> This list is in alphabetical order of surname or organisation name, using the names as stated in the representations.

<sup>8</sup> Now named Historic England.

<sup>9</sup> The written statement submitted on this body's behalf was also described as "with Bristol Gay Village Org and Ian Beckey (Transport for Greater Bristol Alliance)."

30. **Bristol Civic Society** applaud the plan but submit comments on various aspects including Policies T3, T4 and E3 and Projects PR1, PR6 and links to the Temple Quarter Enterprise Zone.
31. **Bristol Pubs Group** (also apparently known as Bristol & District Pubs Campaigning Group) views the Neighbourhood Plan as one which could support the 15 pubs currently trading in the area.
32. The **Coal Authority** refer to past mining activity but indicate that mining legacy features should not preclude development allocations in the plan.
33. **English Heritage** are pleased to note that the historic character of the plan area is identified as an important theme and that previous comments have been noted. English Heritage also say they rely on the City Council to ensure that development would not harm heritage assets.
34. **Harmsworth Pension Fund Trustees Ltd** make submissions about the aims of the plan and about Policies T1, B1 and C8 with particular reference to the provision of accommodation for students. Amended wording is suggested.
35. **The Highways Agency** say they see no evidence that the effects of the plan proposals on traffic movements in the area have been tested; the Agency seek reassurance that difficulties will not be caused to traffic to and from the M32, and expect to be consulted to ensure that issues such as road safety are properly considered when future proposals come forward.
36. The **Marine Management Organisation** has no specific comments.
37. **Mr T Martin** puts forward criticisms and objections about various aspects of the plan, including the Vision, Policies T1, T2, B2, B4, B5, C2, C3, C4, C6, C7 and the site-specific policies C8-C14. The essence of Mr Martin's objections is that these aspects of the plan are unclear, not in compliance with national policy guidance, over-prescriptive, inflexible, unjustified, or flawed in other ways.
38. The representation by **Old Market Manor Ltd** is primarily a description of the aims of this company in providing office and workshop space.
39. **Regen SW** express disappointment that the plan does not mention "renewables", energy efficiency, or district heating.
40. **South West Transport Network** refer to what they describe as "LGBT issues" and the night-time economy, and are concerned that economic pressures may push out the gay community. It is also considered necessary to maintain a transport hub on Old Market Street and to protect the area's historic architecture.
41. **Martyn Trowbridge** comments on cycling issues and suggests that Old Market should have segregated cycle lanes.
42. I have taken account of all these representations where appropriate when considering the policies of the plan later in this report. However, some of the representations relate to matters which are outside the scope of a neighbourhood plan examination. Unlike an examination into, for example, a Local Plan, I am not testing the soundness of the plan. This examination is not a means of publicising local businesses. Nor is it appropriate at examination stage to consider every nuance of every phrase in the complete text of the Neighbourhood Plan, as seems to be implied by some parties, including those who express full

support for the plan but then proceed to make comments or criticisms. Therefore I do not comment on every point made by every party listed above.

43. From the available evidence, I do not perceive any justification for me to recommend extending the scope of the plan to make it include policies on topics such as lesbian or gay issues, district heating, renewable energy, the redevelopment of pubs, or the visual impact of advertising signs. Those are the types of matters which should have been raised for consideration at an earlier stage, and if after all the consultation which has been carried out, the Forum has not considered it appropriate to have policies on these topics, there is no good reason for me to take a contrary view. It is necessary for me to focus on whether the policies and proposals of the plan meet the Basic Conditions.

## The Plan and its Policies

44. In this part of my report I consider the key aspects of the Neighbourhood Plan, with particular reference to its policies. It is necessary to deal first with some general issues and some points involving Policy C7 and site-specific policies; then the remainder of the assessment is mostly in plan sequence.

### Aspects of National Policy

45. One of the aspects of national policy which has influenced my examination is the statement in the NPPF that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".<sup>10</sup> A similar doctrine is put forward in the NPPG, which states that:

"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".<sup>11</sup>

46. Unclear or ambiguous policies are liable to cause problems for those responsible for deciding planning applications or appeals, and can be exploited by developers seeking to carry out development contrary to what plan-makers intended.
47. The NPPG also states that the policies and proposals in a neighbourhood plan need to be "deliverable", reflecting NPPF policy that policy burdens in plans should not be of such a scale as to threaten the viability of development.<sup>12</sup>

### Plan Period

48. This may be a matter of interpretation, but the way the plan period is expressed in the Introduction to the plan ("until 2026 and beyond") is infinite. A neighbourhood Plan must specify the period for which it is to have effect, and infinity is not a period for this purpose.<sup>13</sup> A specific period would also help in considering future progress towards achieving the plan's aims, and would provide a more satisfactory link with the development plan. For instance, the Bristol Central Area Plan sets out (on page 3) how Bristol City Centre will develop up to 2026, with "visions" (on page 1) describing what should have happened by 2026.

<sup>10</sup> NPPF paragraph 17.

<sup>11</sup> NPPG, Section 5.

<sup>12</sup> The statement paraphrased from the NPPF is in a part of the NPPF relating to Local Plans, but the NPPG applies this to neighbourhood plans.

<sup>13</sup> I have noted that the Basic Conditions Statement refers to the plan period as "until the end of 2026"; but that is not what the plan itself states.

49. Some of the proposals in the plan may not be achievable by 2026. If so, it may be necessary to identify these and make clear that they are longer term ideas or proposals which are not part of the plan because they cannot be achieved within the plan period.
50. **I recommend that the plan period should be defined by reference to a specific number of years or end date (presumably 2026), with reference also to the possible need for intermediate review. Any proposals not intended to be achieved within the plan period should be separated from those in the plan.**
51. I also suggest that it would be useful to include the plan end date on the front cover of the plan.

#### **Status of 'Projects'**

52. I share the City Council's concern about the format of the plan and in particular the impression which many readers would get that the "Projects" described in Sections 8 and 9 are all part of the Neighbourhood Plan. Many of these schemes are not matters of land use planning policy or are outside the proper scope of a neighbourhood plan. For example, doing away with the Old Market roundabout so as to bring all vehicle and pedestrian traffic to street level would have major city-wide ramifications. The Neighbourhood Plan cannot possibly deliver such a scheme, so any perception that this and similar schemes are parts of the plan would conflict with the national policy guidance I have mentioned in paragraph 47 above. Many of the other "projects" involving details such as the location of bus stops are matters for the highway authority or other agencies.
53. I should perhaps make clear here that the desire to alter the existing layout of Old Market Street in particular is understandable. The layout with a pedestrian island and bus stops in the centre of the carriageway and bus lanes positioned so that buses and pedestrians have to cross traffic lanes has considerable disadvantages from both pedestrian and traffic engineering viewpoints.<sup>14</sup>
54. In response to my questions, the Forum has accepted that the projects described in Sections 8 and 9 of the plan are not part of the plan. But that is not readily apparent from the plan - indeed it gives the opposite impression. The description of proposed improvements to Old Market Street (Project PR1)<sup>15</sup> on page 40 states: "Feedback from local consultation on the draft plan showed this to be the highest priority project". Section 9 is called "Delivering the Plan"; the first sentence states: "The plan sets out the policies that will....guide the projects identified in Section 8"; and later text refers to: "The projects which will...deliver the aims of the plan". These statements all indicate that the projects are part of the plan. Yet almost all of Section 9 describes projects which are not part of the plan, so they cannot logically be "delivered" by the plan.<sup>16</sup>
55. The Highways Agency point out that there is no evidence of evaluation or testing to show what impact changes to the road layout would have on all road users.

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<sup>14</sup> The central pedestrian island with bus stops might have more advantages if most of the bus passengers using these stops were going to and from the walkway positioned centrally across the Old Market roundabout, but from my necessarily limited observations this does not appear to be the case. I have not carried out a proper survey of pedestrian movements, but during my observation the majority of people going to or from the bus stops crossed to or from the sides of Old Market Street.

<sup>15</sup> An incidental detail relating to Project PR1 is that the plan on page 40 shows "staircases to subways removed" - from what I saw on site, they have already been removed, irrespective of the Neighbourhood Plan.

<sup>16</sup> Only in the last sentence referring to a project affecting the inner ring road outside the plan area is it mentioned that "it is included here for local reference and aspiration". I refrain from commenting on the practicality of the long-term aim to have a "tree and building lined" inner ring road.

Bearing in mind that the Highways Agency seeks assurance about these matters, it seems the Agency has taken the road-related schemes described in the plan as part of the plan's proposals. This shows the problems which can be caused when a plan does not make clear whether it is putting forward a deliverable proposal or policy or merely a hope that something would be done which is outside the scope of the plan.

56. A related issue is that there is overlap between the Neighbourhood Plan and schemes which come under the auspices of the Local Sustainable Transport Fund (mentioned in paragraph 19 above). The LSTF is described in the Consultation Statement as a project "which would run parallel with the NDP making process". This was one of the matters about which I have asked questions, because it seemed to me that some of the transport-related proposals in the Neighbourhood Plan involved doing things on highway land for which the highway authority would be responsible and could not in practice be delivered by the Neighbourhood Plan, so I was seeking to check whether LSTF schemes or proposals had been inappropriately incorporated into the Neighbourhood Plan. I return to the topic of highway-related projects when dealing with Policy T1.
57. **I recommend that Section 8 and almost all of Section 9 of the plan be re-cast as an appendix, with clear statements made in both the Introduction to the plan and at the start of the appendix to the effect that the projects described in the appendix are not part of the Neighbourhood Plan, but are appended to the plan to reflect views expressed during the consultation process and to set out the long-term hopes of many local people. The only part of Section 9 excluded from this recommendation is the first sentence up to and including the words "Section 6".**
58. I think the Forum has now partly realised the points I have mentioned, by proposing that what is currently Section 9 should be part of Section 8 and re-named "Delivering the Projects". This proposal would help, and I suggest that it be adopted. The references to projects or "development sites" outside the plan area should also be omitted. This applies to both the text<sup>17</sup> and the maps, including for example the map on page 45 which purports to show the removal of the Lawrence Hill roundabout which is outside the plan area.
59. **I recommend that the text and the maps be reviewed and amended to eliminate references to proposals or policies which purport to affect land outside the plan area.**

#### **Status of "Site Specific Policies/Principles"**

60. Section 7.3.5 of the plan is headed "Site specific policies/principles". The first paragraph states that the community has set out a number of principles for development and that developers will be expected to demonstrate that they have considered these principles when submitting a planning application. Policy C7 is then set out, followed by "Policy C8, "Policy C9" etc up to "Policy C13"; then each policy is subdivided into site-specific statements on a total of 19 sites. "Policy C14" then follows, being subdivided into 11 statements on individual sites (14.1 to 14.11).
61. This part of the plan is unclear and ambiguous. A clue to the problem is the use of the oblique stroke punctuation in the heading ("policies/principles"), followed by the text which refers to "principles" and then followed in turn by what are called "policies".

<sup>17</sup> Examples are the references to the Lawrence Hill Roundabout on pages 44 and 46.

62. If the statements made about these sites are intended to be policies, they are over-prescriptive. Considerable thought has obviously gone into the preparation of the detail specified for each site. However, the precise number of storeys for each building, the alignment of building frontages, site layout, window locations and other such points are much too detailed for a land use plan, and conflict with national guidance aimed at avoiding unnecessary prescription or detail in planning policies. At the same time, some of the matters specified are also so vague as to be meaningless. One example is the requirement to "have active use at ground floor level" - almost any use, including storage or warehousing, could be described as "active".<sup>18</sup> Other requirements appear unrealistic. It is not clear, for example, how developers proposing development on sites 13.1-13.4 could meet the requirement to contribute to building out the kerb line and providing a verge planted with trees in what is currently part of the highway on Midland Road.
63. Because of the "and/or" in the first line of Policy C7, it appears that the reference to "any major development" in Policy C7 is intended to apply across the whole of the plan area, not just the sites identified in Policies C8-C14; and "major development" is open to various interpretations. The expression "taken on board" in Policy C7 can also mean different things to different people.
64. National policy is that applicants who are not already required by law to do so should be *encouraged* to engage with the local community. I judge that the requirement in Policy C7 for "documented pre-application consultation with the local community and the Forum" goes rather too far - it would place a burden on some applicants to an extent conflicting with national policy, especially as "the local community" is identified as something separate from and additional to "the Forum" (which as previously noted I take to mean the Old Market Community Association).
65. **I recommend that the section of the plan dealing with "site specific policies/principles" be amended so that it is presented as guidance (that is to say, the words "policies" or "policy" should not be used), with the site-specific material placed in an appendix and Policy C7 re-worded so that it reads:**
- Applicants proposing development of any part or all of the sites identified in Appendix [insert appendix number] will be expected to show that the proposal takes account of the guidance set out for the site and to explain the reasons for any departure from this guidance. Development which can be shown to have been subject to consultation with the local community will be encouraged.**
66. **I also recommend that any reference in the plan to what is currently "Policy C8, Policy C9" etc up to and including Policy C14 be either deleted or changed to "guidance statement C8, "guidance statement C9" etc.**
67. Even if it is made clear that the text within "Policies" C8 to C14 is only for guidance purposes, some of the specifications would remain unduly restrictive and detailed. For example, whether a five-storey tower on the Hawkins Street corner of Site C8.1 would be acceptable as part of a proposed development scheme could only properly be judged in the context of a proposed scheme as a whole. A similar principle applies to other sites, such as Site C8.2 where building height and other matters are too prescriptive, as are matters such as the parapet or eaves height of particular buildings elsewhere. I return later to other policies in this part of the plan.

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<sup>18</sup> This applies, for example, to Sites 14.1 and 14.10

68. **I recommend that the supporting text of the plan should make clear that the details set out in the guidance mentioned in the amended Policy C7 are for general guidance only.**<sup>19</sup>

**"Land Use" Map (and Map Numbering)**

69. The map on page 29 of the plan is titled "Land Use Map", although it is referred to in the text of the plan variously as "Policies Map" and "Land use Map"<sup>20</sup>. This is an incorrect title, as it is not a map of land uses: for example, "Long Term Development Sites", "Potential Development Site" and "Development Site with Planning Consent" are not land uses. As has also been pointed out by Bristol City Council the map purports to show a policy-related feature outside the neighbourhood Plan area. This should be deleted.
70. I suggest that all the maps in the plan should be numbered (Figure 1, Figure 2 etc) for ease of reference.<sup>21</sup>
71. **I recommend that the title of the map on page 29 of the plan be reconsidered, and that this map be amended to exclude items outside the plan area.**

**Policy T1**

72. There are some problems with this policy. First, it is not clear what is meant by "the negative impact of vehicular traffic". To a delivery van driver, for example, this phrase may mean a need to improve roads so as to alleviate congestion, though it is possible to guess that what is intended here is the impact of traffic on the environment in terms of noise, pollution or general amenity.
73. Secondly, it is difficult to see how most development proposals likely to be the subject of planning applications could be expected to provide features such as raised carriageway treatments, or "pedestrian and cycle friendly streets" since these would primarily be matters involving the highway authority. This policy therefore conflicts with national guidance to the effect that planning policies should not impose unrealistic or unachievable requirements on developers. I am therefore recommending a simplified wording for this policy.
74. The change I am recommending would also allow for the possibility that some variation of pedestrian routes may be acceptable where redevelopment occurs. Any specific proposal would have to be judged on its merits, but even with a rather more flexible policy, a scheme which blocked off an existing pedestrian route without making as good or better alternative provision would be contrary to the policy.
75. **I recommend that Policy T1 be modified to read:**
- Development proposals should be designed to reduce the environmental impact of vehicular traffic and to encourage movement on foot and by cycle.**

**Policy T2**

76. This policy is imprecise because of the vagueness of the phrases "in the vicinity of Old Market Street and West Street" and "enhance the pedestrian experience".

<sup>19</sup> The text stating: "Many sites...are the subject of specific policies as follows" will need to be changed to something like: "Many sites...are the subject of guidance statements in Appendix...".

<sup>20</sup> There is a reference to "the Policies map" in the text on page 25, but this seems to be a reference to the "Land Use Map". This map seems to have been regarded by Bristol City Council as a "policies map" - that is how it is referred to in the council's written statement.

<sup>21</sup> Some later recommendations include "[insert Figure number]" on the assumption that this is done.

The term "contribute towards" also leaves open the question whether such contribution should be financial or physical. Moreover, the mere "size of the development" is not necessarily a good indicator of a development's impact on local traffic or the environment. I have not been able to devise an alternative satisfactory wording for this policy.

77. **I therefore recommend that Policy T2 be omitted.**

#### **Policies T3 and T4**

78. Bristol Civic Society consider that these policies, which are about the provision of car parking, may sometimes conflict with Policies T1 and T2 and that the conflict is not addressed. I judge that the policies strike a reasonable balance. Policy T3 seems to be trying to ensure that under-provision of parking space for dwellings away from the centre of the area does not cause on-street parking problems; and many local businesses are of the type which depend on passing trade, hence the purpose of Policy T4 to minimise the loss of on-street spaces. I do not find any compelling reason to modify these policies.

#### **Historic Buildings - General**

79. In summarising their representations, English Heritage make four points. Two of them are supportive. Of the other two, one states that it will be important to be able to substantiate the basis for categorising the value of local buildings in Section 7.2 of the plan, to ensure consistency with criteria being employed elsewhere in the city. No suggestion is made as to how the plan should be amended in this respect and this comment does not appear to seek any specific amendment. English Heritage's fourth point refers to the need to rely on the City Council to confirm that development of sites mentioned in Section 9 of the plan will not harm heritage assets. Again, this does not indicate to me that any modification to the plan is sought or is necessary with regard to historic buildings.

#### **Policy B1**

80. This policy is rather convoluted and suffers from what I think are misplaced commas, which cause some difficulty of interpretation. For example, it seems that the policy only relates to the "setting" of heritage assets and features, not the heritage assets and features themselves. I have noted the modified wording proposed by Harmsworth Pension Fund Trustees Limited covering demolition. On balance, however, I have decided not to recommend any modification to the policy in response to this objection, bearing in mind that the inclusion of the word "normally" means that a developer would have the opportunity of showing that the benefits of a proposal are sufficient to create an abnormal situation sufficient to justify permitting demolition.
81. It would be impractical to expect development proposals on sites adjacent to or near heritage assets to enhance their historic and visual interest as required by this policy - the historic character of an old building could be preserved or sustained by a suitably-designed nearby building, but not necessarily *enhanced*. I also consider that the last bullet-pointed sub-paragraph in this policy should be omitted as the words "where feasible" make it too imprecise. I recommend accordingly, but I also make further comments on this policy later, under the heading of "Assessment of Building Quality Map".
82. **I recommend that the words "and enhance" in the first paragraph of Policy B1, and the text of the last bullet-pointed sub-paragraph of this policy, be omitted. (Note: this recommendation is subject to the later recommendation relating to the Assessment of Building Quality Map.)**

**Policy B2**

83. This policy as it stands is both over-prescriptive and unclear. The requirement to demonstrate "beautiful design" is followed by an attempt to define what is meant by "building beautifully", and I can see why the policy has been drafted in this way. However, the result is ambiguous. As is pointed out by Mr T Martin, it could be taken to mean that in those parts of the area where buildings are finished with unattractive materials (such as industrial premises), new buildings should be constructed of similar materials. The policy also infers that building heights should be similar to neighbouring buildings (if that is what "heights....appropriate to....neighbouring buildings" means), and that building lines or street frontages should always be continuous. Those aspects of design would not necessarily achieve "beauty". The requirement (in the fifth bullet point) for new development to "follow" the Design Code set out in Appendix 1 of the plan is also overly restrictive.
84. Some buildings in the area are landmark features because of their height, and it would not necessarily be desirable for neighbouring buildings to be built to the same height. This may not be the intention of the second bullet point in Policy B2 but it is notable that at least one objector<sup>22</sup> has interpreted the policy in this way, and I agree with the gist of the point he makes.
85. **I recommend that Policy B2 be modified to read:**

**The design of new development must take account of the history and setting of the Old Market Quarter. New buildings should be designed to be sympathetic to the height and design of neighbouring buildings, street width and frontage lines. Development proposals should also have regard to the Old Market Quarter Design Code set out in Appendix 1.<sup>23</sup>**

**Policy B4**

86. This policy purports to be about the "conversion" of buildings; but looked at in terms of development subject to planning controls, it seems really to be about the *change of use* of buildings as well as works involving physical alteration - indeed, the text refers to "flexible use" of buildings. As it stands, the policy is unclear, since development could consist of the material change of use of a building, perhaps with fairly minor internal changes not amounting to development but without any structural alterations of the sort mentioned in this policy. Some people would describe this as "conversion"; others would not.
87. The policy as drafted would require that details such as glazing bars in windows could not be altered from the original, even in parts of the plan area which are outside the conservation area and where existing buildings have no particular architectural or historic merit. There would seem to be no point in requiring the precise form of fenestration to be preserved where there is a proposal to convert and change the use of an unattractive building. Within the conservation area or where listed buildings may be involved, other policies would provide adequate safeguards against possible harm to architectural or historic character.
88. As I think the Forum now recognises,<sup>24</sup> it is also necessary to ensure that this policy would not lead to wholly unsuitable changes of use and conversions of

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<sup>22</sup> Mr Tim Belsten.

<sup>23</sup> If the Design Code were to be placed in a separate document as I suggest for consideration elsewhere (paragraph 127) this reference to it would need to be modified appropriately. The same would apply to other parts of the plan, for example in Policy B3 which refers to "Appendix 2".

<sup>24</sup> This refers to the Association's response to my invitation to comment on the objections by Mr T Martin.

buildings simply because such development would be able to meet the largely architectural criteria contained in the policy.

**89. I recommend that Policy B4 be modified to read:**

**The change of use and conversion of existing buildings will be permitted where the proposal would comply with other policies in the development plan and where the development would not involve adding unsympathetic structures or extensions.**

**Policy B5**

90. The main issue with this policy is whether it should support mixed use development, potentially including residential use, on the perimeter of areas designated as Principal Industrial and Warehousing Areas ("PIWAs"). It is possible that residential development in such areas could lead to sub-standard amenity or harm from pollution if dwellings were to be close to industrial activity, or could adversely affect the viability of existing commercial businesses. Retail development on the perimeter of PIWAs could also harm the viability of existing shops in Old Market Street and West Street, which the plan seeks to promote as the main location for shops.

91. I consider that there is merit in the objections to this policy, in that it conflicts with national policy guidance requiring the rationale of policies to be clear. Part of the policy is also unworkable: it provides that if, for example, an existing industrial or warehousing site within but on the fringe of a PIWA were to be redeveloped for industry or warehousing, the new scheme would be required to have an "active frontage onto the principal streets". I have read the Association's comments about the expression "active street frontage", but I am still not clear as to the precise meaning of this term and how a decision-maker would apply it when assessing a proposal for redevelopment of an industrial site for industrial purposes.

92. The modification I am recommending is intended to overcome those criticisms.

**93. I recommend that Policy B5 be amended to read:**

**Within the Principal Industrial and Warehousing Areas defined on Figure [insert Figure number], proposals for development involving the provision of residential or other non-industrial uses will only be permitted where the site is located on the perimeter of the area so designated, where the use remains predominantly commercial, and where it can be shown that a satisfactory standard of amenity would be provided for any residential occupiers.**

**Policy C2**

94. This policy refers to "development within retail units". The Association has explained that the policy is intended to refer to development needing planning permission, generally but not always implying a change of use.

95. As a matter of planning law, a change of use "within" a retail unit is a misconception. Where, for example, the use of a shop changes so that only part of it remains in retail use, it is necessary to consider whether what has happened amounts to a material change of use of the "planning unit" as a whole. If so, the change amounts to development as defined in the 1990 Town and Country Planning Act, and the unit will have changed from retail to a mixed use, so the new use will no longer be "within a retail unit". Alternatively, if a shop is physically subdivided into two separate units with two entrances, again the description "within a retail unit" will not apply.

96. Allowing for all the above points, **I recommend that this policy be amended so that it reads:**

**Development will not be permitted which would harm the retailing function of existing shops. The change of use of premises having a frontage within the designated "retail frontage" as shown on Figure [insert Figure number] to use for adult entertainment purposes will not be permitted.**

#### **Policy C3**

97. This policy seeks to control the ground floor ceiling height of development along about 11 named roads so that buildings are capable of accommodating retail and/or commercial uses. The minimum ceiling height limit of 3.3 metres is too restrictive and conflicts with national policy that design policies should avoid unnecessary prescription or detail,<sup>25</sup> especially as the plan seeks to apply the policy quite widely, apparently to encourage or allow for retail development in roads such as Wade Street or Midland Road which are well away from Old Market Street and West Street. The justification for having policy control over matters such as ceiling height in such areas is weak, and this policy could inhibit development.

98. **I recommend that Policy C3 be omitted.**

#### **Policy C4**

99. In response to criticism, the Association has accepted that this policy is poorly worded, as it appears to encourage the development of a supermarket anywhere in the plan area. Such development would be likely to detract from the retailing vitality and viability of the Old Market Street-West Street area, contrary to the plan's stated vision.

100. **I recommend that Policy C4 be modified by adding: "...provided that the proposal can be shown to be likely to enhance the retailing vitality and viability of the part of the plan area centred on Old Market Street and West Street."**

#### **Policy C6**

101. This policy seeks to obtain what it calls a "balanced approach" to housing provision by requiring that in locations which are appropriate for families, at least 20% of new dwellings have three or more bedrooms and private open space. This policy would leave considerable room for argument about the definition of "locations appropriate for families". In response to one of my questions the Association suggest that guidance could be given - for example, areas of high air pollution or fronting a major road are likely not to be appropriate for families unless the development proposal had been able to neutralise the threat.
102. The implication of the Association's responding comment is that single people or couples without children should be, as it were, relegated to live in an area of high air pollution. The proviso about "neutralising the threat" would also still leave doubt about what would or would not be acceptable locations for family housing. I consider that this is a matter best left to normal market forces: developers will not normally develop family housing in locations where families would not want to live. On a more minor point about the requirement for "private open space", it is not clear whether balconies to flats would be so categorised.

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<sup>25</sup> NPPF, paragraph 59.

**103. I recommend that Policy C6 be modified to read:**

**Proposals for new residential development will only be permitted where a satisfactory standard of amenity and privacy can be provided. Proposals for dwellings suitable for occupation by families and having at least three bedrooms will be encouraged.**

**Policy C8 and Sites C8.1 and C8.2**

104. The land known as Site C8.1 is located between Unity Street and Jacob Street. Site C8.2 is the former Bristol Evening Post print hall. I have already commented on the need for a less prescriptive approach to the detail of proposals for these sites. This applies to the location of a pedestrian route (or routes) and other aspects including the precise location and extent of open space, building heights and parking provision. As a plan policy, such details would be contrary to national guidance aimed at reducing burdens on development. Even as guidance, I have considerable reservations. On balance, I consider that the text relating to sites C8.1 and C8.2 should be modified, generally (but not exactly<sup>26</sup>) in line with the amendments put forward by Harmsworth Pension Fund Trustees Ltd.

105. If the recommendations in paragraphs 65-66 above are accepted, the content of what is currently "Policy" C8 will become a guidance statement, not a policy. **I recommend that the text relating to Sites C8.1 and C8.2 be modified as follows.**

i) **In what is currently Policy C8, the first bullet point should read: "The provision of north-south pedestrian routes between Jacob Street and Unity Street".**

ii) **In what is currently Policy C8, the third bullet point should read: "The garden to the rear of 1 Temple Way".**

iii) **The text relating to Site C8.1 should read:**

**Development of the site between Unity Street and Jacob Street should:**

- **show that the potential to re-use the buildings on the site has been considered;**
- **incorporate a new pedestrian route between Jacob Street and Unity Street or New Thomas Street;**
- **comprise new buildings with heights to reflect the characteristics of the surrounding area and a mix of residential and other uses;**
- **incorporate on-site parking space in proportion to the type of development.**

**Site C8.3 and Policies C9 to C13**

106. These policies, too, will become guidance statements if the recommendations in paragraphs 65-66 are accepted. Even so, they are overly detailed for the reasons already explained. Much of the content describing general principles is not a problem, but some of it sets out what are more like architectural design briefs than policy guidance suitable for a development plan. Having presented above my views and findings on Policy C8 and Sites C8.1 and C8.2, I think it should be sufficient for me to make a more general recommendation on the other policies and sites. I do not consider that it would be appropriate for me to re-write several pages of detailed text in order to form a recommendation, so I leave the specific re-wording to be considered by those directly involved.

<sup>26</sup> In the recommendation here, I do not follow the objector's wording precisely, for several reasons - for example, the term "residential and student accommodation" as suggested by the objector is otiose because student living accommodation is "residential".

107. Much work has obviously gone into preparing the material relating to individual sites (about 33 in total), and it could be very useful - but what is at issue is its status as planning policy. The City Council or the Forum may wish to consider the possibility of removing all this material from the plan and reproducing it in a separate publication, which might be called a "Design Guide" for these sites. In that event, I think more of the architectural detail could be retained.<sup>27</sup>
- 108. I recommend that the text relating to Site C8.3 and Policies C9 to C13 (including Sites C9.1-C9.4, Sites C10.1-C10.5, Sites C11.1-C11.2, Sites C12.1-C12.4 and C13.1-C13.4) be reviewed and modified so that the architectural details specified are less prescriptive.**
- Policy C14, Site 14.9 and Project PR6**
109. Although some aspects of Policy C14 have been discussed previously, I now turn to the site labelled 14.9 under Policy C14. "Project PR6" also relates to this site. It is known as the ambulance station site and is the subject of objections to the plan by Bristol City Council and by Bouygues Development. According to the Consultation Statement, the South West Ambulance Service also raised objections to these parts of the plan at an earlier stage. Some changes were made in response, but these appear to have been fairly minor.
110. If my recommendation about the site-specific provisions ("policies/principles") on pages 28-37 of the plan are accepted, the text relating to the ambulance station site will not have policy status, and "Policy" C14 will not be a policy. Even so, this aspect of the Neighbourhood Plan would still conflict with the Bristol Central Area Plan, which is part of the statutory development plan. The ambulance station site appears to be regarded by all involved as an important "gateway" site close to the city centre, so the policy relating to it in the central area plan (Policy BCAP37) is of sufficient importance to be "strategic". It follows that in this respect the Neighbourhood Plan would not be in general conformity with the strategic policies of the development plan.
111. The conflict arises because the Neighbourhood Plan seeks to impose more restrictive requirements on any development proposals for this site than are specified in the Bristol Central Area Plan. The Neighbourhood Plan also proposes less development than is provided for in the Central Area Plan. This part of the Neighbourhood Plan would therefore not comply with the Basic Conditions, and that would be so for this particular site even if the "policy" were presented as "guidance". The same applies to the designation of land to the north of site 14.9 as open space in the so-called "Land Use Map".
112. The City Council ask that Policy 14.9 be deleted. Bouygues Development suggest various changes of wording to Policy C14 and Project PR6, also pointing out that although Project PR6 purports to be a "public realm" project, it would involve privately owned land which is not in the public realm.
113. I agree with the objectors that the Neighbourhood Plan as currently drafted goes too far in trying to dictate details about the nature and form of new development affecting the ambulance station site and adjacent land. The plan proposals do not take sufficient account of development viability, would probably be undeliverable, and would conflict with the Bristol Central Area Plan. For instance, the Neighbourhood Plan requirement that development should "open up the Castle ditch" goes significantly beyond the Central Area Plan criterion that "opportunities

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<sup>27</sup> If that happened, references to an appendix in Policy C7 and elsewhere would need to refer to the Design Guide instead of an appendix.

should be explored to reveal this heritage asset and incorporate it into the development".

114. The simplest solution would be to delete Policy 14.9 as suggested by the City Council, and on balance that is what I have decided to recommend. For consistency and to avoid possible confusion, Project PR6 should also be omitted. The map on page 44 and the text referring to Castle Park on page 48 should be amended accordingly.
- 115. I recommend that the following parts of the plan be omitted:**
- i) **The ninth bullet point in the list relating to Policy C14 on page 28, referring to "Ambulance Station (site 14.9)";**
  - ii) **The boxed text on page 37 relating to "Site 14.9";**
  - iii) **The text and plan on page 43 relating to Project PR6.**
  - iv) **The first bullet point under the heading "Medium Term Aims 2018-2022" on page 48.**

#### **Remainder of Policy C14**

116. The points I have made above on Policies C8-C13 and the related individual sites apply again to the "miscellaneous sites" which come under Policy C14, so I make a similar recommendation.
- 117. I recommend that the text relating to the sites under the heading of Policy C14 (Sites 14.1 - 14.11) be reviewed and modified so that the architectural details specified are less prescriptive.**

#### **Policy E3 and Open Spaces Map**

118. Policy E3, taken together with the map titled "Open Spaces Map" purports to deal with the development of land outside the neighbourhood plan area. This point has been mentioned above in relation to other maps, but the text of Policy E3 (the bullet points referring to land not in the plan area) also needs to be amended.
- 119. I recommend that Policy E3 be modified so that it omits references to land outside the plan area.**

## **Other Aspects of the Plan**

### **Highways Issues**

120. The concerns expressed by the Highways Agency have been mentioned above. I add here that proposals which would have significant effects on vehicle traffic in and around the area could only be introduced after a proper investigation into their wider impact. It might be necessary, for example, to assess whether improving pedestrian facilities would result in traffic congestion which would have unacceptable economic effects and cause undesirable pollution. Some of the "public realm projects" described in Section 8 of the plan would involve re-modelling road junctions, and apparently no analysis has been made of junction capacity to test the feasibility of these schemes.
121. These matters would seem to be beyond the scope of a neighbourhood plan, but the plan describes various "projects" on the apparent basis that they will definitely be implemented, in accordance with what is described as "the preferred design" - implying "preferred by the Neighbourhood Plan". However, at least some of these projects appear to be separate from, and independent of, the

Neighbourhood Plan. For example, the scheme described on page 40 of the plan (Project PR1) has already been partly implemented through the Local Sustainable Transport Fund (the staircases at the Old Market Roundabout have been blocked off and filled in).<sup>28</sup> The status of projects which are separate from the Neighbourhood Plan should be made clear.

### **Assessment of Building Quality Map**

122. One of the City Council's objections is that the "Assessment of Building Quality Map" on page 23 of the plan is inconsistent with the council's Conservation Area Character Appraisal revised building types plan and with the Central Area Context Study. There are evidently buildings which the council regards as heritage assets but are not shown on the map in the Neighbourhood Plan, and there are other categories where opinions differ. The council say that the inconsistencies could cause confusion among developers, and that the building quality map should not form part of a policy document but should be part of the evidence base.
123. In my judgment the City Council are right to be concerned about inconsistency and possible confusion. There is some merit in the contention that the disputed map should be in an "evidence" document rather than in a policy document. However, the map on page 23 of the Neighbourhood Plan is in effect a policy map, because it is referred to in Policy B1. The City Council say that they have previously "shared" their appraisal with the Neighbourhood Plan Forum. I do not know whether "shared" means "sent to" or "discussed with" but either way, I do not have detailed information about which buildings are the subject of disagreement and why, so I cannot arbitrate between the Forum and the City Council about the historic or architectural quality of every disputed building in the plan area.<sup>29</sup>
124. Nor would it be logical to omit the Assessment of Building Qualities Map without also omitting several other maps such as the "Open Spaces Map" and the "Community Facilities Map" which also provide background evidence, and these changes in turn would mean re-writing considerable amounts of text. Since "building quality" can to an extent be subjective, some discrepancies between the City Council and the Forum may be acceptable, but it would be surprising if there were more than a few minor differences. The Forum has stated that "we will be happy to consider alterations to the map if the council could supply these".<sup>30</sup>
125. I conclude that the City Council and the Forum should try to resolve their differences; but if this proves impossible, the disputed map should be omitted from the plan and related amendments will have to be made to Policy B1. The wording in my recommendation has disadvantages as it would leave room for argument about the definition of "architectural or historic interest", but it is of course open to those involved not to accept the recommendation if a better option can be devised.<sup>31</sup>

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<sup>28</sup> Funding through the LSTF has been redirected to improvements to Old Market Roundabout and is not now available to deliver the improvements to Old Market Street in Project PR1, so the statement on page 40 that "funding has been secured" for these latter improvements should also be amended.

<sup>29</sup> If really necessary, I could undertake such an arbitration and submit a supplementary report, as an alternative to my recommendation, but to do this I would need to be provided with details of each disputed building and statements for both sides setting out their cases for or against the classification as heritage assets.

<sup>30</sup> This statement (in response to one of my written questions) seems to contradict the council's statement that they have previously "shared" the relevant information.

<sup>31</sup> In considering this recommendation and Policy B1, the comments and recommendation in paragraphs 80-82 above should also be noted.

- 126. I recommend that the City Council and the Forum should attempt to reconcile their differences in the assessment of building quality. If, having done so, the attempt remains unsuccessful and significant differences remain, the map on page 23 of the plan should be omitted, references to it in the related text should be modified accordingly, and Policy B1 should be amended to read:**

**Development which would affect heritage assets or their setting should have regard to their historic and visual interest. For the purposes of this policy "heritage assets" are defined as buildings or groups of buildings of historic or architectural interest.**

#### **Appendices or Separate Document?**

127. The City Council's argument that the "Assessment of Building Quality Map" should be omitted raises a wider issue: the examination version of the Neighbourhood Plan contains quite a lot of material which might be more appropriately placed in a document providing background information or evidence. I have already recommended that parts of the plan should be in an appendix. The content of Appendix 2 could be transferred into a separate document as part of a "Design Guide", and other appendices could be in an "evidence base" document (which incidentally would help to reduce the cost of producing copies of the plan itself). I leave this as a suggestion for consideration.

#### **Provision for Cyclists**

128. Some representations suggest that more provision should be made for cyclists. Martyn Trowbridge contends that the plan should include segregated cycle lanes. However, such schemes are apparently being pursued separately from the Neighbourhood Plan - Bristol Civic Society say they look forward to the proposals "currently being drawn up by the Council and will comment further at that stage". This seems to be another instance of the Neighbourhood Plan overlapping with or being confused with other projects. In my judgment the plan makes as much provision as it realistically can for the provision of cycle lanes.

### **The Next Stage - the Referendum and its Area**

129. This report contains about 25 recommendations, relating not only to policies in the plan but also to other parts including the maps. As is mentioned in the introduction to this report, the recommendations are not binding; but they will now need to be considered as part of the next stage. Although I expect the Old Market Community Association will have an input, the body primarily responsible will be 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 reasons for it also have to be published.
- 130. I recommend that the Neighbourhood Plan, as amended following my recommendations, be submitted to a referendum.**
131. I do not see any reason to alter the plan area for the purpose of holding a referendum. 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 appropriate to such plans when planning decisions are taken.

**Graham Self MA MSc FRTPi**

29 June 2015.