

# **“BACKWELL FUTURE” BACKWELL NEIGHBOURHOOD PLAN 2014 - 2026**

A Report to North Somerset Council  
of the Examination into the Backwell Neighbourhood Plan

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## 1. Introduction

### The Neighbourhood Plan

This Report provides the findings of the Examination into the Backwell Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*  
(Paragraph 183, National Planning Policy Framework)

Backwell Parish Council (the Parish Council) is the *qualifying body*<sup>1</sup> responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

The Parish Council established a steering group to lead on the production of the Neighbourhood Plan. This included Parish Councillors, former members of the Backwell Community Plan 2010 steering group and further to advertising, other people from within the community.

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Neighbourhood Plan would be *made* by North Somerset Council. It would then be used to determine planning applications and guide planning decisions in the Backwell Neighbourhood Area.

### Role of the Independent Examiner

I was appointed by North Somerset Council, with the consent of Backwell Parish Council, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience. I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

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<sup>1</sup>The qualifying body is responsible for the production of the Plan.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Backwell Neighbourhood Area to which the Plan relates.

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

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

#### Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly states that it covers the period from 2014 to 2026. I therefore confirm that the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

It is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only. I confirm that I have considered written representations as part of the examination process.

However, according to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

With regards to the above and on consideration of all the evidence before me, I decided that it, in the case of the Backwell Neighbourhood Plan, it was necessary to hold a Hearing (the Hearing).

Notice of the Hearing was sent to all respondents to the Neighbourhood Plan's publicity consultation. It was advertised on public notice boards, in the local press and on the North Somerset Council and Backwell Parish Council websites. A number of parties were invited to speak and the Hearing itself was open to the public. It took place on Thursday 25 September 2014 and was held at Backwell Parish Hall, in the Neighbourhood Area.

At the Hearing, invited parties were asked to consider specific parts of the Plan and to clarify points made during consultation. A neighbourhood plan public hearing provides for the Independent Examiner to consider matters against the basic conditions, referred to in section 2 of this report. It is specific to neighbourhood planning. It is held at the discretion of the Independent Examiner and is different to a planning inquiry, an examination in public or a planning appeal hearing.

I confirm that *all* representations to the Neighbourhood Plan have been taken into account in undertaking this examination. This is the case whether or not people who made representations took part in the Hearing. As above, it is a general rule that neighbourhood plan examinations are held on the basis of written representations and a representation is not more, or less, valid than another simply because it has been considered in further detail at a hearing.

Further to being invited to the Hearing, one party submitted a request to add to the Agenda, to speak on a matter of its own choice and to make a new submission. Prior to the Hearing, all invitees were informed of the Agenda and the fact that I would not be calling for new submissions and party concerned was reminded that this was the case.

## 2. Basic Conditions and Development Plan Status

### Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>2</sup> following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

### EU and ECHR Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary. I am satisfied that the Neighbourhood Plan does not breach, nor is in any way incompatible with the ECHR.

A Strategic Environmental Assessment (SEA) screening exercise was carried out by North Somerset Council. This concluded that there are unlikely to be any significant environmental effects arising from the Backwell Neighbourhood Plan and that consequently, a full SEA does not need to be undertaken.

The screening assessment above has been considered by Natural England, a statutory consultee, which has confirmed that it is satisfied that the Backwell Neighbourhood Plan is unlikely to give rise to significant environmental effects and that North Somerset Council’s conclusion is reasonable in this regard. I also note that neither English Heritage nor the Environment Agency has any objection in this regard.

Further to the above, I note that a Habitats Regulations Assessment (HRA) screening assessment was undertaken and that this concluded that there are unlikely to be significant effects on European sites as a result of the Neighbourhood Plan. Natural England wrote to North Somerset Council to state that it is satisfied that this conclusion is reasonable. As above, the Environment Agency has no objection in this regard.

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<sup>2</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

Whilst not a legislative requirement, a detailed Sustainability Appraisal (SA), which was compliant with SEA regulations<sup>3</sup>, was carried out and published in December 2012. This SA concluded that there whilst no significant adverse environmental effects would arise, there was some potential to improve the draft version of the plan.

The completion of an SA, whilst not essential, formed a helpful part of the Neighbourhood Plan's Evidence Base. In this regard, I note that it was the view of Natural England that the SA *“provides a clearly presented and systematic assessment of the emerging Backwell Neighbourhood Plan, in terms of its consistency with the principles of sustainable development, including social and economic, as well as likely environmental effects.”*

Taking all of the above into account, and in the absence of any substantive evidence to the contrary, I am satisfied that the Neighbourhood Plan is compatible with European obligations.

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<sup>3</sup> European Directive 2001/42/EC.

### 3. Background Documents and Backwell Neighbourhood Area

#### Background Documents

In undertaking this examination, I have considered a number of documents, in addition to the Backwell Neighbourhood Plan, including:

- The National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- North Somerset Core Strategy (2012)<sup>4</sup>
- North Somerset Replacement Local Plan (2007)<sup>5</sup>
- Backwell Basic Conditions Statement
- Backwell Future Consultation Statement

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Backwell Neighbourhood Area.

I have also considered the comprehensive set of reports that, together, provide the substantial Evidence Base for the Neighbourhood Plan. I note here that the Evidence Base is a significant body of evidence and reflects the enormous amount of time and effort dedicated to the production of the Neighbourhood Plan.

#### North Somerset Core Strategy (2012)

A number of representations, largely from landowners and/or developers, have been received with regards the development plan for North Somerset. In particular, these refer to the remitted policies of the North Somerset Core Strategy (2012).

The North Somerset Core Strategy was adopted in March 2012. Further to judicial review, the North Somerset Core Strategy (2012) overall housing requirement Policy CS13 was remitted back to the examination stage, along with other policies, listed in Note 4, at the bottom of this page.

A Planning Inspector reached the view that an overall housing figure for North Somerset of between 20,220 and 25,950 dwellings would be more appropriate than

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<sup>4</sup> NB, policies CS6, CS13, CS14, CS19, CS28, CS30-33 remitted.

<sup>5</sup> Extant policies.



that proposed by North Somerset Council (17,130 dwellings) in re-assessing the original Policy CS13 figure of 14,000 dwellings.

Subsequently to the above, North Somerset Council proposed that Policy CS13 be changed to provide for 20,985 dwellings during the period 2006-2026. On the 12 August 2014, the Planning Inspector wrote to North Somerset Council to state that this figure “would provide a potential basis for moving the Examination forward.”

Taking all of the above into account, the relevant strategic housing policies for North Somerset are not up-to-date. However, this factor does not, as has been suggested, mean that a neighbourhood plan cannot be made within the District.

Whilst the specific circumstances relating to the remitted policies of the North Somerset Core Strategy (2012) are perhaps uncommon, there is nothing unique about a situation where a neighbourhood plan is coming forward in the absence of adopted District-wide housing numbers. Indeed, a neighbourhood plan has already been *made* under such circumstances.

Legislation does not seek to stop, or slow down the neighbourhood plan-making process wherever up-to-date housing policies are absent. Such an approach may conflict with the Framework’s aim of enabling development that is sustainable to go ahead without delay. Indeed, National Planning Practice Guidance is explicit in stating that a neighbourhood plan “*can be developed before or at the same time as the local planning authority is producing its Local Plan.*”

One of the advantages of neighbourhood plans is the relative speed with which they can come forward, enabling local communities to exercise their direct power to set policies to determine decisions on planning applications. In this regard, I am mindful that a *made* neighbourhood plan can provide for certainty in areas where there may otherwise be an absence of up-to-date policy.

Further to consideration of all of the evidence before me and following discussion of the matter at the Hearing, I am satisfied that North Somerset Council has taken a proactive and positive approach to the Neighbourhood Plan and that there has been significant and sustained collaborative working between North Somerset Council and the qualifying body.

During the Neighbourhood Plan Hearing, I heard that “from the beginning” there was pro-active collaborative working between the qualifying body and North Somerset Council. This included officers from North Somerset Council attending Steering Group, sub-group and working party meetings. North Somerset Council’s input into the Neighbourhood Plan was described by Backwell Parish Council as “tremendous.” There is no evidence before me to suggest that this was not the case.

Such an approach is entirely in line with (and therefore has regard to) National Planning Policy Guidance, which, in confirming that a neighbourhood plan can come

forward before an up-to-date Local Plan is in place, states that the local planning authority should work proactively and collaboratively with the qualifying body.

Given that proactive, positive and collaborative working has taken place, I consider it relevant that North Somerset Council is largely satisfied that the Neighbourhood Plan meets the basic conditions - even taking into account the certainty that District-wide housing numbers will be considerably higher than previously thought.

Information relating to the Core Strategy has been taken into account by plan-makers together with a wide range of other information. The Neighbourhood Plan's housing policies are not simply a regurgitation of remitted Core Strategy policies, but comprise policies that have emerged out of a comprehensive range of factors and an Evidence Base relevant and distinctive to the Neighbourhood Area. Furthermore, I note below that the Neighbourhood Plan was widely consulted upon, on an on-going basis and in a robust manner. The Neighbourhood Plan's approach to housing has emerged through this consultation process.

In summary, the Neighbourhood Plan is not "premature" and there is evidence to demonstrate that the approach to housing numbers has emerged further to consideration of a wide range of factors, robust consultation and collaborative working between North Somerset Council and the Parish Council.

#### Backwell Neighbourhood Area

The Backwell Neighbourhood Area coincides with that of the parish boundary. The first page of the Neighbourhood Plan shows a plan of the Neighbourhood Area ("Plan Boundary").

Further to an application made by the Parish Council, North Somerset Council approved the designation of Backwell as a Neighbourhood Area on 3 September 2012 and published its decision in this regard on 6 September 2012.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## 4. Public Consultation

### Introduction

As land use plans, the policies of neighbourhood plans will become the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a successful 'Yes' vote at Referendum.

### Backwell Neighbourhood Plan Consultation

Backwell Parish Council has submitted a Consultation Report to North Somerset Council. The information provided in the Report provides evidence of who was consulted and how, together with the outcome of consultation, from the announcement of the publication of the draft version of the plan in October 2012, through to the formal submission stage.

The Consultation Report includes a specific reference to a previous consultation statement produced alongside the draft version of the plan. This information was submitted as part of the Evidence Base. I recognise that a complete set of information relating to consultation has therefore been provided, although effectively splitting up the Consultation Report into two separate parts is a less common approach.

When taken together, I am satisfied that all of this information provides evidence of who was consulted and how, together with the outcome of the consultation. It was explained at the Hearing that the approach taken was done so on the basis of preventing repetition. Whilst I am of the view that the Consultation Report would have more clearly reflected guidance had all of the relevant information been presented in one single document, I note that all of the relevant information was provided.

Notwithstanding the above, it is clear from the evidence provided that the public consultation undertaken was significant, detailed, well-organised and robust.

The draft version of the plan emerged further to comprehensive publicity. This included the leafleting of residents and businesses and direct communication with landowners and developers. I note that a succession of meetings were held with different groups and that a Local Green Space questionnaire was also distributed. The draft version of the plan underwent consultation accompanied by four public consultation events, on different days, at Backwell Parish Hall, during November

2012. These were organised as open days and hundreds of comments were made and recorded. These are summarised in the Consultation Report.

The main issues and concerns of statutory and other consultees, and how these were considered and addressed in the Neighbourhood Plan, are set out in the Consultation Report.

In summary, I note that the Neighbourhood Plan emerged further to on-going publicity, numerous meetings and public events. The information before me demonstrates that the process was transparent and widely promoted. There were plentiful opportunities for comment. Comments were duly considered.

Consequently, the evidence demonstrates that the Neighbourhood Plan emerged as a result of seeking and taking into account the views of local people and other consultees.

I am satisfied that robust public consultation was central to the production of the Neighbourhood Plan.

## 5. The Neighbourhood Plan – Introductory Sections

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in italics.**

The policies of the Neighbourhood Plan are considered against the Basic Conditions in Chapter 6 of this Examiner’s Report. However, I have also considered the introductory sections of the Neighbourhood Plan and make recommendations below. These are aimed at making it a clearer and more user-friendly document.

### Background, Vision and Objectives

The Neighbourhood Plan opens with a Foreword. This refers to previous documents and the Referendum process. Whilst this may have been appropriate for a draft and submission version of the plan, its content appears historic and in some parts is incorrect and/or confusing – for example, it refers to a previous Community Plan as being “upgraded” to the Neighbourhood Plan, which is not the case. I recommend the following:

- **Delete Foreword. If required a short, new Foreword could replace the deleted version.**

The wording of the Contents page would be made clearer if it referred simply to “Subjects” rather than “Subjects in this Volume.” The document comprises a Neighbourhood Plan, rather than a Volume. Also, the Subjects list would be tidier if capitals to headings were consistently applied throughout, eg “Car Parking,” not “Car parking.”

Further to the above, the list of supporting documents detracts from the clarity of the Contents page – which should be about the contents of the Neighbourhood Plan.

- **Change Contents table reference to “*Subjects*”**
- **Adopt a consistent approach to capital letters in headings**
- **Delete reference to Basic Conditions Statement and list of supporting documents. If so required, these can be moved to an appendix**

Paragraph 1.1 would become more accurate as a result of the following recommended modification:

- **Para 1.1 re-word as “*The Localism Act and National Planning Policy Framework empower local communities to draw up Neighbourhood Plans, such as...*”**

The reference to strategic vision in paragraph 1.3 appears to take the Plain English guide to the Localism Act too literally. In legislative terms, the Neighbourhood Plan should be in general conformity with the strategic policies of the development plan for the area. The footnote to the strategic vision has the potential to introduce uncertainty and the following modification is recommended:

- **Delete footnote to paragraph 1.3**

I acknowledge that the Vision and Objectives have been criticised as being too general and indistinctive. In this regard, I am conscious that the task of building consensus around an exciting, distinctive vision and related objectives is a difficult and potentially thankless task. However, I find that the Vision in the Neighbourhood Plan is clear and simple. Furthermore, the Neighbourhood Plan goes on to confirm that it is based on the wishes of residents (paragraph 5.6).

Subject to the recommended modifications below, the Objectives are similarly clear and are reflected by many of the Neighbourhood Plan's policies. However, in some cases, the wording would benefit from being tightened up to ensure that the list comprises specific Neighbourhood Plan Objectives, rather than refer to uncompleted tasks, or be worded in a way that introduces policy conflicts. This in mind, I recommend the following modifications:

- **Change first Objective to *"The policies of the Neighbourhood Plan are based on the views of the local community"***
- **Delete second Objective. General conformity with the strategic policies of the development plan is a requirement**
- **Change fourth Objective to *"Support the needs of the community"***
- **Fifth Objective, delete "by number and type" – the Policies of the Neighbourhood Plan are more flexible than this.**
- **Change penultimate Objective to *"Protect the best and most versatile agricultural land, as appropriate, so that it is available for sustainable food production."* This avoids fundamental policy conflict.**

#### Preparation, Policy and Backwell

Made neighbourhood plans comprise development plan documents. Their status is completely different to community plans. There is little need to refer to the historic Backwell Community Plan in the Neighbourhood Plan. It is simply one of a number of documents that informed the Neighbourhood Plan. Placing too much emphasis on the Community Plan detracts from the importance of the Neighbourhood Plan as a development plan document. I recommend the following:

- **Delete reference to the Community Plan and accompanying photograph**

- **Delete Paras 3.1 and 3.2 and change Para 3.3 to read “*and former members of the Backwell Community Plan Steering Group.*”**

The consultation undertaken would be better reflected by the following recommended modification:

- **Para 3.5 re-word as: “*Public Consultation was central to the production of BACKWELL FUTURE. A Consultation Statement and further evidence supported the Submission Version of BACKWELL FUTURE.*”**

The Neighbourhood Plan relates to the Neighbourhood Area. It would be helpful and accurate if paragraph 3.6 made reference to this:

- **Change Para 3.6 to read: “*The Neighbourhood Area coincides with the Backwell Parish boundary. BACKWELL FUTURE covers the whole of the Neighbourhood Area.*”**
- **Map title on Page 5 – delete “proposed.” The Neighbourhood Area was designated in September 2012**

Whilst perhaps helpful at consultation stage, the content of Page 6 simply repeats historical information relating to the North Somerset Core Strategy (2012), remitted policies and legislative requirements. It adds nothing to the Neighbourhood Plan other than unnecessary additional wording, historic information and the potential for confusion – for example, the situation regarding the remitted policies of the North Somerset Core Strategy (2012) has moved on since the content of Page 6 was written and will, inevitably, continue to move on.

- **Delete all of the content of Page 6**

The Backwell Community and Environment page provides interesting information and together with photos and a walking map, provides the Neighbourhood Plan with distinctiveness. Its inclusion enhances the Neighbourhood Plan.

Paragraph 5.3 refers to “a semi-rural environment that is in contrast to endemic traffic problems.” The previous sentence already recognises that there are congestion issues and the reference to “endemic traffic problems” appears unnecessary and particularly negative, detracting from an otherwise useful, descriptive sentence.

- **Para 5.3, delete “that is in contrast to endemic traffic problems”**

## 6, Neighbourhood Plan Policies

The Neighbourhood Plan clearly distinguishes between policies and supporting text. Policies are set out in coloured boxes - a clear and helpful approach.

The Neighbourhood Plan includes references, at the beginning of each section, to the Framework and North Somerset Core Strategy (2012) policies which are set apart in coloured boxes. I find this to be confusing – the Neighbourhood Plan is about policies for the Neighbourhood Area, rather than other policies from other Plans. Whilst the inclusion of this information may have been helpful at draft stage, I find that it detracts significantly from the impact of the Neighbourhood Plan policies themselves.

In addition, I note that the references themselves are not comprehensive, but are highly selective. There is no explanation as to why some North Somerset Core Strategy (2012) Policies and some extracts from the Framework have been referenced, whilst others have not.

In order to meet the basic conditions, the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan and needs to have regard to the Framework. Consequently, it is not necessary to include these additional policy references. Additionally, as the references are selective, I find that they are more confusing than helpful.

Further to the above, the Neighbourhood Plan also provides occasional and selective references to supporting documents in the Evidence Base. Again, this approach is unnecessary. In some parts of the Neighbourhood Plan, excessive references to supporting documents lead, in my view, to the supporting information to Policies becoming almost unreadable. The Neighbourhood Plan already makes reference to supporting documents in the introductory section. This is sufficient. There is no need to provide sporadic, selective and at times, excessive references to supporting information throughout the rest of the Neighbourhood Plan.

To be clear, the Evidence Base simply comprises supporting information. In some cases, the Neighbourhood Plan appears to be worded as though the Evidence Base itself forms part of the Policies of the Neighbourhood Plan. This is not the case.

Taking all of the above into account, I find that the Framework extracts, Core Strategy policy summaries and supporting document references are unnecessary and confusing. They detract significantly from the Neighbourhood Plan. I recommend the following:

- **Delete all “blue box” Framework and Core Strategy policy references**
- **Delete all “blue box” and “white box” Evidence Base references**



The purpose of a Neighbourhood Plan is not simply to provide a local version of a District-wide development plan. Taking this into account, I recommend making Paragraph 6.1 more distinctive to the Neighbourhood Plan itself, via the following modification:

***“6.1 Re-word as: “The Neighbourhood Plan recognises and addresses the environmentally focused objectives in the North Somerset Core Strategy (2012). The objectives comprise: - reducing unsustainable...”***

- **Further to modifications below, remove “Green Belt, Strategic Gap” from chapter heading**

### **Policy Sustainability 1**

Sustainability 1 does not provide clarity as to what would make a community led renewable energy scheme “appropriate.” As such, the Policy is unclear and fails to have regard to paragraph 154 of the Framework which states that only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan.

- **Sustainability 1, delete “Appropriate”**

There may be circumstances where the harm arising from a renewable energy project is outweighed by the overall benefits of a sustainable development. The Framework requires sustainable development to go ahead, without delay. As worded, Sustainability 1 would not allow for this. The following modification would therefore enable the Policy to meet the basic conditions in this regard:

- **Sustainability 1, re-word “Proposals for the generation of renewable energy will be supported where adverse impacts are satisfactorily addressed or are outweighed by the overall benefits of the proposal. Community led...”**

It is unnecessary and confusing to refer to a possible future change to a Core Strategy policy in the Neighbourhood Plan:

- **Para 6.3 end final sentence “...may change the approach to Code levels.”**

### **Policies Sustainability 2 and 3**

Sustainability 2 simply sets out existing policy. Sustainability 3 largely repeats existing policy. It is not the role of neighbourhood plans to repeat existing development plan policies. In addition, Sustainability 3 refers to social “acceptability.” This reference is unexplained and there is nothing before me to suggest that it is a land use planning term that has regard to national policies or is in general conformity with the strategic policies of the development plan.

- **Delete Policies Sustainability 2 and 3, and Paras 6.4 and 6.5**

#### **Policy Sustainability 4**

In many circumstances, it will not be possible to “eliminate” surface water run-off, as referred to in the Policy. The Policy would be clearer if the following modification was made:

- **Sustainability 4, re-word as “...to reduce or ensure that there is no increase in surface water run-off...”**

The second part of Policy 4 states that “environmental infrastructure” should be integrated into the design of buildings and landscaping features. There is no clarity as to what “environmental infrastructure” comprises.

- **Sustainability 4, delete second sentence**

Subject to this modification, the Policy contributes to the achievement of sustainable development.

The Neighbourhood Plan must be in general conformity with the strategic policies of the development plan. Paragraph 6.7 includes an unnecessary reference to the Neighbourhood Plan “supporting” a Policy in the North Somerset Core Strategy (2012).

- **Para 6.7 delete sentence after title**

Paragraph 6.8 is worded as though the X1 bus service is well-known to all readers of the Neighbourhood Plan. Furthermore, it simply reads as a critical summary of the North Somerset Core Strategy (2012) and then refers to another part of the Neighbourhood Plan (Transport).

Paragraph 6.9 comprises a quote from one cyclist, presenting what appears to be a subjective opinion. This is followed by a statement referring to a Working Party to be set up by the Parish Council.

Together, paragraphs 6.8 and 6.9 do not provide the supporting text to any Policy. They do not appear to be based on land use planning matters, but appear as opinions. Paragraph 6.10 then refers to matters more appropriately (and already) covered elsewhere in the Neighbourhood Plan. I recommend the following:

- **Delete Paras 6.8 - 6.10**

#### **Policy Sustainability 5**

This Policy is introduced by a paragraph referring to a remitted Policy.

- **Delete Para 6.11**

National policy attaches great importance to Green Belts. Sustainability 5 introduces its own version of Green Belt policy for the Neighbourhood Area. This would seek to prevent all development that would harm the purposes of the Green Belt. This fails to have regard to national policy, which does not adopt such a restrictive approach. The Policy does not meet the basic conditions.

Notwithstanding the above, Green Belt policy already exists, there is no need for the Neighbourhood Plan to attempt to seek to introduce its own Green Belt policy.

- **Delete Sustainability 5**

### **Policy Sustainability 6 – Strategic Gap**

Sustainability 6 states that it would not permit development that would harm the purposes of a proposed Strategic Gap. There is no reference to what the purposes of a Strategic Gap are, although a supporting paragraph refers to North Somerset Core Strategy (2012) Policy CS19. There is very little detail in the Policy, as it instead appears to rely on Policy CS19.

Policy CS19 has been remitted. This creates a significant problem, as the strategic context and the essential detail that Sustainability 6 relies upon, does not exist within an adopted policy of the development plan. In effect, Sustainability 6 seeks to prevent development without providing clarity as to why or how.

By its very nature, the “Strategic Gap” forms a strategic land use planning policy. As envisaged in the remitted Policy CS19, it would operate between various settlements on a District-wide basis and would impact on places outside the Neighbourhood Area. In this case, the proposed Strategic Gap would be between Backwell and Nailsea, yet it would end, abruptly, at the edge of the Neighbourhood Area and fail to continue into a similar area of open countryside within Nailsea Parish. In effect, it would be a “part Strategic Gap.” This would be inappropriate and at worst, could increase pressure for development on land in Nailsea Parish between Nailsea and Backwell, where no such restrictive policy would exist. There is no substantive evidence to demonstrate that this is the intention of Strategic Gap policy.

Further to all of the above, the proposed wording of Sustainability 6 is unclear. Even if the Policy were to clarify what the purposes of the Strategic Gap are, there is no indication of what kind of development would, or would not, be harmful. The Policy would fail to have regard to the Framework’s requirement for policies to provide clarity to decision makers. Also, as worded, the Policy is more restrictive than countryside policy, or even Green Belt policy, as set out in the Framework. In this way, it fails to have regard to national policy.

The Policy does not meet the basic conditions and I recommend the following modification:

- **Delete Policy Sustainability 6**
- **Delete Paras 6.12 – 6.14**
- **Delete Strategic Gap plan and Backwell Lake/Strategic Gap reference**

I acknowledge that the proposed approach to the Strategic Gap has been the result of substantial work, which, as part of the Neighbourhood Plan, has undergone significant consultation. I also recognise that there is local support for it. Given this, it is important to note that, even without Sustainability 6, the open countryside is afforded protection from inappropriate development by national policy. Furthermore, the work undertaken to date can support the consideration of the Strategic Gap through the development plan process.

It is unnecessary and confusing to include a reference to Local Green Spaces at paragraph 6.15. Local Green Spaces are considered, in detail, later in the Neighbourhood Plan.

Paragraph 6.16 is not a policy, but is worded as though it is. It states that priority will be given to keeping the best and most versatile agricultural land. I find that the wording of the paragraph fails to have regard to national policy, which has a presumption in favour of sustainable development. Furthermore, this matter is considered in a later Policy in another section of the Neighbourhood Plan.

- **Delete paras 6.15 and 6.16**

I note that Paragraph 6.17 sets out some non-policy aims that would contribute to the achievement of sustainable development in the Neighbourhood Area.

## Transport and Highways

- **As reasoned above, delete box with references to various Evidence Base reports**

As set out, the first eight paragraphs of the Transport and Highways section comprise a selective summary of a transport assessment. As such, the paragraphs appear to draw negative speculative conclusions based on estimates and predictions. I am mindful that this approach has been questioned and criticised by a number of parties, including North Somerset Council.

I acknowledge that there are local concerns about traffic and congestion. However, the early paragraphs of this section appear to be presented in a subjective and to some degree, emotional manner. As a consequence, paragraphs 7.2 to 7.8 detract significantly from the content of the Neighbourhood Plan by, in particular, turning attention away from those parts of the Transport and Highways section where the Neighbourhood Plan does have regard to national policy's approach to sustainable transport.

I recommend the following modifications:

- **Para 7.1 Re-word as *"The Backwell Neighbourhood Plan promotes sustainable patterns of movement. This section sets out key Transport and Highways policies and initiatives to reduce the use of private cars."***
- **Delete Paras 7.2 to 7.8**

Paragraphs 7.9 to 7.13 set out a mitigation strategy that contributes to the achievement of sustainable development and recognises the challenges associated increased use of the private car. In contrast, paragraphs 7.14 to 7.17 revert to the more subjective approach of paragraphs 7.2 to 7.8 and as such, detract from the Neighbourhood Plan.

- **Delete Paras 7.14 to 7.17**

Paragraph 7.18 opens with a statement that the Neighbourhood Plan supports a remitted North Somerset Core Strategy Policy. It then goes on to present something of a confused message with regards the development status of Backwell village. Paragraphs 7.18 a) and 7.18 b) state that the settlement is constrained by its road infrastructure and paragraphs 7.18 c) and 7.18 d) state that "therefore" development should be limited.

In this regard, I am conscious that settlement status is determined by a wide variety of factors, not just road infrastructure. Furthermore, I am mindful of comments from North Somerset Council in particular, that the predicted effects of other roads, for

example the South Bristol Link Road, on traffic in Backwell, have not been taken into account.

Paragraph 7.19 includes an unnecessary reference to the Evidence Base and paragraph 7.20 starts to consider wider development issues, not specific to Transport and Highways. To add to the confusion, this paragraph is in a coloured box, yet does not contain a policy; and it goes on to refer to “this planning policy remaining in force” as well as to another section of the Neighbourhood Plan.

None of the above is helpful and all of it detracts from the clarity of the Neighbourhood Plan.

- **Delete Paras 7.18 to 7.20**

The four Highway Policies are then set out. Generally, these relate well to the approach to sustainable patterns of movement set out in those paragraphs that are not recommended for deletion. On a minor point, unlike other policies in the Neighbourhood Plan, they are introduced by a paragraph number and title. This presents an inconsistent approach:

- **Delete title “7.21 BACKWELL FUTURE: HIGHWAY POLICIES”**

#### **Policies Highway 1 - 4**

Highway 1 requires provision of a transport assessment for development proposals that will generate a significant number of vehicle movements. This will help guide decision makers and help applicants to take vehicle movements into account in their proposals. Consequently, it has regard to the Framework and contributes to the achievement of sustainable development.

As worded, Highway 2 is not a land use planning policy, but sets out an aim to “encourage” engagement. However, the intent of the Policy is clear and the recommended modification below will enable it to have regard to the Framework’s support for sustainable patterns of movement and as such, contribute to the achievement of sustainable development:

- **Highway 2, change to: “*Subject to this and other policies of the Neighbourhood Plan, proposals for new development in Backwell will be supported where early engagement has taken place to ensure that transport infrastructure will be provided (within, and where appropriate, outside development sites) in a timely manner to meet the needs of traffic generated by the development.*”**

Highway 3 is not a land use planning policy but a general aim of the Parish Council. This aim can be retained in the Neighbourhood Plan further to the recommended modification:

- **Delete Policy Highway 3 and move the text of the deleted Policy to the end of the section, to form a new supporting paragraph**

Highway 4 promotes walking and cycling. It has regard to the Framework and contributes to the achievement of sustainable development. It meets the basic conditions.



## Car Parking

This section identifies a shortfall of car parking in Backwell. It presents a strategy to address car parking. It does not contain any policies.

- **Delete reference to Evidence Base before Para 8.1 and in Para 8.2 b)**

There is no evidence to demonstrate that the delivery and management of new parking facilities is within the control of the qualifying body. Consequently, the text should be worded in a way that recognises that the Neighbourhood Plan is seeking to influence the provision and management of car parking facilities.

- **Para 8.2, re-word first line to: “BACKWELL FUTURE supports the provision of additional car parking at Nailsea and Backwell Railway Station”**
- **Para 8.2 b), change to: “BACKWELL FUTURE supports the introduction of parking restrictions in appropriate areas.”**
- **Para 8.3, change first line to “BACKWELL FUTURE supports the provision of additional...”**
- **Para 8.7, delete the last two sentences**

Whilst the list in the yellow box at the end of the Car Parking section does not comprise a policy, it would be helpful to provide a title to make this clear. I recommend the following modification:

- **Provide new title above the yellow box at the end of the section “Community Actions”**

## New Development

- **Delete Evidence Base reference before 9.1**

### **Policy Development 1**

The first paragraph of this section, as worded, makes little sense. It points out that the (now remitted) housing policies of the North Somerset Core Strategy (2012) contain no numerical targets for new development in Backwell, but goes on to refer to the Neighbourhood Plan providing “up to 60 new dwellings” in Backwell. This is not reflected, in any way, by Policy Development 1, which does not set out any housing numbers, but states that housing development will be commensurate with that of a “Service Village.”

Paragraph 9.2 refers explicitly to the remitted policies of the Core Strategy and this and the following paragraph also reference the traffic study referred to earlier. Taken together, these first three paragraphs do not introduce a positive framework for sustainable development and in this way, they fail to have regard to national policy. Notably, Policy Development 1 does not appear to relate to the preceding paragraphs. I therefore recommend the following:

- **Delete Paragraphs 9.1 to 9.3**

Whilst Development 1 does not reflect the earlier paragraphs, it provides for development that is distinctive to Backwell. It does not place a cap, or a maximum limit on the number of dwellings to be built in Backwell during the plan period. This approach has regard to the Framework’s presumption in favour of sustainable development.

I note above that the Policy refers to a “Service Village” definition. As the relevant housing policies of the North Somerset Core Strategy have been remitted, there cannot be certainty that the “Service Village” definition will remain, or that Backwell would fit into this category.

However, the general intent of the Policy – around development being appropriate to the size and character of the settlement – is clear. The recommended modification below can enable the Policy to better reflect this and take into account the circumstances relating to settlement categories, thus providing the clarity required by national guidance:

- **Development 1, change first sentence to: “...at a level appropriate to the size and character of the settlement.”**

Furthermore, I find that, through the following modification, the Policy can confirm its positive approach, enabling it to clearly contribute to the achievement of sustainable development:

- **Policy Development 1: re-word as “...character of the settlement *will be supported.*”**

This modification, together with the Policy’s reference to infilling, provides for a sufficiently flexible approach to take account of changing market conditions over time and as such, has regard to national policy.

The Policy goes on to state that development will be “focused on Backwell’s priority needs” although I note that the following Policy seeks to address “Backwell’s need” and as such, this would seem the appropriate place to consider need.

- **Development 1: delete “...and focused on Backwell’s priority needs.”**

Policy Development 1 goes on to support infilling and commercial development and as such, contributes to the achievement of sustainable development. However, this is described, confusingly, as “business development” which could be considered as something completely different to land use planning:

- **Development 1: change “Business” to “Commercial”**

The explanatory note underneath the Policy repeats information, the deletion of which has already been recommended. It does nothing to explain Policy Development 1.

- **Delete the Explanatory Note**

Subject to the proposed modifications, I find that the Neighbourhood Plan adopts a pragmatic and positive approach towards providing for sustainable development. It meets the basic conditions.

### **Policy Development 2**

Paragraph 9.4 recognises Backwell’s needs, further to the work undertaken to inform the Neighbourhood Plan. Development 2, as expressed, would fail to have regard to the Framework, which supports sustainable development, but does not prioritise all residential development in favour of small dwellings. Such an approach would fail to have regard to the national policy assumption in favour of sustainable development or to paragraph 50 of the Framework which requires housing policies to be sufficiently flexible to take account of changing market conditions over time.

However, the intent of the Policy is clear and the wording can be modified to have regard to the Framework – which enables local communities to deliver the sustainable development they need:

- **Development 2, change to read: “*Subject to this and other Policies of the Neighbourhood Plan, development proposals that provide smaller dwellings, with an internal floor space of not more than 100 square metres, will be supported.*”**

### **Policies Development 3 - 5**

Development 3 simply repeats North Somerset Core Strategy (2012) Policy CS16. It is not the role of neighbourhood plans to replicate policy that already exists. As such, Development 3 is unnecessary:

- **Delete Policy Development 3**

Development 4 provides for exception sites for affordable social housing if required. This has regard to the Framework, which requires housing policies to be flexible to take account of changing market conditions over time. Whilst the Policy allows for sites to be considered outside of the settlement boundary, its wording is unclear. To be in general conformity with North Somerset Core Strategy (2012) Policy CS17, I recommend that the relevant wording be modified as below:

- **Development 4, “*...within the Settlement Boundary. Rural exception sites should be adjacent to the settlement boundary, but not in the Green Belt. Rural exception sites in the Green Belt...*”**
- **Whole of Development 4 to be in bold text**

Development 5 suggests that priority for affordable social housing will be given to Backwell residents. No evidence has been provided to demonstrate that such an approach would be in general conformity with the strategic policies of the development plan, or that it has regard to national policy.

North Somerset Council has provided a representation stating that the Policy is misleading and that it is not possible to give priority to Backwell residents. Furthermore, even if the Policy applied to rural exception sites only, no such sites are allocated in the Neighbourhood Plan.

- **Delete Development 5**

Paragraph 9.8 would benefit from reference to North Somerset Council’s Affordable Housing Supplementary Planning Document (SPD), so as to provide the full context for the delivery of affordable housing.

- **Para 9.8, add “*and Affordable Housing Supplementary Planning Document (SPD)*” after “...in more detail in CS16...”**

### **Policy Development 6**

This Policy seeks to remove permitted development rights from all new “properties” (taken to be “houses”) within “easy walking distance” of the Local Centre to prevent “major extensions.”

The Government has recently extended the scope for permitted development rights and the above approach fails to have regard to this. Furthermore, there is no definition of “easy walking distance” and no definition of “major extensions.” Consequently, the Policy does not provide clarity to decision makers with regards what kind of development will be permitted and where. The Policy does not meet the basic conditions.

- **Delete Policy Development 6**
- **Delete Para 9.12**

### **Policy Development 7**

This Policy states that priority will be given to keeping Grades 1, 2 and 3a agricultural land available for agricultural use. As worded, this approach fails to have regard to the Framework, which simply steers “significant” development towards areas of poorer quality agricultural land in preference to higher quality agricultural land. The Framework does not focus on specific Grades of agricultural land. The intent of the Policy is clear though and the following modification can ensure that it has regard to national policy:

- **Development 7, change wording to “*Significant development of agricultural land that has been demonstrated to be necessary should also demonstrate that it prioritises the use of poorer quality agricultural land over the use of higher quality agricultural land.*”**
- **Delete Para 9.13**

### **Policy Development 8**

This Policy prevents the development of “gated” communities. It reflects the views of the local community and takes into account existing local character. It has regard to the Framework which empowers local communities to control development and which protects local character. Policy Development 8 meets the basic conditions.

## Site Allocations

I acknowledge that representations have been received with regards the absence of a site allocation policy. There is no legislative requirement for neighbourhood plans to include site allocation policies. In this case, in the absence of adopted strategic housing policies, it is a sensible and pragmatic approach to allow for development appropriate to the size and character of the settlement. Crucially, such an approach does not place an absolute limit on development, but has regard to the national policy assumption in favour of sustainable development.

It is helpful that, in addition to Policy Development 1, the Neighbourhood Plan, in its supporting text and plans, identifies some sites where residential development will be supported. However, nowhere in the Neighbourhood Plan are there any policies stating that development will be limited to these specific sites.

Paragraph 9.15 as currently worded, is a little unclear. I propose the following modification:

- **Para 9.15, delete Para and bullet points and re-word as *“The Neighbourhood Plan identifies sites where residential development and in the case of Sites A and B, residential and employment development, is supported. These are shown on the adjacent plan.”***

This approach also provides for the flexible approach supported by the Framework.

Paragraphs 9.16 and 9.17 are simply confusing and furthermore, paragraph 9.17 is presented as though it is a policy, which it is not. I note that Coles Quarry has since received planning permission.

- **Delete Paras 9.16 and 9.17**

Land at Ettrick Garage/Red Cross Hall; and at BT Laboratory (in the Green Belt) were considered at the Hearing. Further to the proposed modifications, I am satisfied that the Neighbourhood Plan does not fail to meet the basic conditions in respect of these sites.

## Employment

### **Policy Employment 1**

This Policy has regard to the Framework, which supports economic growth and recognises economic sustainability as a major tenet of sustainable development. The Policy contributes to the achievement of sustainable development.

Paragraph 10.3 refers to the Evidence Base and other sections of the Neighbourhood Plan. Whilst Policy 10.4 provides detail about employment sites, the Policies of the Neighbourhood Plan do not designate, or allocate sites and the wording should reflect this fact. I have referred to Coles Quarry previously and the wording of paragraph 10.5 should change to simply provide informative detail.

Taking the above into account, I recommend the following modifications:

- **Para 10.4 a), delete all after first sentence and add: *“The Neighbourhood Plan favours the use of this site for mixed use development. Such an approach should help its viability and thus help to bring it forward.”***
- **Para 10.5, delete and replace with: *“Coles Quarry This site provides scope for employment uses.”***

The remaining part of this section introduces important aims to support business in the Neighbourhood Area.

## Village Shops, Services and the Local Centre

- **Delete wording above 11.1**

### **Policy Centre 1 – 4**

Together, these Policies seek to address the decline of Backwell village centre. Generally, they have regard to the Framework, which recognises the importance of local centres and supports proposals that safeguard their vitality and viability. As such, the Neighbourhood Plan sets out a pro-active and supportive framework for local shops and services.

Centre 1 identifies Backwell's Local Centre. Centre 2 supports proposals that will safeguard vitality and viability. Centre 3 seeks to protect existing Local Centre uses and Centre 4 seeks to encourage Local Centre uses and ensure that there will be no adverse impacts resulting from development elsewhere.

Subject to the recommended modification below, the Policies have regard to the Framework and together, contribute to the achievement of sustainable development. They are also in general conformity with North Somerset Core Strategy (2012) Policy CS21.

Centre Policies 1-4 all refer to "shops and businesses." Businesses can encompass a very wide range of uses, some of which may not be compatible with the Local Centre. Given this, I recommend a modification that better reflects national policy:

- **Centre 1 – 4, change "shops and businesses" to "*town centre uses*"**

I note in the above regard that "town centre uses" is a generic term, also used to refer to local centres within villages.

### **Policy Centre 5**

Whilst this Policy has regard to the Framework, in that it intends to support the vitality and viability of the Local Centre, requiring the provision of parking could impact on the deliverability of town centre uses and there is no substantive evidence to demonstrate that this would not be the case. This would fail to have regard to the Framework, which establishes that policy burdens should not render development proposals unviable. Furthermore, I am mindful in this regard of North Somerset Council's comment that the Policy's requirement for development to provide parking for other town centre uses appears unreasonable.

However, I acknowledge that the Policy seeks to address issues associated with parking provision and seeks to encourage more parking, to help vitality and viability. Consequently, I recommend the following modification:



- **Centre 5, change to read *“Proposals for town centre uses within the Local Centre which provide new customer parking will be strongly supported.”***
- **Delete second sentence of paragraph 11.5**

Paragraphs 11.6 to 11.9 deal with issues outside the control of the Neighbourhood Plan. They do not relate to any Policies in the Neighbourhood Plan.

- **Delete Paras 11.6 to 11.9**

## Local Green Spaces

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. It goes on to state that

*“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.” (Para 76)*

The Neighbourhood Plan identifies two areas of Local Green Space – Farleigh Fields and Moor Lane Fields.

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land.

The Framework is explicit in stating that

*“The Local Green Space designation will not be appropriate for most green areas or open space.” (Para 77)*

Taking all of the above into account, it is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land.

I observed the two sites allocated as Local Green Space and the topic was considered in some detail at the Neighbourhood Plan Hearing. Moor Lane Fields extends away from the western side of Backwell and Farleigh Fields is located on the eastern side of the settlement. Farleigh Fields is relatively unusual in that, whilst outside the settlement boundary of Backwell, it is surrounded by, largely ribbon, development on all sides.

Whilst both included attractive countryside and contained public footpaths, I observed that the most striking thing about Farleigh Fields and Moor Lane Fields was their substantial size. In this regard, it was established at the Hearing that Farleigh Fields comprises at least 19 hectares and Moor Lane Fields, at least 32 hectares. Taking the latter of these first, there is no doubt in my mind that an area covering some 32 hectares is “an extensive tract of land.”

Consequently, the proposed allocation of Moor Lane Fields does not have regard to national policy, which states that the Local Green Space designation should only be used where the area concerned *“is not an extensive tract of land.”*

I note that, in support of both of the Local Green Space designations, Backwell Parish Council considers that the sites are not extensive “relative to the rural or semi-rural area in which they are located.” However, the Framework does not make any such distinction – it does not state, for example, that Local Green Spaces should not be extensive, except in rural or semi-rural areas.

In the case of Farleigh Fields, it is my view that 19 hectares also comprises an extensive tract of land. To provide some perspective, at least twenty three full size football pitches would easily fit into an area of this size<sup>6</sup>.

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements. Specific to demonstrating that Farleigh Fields, and Moor Lane Fields are not extensive tracts of land, no substantive or compelling evidence has been presented.

A wide variety of arguments were put forward, both in favour of and in objection to the Local Green Space allocations. Whilst I acknowledge these, I find that the direct conflict with national policy, above, means that the Local Green Space Policy does not meet the basic conditions. Furthermore in this regard, I am mindful that nowhere does national policy suggest that a failure to meet policy requirements should be balanced against other considerations when designating Local Green Space. Plainly, the fact that there may be other benefits arising from a Local Green Space designation does not mitigate against, or overcome a failure to meet, a policy requirement.

Notwithstanding the above and my decision below, I do recognise that an enormous amount of work has gone into considering Farleigh Fields and Moor Lane Fields. It is clear from the evidence provided that both areas include attractive, sensitive and well-loved areas of land and there is no doubt in my mind that there are parts of both areas that have been demonstrated to be special to a local community, for a variety of reasons. In seeking to designate Local Green Space, the Neighbourhood Plan was responding to local support – evidenced through a robust consultation process - for the protection of green areas and open space, regarded as special. Whilst individually, or together, these factors do not overcome the failure to meet a specific policy requirement, they are nevertheless important local considerations that have emerged through the Neighbourhood Plan process.

My recommendation below does not mean that the areas for which Local Green Space designations were sought will automatically become available for development. National and local planning policy protects the countryside from inappropriate development. As pointed out by North Somerset Council, this examination only considers the merits of Farleigh Fields and Moor Lane Fields as Local Green Spaces – not as potential housing sites.

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<sup>6</sup> Based around FIFA standards, at 0.62 ha (30 pitches would fit into 19 ha) at 0.82 ha (23 pitches would fit into 19 ha).

I recognise that plan-makers and members of the local community will be disappointed with the recommendation below. However, with regards the significant work that has been undertaken in relation to Local Green Spaces, it is worth emphasising that neighbourhood plans are not the only mechanism through which local communities can seek to make such designations. This can also be achieved through local plans. It may be that the work already undertaken provides a basis for the future promotion of Local Green Spaces that do not conflict with policy criteria.

I recommend the following modifications:

- **Delete section 12 Local Green Spaces. For the avoidance of doubt, I recommend that the Neighbourhood Plan does not contain a Local Green Space policy**
- **Delete Local Green Space Map**
- **Rather than lose sight of the aspiration, I recommend that an addition is made to paragraph 6.15 of the Neighbourhood Plan. This should state that:**
- ***“The community consultation undertaken during the preparation of the Neighbourhood Plan highlighted that two areas of land at Moor Lane Fields and Farleigh Fields are valued by the local community for reasons including their character, recreational value and the richness of wildlife. Backwell Parish Council will work with North Somerset Council to establish how recognition of their valuable features may, in future, be incorporated into the development plan.”***
- **Add, below revised para 6.15, *“Community Action: Backwell Parish Council will seek to promote the allocation of appropriate areas of Local Green Space at Moor Lane and Farleigh Fields in the development plan.”***

- **Para 13.13 Change title to “Community Actions” – these are not Policies and this change avoids confusion.**

### **Policy Community Assets**

This Policy appears confusing. It refers to Community Assets but no evidence is provided of there being any designated Community Assets. The supporting paragraph provides examples of “facilities that will be safeguarded” but these appear to comprise land and buildings that are not designated as Community Assets. The examples also appear to include land already protected by national and local policy. The list also includes Conservation Areas. Conservation Areas are subject to national policy that would conflict with Policy Community Assets.

Taking the above into account, the Policy is unclear. It fails to have regard to the Framework, which requires policies to clearly indicate how a decision maker should react to a development proposal.

- **Delete Policy Community Assets and revise Village Map**
- **Delete Paras 13.14 and 13.15**

## 7. Village Map, Downside, Funding and Contributors

A Map is provided on Page 32. This provides a helpful summary of policies, but will need modifying further to the above recommendations:

- **Modify Village Map to take into account the recommended modifications**

A section is included on Downside, a hamlet towards the southern boundary of the Neighbourhood Area. No Policies are proposed. Paragraph 14.2 of this section refers to remitted policies of the North Somerset Core Strategy (2012). I recommend the following modification:

- **Para 14.2, Delete beginning of paragraph, and commence “*Downside is washed over*” by *Green Belt* and is outside...”**

The Neighbourhood Plan ends with an interesting and informative section on Funding and a list of Contributors.

## 8. Summary

The Backwell Neighbourhood Plan has emerged further to around three years of sustained and significant community efforts. It is the result of much hard work and has relied on dedicated commitment from many people.

I have recommended that the Neighbourhood Plan be modified. I am mindful that, together, these modifications amount to considerable changes. My recommended modifications are not intended as a criticism of the Neighbourhood Plan, or of plan-makers, in any way. I acknowledge and respect the tremendous community effort that the Neighbourhood Plan embodies.

I have made the recommended modifications with specific regard to the basic conditions. Crucially, subject to these modifications, I consider that the Backwell Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

In this way, the Backwell Neighbourhood Plan meets the Basic Conditions.

I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to North Somerset Council that, subject to the modifications proposed, the **Backwell Neighbourhood Plan should proceed to a Referendum.**

### Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Backwell Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and no evidence has been submitted to suggest that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Backwell Neighbourhood Area as approved by North Somerset Council in September 2012.

**Nigel McGurk, October 2014**  
**Erimax – Land, Planning and Communities**

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