
Land West of Park Farm, Thornbury

Statement of Common Ground

Barwood Development Securities Ltd and the North
West Thornbury Landowner Consortium

And

South Gloucestershire Council

Local Planning Authority Reference Number – PT18/6450/O

PINS Reference: APP/P0119/W/21/3288019

February 2022 (Version FINAL SIGNED)

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1. Introduction

- 1.1. This Statement of Common Ground (SOCG) has been prepared by the appellant. It contains matters of fact which are pertinent to the content of the Statement of Case. Cross reference is made to the Core Documents where relevant.
- 1.2. The appellant and the Council will seek to agree a number of further, topic-based SOCGs at an early stage which will include Heritage, Agricultural Land Quality and Housing Land Supply Matters.
- 1.3. A SoCG has already been agreed between the appellants and National Highways relating to the impact of the development on the strategic road network and the proposed mitigation measures at Junction 14.

2. Statutory Development Plan

2.1 The adopted statutory development plan for South Gloucestershire Council (SGC) comprises the following:

- Core Strategy, adopted December 2013 (CD1.1); and
- Policies, Sites and Places Development Plan Document, adopted November 2017 (CD1.3).

2.2 The emerging development plan comprises the:

- West of England Combined Authority Spatial Development Strategy (SDS);
- South Gloucestershire new Local Plan; and
- Thornbury Neighbourhood Development Plan.

The current SGC Local Plan Delivery Programme was published in December 2021 (CD1.6) which outlines the status and production programme for these documents. The SDS timetable is presented in the LPDP for information. The current SDS timetable was agreed by WECA in June 2021 and is available on the WECA SDS website.

2.3 In respect of the Local Plan, a 'Phase 1 Issues and Approaches' Consultation Document was published in November 2020 (CD1.4). A second stage consultation was approved by South Gloucestershire Cabinet on 13th December 2021. Consultation is due to start on Phase 2 Urban, Rural and Key Issues on 7th February 2022. In accordance with the Delivery Programme, adoption of the new Local Plan is, subject to the progress on the SDS.

2.4 The Regulation 14 Draft of the Thornbury Neighbourhood Plan (TNP) was consulted upon in February 2020. The Neighbourhood Development Plan was then submitted to South Gloucestershire Council on 22 October 2020. Due to Covid restrictions being in force in the first quarter of 2021, consultation on the proposed submission plan was undertaken between 11 June 2021 and the 23 July 2021 under Regulation 16 of the Regulations (CD1.7) The TNP was reviewed by an Independent Neighbourhood Development Planning Examiner in November 2021. The Council published the final report on 14 December 2021. The IE

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recommended that the Plan proceed to Referendum subject to modifications to the Plan and concluded that the Referendum area should not go beyond the neighbourhood area. In line with Regulation 18 of the Regulations, officers are working towards a deadline of the 8 February 2021 to publish the decision statement. Officers are recommending that the Plan, subject to the IE's recommended modifications, meets the Basic Conditions and can proceed to Referendum. The Referendum is currently planned for 31st March 2022.

2.5 The policies from the Council's local development plan which are referenced in the first three putative reasons for refusal as being relevant to the assessment of the proposal are highlighted in bold as follows:

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4a Presumption in Favour of Sustainable Development
- **CS5 Location of development**
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- **CS9 Managing the Environment and Heritage**
- CS11 Distribution of Economic Development Land
- CS14 Town Centres and Retail
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community infrastructure and cultural activity
- CS24 Green Infrastructure, Sport and Recreation Standards
- CS32 Thornbury
- CS33 Housing Opportunity
- **CS34 Rural Areas**

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South Gloucestershire Local Plan: Policies, Sites and Places Plan Adopted November 2017

- PSP1 (Local distinctiveness)
- PSP2 (Landscape)
- PSP3 (Trees and woodland)
- PSP6 (Onsite Renewable and Low Carbon Energy)
- PSP8 (Residential Amenity)
- PSP9 (Health Impact Assessments)
- PSP10 (Active Travel Routes)
- PSP11 (Transport Impact Management)
- PSP16 (Parking Standards)
- **PSP17 (Heritage Assets and the Historic Environment)**
- PSP18 (Statutory Wildlife Sites: European Sites and Sites of Special Scientific Interest (SSSIs))
- PSP19 (Wider Biodiversity)
- PSP20 (Flood Risk, Surface Water and Watercourse Management)
- PSP21 (Environmental Pollution and Impacts)
- PSP28 (Rural Economy)
- PSP 32 (Local Centres, Parades and Facilities)
- PSP37 (Internal Space and Accessibility Standards for Affordable Dwellings)
- PSP40 (Residential Development in the Countryside)
- PSP42 (Self Build & Custom House Building)
- PSP43 (Private Amenity Space Standards)
- PSP44 (Open Space, Sport and Recreation)

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3. Location of Development

- 3.1 The land is situated adjacent to the north west edge of Thornbury. The Site Location Plan provided in the Essential Supporting Documents (J04) shows the boundaries of the appeal site.
- 3.2 The appeal site is located to the north west of the settlement of Thornbury, outside but adjacent to the town settlement boundary as defined on the proposals map of the adopted Local Plan. The northern boundary of the site lies adjacent to Butt Lane / Oldbury Lane and the Park Farm residential development, which has the benefit of planning permission for the erection of 500 dwellings (PT11/1442/O) is to the east. Park Farm is under construction with substantial occupation of the development.
- 3.3 The application site consists of 35.97 ha of land comprising agricultural fields bordered by hedgerow and woodland. The land is relatively level, at 10m AOD in the west, and sloping gently eastwards to approximately 15m AOD at the eastern boundary. A tree line runs along a line adjacent to the Pickedmoor Brook in the southern part of the site. There are woodlands to the south and west of the site providing screening from the open countryside. The site is not covered by a tree preservation order.
- 3.4 The Pickedmoor Brook runs from east to west through the southern part of the site. All built development is proposed within Flood Zone 1, as the site predominantly lies within Flood Zone 1. There are areas of Flood Zone 2 and 3 which are associated with the low lying land adjacent to the Pickedmoor Brook and extend between 100m and 150m into the site. There are two Public Rights of Way (PROW) crossing the site north/south between Oldbury Lane and the edge of Thornbury (OTH/18) and broadly east/west along the watercourse (OTH/13).

4. Description of Development

4.1. The most up-to-date description of development as set out in the January 2020 resubmission is as follows:

Outline planning permission with all matters except vehicular access reserved, for:

- *Erection of up to 595 dwellings (Use Classes C3);*
- *Land for a Primary School (Use Class D1);*
- *Up to 700m² for a Retail and Community Hub (Use Classes A1, A2, D1);*
- *A network of open spaces including parkland, footpaths, allotments, landscaping and areas for informal recreation;*
- *New roads, a sustainable travel link (including a bus link), parking areas, accesses and paths; and*
- *The installation of services and drainage infrastructure.*

4.2. The application was supported by an Environmental Impact Assessment.

4.3. The following plans form the basis for the determination of the appeal and are those upon which a decision should be based:

- Site Boundary Plan – Drawing Ref: 27982/9000 Rev H;
- Land Use and Access Parameter Plan – Drawing Ref: 27982/9601 Rev G;
- Scale Parameter Plan – Drawing Ref: 27982/9603 Rev I;
- Green Infrastructure Parameter Plan – Drawing Ref: 27982/9604 Rev L;
- Concept Site Access Layout – Drawing Ref: 39209/5501/SK15 Rev A; and
- Sustainable Travel Link Plan – Drawing Ref: 39209/5501/SK25 Rev A.

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5. Putative Reasons for Refusal

5.1. This appeal was lodged in December 2021 on the basis of the Council's non determination of the application within the statutory determination period as extended between the parties. The planning application was made on 18th December 2018.

5.2. On 20th January 2022 the Council's Strategic Sites Delivery Committee resolved, that should Members have been in a position to determine the application, the application would have been refused for four reasons. A copy of these reasons is contained within the Council's Statement of Case and are reproduced below.

1. *The proposed development would cause less than substantial harm at the lower end of the spectrum to the setting of the Grade I listed Thornbury Castle and St. Mary's Church and the Grade II listed Sheiling School and Thornbury Conservation Area. Great weight is required to be attached to this harm and applying PSP17 and paragraph 202 of the NPPF it is not considered that the public benefits of the proposal outweigh that harm.*
2. *14.4ha, 40% of the site is grade 2 and 10.3ha, 29% is grade 3A agricultural land. The proposed development would develop most of this land. The development of this amount of high quality agricultural is considered to be significant. Policy CS9 seeks to avoid the development of best and most versatile land and paragraph 174 of the NPPF seeks to protect soils in a manner commensurate with their quality. Paragraph 175 seeks to allocate land for development with the least environmental value and requires that where significant development of agricultural land is necessary poorer quality land should be preferred to higher quality land. In light of the Council having a five year supply it is not considered that the development of this land is necessary and, in any event, it is not of lower quality land. The proposal is therefore contrary to policy CS9 and paragraphs 174 and 175 of the NPPF.*
3. *The proposal development is speculative in nature and would result in development beyond the defined settlement boundary of Thornbury in the open countryside, beyond the scale of development considered appropriate and provided for to revitalise the town centre and strengthen community*

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services and facilities in Thornbury. Therefore, the proposal is contrary to policies CS5 and CS34 of the adopted South Gloucestershire Core Strategy.

4. *In the absence of a Section 106 legal agreement to secure the following:*

- On-site public open space and a contribution towards off-site sports facilities*
- The delivery of self-build or custom plots*
- Affordable housing of a suitable tenure mix and unit types*
- Highway works and Travel Plan*
- Land for Education purposes*

The proposal fails to provide sufficient mitigation to address the impacts of the development and is contrary to policies CS1, CS6, CS8, CS18, and CS24 of the South Gloucestershire Local Plan Core Strategy adopted 2013, the Affordable Housing and Extra Care SPD 2014, and Policy PSP 11 of the Policies Sites and Places Plan adopted 2017.

5.3. The parties agree that putative reason for refusal 4 is capable of being overcome by a completed s106 obligation.

6. Matters Agreed by Both Parties - Technical / Environmental Matters

Transport and Movement

- 6.1. The transport and movement aspects of the application proposals were subject to extensive discussions throughout the determination period. During this dialogue there were a number of incremental changes to the content of the application including the Transport Assessment, Travel Plan and the Design & Access Statement. The combination of these changes culminated in the Highways Authority withdrawing their initial concerns in an email to the Planning Case Officer on 14 April 2020 (CD2.1). In light of this, there are no outstanding transport and movement matters or objections to the Proposed Development.
- 6.2. The withdrawal of the Highway Authority's concerns was contingent upon the imposition of conditions and inclusion of provisions within the Section 106 agreement. These matters will be the subject of a further, detailed and comprehensive Statement of Common Ground in due course which captures all agreed conditions and Section 106 provisions.
- 6.3. The conclusion of the Officers Report to Planning Committee on this matter at paragraphs 5.68 - 5.69 is common ground. This states that:

"The submitted Transport information demonstrates that the impact of the development on the surrounding highway network can be mitigated by improvements secured via s106 Agreement which will also include measures to improve sustainable access to the development in accordance with Council Policies CS8 and PSP11. A safe and suitable access for all modes of travel has been included with the proposed development and the proposal is considered acceptable in terms of highways.

It is considered that the proposal is compliant in terms of policy PSP 11, particularly taking account of the similarity with the distances from the development at Park Farm to local facilities. As the development proposal provides a Primary school and a community hub, which are policy compliant in Transport terms,

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there will be opportunities to walk/cycle to these elements on the site and from Park Farm. The bus service is a wider benefit beyond the development. The highway works and the M5 junction 14 works will provide a wider benefit beyond the development.”

- 6.4. Pertinent to the sustainability of the location is the relevant travel distances to key services and facilities. Whilst these are not all agreed between the parties, the highway authority produced in its consultation response of 14 April 2021 (CD2.1) a comparison schedule and commentary on the acceptability of these distances and a conclusion regarding accessibility. It is common ground between the appellants and SGC that the services and facilities of Thornbury are an acceptable walking and cycling distance from the site.
- 6.5. Highways England initially responded to the planning application on 5 February 2019 recommending temporary non-approval of the application to enable the Applicant to provide sufficient assessment of the impacts of the development upon Junction 14 of the M5. This ‘holding objection’ was subsequently withdrawn on 11 November 2020 following the submission of further information contingent upon the imposition of a planning condition requiring the implementation of improvement works to Junction 14 prior to the occupation of the 100th dwelling.
- 6.6. It is therefore common ground that there are no highways or movement objections to the Proposed Development subject to the recommended conditions and appropriate s106 obligations.

Landscape

- 6.7. Initial concerns were raised by the Council’s Landscape Officer, regarding the original application submission. However, these concerns were overcome following positive dialogue during the determination period which culminated in changes to the application proposals and a fully revised Landscape and Visual Assessment within the January 2020 resubmission.
- 6.8. The final consultation response from the landscape officer to the Planning Case Officer on 25 September 2020 (CD2.3) confirms that “*agreed enhancements to proposals address previous landscape concerns*”.

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6.9. The Proposed Development would retain and protect all veteran trees within the site and the adjacent ancient woodland.

6.10. The conclusion of the Officers Report to Planning Committee this matter at paragraph 5.106 is common ground. This states that.

“The applicant has now demonstrated that the site could be developed in a way which relates well to the surrounding area through a revised set of parameter plans and the DAS provides further detail of the design response. Based on the revised set of design principles detailed above and changes to the DAS and parameter plans, officers are now satisfied that existing landscape features can be retained and that the illustrative landscape master plan will create a development of a high standard, which would be appropriate to the residential development in this location.”

6.11. It is therefore common ground that there are no landscape objections to the Proposed Development.

Ecology

6.12. It is common ground between SGC as the Competent Authority and the applicant that the proposed development would have no significant adverse impact upon the integrity of European protected habitats. Whilst they are not a party to this Statement, this position is consistent with the consultation response provided by Natural England dated 31 January 2019 (CD2.2).

6.13. The most recent consultation response from the Council’s ecologist, dated 1 April 2020 (CD2.2) confirmed the acceptability of the Proposed Development in respect of all protected species with the exception of Great Crested Newts (GCN). In respect of GCN the LPA ecologist asked for the submission of further information in relation to the *“GCN meta-population in order to demonstrate that the application meets the third ‘Favourable Conservation Status’ (FCS) ‘test’ under Regulation 55/56 of the Habitat Regulations 2017”*. A further technical note was subsequently provided by the applicant’s ecologist (J06(a).10) addressing the information required.

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- 6.14. Whilst no final consultation response was then provided by the LPA ecologist, it is common ground that the application proposals are acceptable from an ecological and biodiversity standpoint. This is confirmed in the Officers Report to Planning Committee on this matter at paragraph 5.141:

“The proposed development would not result in the loss or deterioration of irreplaceable habitats. Whilst the proposal would impact upon species identified within the South Gloucestershire BAP, the applicant has put forward a number of mitigation measures to overcome the impact. On this basis it is considered that any less harmful impacts would be mitigated against and that the proposal aligns with Policy PSP 19 Wider Biodiversity and the principles within section 15 of the NPPF.”

Flood Risk and Drainage

- 6.15. The consultation response from the LLFA dated 27 March 2020 and that of the Environment Agency dated 19 March 2020 both confirm that there is no objection to the Proposed Development on the grounds of flood risk and drainage subject to the imposition of appropriate conditions.

- 6.16. The conclusion of the Officers Report to Planning Committee on this matter at paragraph 5.118 is common ground. This states that:

“Policy PSP 20 requires that proposals incorporate Sustainable Drainage Systems (SuDS) to reduce surface water runoff and minimise the flood risk, supported by an appropriate surface water drainage strategy. It is considered by officers that the current indicative drainage design complies with Policy PSP20 of the Policies Sites and Places Plan and Policies CS1 and CS9 of the Core Strategy, with further detailed design required at Reserved Matters stage. In response to issues raised through consultation appropriate conditions and informatives have been included at the request of the Lead Local Flood Authority, Environment Agency and Wessex Water.”

- 6.17. It was agreed during the determination period for the application that an area of land in the north east corner of the site, adjacent to Oldbury Lane, could be transferred to SGC for a nominal sum in order to improve highways drainage.

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6.18. It is therefore common ground that there are no flood risk or drainage objections to the Proposed Development.

Strategic Housing Enabling

6.19. The consultation response from the Strategic Housing Enabling officer to the application on 14 April 2020 (CD2.7) confirms that there is no objection to the application subject to the agreement of specified terms relating to the provision of affordable housing. The detailed provisions relating to the delivery of affordable housing will be captured within the relevant planning obligations.

6.20. It is common ground that there exists a need for affordable housing and that the Proposed Development includes the delivery of 35% affordable housing which would make a contribution towards addressing that need.

6.21. The conclusion of the Officers Report to Planning Committee on this matter at paragraph 5.121 is common ground. This states that:

“Officers are satisfied that subject to the conditions and Heads of Terms outlined the proposal is in compliance with Policy CS18 and the NPPG.”

Urban Design / Masterplanning / Public Open Space

6.22. The SGC Urban Design Officer, has reviewed and commented upon the Proposed Development throughout the determination period. His formal comments on the application made after the January 2020 resubmission confirm ‘no objection’ to the application proposals. Notwithstanding, further dialogue took place in conjunction with the SGC landscape officer in order to refine the proposals.

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- 6.23. No further formal consultation response was received following the submission in September 2020, however, from the correspondence provided by SGC in response to the FOI request (CD5.4), it is evident that the urban design officer supported the application proposals and that they are an example of good design.
- 6.24. The conclusion of the Officers Report to Planning Committee on this matter at paragraph 5.46 is common ground. This states that:

“In summary, the DAS and parameter plans have been revised to provide scope for the requirements of Policy CS1 to be met at the detailed design stage and demonstrate that high quality development can be provided, without compromising the character and visual amenity of the site and the surrounding area. In this regard the application is in compliant with the NPPF (para 127 and 130), policies CS1 and CS34 of the Core Strategy and PSP1 of the Policies, Sites and Places DPD and this is considered to be neutral in any balancing exercise.”

Crime

- 6.25. The Designing Out Crime Officer raised no objection to the Proposed Development in his consultation response to the January 2020 resubmission.

Public Open Space

- 6.26. The Proposed Development incorporates a total of 17.93ha of public open space. This includes a substantial excess provision of ‘informal recreational open space’ and ‘natural and semi-natural open space’ when compared with SGC Open Space Standards and broadly at standard provision for ‘children and young people’ and ‘allotments’. The only deficit is against outdoor sports facilities where a financial contribution is proposed to meet this need offsite. The consultation response from the SGC Public Open Space officer, Heather Cameron, dated 2 October 2020 (CD2.6) raises no objection to the Proposed Development subject to suitable planning obligations.

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- 6.27. The conclusion of the Officers Report to Planning Committee on this matter at paragraph 5.149 is common ground. This states that.

“In summary, Officers have raised no objection to the revised layout from a Public Open Space Perspective, subject to policy compliant provision being demonstrated and secured via S106 Agreement and the inclusion of conditions including for the provision of a play strategy prior to submission of Reserved Matters.”

Public Rights of Way

- 6.28. The conclusion of the Officers Report to Planning Committee at paragraph 5.74 in respect of the public rights of way which is also relevant to this matter is common ground. This states that.

“There is scope within the DAS for treatment of the PROW that pass through the site to be improved; the proposals are considered to be acceptable concerning the treatment of PROW and in compliance with Policies PSP10 and CS24, subject to condition.”

- 6.29. It is therefore common ground that there are no urban design, masterplanning or public open space objections to the Proposed Development.

Education

- 6.30. The initial application proposals did not include land for the provision of a primary school, however, this was subsequently incorporated into the proposals during the determination period. The response to this at paragraph 5.153 of the Officers Report to Planning Committee is common ground.

“It is clear from the Education Officer comments that the development of this size and in this location generated the need for a one form entry primary school with 210 spaces and for a co-located 60 place nursery facility. Whilst there are no specific policies for the provision of educational facilities, it is clear that the school is needed to cater for this development and to prevent other primary schools suffering pressure for a demand

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for places. The proposal will deliver land for a primary school to ensure that future residents have access to a school and will not put pressure on existing schools.”

Heritage

6.31. It is agreed that the proposal would cause less than substantial harm to the Grade I listed Thornbury Castle and St Mary’s Church and therefore also the Thornbury Conservation Area. The degree of harm and the reasons for it will be the subject of evidence. It is not agreed that there would be less than substantial harm to the Grade II listed Sheilings School or whether the public benefits of the proposal outweigh the less than substantial harm arising in respect of the Castle, Church and Conservation Area.

Agriculture

6.32. It is agreed that the proposal will result in the loss of 14.4ha Grade 2 agricultural land and 10.3ha of Grade 3A agricultural land. It is not agreed whether this comprises significant development of agricultural land or whether its development is necessary.

Five Year Housing Land Supply

6.33. The Council contends that it has 6.14 years of housing land supply. The Appellants contend that there is less than five years supply. This will be the subject of evidence.

Other Matters

6.34. As evidenced by the application submission material and the conclusions in the Officers Report, there are no objections to the application proposals on the basis of any of the following matters. The conclusions of the Officers Report in relation to these matters is common ground:

- Air Quality;
- Noise;

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- Land Contamination; and
- Sustainable Energy.

Scheme Benefits

6.35. It is common ground that the Proposed Development will deliver the following benefits as listed at paragraph 6.7 of the Officers Report to Planning Committee:

- Walk / Cycle opportunities
- Highway works
- Provision of Affordable Housing
- Market and Self Build housing
- Ecology protection
- Provision of Public open space
- Economic

6.36. The weight to be attributed to these public benefits is not a matter of common ground.

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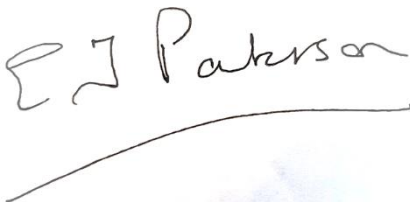
7. Planning Obligations and Conditions

- 7.1. The appellant will draft a s106 unilateral undertaking and offer the Council an opportunity to comment on it. The deed will be settled and a final draft submitted to the Planning Inspectorate in accordance with the appeal timetable. The deed will be signed but not dated prior to the inquiry in order that any questions which the inspector may have can be addressed.
- 7.2. A full list of planning conditions, which are considered to be necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects are in the process of being agreed between the Council and the Appellant. The agreed schedule of conditions will be submitted prior to the commencement of the public inquiry.
- 7.3. Pre-commencement conditions will be agreed with the appellant in accordance with the provisions set out in The Town and Country Planning (Pre-commencement Conditions) Regulations 2018.



Signed by: Nick Matthews on behalf of Barwood Development Securities Limited & The North West Thornbury Landowners Consortium.

Date: 03.02.22



Signed by: Eileen Paterson on behalf of South Gloucestershire Council.

Date 03.02.22