

**Chew Magna, Chew Stoke, Compton Martin, East Harptree,
Hinton Blewett, Ubley, and West Harptree Parish Councils**

Chew Valley Neighbourhood Development Plan

A Report to Bath & North East Somerset Council of the
Independent Examination of the Chew Valley Neighbourhood
Development Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd

collisonchris@aol.com

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Contents

Page

Overall Finding	4
Neighbourhood Planning	5
Independent Examination	5
Basic Conditions and other statutory requirements	7
Documents	10
Consultation	11
The Neighbourhood Plan taken as a whole	13
The Neighbourhood Plan policies	22
Policy HDE1 – Rural Landscape Character	
Policy HDE2 – Settlement Build Character	
Policy HDE3 – Important Views	
Policy HDE4 – Skyline Policy	
Policy HDE5a – Housing Mix	
Policy HDE5b – Housing – Affordable Allocation	
Policy HDE6a – Sustainability – Renewable Energy	
Policy HDE6b – Sustainability – On-site Energy Requirements	
Policy HDE7 – Traffic Impact	
Policy HDE8a – Parking for Domestic Dwellings	
Policy HDE8b – Parking for Domestic Dwellings	
Policy HDE9a – Sustainable Drainage	
Policy HDE9b – Sustainable Drainage	
Policy HDE9c – Sustainable Drainage	
Policy HDE10 – Community Green Space Design	
Policy HDE11 – Protection of Designated Green Spaces	

Policy HDE12a – Tree and Ancient Hedgerow Conservation	
Policy HDE12b – Tree and Ancient Hedgerow Conservation	
Policy HDE13 – Green Corridors and Biodiversity	
Policy HDE14a – Water Life Biodiversity	
Policy HDE14b – Water Life Biodiversity	
Policy HDE15 – Dark Skies Policy	
Policy BF1 – Diversification for Tourism	
Policy BF2 – Retention of Small Businesses	
Policy BF3a – Enhancing Community Facilities	
Policy BF3b – Protecting Significant Facilities	
Policy BF4 – Chew Valley School	
Policy BF5 – Chew Magna Car Park	
Policy BF6 – Parking for Non-Domestic Developments	
Policy BF7 – Fibre to the Premises Internet Connectivity	
Summary of main findings and Referendum	51
Annex: Minor corrections to the Neighbourhood Plan	53

Overall Finding

This is the report of the Independent Examination of the Chew Valley Neighbourhood Development Plan. The Plan area is the entire Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley, and West Harptree Parish Council areas.

The Plan period runs until 2035. The Neighbourhood Plan includes policies relating to the development and use of land.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements to proceed to a local referendum based on the Plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Chew Valley Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by the Chew Valley Neighbourhood Development Plan Steering Committee for submission by Chew Magna Parish Council, as the lead parish council, to Bath & North East Somerset Council (the Local Planning Authority) in respect of the Chew Valley Neighbourhood Area which was formally designated by Bath & North East Somerset Council on 18 March 2014. Chew Magna Parish Council is a qualifying body authorised to act in relation to the neighbourhood area.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement, and the Basic Conditions Statement, has been approved by the Parish Councils for submission of the Plan and accompanying documents to Bath & North East Somerset Council. That Council has submitted the Neighbourhood Plan to me for independent examination.

Independent Examination

5. This report sets out the findings of the independent examination of the Neighbourhood Plan.² The report makes recommendations to Bath & North East Somerset Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. Bath & North East Somerset Council will decide what action to take in response to the recommendations in this report.

¹ Paragraph 183 National Planning Policy Framework (2012)

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

6. Bath & North East Somerset Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by Bath & North East Somerset Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The National Planning Policy Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
7. I have been appointed by Bath & North East Somerset Council with the consent of the Parish Councils, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Councils and Bath & North East Somerset Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan, and I hold appropriate qualifications and have appropriate experience. I am an experienced Neighbourhood Plan examiner. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.
8. As independent examiner, I am required to produce this report and must recommend either:
- that the Neighbourhood Plan is submitted to a referendum, or

³ National Planning policy Framework paragraph 198 DCLG 2012

- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

9. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Guidance states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*” The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations. Whilst undertaking this Independent Examination I have, over a period of two days, visited each of the seven participating Parish Council areas.

Basic conditions and other statutory requirements

11. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the basic conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸
12. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled 'The Neighbourhood Plan taken as a whole' and 'The Neighbourhood Plan policies'.
13. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 which are made pursuant to the powers given in those sections.
14. The Neighbourhood Plan relates to the area that was designated by Bath & North East Somerset Council as a neighbourhood area on 18 March 2014. The first paragraph of the Pre-Submission Draft of the Neighbourhood Plan confirms the Plan area is defined as the whole of seven Parishes. A map of the Neighbourhood Designation Area is included as Map M1 of the Pre-Submission Version Plan showing the combined boundaries of the Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley, and West Harptree Parishes. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
15. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.

16. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The fourth paragraph of the Pre-Submission Draft of the Neighbourhood Plan confirms the Plan period is up to 2035.
17. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.
18. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
19. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
20. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type)

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B (1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

where I consider they need to be made so that the plan meets the basic conditions and the other requirements I have identified.¹⁷

Documents

21. I have given consideration to each of the following documents in so far as they have assisted me in considering whether the Neighbourhood Plan meets the basic conditions and other requirements:

- Chew Valley Neighbourhood Plan Pre-Submission Draft 1st July 2016
- Chew Valley Neighbourhood Plan Basic Conditions Statement
- Chew Valley Neighbourhood Plan Strategic Environmental Assessment Screening Determination December 2015
- Chew Valley Neighbourhood Plan Habitats Regulations Assessment Screening
- Chew Valley Neighbourhood Plan Sustainability Appraisal
- Chew Valley Neighbourhood Plan Draft Plan Consultation Statement
- Chew Valley Neighbourhood Plan Regulation 14 Consultation Report 1st July 2016
- Chew Valley Neighbourhood Plan Regulation 16 Consultation Report
- Representations received during the Regulation 16 publicity period
- Chew Valley Neighbourhood Plan Policy Compliance Notice
- Documents relating to the designation of the Chew Valley Neighbourhood Area
- Landowner notification and Parish Council nomination documents relating to proposed Local Green Spaces and Assets of Community Value
- Bath and North East Somerset Adopted Core Strategy (2014)
- Saved Policies from the Bath and North East Somerset Local Plan (2007)
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Department for Communities and Local Government Permitted development for householders' technical guidance (April 2014) [*In this report referred to as the Permitted Development Guidance*]
- Department for Communities and Local Government Planning Practice Guidance web-based resource (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- Localism Act 2011
- Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*]

Consultation

22. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which details the process undertaken in the preparation of the Neighbourhood Plan. I outline here a number of the main stages of consultation in order to acknowledge the comprehensive and inclusive approach adopted.
23. It is evident from the Consultation Statement that the Neighbourhood Plan Steering Group, comprising volunteers, including Parish Councillors and business representatives, from the community of the seven participating parishes, has since its formation in March 2014 expended considerable effort to ensure consultation has been extensive and thorough.
24. A valley-wide publicity event was held in April 2014. This event was advertised on noticeboards and through an article in the Chew Valley and Wrington Vale Gazette, that is a free monthly local newspaper delivered to every home. The Gazette has also been used to publicise consultation dates by inclusion in their 'dateline calendar'.
25. A dedicated Chew Valley Neighbourhood Plan website was launched in June 2014 where a calendar of events; agendas; minutes; questionnaires; and supporting documents are freely accessible by the general public. Throughout the plan preparation process interested parties have had the opportunity of speaking at Parish Council meetings; registering opinions through completion of drop-in event forms; and making online submissions, including through survey monkey.
26. Thirteen well publicised drop-in events were held in the summer of 2014 at which attendees could view information folders, maps, and leaflets; and complete a basic questionnaire. A 'meet the Steering Group' session was held in October 2014. In November 2014, a household survey and covering letter was mailed to every one of the 1,897 households in the participating parishes. Steering Group topic sub-groups began to draft policies.

27. In January 2015, the Steering Group received a presentation of the results from the Household Survey that had achieved a 30% response rate. Views of young people were sought through a Young Peoples questionnaire distributed to all pupils at Chew Valley School. In April 2015 highlights of findings from the household survey were placed in the Chew Valley Gazette.
28. Policy options were finalised in June 2015. Consultation on an options document was undertaken through distribution of a 12 page A5 booklet to every household. The full options document was made available at several locations. Three drop-in sessions; a staffed stall at the village fayre; and use of a feedback form and postcards all formed part of the consultation effort.
29. Character assessments were completed by all the parishes in the Autumn of 2015, and later parishes put forward suggestions for assets of community value and for Local Green Space designations.
30. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period 1 May to 13 June 2016. This was extensively publicised through drop-in events, posters, emails, and the dedicated website. A total of 62 responses were submitted during this period. The Neighbourhood Plan Regulation 14 Consultation report sets out comments received; the 'CVNP' response; and where appropriate, amendments to the Neighbourhood Plan.
31. The final draft of the Neighbourhood Plan was approved by the Parish Councils in April/May 2016 and has been submitted to Bath & North East Somerset Council. The Submission Version of the Neighbourhood Plan (titled Pre-Submission Draft) has been the subject of a Regulation 16 publicity period between 26 July and 20 September 2016. Representations were submitted by 8 different parties, which I have taken into consideration in preparing this report, even though they may not be referred to in whole, or in part.
32. Highways England and Wiltshire Council have no comment to make. Historic England have no additional comments but congratulate the community and state how impressed they were with the demonstration of the depth and scope of knowledge of the area's historic character and how this has been used to inform policies. I have considered matters raised in other representations as appropriate when preparing the section of my report that examines the Neighbourhood Plan as a whole, and the section that examines the policies of the

Neighbourhood Plan.

33. In a consultation Government, had put forward a question as follows “Do you agree with the introduction of a new statutory requirement (basic condition) to test the nature and adequacy of the consultation undertaken during the preparation of a neighbourhood plan or order? If you do not agree is there an alternative approach that you suggest that can achieve our objective?” The published Government response to the consultation states “We do not intend to take forward the proposals to introduce a new basic condition...”¹⁸ The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include, amongst other items, a consultation statement. The Regulations state a consultation statement means a document which –
- a) Contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) Explains how they were consulted;
 - c) Summarises the main issues and concerns raised by the persons consulted; and
 - d) Describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁹
34. The Consultation Statement and accompanying Regulation 14 Consultation Report includes information in respect of each of the requirements set out in the Regulations. On this basis, I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group that has prepared the plan has taken great care to ensure stakeholders have had considerable opportunity to influence the plan content.

The Neighbourhood Plan taken as a whole

35. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and

¹⁸ Department for Communities and Local Government Neighbourhood Planning Government response to consultation December 2014 ISBN 978-1-4098-4416-7

¹⁹ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

whether the plan is in general conformity with the strategic policies contained in the Development Plan for the area. Each of the plan policies is considered in turn in the section of my report that follows this.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

36. The Basic Conditions Statement states *“The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.”* It is also stated *“The Consultation Statement takes account of human rights.”* I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).²⁰ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention. Although no equalities impact assessment has been undertaken the submission draft of the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.
37. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Councils to submit to Bath & North East Somerset Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
38. The objective of EU Directive 2001/42²¹ is *“to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.”* The Neighbourhood Plan falls within the definition of

²⁰ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²¹ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

'plans and programmes'²² as the Local Planning Authority is obliged to 'make' the plan following a positive referendum result.²³

39. Bath & North East Somerset Council issued a Strategic Environmental Assessment Screening Notification in December 2015 that concluded the Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment. The necessary statutory consultations had been undertaken. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
40. A Habitats Regulations Assessment (HRA) Screening has been undertaken. The Neighbourhood Plan area falls within the buffer zones of two European sites, the Chew Valley Lake Special Protection Area (SPA), and the North Somerset and Mendips Bat Special Area of Conservation (SAC). The Screening has identified Policies BF3 and BF4 as raising some concern as they raise the possibility that sites could be developed that have some ecological value for the European Sites. The Screening Report states *"However, this risk is small and could be overcome by adding a clause or additional wording to these policies to ensure any impacts to European sites are avoided"*. Whilst the wording of the conclusions and recommendations of the Screening Report are somewhat bespoke I am satisfied that an adequate exploration of the necessary issues has been undertaken. I also note the re-assurance of the statement in the Screening Report that states *"This initial screening to assess the likelihood of significant effects is based on the approach set out in The Habitat Regulations Assessment Handbook 2013."* The Basic Conditions Statement confirms *"no European Sites will be affected by the policies described in the Neighbourhood Plan"*. I have noted Natural England has considered the HRA Screening and stated *"we are satisfied that the proposed Plan will not result in significant effects on the Chew Valley Lake Special Protection Area (SPA) or the North Somerset & Mendips Bat Special Area of Conservation (SAC) and can be screened out from further stages of assessment because significant effects on these or other European Sites are unlikely to occur, alone or in combination."* I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations. I have not seen anything that suggests the Neighbourhood Plan will have a significant effect on a European offshore marine site.

²² Defined in Article 2(a) of Directive 2001/42

²³ Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

41. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

42. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

43. The Guidance²⁴ states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive):

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

44. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁵ which requires plans to be “*consistent with national policy*”.

²⁴ National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

²⁵ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

45. Lord Goldsmith has provided guidance²⁶ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”
46. The Basic Conditions Statement seeks to demonstrate that the Neighbourhood Plan has been prepared with regard to national policies as set out in the Framework. It is confirmed “*the Neighbourhood Plan has due regard for the core planning principles set out in Paragraph 17 of the NPPF*”. A Table is presented seeking to demonstrate the regard the Neighbourhood Plan policies have to specified paragraphs of the Framework.
47. Part 2 of the Neighbourhood Plan Submission version includes “*aspirations*” that are described as recurring issues raised during consultations “*that cannot be addressed by a land use policy*”. The Neighbourhood Plan preparation process is a convenient mechanism to surface and test local opinion on matters considered important in the local community. However, the Guidance states, “*Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.*” I am satisfied with the approach adopted that presents “*Our Aspirations*” as Part Two of the document. The aspirations do not form part of the Neighbourhood Development Plan and as such have not been considered as part of this independent examination. The aspirations would not be the subject of any referendum and would not become part of the Development Plan for the area. I have noted comment in the Habitats Regulations Assessment Screening Report that states the aspiration for a Chew Valley Lake Perimeter Footpath/Cycleway would probably trigger a full Appropriate Assessment under the Habitats Regulations. This consideration does not arise in my approach whereby the aspirations do not form part of the Neighbourhood Development Plan.
48. The Neighbourhood Plan sets out a positive Vision that refers to “*thriving communities*”, and “*strengthen our local economies*”, and includes enhancement of the historic environment, rural setting, and

²⁶ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 October 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 October 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

natural environment. The Plan's objectives include meeting the housing needs of local people; enhancing biodiversity; assisting economic growth; and maintenance and enhancement of local services and facilities. The Neighbourhood Plan taken as a whole seeks to shape and direct development. This is precisely the role national policy envisages for a neighbourhood plan.

49. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that need to 'have regard to' national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition "*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.*"

50. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁷ The Guidance states, "*This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic, and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions*"²⁸.

51. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some

²⁷ Paragraph 14 National Planning Policy Framework 2012

²⁸ National Planning Practice Guidance (Ref ID:41-072-20140306)

alternative plan would make a greater contribution to sustainable development.

52. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Basic Conditions Statement includes a section that seeks to demonstrate the sustainable development attributes of the Neighbourhood Plan.

53. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. The Neighbourhood Plan seeks to contribute to sustainable development by:

- Conserving rural and settlement character;
- Protecting important views and key skylines;
- Encouraging housing mix and affordable housing allocations that meets local needs;
- Ensuring traffic impact of proposals is assessed;
- Ensuring domestic parking facilities are adequate and are visually suitable and include provision for surface water disposal;
- Requiring green space provision in developments;
- Protecting woodland and ancient trees, and water life biodiversity, and promoting green corridors; and
- Promoting a dark skies policy.

54. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find that the Neighbourhood Plan, taken as a whole, has regard to national policies and advice contained in guidance issued by the Secretary of State and it is therefore appropriate to make the plan. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

55. The Framework states the ambition of a neighbourhood plan should “support the strategic development needs set out in Local Plans”.²⁹ “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.³⁰

56. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³¹

57. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). Bath & North East Somerset Council has informed me that the Development Plan applying in the Chew Valley neighbourhood area and relevant to the Neighbourhood Plan comprises the Bath and North East Somerset Adopted Core Strategy (2014) and Saved Policies from the Bath and North East Somerset Local Plan (2007), and that the whole of the Core Strategy and all Saved Policies are considered to be the strategic policies of the Development Plan. I have noted the West of England Joint Waste Core Strategy (2011) also forms part of the Development Plan but that strategy does not appear to impact in any particular way on the Neighbourhood Plan and the Neighbourhood Plan does not include matters that relate to policies of those plans. Waste issues are excluded matters for the purposes of policy making in Neighbourhood Plans.

58. Bath and North East Somerset Council is well advanced in preparing a Placemaking Plan that will form Part Two of the Local Plan (the Core Strategy forming Part One of the Local Plan). The Inspector’s report into the examination of the Placemaking Plan is expected late November 2016. Many policies of that Plan currently have limited weight as there are outstanding objections. The Placemaking Plan does not at present form part of the Development Plan.

²⁹ Paragraph 16 National Planning Policy Framework 2012

³⁰ Paragraph 184 National Planning Policy Framework 2012

³¹ National Planning Practice Guidance (ID: 41-04720 140306)

59. There is no requirement for a neighbourhood plan to include particular types of development and land use policies, nor is there any requirement for a neighbourhood plan to deal with any particular development and land use issues.

60. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. In considering a now repealed provision that “*a local plan shall be in general conformity with the structure plan*” the Court of Appeal stated “*the adjective ‘general’ is there, to introduce a degree of flexibility.*”³² The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

61. The Guidance states, “*When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:*

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.*”³³

62. My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance. If there were to be a conflict between a policy in a neighbourhood plan and a policy in a local plan the conflict must be resolved in favour of the policy contained in the last of those plans to become part of the Development Plan.³⁴

³² Persimmon Homes v. Stevenage BC the Court of Appeal [2006] 1 P &CR 31

³³ National Planning Practice Guidance (ID ref: 41-074 201 40306)

³⁴ Section 38(5) Planning and Compulsory Purchase Act 2004

63. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole. It is not necessary to demonstrate an absence of tension between each policy of the Neighbourhood Plan and each strategic policy of the Development Plan. I have concluded the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

64. The Neighbourhood Plan includes 30 policies as follows:

Policy HDE1 – Rural Landscape Character

Policy HDE2 – Settlement Build Character

Policy HDE3 – Important Views

Policy HDE4 – Skyline Policy

Policy HDE5a – Housing Mix

Policy HDE5b – Housing – Affordable Allocation

Policy HDE6a – Sustainability – Renewable Energy

Policy HDE6b – Sustainability – On-site Energy Requirements

Policy HDE7 – Traffic Impact

Policy HDE8a – Parking for Domestic Dwellings

Policy HDE8b – Parking for Domestic Dwellings

Policy HDE9a – Sustainable Drainage

Policy HDE9b – Sustainable Drainage

Policy HDE9c – Sustainable Drainage

Policy HDE10 – Community Green Space Design

Policy HDE11 – Protection of Designated Green Spaces

Policy HDE12a – Tree and Ancient Hedgerow Conservation

Policy HDE12b – Tree and Ancient Hedgerow Conservation

Policy HDE13 – Green Corridors and Biodiversity

Policy HDE14a – Water Life Biodiversity

Policy HDE14b – Water Life Biodiversity

Policy HDE15 – Dark Skies Policy

Policy BF1 – Diversification for Tourism

Policy BF2 – Retention of Small Businesses

Policy BF3a – Enhancing Community Facilities

Policy BF3b – Protecting Significant Facilities

Policy BF4 – Chew Valley School

Policy BF5 – Chew Magna Car Park

Policy BF6 – Parking for Non-Domestic Developments

Policy BF7 – Fibre to the Premises Internet Connectivity

65. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁵

66. The Guidance states *“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”*

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

67. *“While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.*

68. *“A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”³⁶*

69. If to any extent a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status, and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy in detail:

Policy HDE1 – Rural Landscape Character

70. This policy seeks to establish support for planning applications that conserve and protect the rural character of the Plan area.

71. A representation states the policy is too ambiguous and too weak to be relied on at appeal when defending a landscape based refusal. I agree the policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I consider a policy approach that focuses on those special attributes and characteristics that make the rural landscape character of the area locally distinctive would more suitably provide a practical framework for decision taking. I have recommended a modification in this respect so that the policy more adequately reflects the supporting text and illustrations.

³⁶ See section 38(6) of the Planning and Compulsory Purchase Act 2004.

72. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 1:

Replace Policy HDE1 with “To be supported development proposals must demonstrate they conserve and do not harm the characteristic rural features of the area including the undeveloped landscape setting of settlements; natural field boundaries and traditional stone buildings in farmlands; and woodlands, orchards and other mature trees”

Policy HDE2 – Settlement Build Character

73. This policy seeks to establish support for proposals that conserve settlement character including but not exclusive to scale, materials and density.

74. A representation states the policy is not sufficiently strong to steer development and rely upon when refusing unacceptable development, and that reference to village design statements would be beneficial. I agree the policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I consider a policy approach that focuses on those special attributes of settlement character that make the relevant parish area locally distinctive would more suitably provide a practical framework for decision taking. I have recommended a modification in this respect so that the policy more adequately reflects the supporting text and illustrations and in particular the parish character assessment summaries presented in Appendix 3 to the Neighbourhood Plan.

75. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic

policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 2:

Replace Policy HDE2 with “To be supported development proposals must demonstrate how they reflect, conserve, and enhance the locally distinctive design attributes (including scale, materials and density) and characteristics of the relevant settlement, detailed in the Parish Character Assessment Summaries presented in Appendix 3”

Policy HDE3 – Important Views

76. This policy seeks to establish support for proposals that are sensitive to the importance of views in, out and around the area and which protect and preserve those views.
77. A representation states the policy should refer to identified views, and set out repercussions for proposals that do not protect and preserve views. I am satisfied confirmation of support or withholding of support for development proposals is an adequate repercussion in the context of a neighbourhood plan policy. The supporting text to the Policy confirms that identified views are as seen “*from publicly accessible locations*”. This must necessarily be the case as planning policy must relate to the public interest. I have recommended a modification so that the Policy specifically relates to specified views, and is therefore sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
78. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with conserving and

enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 3:

Replace Policy HDE3 with “To be supported development proposals must demonstrate regard for sensitivity to relative visual prominence shown in illustration HDE3-V2, and not significantly harm the important views including views identified in the maps and photographs in illustrations HDE3-V1a to HDE3-V1h”

Policy HDE4 – Skyline Policy

79. This policy seeks to establish that any proposal that has an impact on key skyline views should be of a height, scale and mass which is sensitive to those views.

80. A representation states key skyline views are not defined. I have recommended a modification to make reference to defined sensitive skylines to replace the imprecise terms “*key skyline views*” and “*which is sensitive to these views*” so that the Policy is sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

81. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 4:

Replace Policy HDE4 with “To be supported the height, scale and mass of development proposals must be such that there is no adverse impact on the sensitive skylines identified on illustration HDE4-V1”

Policy HDE5a – Housing Mix

82. This policy seeks to establish that residential development should meet local housing needs.

83. A representation states the policy position is unclear where there is no up-to-date Housing Needs Survey and 5 or less dwellings are proposed. I consider the Policy is clear in that the most recent Housing Needs Survey, even if it is not considered to be up-to-date, will apply in those circumstances. If there has never been a housing needs survey across the individual parish or the whole plan area, then no housing mix obligation at all will apply to development proposals for 5 or less dwellings.
84. I have recommended a modification so that the Policy clearly states it is concerned with the housing mix of proposals and not any other aspects of housing need that may be revealed by Housing Needs Surveys. In this way, the Policy will be sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
85. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 5:

In Policy HDE5a delete “development that” and insert “residential development proposals where the housing mix”

Policy HDE5b – Housing – Affordable Allocation

86. This policy seeks to establish priorities for allocation of affordable housing.
87. Allocation of affordable housing is an administrative process that falls outside land use planning. The Framework does however recognise planning policies can be concerned with meeting affordable housing needs and the supporting text of the Neighbourhood Plan states the Policy “*can be actioned through a s106 agreement for new development.*” On this basis, I consider the Policy does provide a practical framework within which decisions on planning applications

can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

88. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with delivering a wide choice of high quality homes. This policy meets the basic conditions.

HDE6a – Sustainability - Renewable Energy

89. This policy seeks to establish conditional support for renewable energy installations.

90. A representation states other material considerations than those listed will apply; that application in Green Belt areas is unclear; and that reference to important views requires clarification.

91. There is no requirement for a neighbourhood plan policy to state all material considerations to apply in respect of particular types of development. The intention of the Policy is to establish criteria that must be met. Other relevant national or Development Plan policies will still apply. There is no requirement for the Policy to repeat all other policies that may be relevant in the determination of a planning proposal. The reference to important views, which are the subject of Policy HDE3, and to the Mendip Hills AONB guidelines should be deleted. The statement in the Policy “*Where planning permission is required*” is unnecessary as all the Plan policies only apply where planning permission is required. The term “*is appropriate*” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

92. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding; and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 6:

Replace Policy HDE6a with “To be supported the scale and proportions of development proposals for renewable energy installations must not be detrimental to their landscape setting, and their design must demonstrate sensitivity to the heritage, natural environment and character of the Parish in which they will be located”

HDE6b – Sustainability – On-site Energy Requirements

93. This policy seeks to establish support for new developments to include sufficient renewable energy generation to reduce defined carbon emissions by at least 10%.
94. A representation raises several difficulties of application of the Policy including demonstration of the specified percentage reduction and whether development for change of use is affected. I agree the Policy is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
95. The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the following *“From the date the Deregulation Bill 2015 is given Royal Assent, local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”*. Whilst the Ministerial Statement only applies to new dwellings these are likely to be the most common form of development proposal occurring during the Plan period.
96. The Policy does not meet the basic conditions and should be deleted. An appropriate statement could be included in the Part Two - Our Aspirations section of the Plan.

Recommended modification 7:

Delete Policy HDE6b

Policy HDE7 – Traffic Impact

97. This policy seeks to establish a requirement for a Traffic Impact Assessment, including impact on pedestrians, cyclists and public transport in respect of specified development, and implementation of recommended works.
98. A representation states, submission only, of a Traffic Impact Assessment is insufficient; the requirement is not reasonable in respect of some potential proposals; and exemption of infill development may not always be appropriate.
99. With respect to the exclusion of infill residential development from the scope of the Policy it is not within my role to extend the application of a policy unless that extension is necessary to meet the basic conditions. The Framework states development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Framework also states that development should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. Decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. The term “*acceptable level*” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in these respects.
100. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 8: In Policy HDE7

- **delete “bring the road network and traffic impact to an acceptable level” and insert “avoid residual cumulative impacts that are severe”**
- **after “proposed development” continue “subject to viability in accordance with paragraph 173 of the Framework”**

Policy HDE8a – Parking - Domestic Dwellings

101. This policy seeks to establish requirements in respect of proposed domestic parking areas.
102. A representation states a proposed surface water disposal system may not be acceptable. I agree the term “a system” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I consider the phrase “*residential parking spaces*” introduces a limitation on the scale of proposals so that it has sufficient regard to those aspects of national policy that relate to the conservation and enhancement of the natural environment; and conservation and enhancement of the historic environment.
103. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with requiring good design; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 9:

In Policy HDE8a after “disposal” continue “that can be demonstrated to be capable of not increasing flood risk both on-site and in the locality”

Policy HDE8b – Parking - Domestic Dwellings

104. This policy seeks to specify numbers of parking spaces to be provided with new residential development.
105. A representation states lower provision of spaces than that specified should have an implication. I recommend use of the term “to be supported” in this respect in order to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The representation also states that a minimum of two spaces for a one-bed dwelling is excessive; and that this and exclusion of garages from provision calculations will lead to

unsatisfactory streetscapes. It is beyond my role to recommend alternative policy content where this is not necessary to meet the basic conditions. I am satisfied the basis of formulation of the Policy is consistent with the approach set out in paragraph 39 of the Framework, that Local Planning Authorities are required to adopt when setting local parking standards.

106. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting sustainable transport. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 10:

In Policy HDE8b

- delete “The Neighbourhood Plan will support” and insert “To be supported”
- delete “that” and insert “must”

Policy HDE9a – Sustainable Drainage

107. This policy seeks to establish support for developments that have fully sustainable drainage systems for surface water disposal incorporated into the design.

108. A representation welcomes the Policy. Another representation recommends inclusion of the word “*acceptable*” and deletion of the word “*fully*”. Whilst I agree a surface water disposal system is either sustainable or not, a modification in this respect is not necessary to meet the basic conditions. I consider the proposed Policy is sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

109. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with meeting the

challenge of climate change and flooding. This policy meets the basic conditions.

Policy HDE9b – Sustainable Drainage

110. This policy seeks to establish support for development that demonstrates it does not increase flood risk to existing properties.

111. A representation welcomes the Policy. Another representation recommends the Policy is rewritten in a stronger form. I consider the Policy is sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. Whilst policies apply throughout the Plan area, unless part only of the area is specified, it is confusing for one policy to refer to the Plan area. In addition, whilst policies can only apply in the Plan area it is possible to consider implications outside the Plan area. I recommend that the term “*in the Plan Area*” is deleted.

112. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 11: In Policy HDE9b delete “in the Plan Area”

Policy HDE9c – Sustainable Drainage

113. This policy seeks to establish that in respect of existing houses in flood zone 3 there will be support for minor alterations and additions where it is demonstrated they will help mitigate the risk of flooding.

114. A representation states the Policy is poorly written and ambiguous, and helping to mitigate flood risk is a very subjective, broad requirement. Another representation states all work to houses that will help mitigate flood risk and make the buildings more flood resilient should be supported, even if works are substantial. I agree that the term “*minor*” is imprecise and has not been adequately justified. I have recommended a modification in this respect. A

representation states they wished to see a Policy included in the Neighbourhood Plan stating any new dwelling or their access road will not be supported in Flood Zone 3. It is not within my role to recommend additional policy content. National policy does however set out a clear policy approach to development proposals in flood risk areas.

115. The Framework states that *“inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere”*. Intensification of a residential use through extension of a property to achieve additional accommodation in an area of high flood risk would not be consistent with the national policy approach in such areas. I recommend modification of the Policy so that it is clear that proposals for alterations and additions to existing homes in flood zone 3 will only be supported where it is demonstrated they are designed to help mitigate the risk of flooding and are designed solely to achieve that purpose. The term *“adjacent to”* is imprecise and introduces uncertainty such that the Policy would not provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

116. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with meeting the challenge of climate change and flooding. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 12:

In Policy HDE9c

- **after “Plan will” insert “only”**
- **delete “or adjacent to”**
- **delete “minor”**
- **after “flooding” insert “and are designed solely to achieve that purpose”**

Policy HDE10 – Community Green Space Design

117. This policy seeks to establish support for developments that include communal green areas/allotments/orchards/copses.
118. A representation proposes use of the term “publically accessible” rather than “community” stating a reason that this is to ensure on-site greenspace typologies benefit the wider community, rather than solely for the community within the development itself. I have understood this representation to relate to the Policy title. The Policy relates to provision of communal green space. I understand the term communal means the green space is to be shared by all members of a community but I do not consider this must necessarily extend to common access. In the case of an allotment all members of a community may have equal opportunity to apply to manage that land but public access to the allotment may not be available.
119. Another representation questions whether all developments must include these facilities, and considers development types and sizes should be stated, as should quantitative requirements. It is beyond my role to limit the application of the Policy to developments of any particular nature or to introduce standards of provision. I have recommended a modification to clarify provision is not a requirement so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
120. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with requiring good design; promoting healthy communities; and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 13:

Replace Policy HDE10 with “The inclusion of communal green areas/allotments/orchards/copses in development proposals will be supported”

Policy HDE11 – Protection of Designated Green Spaces

121. This policy seeks to designate 5 Local Green Spaces. I have taken into consideration the copies of correspondence I have been provided with, and representations, relating to the proposed designations. I have visited each of the areas of land proposed for designation as Local Green Space. I am satisfied the maps included in the Submission Plan are at sufficient scale to identify the precise boundaries of the land proposed for designation.
122. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period.”*
123. I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The Guidance states *“Designating any Local Green Space will need to be consistent with local planning for sustainable development in the area. In particular, plans must identify sufficient land in suitable locations to meet identified development needs and the Local Green Space designation should not be used in a way that undermines this aim of plan making.”* The intended designations are consistent with the local planning of sustainable development contributing to the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework. I consider the submission draft Neighbourhood Plan is not inconsistent with provision for sufficient land to meet development needs.
124. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*

- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land.

I find the intended Local Green Space designations relate to green space that is in reasonably close proximity to the community it serves; and the green areas are local in character and are not an extensive tract of land.

125. The submission draft Neighbourhood Plan includes a “*brief reason for amenity importance*” in respect of each proposed area for designation as Local Green Space. The statements in four cases are “*recreational use*” and in the other case “*local historic importance*”. I consider these statements do not offer sufficient evidence for me to conclude the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance.

126. There is no evidence to show the areas are demonstrably special to a local community through, for example, opinion surveys, or support from local community groups or local amenity societies. Similarly, there is no evidence to show the green areas hold a particular local significance through, for example, specific reference in a landscape or other appraisal, or evidence that a site is highlighted in local literature or art. The Guidance states that whilst there is no ‘tick box’ list of evidence required for neighbourhood planning, “*Proportionate, robust evidence should support the choices made and the approach taken.*”

127. The guidance states that if land is already protected by Green Belt policy or other designations including an Area of Outstanding Natural Beauty (AONB), or a conservation area, consideration should be given to whether any additional local benefit would be gained by designation as Local Green space. The two sites proposed for designation in Chew Magna, and the two sites proposed for designation in Chew Stoke, are within designated Green Belt and the site proposed for designation in East Harptree is within a designated AONB. In this context, I have not seen anything that confirms consideration has been given to whether any additional local benefit would be gained by designation as Local Green Space. This policy does not meet the Basic Conditions. I recommend it is deleted.

**Recommended modification 14:
Delete Policy HDE11**

Policy HDE12a – Tree and Ancient Hedgerow Conservation

128. This policy seeks to establish that development proposals will not be permitted where they directly or indirectly have an adverse impact on ancient hedgerows, woodland or substantial/ancient/veteran trees.
129. The Policy includes the phrase “*will not be permitted*”. With regard to the issue of decision making the Framework states “*the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise*”. This basis for decision making should be made clear. Policies should use the term “will be supported” or “not be supported” in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.
130. The Policy includes provision relating to ancient hedgerows. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.
131. The terms “*ancient hedgerows*” and “*woodland*” are not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have made an appropriate recommendation of modification in this respect.
132. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to

the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 15:

In Policy HDE12a

- **delete “permitted” and insert “supported”**
- **delete “hedgerows, woodland” and insert “species-rich hedgerows or ancient woodland (identified on Map M8 and in Appendix 4)”**

Policy HDE12b – Tree and Ancient Hedgerow Conservation

133. This policy seeks to establish that development proposals will be supported where they seek to avoid any adverse impact on substantial/ancient/veteran trees, ancient hedgerows and woodlands and where they include appropriate retention and planting of new trees, hedgerows and woodlands.

134. The Policy includes provision relating to ancient hedgerows. The Hedgerows Regulations 1997 establish a balanced regime to protect hedgerows in specified locations but exclude any hedgerow which is within, or borders, a domestic garden. It is appropriate for the Neighbourhood Plan to seek to introduce an additional regime of protection to apply in the context of development proposals.

135. The terms “*ancient hedgerows and woodlands*” and “*seeks to avoid*” are not sufficiently precise. The first part of the Policy is in any case unnecessary as it merely mirrors Policy HDE12a. I have made an appropriate recommendation of modification in this respect to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

136. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 16:

In Policy HDE12b delete the first bullet point

Policy HDE13 – Green Corridors and Biodiversity

137. This policy seeks to establish support for planning applications that promote and protect the green corridors and biodiversity within them.
138. A representation states the Policy should be re-written in a stronger form. Another representation states the Policy is too limited and insufficiently robust. It is stated the Policy should make reference to existing Sites of Nature Conservation Interest (SNCIs) and UK Priority Habitats, and the Strategic Nature Area extending south of Chew Magna towards Chew Stoke. The representation also states Appendix 4 should be amended in a number of ways and the Wildlife Maps in Appendix 4 should be moved into the body of the Plan “*to give them more weight in Planning terms.*” Another representation states the Policy is very light on content suggesting adjustments to Appendix 4 and stating a summary of that Appendix should be contained in this section. This representation states the Policy should include provision to avoid adverse impact on SNCIs, Special Protection Areas (SPAs) or Sites of Special Scientific Interest (SSSIs). It is beyond my role to recommend inclusion of additional elements to policies. The other adjustments suggested in the representations are not necessary to meet the basic conditions. I have however referred to some of the matters raised in the Annex to my report.
139. The terms “*promote*” and “*the green corridors*” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect.
140. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with building a strong, competitive economy; supporting a prosperous rural economy; promoting sustainable transport; delivering a wide choice of high quality homes; requiring good design; promoting healthy communities; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 17:

In Policy HDE13

- delete “promote and”
- after “corridors” insert “identified on Map M9”

Policy HDE14a – Water Life Biodiversity

141. This policy seeks to establish that development likely to present a risk or to have significant adverse effect on rivers, watercourses and lakes that cannot be adequately mitigated would not be supported.
142. Use of the word “*would*” introduces uncertainty. A representation states the Policy does not state the risk concerned. I have recommended a modification in these respects so that the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
143. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 18:

In Policy HDE14a

- after “effect on” insert “the water life biodiversity of”
- delete “would” and insert “will”

Policy HDE14b – Water Life Biodiversity

144. This policy seeks to establish support for proposals that include conservation of ponds and watercourses. A representation states the Policy should be rewritten in a stronger form. I am satisfied the Policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
145. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their

community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. This policy meets the basic conditions.

Policy HDE15 – Dark Skies Policy

146. This policy seeks to establish that development must minimise light spillage beyond the site boundary of the proposal and incorporate appropriate dark corridors for bats, and other light sensitive species.
147. A representation states it is unnecessary to include the term “*where planning permission is required*”. Neighbourhood plan policies only relate to development requiring planning permission. I have recommended a modification in this respect.
148. The term “*into the wider countryside*” is not sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have recommended a modification in this respect also.
149. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 19:

In Policy HDE15

- delete “**Where planning permission is required**”
- delete “**”and into the wider countryside**”

Policy BF1 – Diversification for Tourism

150. This policy seeks to establish support for development based on farm diversification that can demonstrate it will assist viability of the business and assist in developing the Chew Valley tourist economy.

151. A representation states support should be in principle only as other material considerations must be assessed. I am satisfied the Policy can support development without precluding assessment of material considerations at the time of application determination. The representation also states it is unclear whether farm diversification projects will only be supported if they are tourism related as the supporting text seems to contradict the policy.

152. The supporting text to the Policy identifies the potential of farm diversification stating “*most notably in the tourism sector*”. There is no justification why farm diversification should only occur if it assists in developing the Chew Valley tourist economy. The Framework states “*neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas both through the conversion of existing buildings and well-designed new buildings*” and “*promote the development and diversification of agricultural and other land-based rural businesses.*” I have recommended a modification in this respect.

153. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with building a strong, competitive economy, and supporting a prosperous rural economy. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 20:

In Policy BF1

**delete “both of the following criteria” and insert “it will”
after “business” delete “and” and insert “or”**

Policy BF2 – Retention of Small Businesses

154. This policy seeks to establish that change of use from any business or employment use will only be supported if there is feasibility and marketing evidence.

155. A representation states it is unnecessary to state “*where planning permission is required*”. I agree with this point and have recommended an appropriate modification. The representation also

states the restriction is unclear and would not apply if a business left premises before an application; the uses are ambiguous; and should not refer to third party actions. The representation states a minimum marketing period should be stated and the relationship with Policy BF3B should be clarified. I have recommended a modification so that realisation of the Policy is not dependent upon third parties and the Policy is sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

156. It is possible that some premises may be subject to Policy BF2 as business or employment premises and Policy BF3b as significant community facilities. As the requirements of those policies are compatible I do not consider any policy overlap to be problematic.

157. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with building a strong, competitive economy, and supporting a prosperous rural economy. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 21:

Replace Policy BF2 with “To be supported proposals that would result in the loss of business or employment premises (Use Classes A1, A2, A3, A4, A5, B1, B2, B8, C1, D2 and sui generis business and employment uses in the Town and Country Planning (Use Classes) Order 1987 (as amended)), and do not include the creation of new alternative equivalent premises, must include evidence, to the satisfaction of the Local Planning Authority, that business and employment use is not viable, and that the premises have been extensively marketed for a minimum of 12 months”

Policy BF3a – Enhancing Community Facilities

158. This policy seeks to establish support for proposals to upgrade or replace community facilities.

159. A representation queries whether support for proposals is in principle only and that there may be other material considerations.

160. It is not necessary for the Policy to state “*within the Plan area*” as all the Neighbourhood Plan policies apply within the Plan area. The Policy includes the terms “*upgrade*” and “*community facilities*”. I have recommended a modification as these imprecise terms do not offer a practical framework for decision taking. The Policy includes the phrase “*subject to it not interfering with any existing ecological function on or near the site*”. Whilst this term is not precise I have not recommended its modification or deletion as it arises from the Habitats Regulations Assessment (HRA) Screening Report that I referred to earlier in my report. Decision makers will be able to assess any material considerations including ecological impact, or for example effect on residential and visual amenity, at the time of determination of a planning application. It is not necessary for every planning policy to state “*unless material considerations deem otherwise*”, nor is it necessary for every planning policy to list all possible material considerations.

161. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 22:

Replace Policy BF3a with “Development proposals to extend, improve, or replace to an equivalent standard of provision, any community hall, public house, shop, restaurant, theatre, social club, or car park to which the public have access, or other community facility will be supported, subject to it not interfering with any existing ecological function on or near the site”

Policy BF3b – Protecting Significant Facilities

162. This policy seeks to establish that a change of use of significant facilities will only be supported if a feasibility and marketing study demonstrates the business is not viable and the subsequent use would not interfere with any existing ecological function on or near the site.

163. A representation states it is not appropriate for the Policy to require the approval of a third party. I have recommended a modification so that realisation of the Policy is not dependent upon third parties and the Policy is sufficiently precise to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
164. The Policy includes the phrase “*the subsequent use would not interfere with any existing ecological function on or near the site*”. Whilst this term is not precise I have not recommended its modification or deletion as it arises from the Habitats Regulations Assessment (HRA) Screening Report that I referred to earlier in my report. Decision makers will be able to assess any material considerations including ecological impact, or for example effect on residential and visual amenity, at the time of determination of a planning application. It is not necessary for every planning policy to state “*unless material considerations deem otherwise*”, nor is it necessary for every planning policy to list all possible material considerations.
165. It is possible that some premises may be subject to Policy BF2 as business or employment premises and Policy BF3b as significant community facilities. As the requirements of those policies are compatible I do not consider any policy overlap to be problematic.
166. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting healthy communities, and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 23:

Replace Policy BF3b with “To be supported proposals that would result in the loss of any community hall, public house, shop, restaurant, theatre, social club, or car park to which the public have access, or other significant community facility, and do not include the creation of new alternative equivalent premises, must include evidence, to the satisfaction of the Local Planning Authority, that community use is not viable, and that the premises have been extensively marketed for a minimum of 12

months, and that the subsequent use would not interfere with any existing ecological function on or near the site”

Policy BF4 – Chew Valley School

167. This policy seeks to establish support for proposals that provide enhanced facilities within the curtilage of Chew Valley School.
168. A representation states the Policy is excessively permissive. It is not within my role to decide how permissive a policy should be. The representation also states Chew Magna is in the Green Belt and the Policy should acknowledge this. It is not necessary for a neighbourhood plan policy to repeat national or local strategic policies. The representation states support should be in principle only and subject to detail/impact. It is not necessary to limit a neighbourhood plan policy to being in principle only in order to meet the basic conditions.
169. The Policy includes the phrase “*subject to it not interfering with any existing ecological function on or near the site*”. Whilst this term is not precise I have not recommended its modification or deletion as it arises from the Habitats Regulations Assessment (HRA) Screening Report that I referred to earlier in my report. Decision makers will be able to assess any material considerations including ecological impact, or for example effect on residential and visual amenity, at the time of determination of a planning application. It is not necessary for every planning policy to state “*unless material considerations deem otherwise*”, nor is it necessary for every planning policy to list all possible material considerations.
170. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the basic conditions.

Policy BF5 – Chew Magna Car Park

171. This policy seeks to establish support for any proposal that provides enhanced parking facilities for the village of Chew Magna.

172. A representation states the Policy is excessively permissive. The representation also states Chew Magna is in the Green Belt and the Policy should acknowledge this. The representation states support should be in principle only and subject to detail/impact. It is not necessary to limit a neighbourhood plan policy to being in principle only in order to meet the basic conditions. It is also not necessary for a neighbourhood plan policy to repeat national or local strategic policies. I have observed parking issues in the village and can understand the desire to support proposals to improve the situation. The term “*for the village*” is imprecise. I recommend a modification to clarify proposals should demonstrate they address local need.

173. The Policy includes the phrase “*subject to it not interfering with any existing ecological function on or near the site*”. Whilst this term is not precise I have not recommended its modification or deletion as it arises from the Habitats Regulations Assessment (HRA) Screening Report that I referred to earlier in my report. Decision makers will be able to assess any material considerations including ecological impact, or for example effect on residential and visual amenity, at the time of determination of a planning application. It is not necessary for every planning policy to state “*unless material considerations deem otherwise*”, nor is it necessary for every planning policy to list all possible material considerations.

174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with promoting sustainable transport, and conserving and enhancing the natural environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 24:

In Policy BF5 after “facilities” delete “for” and insert “that meet local needs in”

Policy BF6 – Parking for Non-Domestic Developments

175. This policy seeks to establish support for proposals for all commercial and business parking spaces if parking area boundary treatment is in accordance with the character of the area and the design incorporates a system for surface water disposal.

176. A representation states the Policy is excessively permissive conditionally supporting all parking proposals whatever their scale. The character of the Plan area is such that certain proposals for commercial and business parking space, for example a free standing large lorry park, may require consideration of issues in addition to boundary treatment and surface water drainage. I have recommended a modification so that the Policy relates to parking spaces that are required in association with existing business premises.

177. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic policies contained in the Development Plan. As recommended to be modified the policy has regard to the components of the Framework concerned with promoting sustainable transport; meeting the challenge of climate change and flooding; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the modification recommended, this policy meets the basic conditions.

Recommended modification 25:

In Policy BF6 after “spaces” insert “that are demonstrated to be required in association with existing business premises”

Policy BF7 – Fibre to the Premises Internet Connectivity

178. This policy seeks to establish support development that makes provision for specified internet connection.

179. A representation states the Policy should be more strongly worded; specify the types of development concerned; and should acknowledge viability considerations. I agree with these representations and have recommended an appropriate modification.

180. A neighbourhood plan policy will apply throughout the plan period. The specified connection speed may well appear inadequate at some time however I appreciate the Policy seeks to incorporate provision for future upgrades.

181. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy is in general conformity with the strategic

policies contained in the Development Plan. The policy has regard to the components of the Framework concerned with supporting high quality communications infrastructure. This policy meets the basic conditions.

Recommended modification 26:

In Policy BF7 delete “The Neighbourhood Plan will support all development that makes” and insert “To be supported development proposals for new dwellings, employment premises, and education facilities must make”

Summary of main findings and Referendum

182. I have recommended 26 modifications to the Submission Version Plan and also made a recommendation of modification in the Annex below.

183. I am satisfied that the Neighbourhood Plan³⁷:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and
- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and meets the basic conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise

³⁷ The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

compatible with EU obligations if modified in accordance with my recommendations; and

- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.³⁸

I recommend to Bath & North East Somerset Council that the Chew Valley Neighbourhood Development Plan for the plan period up to 2035 should, subject to the modifications I have put forward, be submitted to referendum.

184. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.³⁹ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Bath & North East Somerset Council as a Neighbourhood Area on 18 March 2014.

³⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

³⁹ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁰

Two representations state maps in Appendix 4 do not follow a standard approach with respect to key designations. This matter should be checked as well as use of the word “Draft” in respect of SNCIs in Chew Magna and absence of descriptive notes relating to hedgerows and wildlife on the Chew Magna maps. I have not recommended a modification in respect of these matters as modification is not necessary to meet the basic conditions.

A number of consequential modifications to the general text of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies.

**Recommended modification 27:
Modification of general text will be necessary to achieve consistency with the modified policies**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
10 November 2016
REPORT ENDS

⁴⁰ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990