

CHEW VALLEY AREA NEIGHBOURHOOD PLAN DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1 Pursuant to the Adopted Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol (p42), the Divisional Director (Planning) is authorised on behalf of the Local Planning Authority to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation.

2. BACKGROUND

- 2.1 The Chew Valley Plan area comprises the whole parishes of Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree in the Bath & North East Somerset Council authority area (B&NES). On 18th March 2014, B&NES Council approved that the Chew Valley Area Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree Parishes submitted the draft Chew Valley Area Neighbourhood Plan, and supporting documents to B&NES Council in July 2016.
- 2.3 Following submission of the Chew Valley Area Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 26 July to the 20th September 2016.
- 2.4 In October 2016, B&NES Council appointed an independent examiner, Mr Christopher Collinson (BA (Hons) MBA MRTPI MIED MCMI IHBC) to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 10th November 2016 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.6 In accordance with legislation, the local authority must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authorities are satisfied then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1 Having considered the examiner's recommendations and reasons for them, B&NES Council concur with the examiner's view and have decided to make modifications to the draft Chew Valley Area Neighbourhood Plan to ensure that it meets legal requirements including the Basic Conditions as set out in legislation. Appendix 1 sets out the modifications to be made in response to the examiner's recommendations, together with the reasons for them.
- 3.2 B&NES Council are satisfied that the Neighbourhood Plan as modified complies with the legal requirements and can proceed to referendum.
- 3.3 B&NES Council also agree with the examiner that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum.
- 3.4 I declare that we have no private interest in respect of this matter that would prevent us from making this decision.

Signed:



Lisa Bartlett
Divisional Director – Development
Bath & North East Somerset Council

Dated: 6th December 2016

APPENDIX 1: Modifications to the draft Chew Valley Area Neighbourhood Plan in response to the Examiner’s recommendations

Throughout the table modifications are shown as follows:

- Text in *italics and underlined* identifies new text
- Text that is shown as ~~strikethrough~~ identifies deleted text

The paragraph, policy and page numbering relates to the draft Chew valley Area Neighbourhood Plan, as submitted to the local authorities in December 2016.

The final plan, to be published for the purposes of the referendum, will renumber the policies and paragraphs following the making of the changes as set out in the table below.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
24	<p>Policy HDE1 Rural Landscape Character</p> <p>The Neighbourhood Plan will support planning applications that conserve and protect the rural character of the Chew Valley Neighbourhood Plan Area.</p> <p>Replace with:</p> <p><i><u>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</u></i></p>	17	The policy was reworded to ensure it is precise enough 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.

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	<i>other mature trees</i>		
26	<p>Policy HDE2 Settlement Build Character</p> <p>The Neighbourhood Plan will support planning applications that conserve the settlement character, including but not exclusive to scale, materials and density.</p> <p>Replace with:</p> <p><i><u>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</u></i></p>	19	The policy was reworded to ensure it is precise enough 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.
27	<p>Policy HDE3 Important Views</p> <p>The Neighbourhood Plan will support planning applications that are sensitive to the importance of views in, out and around the Chew Valley and which protect and preserve those views.</p> <p>Replace with:</p> <p><i><u>To be supported development proposals must demonstrate regard for sensitivity to relative</u></i></p>	25	The policy was reworded to ensure it is precise enough 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.

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	<p><i>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</i></p>		
27	<p>Policy HDE4 Skyline</p> <p>Any proposed development that has an impact upon key skyline views shall be of a height, scale and mass which is sensitive to these views.</p> <p>Replace with:</p> <p><i>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</i></p>	26	The policy was reworded to ensure it is precise enough 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.
27	<p>The Neighbourhood Plan will support development that <i>residential development proposals where the housing mix</i> is in accordance with the most recent Housing Needs Survey across the Individual Parish or whole Plan Area. If an area is not covered by an up to date Housing Needs Survey, applicants for any residential development greater than five dwellings must commission one, which must be funded by the applicant.</p>	27	Modification to ensure 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.

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29	<p>Policy HDE6a Sustainability – Renewable Energy</p> <p>Where planning permission is required for renewable energy installations, applications will be supported by the Neighbourhood Plan if they meet all of the following criteria:</p> <p>1 – The scale, proportions and visual impact on the area within which they are set is appropriate</p> <p>2 – Design is sensitive to the heritage, natural environment and character of the Parish in which they will be set</p> <p>3 – The design will not adversely effect any important views in or out of the Plan Area and</p> <p>4 – If the application is within the AONB, it is in line with the Mendip Hills AONB guidelines.</p> <p>Replace with:</p> <p><i><u>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</u></i></p>	28	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.
30	<p>Policy HDE6b Sustainability – On-site Energy Requirements:</p>	28	The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the

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	<p>The Neighbourhood Plan will support new developments that are designed to provide sufficient renewable energy generation to reduce carbon emissions from anticipated (regulated) energy use in the building by at least 10%.</p>		<p>following</p> <p><i>“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”.</i></p> <p>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.</p> <p>The Policy does not meet the basic conditions and should be deleted.</p>
31	<p>Policy HDE7 Traffic Impact</p> <p>Developers of any residential development that is not infill, or any non-residential development, will be required to complete a Traffic Impact Assessment. Any works recommended by that assessment as necessary to bring the road network and traffic impact to an acceptable level <u>avoid residual cumulative impacts that are severe</u> will be funded by the proposed development <u>subject to viability in accordance with paragraph 173 of the Framework.</u></p>	29	<p>The policy was reworded to ensure it is precise enough 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.</p>

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	The Traffic Impact Assessment should include the impact on pedestrians, cyclists and public transport in order to promote sustainable travel.		
32	<p>Policy HDE8a Parking – Domestic Dwellings</p> <p>Proposals for all residential parking spaces will be supported if the parking area boundary treatment is in accordance with the character of the area, and the design incorporates a system for surface water disposal <u>that can be demonstrated to be capable of not increasing flood risk both onsite and in the locality.</u></p>	30	The policy was reworded to ensure it is precise enough 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.
33	<p>Policy HDE8b Parking – Domestic Dwellings</p> <p>The Neighbourhood Plan will <u>To be</u> support proposals for all new residential developments that <u>must</u> provide a minimum of:</p> <ul style="list-style-type: none"> • Two spaces per dwelling up to three bed dwelling • Three spaces per four bed dwelling and above • Half a space per dwelling for visitor parking. <p>Garages are excluded from the prescribed minimum standards. If no garage or secure area is provided there must also be provision for cycle parking as per 1 secure covered stand per dwelling in a communal area for residents, plus 1 stand per 8 dwellings for visitors.</p>	31	Insertions to ensure clarity.

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34	<p>Policy HDE9b – Sustainable Drainage</p> <p>The Neighbourhood Plan will support development that demonstrates it does not increase the flood risk to existing properties in the Plan Area.</p>	33	Deletions to ensure clarity.
35	<p>Policy HDE9c Sustainable Drainage</p> <p>The Neighbourhood Plan will <i>only</i> support planning applications for properties within or adjacent to flood zone 3 for minor alterations and additions to existing houses that demonstrate they will help mitigate the risk of flooding <i>and are designed solely to achieve that purpose.</i></p>	33	Insertions and deletions to ensure clarity.
36	<p>Policy HDE10 Community Green Space Design</p> <p>The Neighbourhood Plan will support developments where the layout includes communal green areas/allotments /orchards/copses.</p> <p><i>The inclusion of communal green areas /allotments /orchards/copses in development proposals will be supported</i></p>	36	The policy was reworded to ensure it is precise enough 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.
38	<p>Policy HDE11 Local Green Spaces</p> <p>Sites identified in maps HDE11 M1 to 5 are to be designated as Local Green Spaces.</p>	35	The submission draft Neighbourhood Plan includes a “ <i>brief reason for amenity importance</i> ” in respect of each proposed area for designation as Local Green Space. The statements in four cases are “ <i>recreational use</i> ” and in the other case “ <i>local historic importance</i> ”. These statements

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			<p>38do 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.</p> <p>The Policy does not meet the basic conditions and should be deleted.</p>
39	<p>Policy HDE12a Tree and Ancient Hedgerow Conservation</p> <p>Development proposals will not be permitted <u>supported</u> where they directly or indirectly have an adverse impact on ancient hedgerows, woodland or substantial/ancient/veteran trees <u>species-rich hedgerows or ancient woodland (identified on Map M8 and in Appendix 4).</u></p>	36	<p>The terms “<i>ancient hedgerows</i>” and “<i>woodland</i>” 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</p>
40	<p>Policy HDE12b</p> <p>Tree and Ancient Hedgerow Conservation</p> <p>The Neighbourhood Plan will support development where:</p> <ul style="list-style-type: none"> • It seeks to avoid any adverse impact on substantial/ancient/veteran trees, ancient hedgerows and woodlands; and • It includes the appropriate retention and planting of new trees, hedgerows and woodlands. 	37	<p>The terms “<i>ancient hedgerows and woodlands</i>” and “<i>seeks to avoid</i>” are not sufficiently precise. The first part of the Policy is in any case unnecessary as it merely mirrors Policy HDE12a.</p>
41	Policy HDE13 Green Corridors and Biodiversity	39	<p>The terms “<i>promote</i>” and “<i>the green corridors</i>” is not sufficiently precise to provide a practical framework</p>

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	The Neighbourhood Plan will support planning applications that promote and protect the green corridors <i>identified on Map M9</i> and biodiversity within them.		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.
42	<p>Policy HDE14a Water Life Biodiversity</p> <p>Development likely to present a risk or to have a significant adverse effect on <i>the water life biodiversity of</i> rivers, watercourses and lakes either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would <i>will</i> not be supported.</p>	40	<p>Use of the word “would” introduces uncertainty.</p> <p>Insertions and deletions to ensure clarity.</p>
43	<p>Policy HDE15 Dark Skies Policy</p> <p>Where planning permission is required development must:</p> <ul style="list-style-type: none"> • Design lighting to minimise the risk of light spillage beyond the development site boundary and into the wider countryside and • Incorporate appropriate dark corridors for bats and other light sensitive species 	43	Insertions and deletions to ensure clarity.
44	<p>Policy BF1 Diversification for Tourism</p> <p>The Neighbourhood Plan will support development based on farm diversification that can clearly demonstrate both of the following criteria <i>it will</i>:</p> <ol style="list-style-type: none"> 1. Assist with the viability of that business and-or 2. Assist in developing the Chew Valley tourist economy. 	45	Insertions and deletions to ensure clarity.

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44	<p><u>Policy BF2 Retention of Small Businesses</u></p> <p>Where planning permission is required the Neighbourhood Plan will only support planning applications for change of use from any business if there is a feasibility and marketing study to indicate other business or employment uses are not viable in the premises. (The methodology of the feasibility and marketing studies undertaken by the developer and the extent of the evidence required to allow consideration for change of use would need to be approved by the Parish Council in which the development lies).</p> <p><u>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</u></p>	46	The policy was reworded to ensure it is precise enough 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.
46	<p>Policy BF3a Enhancing Community Facilities</p> <p>The Neighbourhood Plan will support planning</p>	48	The policy was reworded to ensure it is precise enough to provide a practical framework within which decisions on planning applications can be made with a high degree of

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	<p>applications to upgrade or replace any of the community facilities within the Plan Area, subject to it not interfering with any existing ecological function on or near the site.</p> <p><i>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.</i></p>		<p>predictability and efficiency as required by paragraph 17 of the Framework.</p>
47	<p>Policy BF3b Protecting Significant Facilities</p> <p>The Neighbourhood Plan will only support the change of use of our significant facilities if:</p> <ul style="list-style-type: none"> ● A feasibility and marketing study demonstrates that the business is not viable. (The methodology of the feasibility and marketing studies undertaken by the developer and the extent of the evidence required to allow consideration for change of use would need to be approved by the Parish Council in which the development lies) ● And the subsequent use would not interfere with any existing ecological function on or near the site. <p>To be supported proposals that would</p>	49	<p>The policy was reworded to ensure it is precise enough 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.</p>

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	<p>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.</p>		
48	<p>Policy BF5 Chew Magna Car Park</p> <p>The Neighbourhood Plan will support any application that provides enhanced parking facilities for that meet local needs in the village of Chew Magna, subject to it not interfering with any existing ecological function on or near the site.</p>	51	Insertions and deletions to ensure clarity.
49	<p>Policy BF6 Parking – Non Domestic Development</p> <p>Proposals for all commercial and business parking spaces <i>that are demonstrated to be required in association with existing business premises</i> will be supported if parking area boundary treatment is in accordance with the character of the Area, and if the design incorporates a system for surface water disposal.</p>	52	Insertions to ensure clarity.
	Policy BF7 Fibre to the Premises	53	Insertions and deletions to ensure clarity.

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	<p>The Neighbourhood Plan will support all development that makes <u>To be supported development proposals for new dwellings, employment premises, and education facilities must</u> make provision to connect to the internet with a minimum symmetrical speed of 25Mbps and with realistic future proof upgrades available (demonstrated through a 'Connectivity Statement' provided with relevant planning application).</p>		
53	<u>maps in Appendix 4</u>	89	Maps need to be consistent and uniform throughout the document.