

# **Chew Valley Area Neighbourhood Development Plan**

## **Timeline**

Last updated: 13.04.17

# Chew Valley Area Neighbourhood Development Plan

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## Neighbourhood Planning in B&NES

Neighbourhood planning is a right for communities introduced through the Localism Act 2011. Communities can shape development in their areas through the production of Neighbourhood Development Plans, Neighbourhood Development Orders and Community Right to Build Orders.

Neighbourhood Development Plans become part of the Local Plan and the policies contained within them are then used in the determination of planning applications. Neighbourhood Development Orders and Community Right to Build Orders allow communities to grant planning permission either in full or in outline for the types of development they want to see in their areas.

The local parish or town council will lead on neighbourhood planning in their areas. Where one does not exist then a community group known as a neighbourhood forum needs to be established to lead. The Localism Act recognises that not all communities are residential in nature and as such in areas that are predominantly commercial then a business led neighbourhood forum can be established.

The Local Planning Authority is involved and will make decisions at key stages of the process, such as approving the neighbourhood area within which the Neighbourhood Development Plan will have effect. It will also organise the independent examination of the plan and the community referendum that is held at the end of the process.

The referendum is an important part of the process allowing those that live in the neighbourhood area to decide whether or not the Neighbourhood Development Plan, Neighbourhood Development Order or Community Right to Build Order comes into effect or not. This is direct democracy and outlines the importance of working with the wider community and securing their support at an early stage in the process.

Progress of the Chew Valley Area Neighbourhood Development Plan

The Chew Valley Area Neighbourhood Development Plan (NDP) has been 'made' by B&NES and is now a part of the Council's development plan which is in accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004. Reasons for making this decision:

Reasons for making this decision:

- 91.4% of those voting in the Chew Valley Area Neighbourhood Plan referendum on Thursday 10th September 2015 have voted in favour of the Plan

The Plan was 'made' and brought into force on 12<sup>th</sup> April 2017.

Key dates of each stage

Date designated	18 <sup>th</sup> March 2014
Regulation 14 Consultation	1 <sup>st</sup> May- 13 <sup>th</sup> June 2014
Regulation 16 Consultation	26 <sup>th</sup> July-20 <sup>th</sup> September 2016
Date of Examination	10 <sup>th</sup> November 2016
Date of referendum	16 <sup>th</sup> February 2017
Date Plan 'made'	12 <sup>th</sup> April 2017

Chew Valley Area Neighbourhood Development Plan Designation

In winter 2013/14 the parishes of Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree decided to develop a Neighbourhood Plan under the terms of the Localism Act 2011, to provide a legal basis for residents to determine the future for their community.

The seven parishes decided to develop a joint neighbourhood plan called the Chew Valley Area neighbourhood plan. The Chew Valley Area neighbourhood planning area was designated on 18th March 2014.

**Notification of Decision Regarding the Application for Designation of Chew Valley Neighbourhood Area under section 61G of the Town and Country Planning Act 1990 as amended.**

**Applicant:**

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

**Application:**

Application for the Designation of Chew Valley Neighbourhood Area

**Pursuant to the Bath & North East Somerset Council's *My Neighbourhood: A Neighbourhood Planning Protocol for B&NES*, the Divisional Director: Planning and Transport is authorised to consider area designation applications for Neighbourhood Planning and if appropriate approve applications.**

**Decision:**

**The Designation of the Chew Valley Neighbourhood Area is approved** in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The reasons for this decision are set out in the accompanying 'Neighbourhood Area Designation Application Report'.

Signed:



David Trigwell  
Divisional Director: Planning & Transport

Dated: 18<sup>th</sup> March 2014

## **Bath & North East Somerset Council**

### **Neighbourhood Area Designation Application Report – Officers Decision acting under delegated powers**

<b>Date of application advertisement</b>	<b>29th January 2014</b>
<b>Date of decision</b>	<b>12<sup>th</sup> March 2014</b>
<b>Name of proposed Neighbourhood Area</b>	<b>Chew Valley</b>

#### **1. Introduction**

1.1 Pursuant to the Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol, the Director for Planning and Transport is authorised to consider area designation applications for Neighbourhood Planning and if appropriate approve applications.

#### **2. Background**

2.1 The power to designate a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 (which came into force on 6 April 2012) an area application has to include a map which identifies the area to which the application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the body making the application is a relevant body for the purposes of section 61G(2) of the 1990 Act.

2.2 Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree Parish Councils are the 'relevant body' (for the purposes of section 61G (2) of the Town and Country Planning Act 1990) and submitted an application for the designation of Chew Valley Neighbourhood Area. The application is for the whole parish area to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning and so satisfies section 61G(3) of the Act. The submission of the application complied with the regulations.

#### **3. Procedure**

3.1 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given to whether the authority should designate the area concerned as a business area. The designation of the specified area can only occur if the authority considers that the area is wholly or predominately business in nature [Section 61H (3)].

3.2 If the application for the Designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations requires the decision to be publicised.

#### **4. Consideration as to whether or not to designate**

- 4.1 In determining the application for the designation as a Neighbourhood Area. Regard must be had to the desirability of designating the whole area.
- 4.2 The issue is whether or not the specified area is an 'appropriate area to be designated as a Neighbourhood Area'.
- 4.3 The fact that the designation of the Chew Valley Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.

#### **5. Reasoning for Designation**

- 5.1 The proposed area for designation which includes the whole parish is considered appropriate, as it will enable a Neighbourhood Plan to allocate and identify non strategic development sites across the plan area and to provide a locally distinctive policy framework to complement that provided by the emerging B&NES Core Strategy.
- 5.2 The specified area falls completely within the Council's area.
- 5.3 The application for designation as a Neighbourhood Area was publicised for over six weeks between 29<sup>th</sup> January and 12<sup>st</sup> March 2014.
- 5.4 In total no responses were made within the consultation period.

#### **6. Conclusion**

- 6.1 It is considered that the specified area is coherent, consistent and appropriate in planning terms and is an 'appropriate area to be designated as a neighbourhood area'.
- 6.2 All representations received were taken into account, in the decision making process for the designation of this Neighbourhood Area. There were no objections to the application.
- 6.3 The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.
- 6.4 It is also considered that it is not desirable that only part of the parish area be designated.
- 6.5 The specified area without modification should be designated as a Neighbourhood Area for the reasons set out in the application. The area represents the built area which is being planned for with the objective of identifying and allocating development sites within the identified neighbourhood area and is appropriate in planning terms.
- 6.6 A copy of this report will be sent to Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree Parish Councils.



## **7. DECISION**

**7.1 The Designation of Chew Valley Neighbourhood Area is approved** in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.

A handwritten signature in black ink, appearing to read 'D Trigwell', with a long horizontal flourish extending to the right.

**David Trigwell**  
**Divisional Director: Planning & Transport**  
Dated: 18<sup>th</sup> March 2014

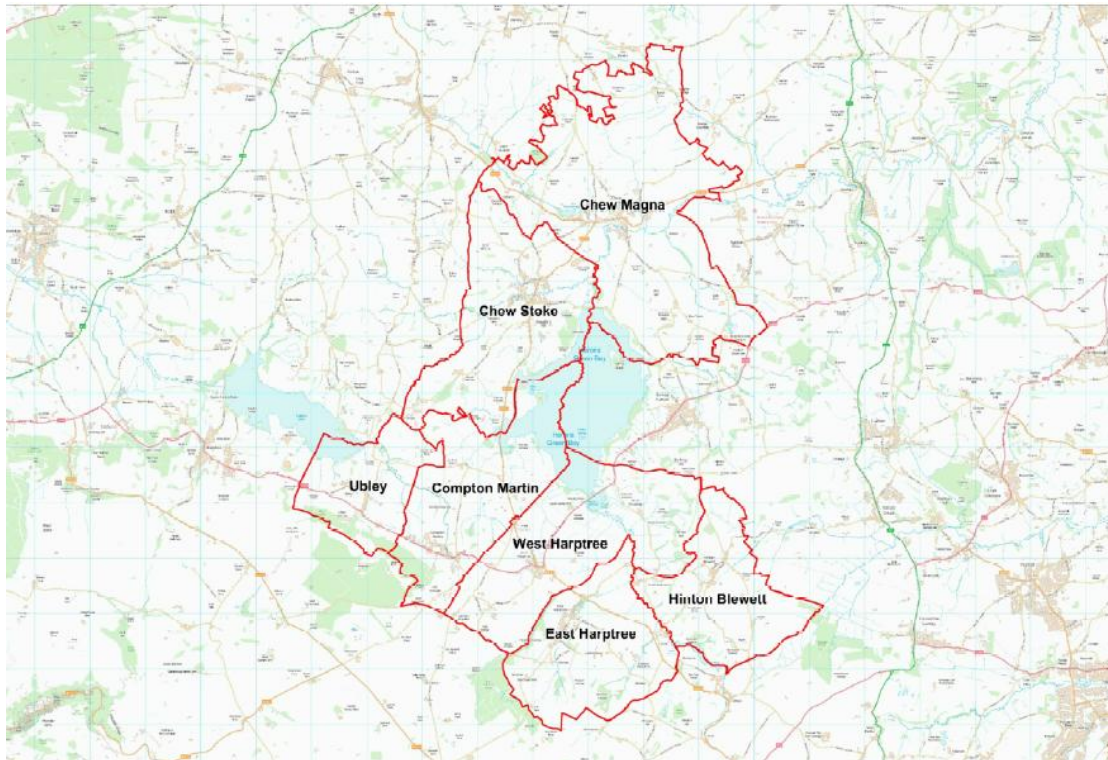
**Decision Regarding the Application for Designation of Chew Valley Neighbourhood Area under section 61 (G) of the Town and Country Planning Act (as amended)**

1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.

2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) (“the Act”) and all other powers delegated to me to designate the area identified on the map below as the Chew Valley Neighbourhood Area for the purposes of section 61G (1) of the Act) as I am satisfied that the area is an appropriate area to be designated as a neighbourhood area. I do not designate it as a business area for the purposes of section 61H (1) of the Act as it is not wholly or predominately business in nature.

a) Name of neighbourhood area: Chew Valley

b) Map of neighbourhood area:



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c) Relevant body: Chew Magna, Chew Stoke, Compton Martin, East Harptree, Hinton Blewett, Ubley and West Harptree Parish Councils form the ‘relevant body’ (for the purposes of 61G(2) of the Town and Country Planning Act 1990)

3. I have made this decision in line with the information set out in the ‘Neighbourhood Area Designation Application Report’.

Signed:

A handwritten signature in black ink, appearing to read 'D Trigwell', with a long horizontal flourish extending to the right.

David Trigwell  
Divisional Director: Planning & Transport  
Decision published: 18<sup>th</sup> March 2014

Regulation 16 Consultation

The Regulation 16 document is a summary, written by Officers at Bath and North East Somerset Council, of the comments made during the Regulation 16 consultation on the Chew Valley Area Neighbourhood Plan, which took place from 26<sup>th</sup> July-20<sup>th</sup> September 2016. The summary was written to provide assistance to the Examiner and to allow anyone who wished to see some of the issues raised. It does not contain every point a consultee has made. The Examiner read the comments of each consultee in full.

## **Chew Valley Area Neighbourhood Plan Regulation 16 Consultation**

The following page presents a summary, written by Officers at Bath and North East Somerset Council, of the comments made during the Regulation 16 consultation on the Chew valley Area Neighbourhood Plan, which took place between 26<sup>th</sup> July 2016-20<sup>th</sup> September 2016. The summary is written to provide assistance to the Examiner and to allow anyone who wishes to see some of the issues raised. It does not contain every point a consultee has made. The Examiner will read the comments of each consultee in full.

Name of the Consultee/ Organisation	Date the comment was received	Comment format	Plan Ref	Pg. no.	Comments made
Jacqui Ashman,  West of England Growth & Improvement Asset Manager  Highways England	01.08.2016	Email	N/A	N/A	Good morning  Thank you for giving Highways England the opportunity to comment on the Chew Valley Neighbourhood Development Plan. We have reviewed the documents on the website and note that the geographical area covered by the plan is located some distance from the strategic road network for which we are responsible. We are content that the plan as drafted would not have an adverse impact on the strategic road network we therefore have no comments to make on it.  Regards  Jacqui
Joanna Foster  Planning Officer  Spatial Planning Economic Development & Planning  Wiltshire Council	08.08.2016	Email	N/A	N/A	Hi,  Thank you for consulting Wiltshire Council, we have no comment to make on the Chew Valley Neighbourhood Plan.  Many thanks, Jo
Phillip Hales  Secretary  Chew Valley Flood Forum	06.09.2016	Email	HDE9a and 9b	32	The CVFF welcomes policies HDE9a and 9b in the section on Sustainable Drainage to Minimise Flooding. However the draft plan omits a policy the CVFF wished included, namely that any new development of dwellings and their access roads in Flood Zone 3 will not be supported. An example of why it is essential that this is explicitly stated in the Plan was the recent auction of a parcel of land in front of Tunbridge Mill in Chew

					Magna. The auctioneer's advertising stated the land had "huge potential" and is "ideal for residential development"- yet it is in Flood Zone 3 and adjacent to two existing "60s" houses on the River Chew bank, which were built with the living accommodation on the first floor, due to the flood risk!
Phillip Hales  Secretary  Chew Valley Flood Forum	06.09.2016	Email	HDE9a and 9b	32	Policy HDE9c is not as the CVFF proposed. The word "minor" has been erroneously added regarding alterations and additions to existing houses to mitigate flooding. "Minor" alterations generally do not need planning approval, and therefore the policy as currently drafted with this qualification, would be pointless. The CVFF proposal was that the Neighbourhood Plan will support and encourage alterations and additions to existing houses at risk of flooding that will help mitigate that risk and make the buildings more flood resilient. This should apply to all such work, even if it is substantial, as we need to reduce the impact of flooding on existing houses
M L Hales  Chew Magna	06.09.2016	Email	HDE12a & HDE13	38-40	Dear Sir/Madam  I have the following comments on the pre-submission draft of the Chew Valley Neighbourhood Plan that has been submitted to B&NES.  As currently drafted the Policy HDE13 on Green Corridors and Biodiversity is too limited and insufficiently robust. The Neighbourhood Plan should state that development proposals will not be supported where they directly or indirectly have an adverse impact on existing Sites of Nature Conservation Interest (SNCIs) and UK Priority Habitats.  This would mirror policy HDE12a Tree and Ancient Hedgerow Conservation. There is no mention nor map of the Strategic Nature Area extending south of Chew Magna, towards Chew Stoke. This omission should be rectified, as it is the area covered by the Neighbourhood Plan where maintenance,

					restoration and expansion of wildlife habitats can best be achieved. This should be stated in the Plan.
M L Hales Chew Magna	06.09.2016	Email	Appendix 4	91	<p>Appendix 4, which includes the Parish Wildlife Surveys should ensure the maps are standardised to ensure all key designations are shown on all map, such as SNCIs, Priority Habitats and notable species. There is a distinct adhoc nature within this appendix.</p> <p>For example unlike all other parish maps, the Chew Magna map does not show notable species. Of more concern is the inclusion of and highlighting of the word “Draft” preceding SNCI on the Chew Magna map key. The word “draft” should be deleted. I am not aware of any policy changes regarding the designation of the SNCIs in Chew Magna as shown in the Policy Maps saved from the Local Plan and incorporated into the adopted Core Strategy. If there has been any change to the SNCIs’ status I would be grateful if you would tell me why and what this means for protecting these sites in Chew Magna.</p> <p>Also of some concern is the complete absence of amplifying/descriptive notes accompanying the Chew Magna Hedgerow and Wildlife maps in Appendix 4. This is inconsistent with the other village’s maps and effort should be made to obtain notes to back up the maps. The Wildlife maps in Appendix 4 should be moved into the body of the Plan to give them more weight in planning terms.</p>
B&NES Development management Team	15.09.2016	Email	HDE2	18	This policy would benefit by referring to Village Design Statements and the character assessments and requiring compliance with them.
B&NES Development management Team	15.09.2016	Email	HDE3	20	This policy needs to be reworded so that development proposals are required to protect and preserve the <i>identified</i> protected views.



B&NES Development management Team	15.09.2016	Email	HDE4	26	Any proposed development that has an impact upon <del>key the skyline views shall</del> must be of a height, scale and mass which is sensitive to <del>these views</del> the skyline.
B&NES Development management Team	15.09.2016	Email	HDE6a	28	The majority of the Neighbourhood Plan area is in the Green Belt; the policy needs to be clear that this policy is to be applied in the context of wider NPPF/Core Strategy policies relating to the Green Belt.
B&NES Development management Team	15.09.2016	Email	HDE6b	28	The policy needs to state which development types it applies to (i.e. residential/commercial/householder applications etc.) as well as whether it applies exclusively to new-build or whether changes of use are included.
B&NES Development management Team	15.09.2016	Email	HDE7	28	This policy requires the submission (and implementation) of a Traffic Impact Assessment but does not actually require it to meet with the Council's approval. The policy needs to be reworded to clarify that the submitted TIA must <u>satisfactorily</u> demonstrate that the highway network can safely accommodate the increase in traffic associated with the development.
B&NES Development management Team	15.09.2016	Email	HDE8a	30	It should also require the design to incorporate a <u>satisfactory or acceptable system</u> for surface water disposal not simply 'a' system.
B&NES Development management Team	15.09.2016	Email	HDE9a	32	It needs to refer to an <u>acceptable</u> sustainable drainage system. The word 'fully' is problematic, a drainage system is either sustainable or it is not; as stated the important thing is that it is acceptable not whether it is 'fully' sustainable.
B&NES Development management Team	15.09.2016	Email	HDE14a	40	The policy does not specify the type of risk concerned. Presumably (from the title) the policy is concerned about ecological risk but this should be in the wording of the policy itself.
B&NES Development	15.09.2016	Email	HDE15	43	<del>Where planning permission is required</del> Development must: • Design lighting to minimise the risk of light spillage beyond the

management Team					development site boundary and into the wider countryside and <ul style="list-style-type: none"> <li>• Incorporate appropriate dark corridors for bats and other light sensitive species</li> </ul> <p>The policy does not need to state, “<i>where planning permission is required</i>” because if it is not the NP has no weight.</p>
B&NES Development management Team	15.09.2016	Email	BF1	47	The policy should also be clear that the support it offers is <i>in principle</i> only as clearly farm diversification schemes will be assessed against a much broader range of material considerations than just those listed in the policy
B&NES Development management Team	15.09.2016	Email	BF2	48	<del>Where planning permission is required</del> 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).  The policy does not need to state, “ <i>where planning permission is required</i> ” because if it is not the NP has no weight.
Andrew Pearce  B&NES Environment Team	19.09.2016	Email	HDE10	34	<b>Policy HDE10</b>  <del>Community</del> Publically Accessible Green Space Design The Neighbourhood Plan will support developments where the layout includes <del>communal</del> Publically Accessible green areas/allotments/orchards/copses.  Reason – To ensure on-site greenspace typologies benefit the wider community, rather than solely for the community within the development itself.
David Stuart  Historic Places	20.09.2016	Email	N/A	N/A	Dear Sir/Madam  Thank you for your consultation on the Chew Valley

Adviser South West					<p>Neighbourhood Plan.</p> <p>We commented on a draft version of the Plan earlier in the year in our response to your authority's consultation on the associated SEA.</p> <p>We have no additional comments to make at this time other than to reiterate how impressed we are with the demonstration of the depth and scope of knowledge of the area's historic character and the extent to which this has been used to inform policies within the Plan such as those on built character, views, skyline and hedgerows and trees.</p> <p>We therefore only wish to congratulate the community in its progress to date and wish it well in the completion of its Plan.</p>
Andy Leeder Chew Magna	20.09.2016	Email	HDE13	N/A	<p>To Whom It May Concern</p> <p>I wish to make some comments with regards to the draft Chew Valley Neighbourhood Development Plan:</p> <p>Firstly, given that within the 'Our Vision' section it states "we wish to conserve, enhance and make positive use of: • our historic environment, local character and rural setting, • the area's biodiversity (wildlife and habitats), water resources and natural environment" then the currently drafted policy HDE13 on Green Corridors and Biodiversity, apart from 3 maps, seems to be very light on content. Given its importance to this document would it not be logical to include a summary of the information contained in Appendix 4 into this section.</p> <p>Please include these comments when revieweing the document.</p>
Andy Leeder Chew Magna	20.09.2016	Email	HDE13	N/A	<p>In addition it would also seem sensible and in keeping with Policy HDE12 to include within Policy HDE 13 wording to the effect that " Development proposals will not be permitted</p>

					where they directly or indirectly have an adverse impact on Sites of Nature Conservation Interest (SNCIs), Special Protection Areas (SPAs) or Sites of Special Scientific Interest (SSSIs)”
Andy Leeder Chew Magna	20.09.2016	Email	Appendix 4	91	Under Appendix 4; Why is the Chew Magna Section not in-line with the other village submissions? Surely the map format should be standardised, e.g. the same key used, to ensure clarity, and why is there a worrying lack of information and accompanying notes to the Chew Magna Hedgerow and Wildlife maps. This information needs to be ascertained and included to ensure that the wonderful biodiversity that exists within the Chew Magna Parish and the notable species are recorded as with other Parishes.

Examination

Mr Christopher Edward Collinson BA (HONS) MBA, MRTPI, MIED, MCMI, IHBC was appointed to examine the Chew Valley Neighbourhood Development Plan Proposal (or Neighbourhood Plan). The report was received on 10<sup>th</sup> November 2016.

**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

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10 November 2016

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## 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.*”<sup>1</sup>
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.<sup>2</sup> 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.

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<sup>1</sup> Paragraph 183 National Planning Policy Framework (2012)

<sup>2</sup> 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 granted<sup>3</sup>.
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

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<sup>3</sup> 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,<sup>4</sup> 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.<sup>5</sup>

10. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.<sup>6</sup> 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”.<sup>7</sup> 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);

<sup>4</sup> Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

<sup>5</sup> Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

<sup>6</sup> Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

<sup>7</sup> 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.<sup>8</sup>
12. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>9</sup> 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.<sup>10</sup> 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,<sup>11</sup> and no other neighbourhood development plan has been made for the neighbourhood area.<sup>12</sup> 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

<sup>8</sup> 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

<sup>9</sup> The Convention rights has the same meaning as in the Human Rights Act 1998

<sup>10</sup> 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)).

<sup>11</sup> Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

<sup>12</sup> Section 38B (2) Planning and Compulsory Purchase Act 2004

designated neighbourhood area;<sup>13</sup> and the Neighbourhood Plan does not include provision about excluded development.<sup>14</sup> 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.<sup>15</sup> 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.<sup>16</sup> 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)

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<sup>13</sup> Section 38A (2) Planning and Compulsory Purchase Act 2004

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

<sup>15</sup> Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

<sup>16</sup> 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.<sup>17</sup>

## 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 1<sup>st</sup> 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 1<sup>st</sup> 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

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<sup>17</sup> 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...”<sup>18</sup> 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.<sup>19</sup>
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

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

<sup>19</sup> 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).<sup>20</sup> 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 2001/42<sup>21</sup> 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

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<sup>20</sup> 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.

<sup>21</sup> Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

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

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.

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

<sup>23</sup> 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 Guidance<sup>24</sup> 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 Plans<sup>25</sup> which requires plans to be “*consistent with national policy*”.

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<sup>24</sup> National Planning Practice Guidance paragraph 031 reference ID:11-031-20150209

<sup>25</sup> 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 guidance<sup>26</sup> 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

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<sup>26</sup> 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.<sup>27</sup> 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*"<sup>28</sup>.

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

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<sup>27</sup> Paragraph 14 National Planning Policy Framework 2012

<sup>28</sup> 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”.<sup>29</sup> “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”.<sup>30</sup>

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.”<sup>31</sup>

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.

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<sup>29</sup> Paragraph 16 National Planning Policy Framework 2012

<sup>30</sup> Paragraph 184 National Planning Policy Framework 2012

<sup>31</sup> 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.*”<sup>32</sup> 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.*”<sup>33</sup>

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.<sup>34</sup>

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

<sup>33</sup> National Planning Practice Guidance (ID ref: 41-074 201 40306)

<sup>34</sup> 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.*”<sup>35</sup>

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.*”

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<sup>35</sup> 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.”<sup>36</sup>*

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.

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<sup>36</sup> 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 Plan<sup>37</sup>:

- 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

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<sup>37</sup> 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.<sup>38</sup>

**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.<sup>39</sup> 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.**

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<sup>38</sup> 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

<sup>39</sup> 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.<sup>40</sup>

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](mailto:collisonchris@aol.com)  
10 November 2016  
REPORT ENDS

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

## Referendum

Following receipt of the examiner's report Chew Valley Area Neighbourhood Plan was updated as requested by the Planning Examiner and a referendum on the making of the Neighbourhood Plan was held on Thursday 16<sup>th</sup> February 2017.

The question which was asked in the Referendum was:

"Do you want Bath & North East Somerset Council to use the neighbourhood plan for Chew Valley Area to help it decide Planning applications in the neighbourhood area?"

## **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 18<sup>th</sup> 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 20<sup>th</sup> 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 10<sup>th</sup> 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:** 6<sup>th</sup> 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><b>Policy HDE1 Rural Landscape Character</b></p> <p><del>The Neighbourhood Plan will support planning applications that conserve and protect the rural character of the Chew Valley Neighbourhood Plan Area.</del></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.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<i>other mature trees</i>		
26	<p>Policy HDE2 Settlement Build Character</p> <p><del>The Neighbourhood Plan will support planning applications that conserve the settlement character, including but not exclusive to scale, materials and density.</del></p> <p>Replace with:</p> <p><i>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</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><del>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.</del></p> <p>Replace with:</p> <p><i>To be supported development proposals must demonstrate regard for sensitivity to relative</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.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<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>		
27	<p><del>Policy HDE4 Skyline</del></p> <p><del>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.</del></p> <p>Replace with:</p> <p><i><u>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</u></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 <del>development that</del> <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.



Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
29	<p><del>Policy HDE6a Sustainability – Renewable Energy</del></p> <p><del>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:</del></p> <p><del>1 – The scale, proportions and visual impact on the area within which they are set is appropriate</del>  <del>2 – Design is sensitive to the heritage, natural environment and character of the Parish in which they will be set</del>  <del>3 – The design will not adversely effect any important views in or out of the Plan Area and</del>  <del>4 – If the application is within the AONB, it is in line with the Mendip Hills AONB guidelines.</del></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><del>Policy HDE6b Sustainability – On-site Energy Requirements:</del></p>	28	The Written Ministerial Statement to Parliament of the Secretary of State (CLG) on 25 March 2015 included the

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<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><b>The Policy does not meet the basic conditions and should be deleted.</b></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>

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	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><del>The Neighbourhood Plan will</del> <u>To be</u> support proposals for all new residential developments <del>that</del> <u>must</u> provide a minimum of:</p> <ul style="list-style-type: none"> <li>• Two spaces per dwelling up to three bed dwelling</li> <li>• Three spaces per four bed dwelling and above</li> <li>• Half a space per dwelling for visitor parking.</li> </ul> <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.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
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 <del>minor</del> 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><del>The Neighbourhood Plan will support developments where the layout includes communal green areas/allotments /orchards/copses.</del></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><del>Sites identified in maps HDE11 M1 to 5 are to be designated as Local Green Spaces.</del></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

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
			<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><b>The Policy does not meet the basic conditions and should be deleted.</b></p>
39	<p>Policy HDE12a Tree and Ancient Hedgerow Conservation</p> <p>Development proposals will not be <del>permitted</del> <u>supported</u> where they directly or indirectly have an adverse impact on <del>ancient hedgerows, woodland or substantial/ancient/veteran trees</del> <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"> <li>• <del>It seeks to avoid any adverse impact on substantial/ancient/veteran trees, ancient hedgerows and woodlands; and</del></li> <li>• It includes the appropriate retention and planting of new trees, hedgerows and woodlands.</li> </ul>	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>

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	The Neighbourhood Plan will support planning applications that <del>promote and</del> 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, <del>would</del> <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><del>Where planning permission is required</del> development must:</p> <ul style="list-style-type: none"> <li>• Design lighting to minimise the risk of light spillage beyond the development site boundary <del>and into the wider countryside and</del></li> <li>• Incorporate appropriate dark corridors for bats and other light sensitive species</li> </ul>	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 <del>both of the following criteria</del> <i>it will</i>:</p> <ol style="list-style-type: none"> <li>1. Assist with the viability of that business <del>and-or</del></li> <li>2. Assist in developing the Chew Valley tourist economy.</li> </ol>	45	Insertions and deletions to ensure clarity.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
44	<p><u>Policy BF2 Retention of Small Businesses</u></p> <p><del>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).</del></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><del>The Neighbourhood Plan will support planning</del></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

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<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>		predictability and efficiency as required by paragraph 17 of the Framework.
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"> <li>● 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)</li> <li>● And the subsequent use would not interfere with any existing ecological function on or near the site.</li> </ul> <p>To be supported proposals that would</p>	49	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.



Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<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 <del>for</del> 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.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
	<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.

# Chew Valley Area Neighbourhood Plan Information Statement

A referendum relating to the adoption of Chew Valley Area Neighbourhood Plan will be held on Thursday 16 February 2017.

The question which will be asked in the referendum is:

**‘Do you want Bath & North East Somerset Council to use the neighbourhood plan for Chew Valley Area to help it decide planning applications in the neighbourhood area?’**

The referendum area is identical to the area which has been designated as the Chew Valley Neighbourhood Plan Area, and is identified on the map included with this information statement.

A person is entitled to vote in the referendum if:

- he or she is entitled to vote in a local government election in the referendum area; and
- his or her qualifying address for the election is in the referendum area. A person’s qualifying address is, in relation to a person registered in the register of electors, the address in respect of which he or she is entitled to be so registered.

The referendum expenses limit is £2,577. The number of persons entitled to vote in the referendum by reference to which that limit has been calculated is 3,648.

The referendum will be conducted in accordance with procedures which are similar to those used at local government elections.

Copies of the documents listed below and overleaf are available for public inspection during normal office opening hours at:

Bath & North East Somerset Council One Stop Shop, Manvers Street, Bath, BA1 1JG

The documents can also be viewed on the websites listed below:

Bath & North East Somerset Council website: [www.bathnes.gov.uk/cvreferendum](http://www.bathnes.gov.uk/cvreferendum)

Chew Valley Neighbourhood Plan website: [www.cvnp.co.uk](http://www.cvnp.co.uk).

## List of documents available for public inspection

- The draft Neighbourhood Plan
- The report of the independent examiner into the draft Neighbourhood Plan;
- A summary of the representations submitted to the independent examiner;
- The statement of the local planning authority (Bath & North East Somerset Council) that the draft Neighbourhood Plan meets the basic conditions specified by statute and complies with the relevant legislation;
- A statement that sets out general information as to town and country planning (including neighbourhood planning) and the referendum;
- A map of the Chew Valley Neighbourhood Plan area.

Dated: Monday 9 January 2017

Maria Lucas  
Counting Officer  
Bath & North East Somerset Council  
Guildhall, High Street, Bath BA1 5AW

# REFERENDUM FOR THE NEIGHBOURHOOD PLAN FOR CHEW VALLEY AREA

on Thursday 16 February 2017

## DECLARATION OF RESULT

I, Maria Lucas, being the Counting Officer at the Neighbourhood Planning Referendum for the Chew Valley Area held on Thursday 16 February 2017, do hereby give notice that the number of votes recorded at the said referendum is as follows:

Question	Number of Votes		
	YES	NO	*
Do you want Bath & North East Somerset Council to use the neighbourhood plan for Chew Valley Area to help it decide planning applications in the neighbourhood area?	<b>797</b>	<b>80</b>	<b>carried</b>

\* If the proposal has been carried the word 'Carried' appears against the Question.

\* If the proposal has not been carried the word 'Failed' appears against the Question.

The number of ballot papers rejected was as follows:	
(a) want of official mark	0
(b) voting for and against the same question	0
(c) writing or mark by which the voter could be identified	0
(d) unmarked or void for uncertainty	1
<b>Total rejected ballot papers</b>	<b>1</b>

**Electorate: 3644**

**Ballot papers issued: 878**

**Turnout: 24.09%**

**And I do hereby declare that the result of the question asked  
HAS BEEN CARRIED.**

Dated: Thursday 16 February 2017

Maria Lucas  
Counting Officer

Bath & North East Somerset Council,  
Guildhall, High Street, Bath, BA1 5AW

The Made Plan

Bath & North East Somerset Council decided, on 12<sup>th</sup> April 2017, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to '*make*' the Chew Valley Area Neighbourhood Plan.

The Chew Valley Neighbourhood Plan now forms part of the Development Plan and the policies in the Plan will be given full weight when assessing planning applications that affect land covered by the Plan.

## **Chew Valley Area Neighbourhood Plan Final Decision Statement**

Decision Publication Date: 12th April 2017

### **1. DECISION**

- 1.1 Following an independent examination and a positive referendum result, Bath & North East Somerset Council has decided, on 12<sup>th</sup> April 2017, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to 'make' the Chew Valley Area Neighbourhood Plan ('the Plan').
- 1.2 The Chew Valley Area Neighbourhood Plan now forms part of the Development Plan and the policies in the Plan will be given full weight when assessing planning applications that affect land covered by the Plan.

### **2. REASONS FOR DECISION**

- 2.1 With the examiners recommended modifications the Plan meets the basic conditions set out in paragraph 8(2) of the Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The Referendum held on 16<sup>th</sup> February 2017 met the requirements of the Localism Act 2011. It was held in the Neighbourhood Plan area and posed the question "Do you want Bath & North East Somerset Council to use the Neighbourhood Plan for Chew Valley Area to help it decide planning applications in the Neighbourhood Area?"
- 2.3 The results of the referendum were: 91.4% in favor (797/878) and 8.6% against (80/878). The turnout was 24.09%.
- 2.4 Bath & North East Somerset Council has assessed that the Plan, including its preparation, does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

### **3. BACKGROUND**

- 3.1 The Chew Valley Area Neighbourhood 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 26<sup>th</sup> 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 Valley Area Parish Council submitted the draft Chew Valley Area Neighbourhood Plan, and supporting documents, to B&NES Council in June 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<sup>th</sup> July-20<sup>th</sup> September 2016.
- 2.4 In October 2016, B&NES Council appointed an independent examiner, Mr Christopher Edward Collison 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 10<sup>th</sup> 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 A referendum was held on 16<sup>th</sup> February 2016 and 91.4% of those who voted were in favour of the Plan. Paragraph 38A (4) (a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Plan if more than half of those voting have voted in favour of the Plan. The Council are not subject to this duty if the making of the Plan would breach, or would be otherwise incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.7 This decision statement, the Plan and details of where it can be inspected, have been published on our website. This information has also been brought to the attention of people who live, work or conduct business in the Neighbourhood area.

**Signed:**



**Lisa Bartlett**

Divisional Director – Development  
Bath & North East Somerset Council

**Dated:** 12<sup>th</sup> April 2017