

IJP Comment	Does B&NES agree with this comment?	B&NES Response
<p><i>“As you will be aware, once a draft neighbourhood plan is submitted to the local planning authority, Bath and North East Somerset Council (“the LPA”), which satisfies the preliminary requirements within paragraph 6 to Schedule 4B of the Town and Country Planning Act 1990 (“the 1990 Act”), the LPA is required to submit the draft plan for independent examination. The Examiner is unable to recommend that a draft plan be adopted unless it satisfies the basic conditions set out within paragraph 8(2) to Schedule 4B of the 1990 Act. Of particular relevance is basic condition (e) which provides that the draft plan must be in general conformity with the policies of the development plan.”</i></p>	<p>N/A</p>	<p>No comments necessary, the paragraph repeats the Neighbourhood Planning regulations.</p> <p>[For information: On submission, the Clutton Neighbourhood Plan will be accompanied by a Basic Conditions Statement, which outlines that the Neighbourhood Plan is in general conformity with national/local policy. The draft Plan is accompanied by a draft Basic conditions statement.]</p>
<p><i>“Furthermore we note that a sustainability appraisal has been undertaken and we suggest that as it is accepted that such an assessment is appropriate it must be compliant with the requirements of the Environmental Assessment of Plans and Programmes Regulations 2004.”</i></p>	<p>No</p>	<p>This is incorrect. In accordance with Regulation 32 of The Neighbourhood Planning (General) Regulations 2012, Clutton Neighbourhood Plan has been subject to a SEA and HRA screening.</p> <p>[For Information: A draft Sustainability Appraisal has been undertaken for the Clutton Neighbourhood Plan, however, this is not a requirement for a Neighbourhood Plan (as confirmed in NPPG para 026/Section 19 of the Planning & Compulsory Purchase Act, 2004). The Sustainability Appraisal is useful to show how the plan can contribute towards sustainable development.]</p>
<p><i>In Bath and North East Somerset, the development plan comprises the Core Strategy for Bath and North East Somerset. Accordingly, the draft Clutton Neighbourhood</i></p>	<p>In part</p>	<p>This is not entirely correct. The NPPF, together with the Core Strategy and the saved Local Plan policies and other SPDs make up the Development Plan for B&NES.</p>

<p><i>Plan cannot be adopted unless it is in general conformity with the policies contained within this Core Strategy.</i></p>		<p>[For information: The examination process will determine whether the basic conditions are met by the Neighbourhood Plan – including general conformity with the Development Plan.]</p>
<p><i>The draft plan cannot be considered to be in general conformity with the Core Strategy and therefore cannot properly be adopted in its current form. In addition the process to date is not compliant with the 2004 regulations.</i></p>	<p>No</p>	<p>[For information: The Council considers the process to date is compliant with the 2004 regulations (as above).]</p>
<p>“Specifically, the draft plan policy CNP3 (Housing Development Boundary and Types of New Dwellings) is not in general conformity with policy RA1 of the Core Strategy. In addition reasonable alternatives to that policy have not been considered contrary to the 2004 regulations.”</p>	<p>No</p>	<p>The Draft Clutton Neighbourhood Development Plan must be in general conformity with this policy in the adopted B&NES Core Strategy. B&NES Council considers that the approach in the Neighbourhood Plan is in line with RA1.</p> <p>Policy RA1 is a strategic policy and has been tested against the 2004 regulations during the B&NES Core Strategy hearings in March 2013. It is not the role of a Neighbourhood Plan to test alternatives to a strategic policy.</p>
<p><i>“This part of policy RA1 is providing strategic guidance on two matters, namely that:</i></p> <p><i>1. The housing development boundary should be reviewed through the Placemaking Plan which is a process to be (and is in fact being) undertaken by the Local Planning Authority; and”</i></p>	<p>In part</p>	<p>This is not entirely correct. The HDB can be reviewed either through the Placemaking Plan or Neighbourhood Plans (as it is non-strategic).</p> <p>Clutton Parish Council has used the B&NES methodology to review their Housing Development Boundary, this in accordance with the B&NES Core Strategy and the B&NES Placemaking Plan Options Document (p164-5).</p> <p>B&NES are working alongside parish and town councils to review and where necessary suggest amendments to the HDB – the amendments can come forward either through the Placemaking Plan</p>

		or Neighbourhood Plans.
<i>2. Residential development on sites outside the housing development boundary will be acceptable if identified in a Neighbourhood Plan”</i>	No	This is not correct. Residential development in RA1 villages should be either through infill development or on sites currently outside the HDB (for the later, the HDB will be amended accordingly). Only rural exceptions sites will be permitted outside HDB. This approach is in line with strategic policy RA1.
<i>“Therefore policy RA1 leaves the issue of identifying development sites to meet the 1,120 units and the implications of that for the existing housing development boundary to the Placemaking Plan.”</i>	In part	This is not entirely correct. Development sites can be identified and HDB boundary reviews undertaken either in the Placemaking Plan and or in Neighbourhood Plans.
<i>“Policy RA1 leaves the issue of whether any sites should be identified outside the housing development boundary to the Neighbourhood Plan.”</i>	No	<p>This is not correct. Residential development in RA1 villages should be either through infill development or on sites currently outside the HDB (for the later, the HDB will be amended accordingly). Only rural exceptions sites will be permitted outside HDB. This approach is in line with strategic policy RA1.</p> <p>Development sites can be identified and HDB boundary reviews undertaken either in the Placemaking Plan and or in Neighbourhood Plans.</p>
<i>“This policy therefore seeks fix the housing development boundary for Clutton. Under policy RA1 identification of sites to provide around 1,120 units and the implication of this for a housing development boundary is the function of the Placemaking Plan not a Neighbourhood Plan. The function of the Neighbourhood Plan under policy RA1 is to</i>	No	<p>This is not correct. Housing development boundaries can be reviewed either through the Placemaking Plan or through a Neighbourhood Plan.</p> <p>Clutton Parish Council has used the B&NES Placemaking Plan methodology to review the Housing Development Boundaries which is in accordance with the B&NES Core Strategy and the B&NES</p>

<p><i>identify sites outside the housing development boundary. Therefore the draft plan has wrongly sought to undertake the function of the Placemaking Plan and has also failed as part of the Neighbourhood Planning process, to assess and see whether there are any sites outside the settlement boundary that should be identified in the draft Plan. The draft Plan is therefore not in general conformity with policy RA1. Rather policy CNP3 seeks to do the opposite to that anticipated by policy RA1. In that it seeks to fix the housing development boundary and then limit development to within the housing development boundary by only allowing for infill.”</i></p>		<p>Placemaking Plan Options Document.</p> <p>[For information: Paragraph 108 of the REPORT ON THE EXAMINATION INTO BATH AND NORTH EAST SOMERSET COUNCIL’S CORE STRATEGY (June 2014) is relevant: http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Core-Strategy/cs_pins_final_report.pdf :</p> <p><i>“It would be for the Place-making Plan to review the housing development boundaries and allocate any additional sites needed to ensure delivery of the overall scale of development envisaged. However, a number of planning permissions have been granted for housing development in the past year or so that plan may need only to amend the housing boundary to reflect recent commitments.”)</i></p>
<p><i>“Moreover the policy its accompanying text proceeds on the erroneous assumption that the because more than 50 units have already been permitted outside the housing development boundary in Clutton that this also precludes the identification of such a site or sites outside that boundary in the draft plan. The Neighbourhood Planning process has fundamentally failed to grapple with the part of policy RA1 that is relevant to it. The Parish should have undertaken an assessment to see if there are any sites outside the housing development boundary that should be identified in its Plan. It has singularly failed to carry out such an exercise. Had such an exercise been carried out that would have revealed that suitable sites do exist. Two of these are located to the south of Maynards Terrace (see enclosed</i></p>	<p>No</p>	<p>This assumption is not erroneous – see the Report on the examination into Bath and North East Somerset Councils Core Strategy (June 2014), paragraph 108, which mentions this scenario specifically.</p>

<i>Site Location Plans).</i> ”		
<i>“For the reasons given above it is considered that it is not possible to remedy these fundamental failings with the draft plan and that amendments to the draft plan are not possible at this late stage. Therefore the only option available to the Parish Council is that the content of the plan needs to be reconsidered and reformulated anew to ensure that it is from the outset in general conformity with the Core Strategy and the 2004 regulations.”</i>	No	This is incorrect. Policy RA1 of the Core Strategy has been tested in the Core strategy examination, and complies with the 2004 Regulations. It is a strategic policy.