

# **Independent Examiner's Report on the Clutton Neighbourhood Development Plan**

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## **SECTION 2**

### **Summary**

As the Independent Examiner appointed by Bath and North East Somerset Council to examine the Clutton Neighbourhood Development Plan, I can summarise my findings as follows:

1. I am satisfied having regard to the Clutton Parish Council Consultation Record and Strategy and my examination of the representations made in connection with this subject that the Clutton Neighbourhood Development Plan meets the Basic Conditions in connection with the consultation process.
2. I find that the policies contained within the Clutton Neighbourhood Development Plan subject to the recommended minor modifications meet the Basic Conditions.
3. I find that the Clutton Neighbourhood Development Plan subject to the recommended minor modifications can proceed to a Referendum.
4. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Clutton Neighbourhood Development Plan go to Referendum.
5. At the time of my examination the Development Plan for Clutton is comprised of:
  - Saved policies from the Bath & North East Somerset Local Plan (2007)
  - Bath & North East Somerset Adopted Core Strategy

In examining a Neighbourhood Development Plan the Examiner must consider only the relevant Development Plan not those plans, which are emerging or not yet adopted. I have read the representations, which refer to other emerging policies that relate to Clutton but I am unable to take them into consideration when considering whether the Neighbourhood Development Plan meets the Basic Condition of being in general conformity with the strategic policies of the relevant

Development Plan.

6. I find that due to the emergence of the Bath and North East Somerset “Placemaking Plan” a mechanism for review of the Clutton Neighbourhood Development Plan should be considered for inclusion so that if the adoption of the Placemaking Plan has a significant impact on the policy context of the Clutton Neighbourhood Development Plan it could be modified to remain in general conformity with the strategic policies of the current Development Plan.

## **SECTION 3**

### **Introduction**

#### **1. Neighbourhood Plan Examination.**

My name is Deborah McCann and I am the Independent Examiner appointed to examine the Clutton Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in the public, private and community sectors.

My role is to consider whether the submitted Clutton Neighbourhood Development Plan meets the Basic Conditions and has taken into account human rights; and to recommend whether the Clutton Neighbourhood Development Plan should proceed to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in Section 5 of this document.

The Clutton Neighbourhood Development Plan has to be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

This process allows for the holding of a Neighbourhood Plan Hearing where the Examiner decides that there are issues or information on which the Examiner requires clarification. Having read the plan and considered the representations made I did not consider that I required any clarification on any aspects of the plan and therefore did not consider a Hearing necessary.

#### **2. The Role of Examiner including the examination process and legislative background.**

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The Plan can proceed to a Referendum
2. The Plan with recommended modifications can proceed to a Referendum
3. The Plan does not meet the legal requirements and cannot proceed to a Referendum

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Clutton Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether: - the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:

- The Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 to specify the period for which it has effect - the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area.

The Plan must also not breach, and be otherwise compatible with EU obligations and Human Rights requirements.

Bath and North East Somerset Council will consider the Examiner's report

and decide whether it is satisfied with the Examiner's recommendations. The Council will publicise its decision on whether or not the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum then 28 days notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e. greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the plan then forms part of the Development Plan.

## **SECTION 4**

### **The Report**

#### **4.1. Appointment of the Independent examiner**

Bath and North East Somerset Council appointed me as the Independent Examiner for the Clutton Neighbourhood Development Plan with the agreement of Clutton Parish Council.

#### **4.2. Qualifying body**

I am satisfied that Clutton Parish Council is the qualifying body.

#### **4.3. Neighbourhood Plan Area**

The Clutton Neighbourhood Development Plan Area covers the whole of the Clutton Parish. The Basic Conditions Statement submitted with the Clutton Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area.

#### **4.4. Plan Period**

It is intended that the Clutton Neighbourhood Development Plan will cover the period 2015-2035.

#### **4.5. Bath and North East Somerset Council initial assessment of the Plan.**

Clutton Parish Council, the qualifying body for preparing the Clutton Neighbourhood Development Plan, submitted it to Bath and North East Somerset Council for consideration. Bath and North East Somerset Council made an initial assessment of the submitted Clutton Neighbourhood Development Plan and suggested some minor modifications. These suggested modifications are recorded, as are the changes made by the Clutton Neighbourhood Plan Steering Group as a result of these comments.

#### **4.6. Site Visit**

I made an unaccompanied site visit to Clutton Parish on Thursday 4<sup>th</sup> June



2015. The purpose of the site visit was to familiarise myself with the parish and view the sites mentioned in the Neighbourhood Development Plan.

#### **4.7. The Consultation Process**

I am required to check the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012. The Parish Council has submitted a document entitled the Clutton Neighbourhood Plan Consultation Record and Strategy. This document describes how and when the various elements of the consultation were undertaken for the preparation of the draft plan including:

- Use of the Parish Council Website
- A Housing Need Survey
- General village survey
- Various open information events on 11/01/2014, 21/06/2014, 15/01/2015 and 17/01/2015
- Stalls and other events
- Articles in local newspapers and periodicals
- School events
- Parish Council meetings.
- There was a pre submission consultation conducted between 8<sup>th</sup> December 2014 and the 1<sup>st</sup> February 2015.

#### Summary

I have examined the consultation background document and I am satisfied that the consultations that took place were organised and conducted satisfactorily.

Both examination of the documents and representations submitted in

connection with this matter have lead me to conclude that the consultation process was thorough, well conducted and recorded.

The plan was subsequently advertised for the statutory 6-week period, which took place from the 6<sup>TH</sup> March 2015 to the 17<sup>th</sup> April 2015. There were responses received from individuals and statutory bodies. The comments made in these responses were recorded.

A list of statutory bodies consulted has been provided. These seem satisfactory.

I am satisfied that the pre-submission consultation and publicity has met the requirements of regulation 14. The Parish Council and Steering Group have undertaken a thorough consultation process.

I therefore consider that the Plan does meet the Basic Conditions in this respect.

#### **4.8.Comment on Responses**

Bath and North East Somerset Council placed the Clutton Neighbourhood Development Plan out for consultation for the required period and the consultation period came to an end on the 17<sup>th</sup> April 2015. A number of responses, including those from statutory consultees were received and Bath and North East Somerset Council have recorded these. I have had access to these responses and taken them into consideration in preparing my report. There were detailed comments and representations received, a number of which related to housing policy, the Core Strategy and the emerging Placemaking Plan and the perceived impact of these documents on the Clutton Neighbourhood development Plan.

In respect of the strategic policies of the Development Plan for the purposes of this examination I have referred to the saved policies of the Bath and North East Somerset adopted Local Plan 2007 and the Bath and North East Somerset Core Strategy 2014 as being the relevant Development Plan for the purposes of meeting the requirements of the Basic Conditions. However I

recognise that the policy framework for Clutton is changing and it would seem prudent to build into the plan a mechanism for review of the plan and in particular the policies relating to housing to enable the Clutton Neighbourhood Development Plan to remain in general conformity with the strategic policies of the up to date Development Plan.

Whilst I have not made reference to specific representations in my report, I have taken them into consideration and addressed these issues in the following paragraphs and when commenting upon individual policies.

#### **4.9. Compliance with the Basic Conditions**

Clutton Parish Council has produced the Basic Conditions Statement for the Clutton Neighbourhood Development Plan in accordance with the Localism Act 2011. The purpose of this statement is for the Parish Council to set out in some detail why they believe the Neighbourhood Development Plan as submitted does meet the Basic Conditions. It is the Examiners Role to take this document into consideration but also make take an independent view as to whether or not the assessment as submitted is correct.

I have to determine whether the Clutton Neighbourhood Development Plan:

1. Has regard to national policies and advice
2. Contributes to sustainable development
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

Documents brought to my attention by the District Council for my examination include:

(a) The Clutton Neighbourhood Development Plan 2015-2033: This is the main document, which includes projects and policies developed by the community.

(b) The Basic Conditions Statement. This document sets out how the Parish

Council believes that the Neighbourhood Development plan meets the Basic Conditions.

(c): The Clutton Neighbourhood Plan consultation record and strategy. This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Clutton Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

(d) The Clutton Neighbourhood Development Plan draft HRA Screening Report.

(e) Clutton Neighbourhood Plan Sustainability/SEA report.

4.9.1 I am satisfied that the conclusion of the Basic Conditions Statement is correct. However the Basic Conditions Statement does make reference to the emerging “Placemaking Plan” which is not relevant in the context of this examination, as it does not form part of the Development Plan at this time.

4.9.2 I am satisfied having regard to these documents and other relevant documents, policies and legislation that the Clutton Neighbourhood Development Plan does with minor modification meet the Basic Conditions.

#### **4.10.Planning Policy**

To meet the basic condition outlined in 3. above the Neighbourhood Development Plan should be

” In general conformity with the strategic policies in the appropriate Development Plan”

The relevant Development Plan includes the saved policies of the Bath and North East Somerset Local Plan adopted in 2007 and the Bath and North east Somerset Core Strategy 2014.

I find the Clutton Neighbourhood Development Plan subject to minor modification to be in general conformity with the strategic policies of the appropriate Development Plan.

#### **4.10.1.National Planning Policy**

National Policy guidance is in the National Planning Policy Framework (NPPF) 2012.

To meet the Basic Conditions the Plan must have “regard to national policy and advice”.

The Clutton Neighbourhood Development Plan does not need to repeat these national policies, but to demonstrate it has taken them into account.

I have examined the Clutton Neighbourhood Development Plan Policies and consider that with some minor modification they do have “regard for National Policy and Advice” and therefore the Plan does meet the Basic Conditions in this respect.

#### **4.10.2.Local Planning Policy- The Development Plan**

Clutton Parish is within the area covered by Bath and North East Somerset Council. The relevant development plan includes the saved policies of the Bath and North East Somerset Local Plan 2007 and the Bath and North East Somerset Core Strategy 2014.

I have considered the Strategic policies of the Development Plan and the Policies of the Clutton Neighbourhood Development Plan and consider that subject to minor modification the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic Policies contained in the Development Plan.

#### **4.11. Other Relevant Policy Considerations**

##### **4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

As a ‘local plan’, the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

A Strategic Environmental Assessment (SEA) screening opinion was sought as required from the following organisations during the formal consultation period:

- Natural England
- English Heritage
- Environment Agency
- Bath and North East Somerset Council

It was determined (January 2015) that the Neighbourhood Plan would not have significant environmental effects and that no European Sites will be affected by the policies described in the Neighbourhood Plan.) As such a SEA would not be required.

Having considered the contents of the Clutton Neighbourhood Development Plan and the comments received I concur that no Strategic Environmental Assessment is required.

#### Appropriate Assessments

The draft Clutton NP was subject to a draft HRA screening assessment to ascertain whether an Appropriate Assessment is required under Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive. Natural England confirmed that no Appropriate Assessment was required as the implementation of the plan is not likely to have any significant adverse effects on protected species or their habitats.

#### **4.11.2 Sustainable development**

##### Contribution to Achieving Sustainable Development

A Sustainability Appraisal of the Plan has been carried out and I am satisfied that the plan has taken account of the need to contribute to the achievement of sustainable development in terms of how its policies will deliver a blend of

economic, social and environmental benefits for Clutton.

I am satisfied that the Clutton Neighbourhood Development Plan addresses the sustainability issues adequately.

**4.11.3** The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

I am satisfied that the Clutton Neighbourhood Development Plan has done so.

I am therefore satisfied that the Clutton Neighbourhood Development Plan meets the basic conditions on EU obligations.

#### **4.11.3 Excluded development**

I am satisfied that the Clutton Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

#### **4.11.4 Development and use of land**

I am satisfied that the Clutton Neighbourhood Development Plan covers development and land use matters.

## **4.12. Clutton Neighbourhood Development Plan Policies**

### **4.12.1 The Clutton Neighbourhood Plan Vision**

“It is our vision that in 2035 the Parish will remain much as it is currently, with the tranquil and rural nature of the Parish being maintained and protected. Areas of high landscape value, the ancient woodlands and areas of nature wildlife conservation interest will continue to be protected. The Parish will continue to have a distinctive difference from Temple Cloud and High Littleton.

- The Parish will benefit from good quality improvements in community facilities to assist a thriving community to be maintained. The Plan will encourage the continuation of the Parish as a safe place in which to live.
- Employment provision in the Parish will be maintained at much the same level in 2035 as it is currently. Some provision for additional low key and low impact employment opportunities will be included.

All policies will be clearly based on evidence drawn from local and national sources.

The Plan will be in compliance with the Core Strategy adopted by Bath and North East Somerset (B&NES) Council in 2014 and national policy guidelines as expressed in the National Planning Policy Framework (NPPF). The plan will deliver the local democracy set out in the Localism Act of 2011.”

### **COMMENT**

**An important strategic policy requirement in both the National Planning Policy Framework and the Development Plan relates to the provision of housing to meet local need now and in the future. The Clutton Neighbourhood Development Plan Vision is silent on this issue. I consider that the vision would better reflect these documents if there was mention of the need to provide for local housing need as part of a the vision for a thriving community.**



#### **4.12.2 The Neighbourhood Plan Strategic Aims and Policies**

The Clutton Neighbourhood Development Plan sets out the issues and objectives covered in the plan as:

- Housing
- Business and employment
- Open green space and leisure
- Footpaths and street lighting

#### **COMMENT**

**I consider that the policies and the rationale for the policies reflects the strategic aims of the Clutton Neighbourhood Development Plan.**

#### **Policy CNP1**

##### **SETTLEMENT SEPARATION**

The area between the villages of Temple Cloud and Clutton is defined on Map 2 as an Area of Separation. Development within this area will be required to comply with the HDB policy of this plan and B&NES saved policy BH16 and not lessen in any way the visual separation between the two villages.

**I have no comment on this policy.**

#### **Policy CNP2**

##### **BUILD CHARACTER**

The distinctive character of the village is created by the design features of its historic buildings as identified in the village design appraisal. (See Appendix 5). The designs of new dwellings will reference or compliment the following palettes –

The use of rubble stone for house walls with brick or cut stone detailing.  
Narrow vertical windows.

Front gardens bounded by walls, fences or native species hedges (see appendix 17).

Steeply pitched roofs, depending on context of red clay tiles or slate. Brick or stone chimneys.

Terraces of houses or houses, which are of a different design to their neighbours.

Gable ends to roofs.

Houses a maximum of two storeys.

## **COMMENT**

**This policy could be considered too prescriptive having regard to the National Planning Policy Framework:**

**57. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.**

**58. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.**

**59. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.**

In addition the policy title does not make it clear whether this design policy relates solely to new housing developments or all new development.

**Suggested minor modification:**

### **Policy CNP2 The design of new dwellings**

The Village Design Appraisal identifies the design features, which create the distinctive character of the village (See Appendix 5). The design of new dwellings should be locally distinctive and reflect or compliment the following design characteristics of the village:

- The use of rubble stone for house walls with brick or cut stone detailing.
- Narrow vertical windows.
- Front gardens bounded by walls, fences or native species hedges (see appendix 17).
- Steeply pitched roofs, depending on context of red clay tiles or slate. Brick or stone chimneys.
- Terraces of houses or houses, which are of a different design to their neighbours.
- Gable ends to roofs.
- Houses a maximum of two storeys.

### **Policy CNP3**

#### **HOUSING DEVELOPMENT BOUNDARY AND TYPES OF NEW DWELLINGS**

The Housing Development Boundary will be limited to within the area shown in map 3 unless the development are rural exception sites.

The development of infill sites within the HDB will be supported, subject to compliance with other policies in this Plan.

Should a review of B&NES's 2014 Adopted Core Strategy, or its successor, establish a need for further housing, then development would be supported on the western side of the A37 in order to promote the use of public transport and more sustainable methods of transport. This is subject to the removal of the protected by-pass route after review from the start of the Plan.

Affordable housing for proven local need will be considered on sites in the Green Belt.

At least 35% of these dwellings must be designed for the elderly and those of impaired mobility or single bedroom dwellings in order to meet the need identified in the 2013 Clutton Housing Needs Survey or a more recent independently conducted Housing Needs Survey.

#### **COMMENT**

**This policy is potentially confusing and rewording should be considered. The first paragraph refers to Rural Exception sites and there is further mention of affordable housing made in paragraph 4. Also it is unclear whether the 35% relates to the Rural Exception sites or all new housing developments. It might be helpful to explain that Rural Exception sites are only for 100% affordable schemes.**

**Suggested rewording:**

**New housing development will be limited to within the Housing Development Boundary shown in map 3 unless the development is to provide 100% affordable dwellings on a site outside the Housing Development Boundary (a Rural Exception site). Housing Development within the Green Belt will only be supported as a Rural Exception site providing affordable homes for local people in housing need.**

**At least 35% of the affordable dwellings must be designed for the elderly and those of impaired mobility or single bedroom dwellings in order to meet the need identified in the 2013 Clutton Housing Needs Survey or a more recent independently conducted Housing Needs Survey.**

The development of infill sites within the HDB will be supported, subject to compliance with other policies in this Plan.

Should a review of B&NES's 2014 Adopted Core Strategy, or its successor, establish a need for further housing, then development would be supported on the western side of the A37 in order to promote the use of public transport and more sustainable methods of transport. This is subject to the removal of the protected by-pass route after review from the start of the Plan.

#### **Policy CNP4**

##### **FUTURE INFRASTRUCTURE PROVISION**

All new dwellings and commercial premises will be required to provide connection to any existing Fibre Optic service on the perimeter of the site or ducting for the installation of the connection at a future time when the service becomes available.

#### **COMMENT**

**Suggested minor modification:**

**“All planning applications for new dwellings or commercial premises should include, where possible provision for connection to any existing Fibre Optic service or ducting for the installation of the connection at a future time when the service becomes available.”**

#### **Policy CNP5**

##### **SUSTAINABILITY BY DESIGN**

All new dwellings and commercial developments shall be laid out to maximise solar energy gain.

#### **COMMENT**

**Adjusting layouts to maximise solar energy gain can have a major impact on the appearance and visual impact of new developments. I suggest the following minor modification:**

**“All new dwellings and commercial developments should where appropriate be laid out to maximise solar energy gain”**

#### **Policy CNP6**

##### **SAFE ROADS**

“Manual for Streets 2 (2005)” shall be used as the design guide for new development in Clutton, particularly in respect of traffic calming measures and the reduction of vehicle speeds at junctions.

##### **COMMENT**

**The Clutton Neighbourhood Development Plan period is to 2035 the Manual for Streets 2 is already 10 years old I suggest that this policy is modified to include “The Manual for Streets 2 (2005) or any updated version”.**

#### **Policy CNP7**

##### **SEWAGE DISPOSAL**

All new dwellings shall be connected to a mains sewer except where the cost of connection to a mains sewer would render the development unviable.

**I have no comment on this policy**

#### **Policy CNP8**

##### **FUTURE SITING OF BUSINESSES**

Proposals to develop industrial and retail sites close to the A37 will be supported provided they comply with the requirements of other policies in this plan.

**I have no comment on this policy**

**Policy CNP9**

**NON-RESIDENTIAL DEVELOPMENT WITHIN THE HDB**

Proposals for non-residential development on sites within the Housing Development Boundary will be supported providing the proposals would not have a detrimental impact on the residential amenity of neighbours and traffic environment. Amenity includes issues of noise, traffic congestion, smells and vibration.

**I have no comment on this policy**

**Policy CNP10**

**TRAFFIC IMPACTS OF NON-RESIDENTIAL DEVELOPMENT**

Any new non-residential development proposal with measurable traffic impact will require a traffic study as part of the planning application. Any works recommended by that study as necessary to bring the road network and traffic impact to an acceptable level will be funded by the proposed development. The traffic impact study is to include impact on pedestrians and cyclists in order to promote sustainable travel.

**I have no comment on this policy.**

**Policy CNP11**

**RE-USE OF FARM AND RURAL BUILDINGS**

The re-use of farm and rural buildings outside the Housing Development Boundary for commercial use will be supported subject to the following criteria:

- a) The proposed reuse would not have harmful and/or negative impacts on the surrounding rural landscape and must comply with other policies in this plan.

b) The proposed reuse would not cause harmful and/or negative impact with agriculture or other land based activities.

c) The proposals would not harm the residential amenity of neighbours or adversely affect other users.

d) The buildings concerned would not require substantial rebuilding or extension.

**I have no comment on this policy.**

### **Policy CNP12**

#### **LOSS OF AGRICULTURAL LAND**

Development will not normally be supported if it results in the loss of the versatile and productive agricultural land, defined for the purposes of this policy as grade 3a or above.

**I have no comment on this policy.**

### **Policy CNP13**

#### **OPEN SPACE**

The areas designated as open space are listed below as well shown on Map 4 and listed in appendix 15

The allotments

The Village Green

The playing field and playground behind the Village Hall  
The playground at Burchill Close

The Leisure area

The football ground

New development will not normally be supported if it results in the loss of open space, and development on areas of open space will only be supported



if that development protects and enhances the use and community value of that open space.

A development proposal which would result in the loss of open space may be acceptable if it includes the provision of an alternative open space facility of similar size, accessibility and quality to that which has been lost.

**I have no comment on this policy**

## **Policy CNP14**

### **LOCAL GREEN SPACE**

The following areas, as shown on Map 7, are designated as Local Green Space:

Long Lands

The Avenue

Gastons

Development on these designated areas will not be permitted unless it preserves and enhances the existing use and community values

### **COMMENT**

**The wording of the policy is imprecise without a clear explanation of “community values”. The minor modification of the policy would be helpful replacing the word “permitted” with “supported” and by reconsidering how to express the term “community values”.**

## **Policy CNP15**

### **LANDSCAPE AND ECOLOGY**

Development proposals should not result in the loss of, or serious deterioration in, amenity views that are important to the character and quality of the local environment or to Clutton's historic heritage. Important views have been defined in the Clutton Design statement.

Any new development must have regard to protecting and enhancing local wildlife and biodiversity.

Planting of hedges on new developments should be of native British species of trees and shrubs (see appendix 17) as set out in the Clutton Design Statement (Appendix 5)

## **COMMENT**

**This policy seems to be covering a number of separate issues that might be better addressed in separate policies for landscape and ecology.**

**In reference to Ecology I agree with Natural England that this part of the policy could be improved by requiring new development proposals to include details of how the biodiversity of any site would be enhanced.**

**It would be helpful if the important views are identified within the policy.**

## **Policy CNP16**

### **LANDMARK STRUCTURES**

Clutton's landmark structures and their settings must be protected from inappropriate development. These are listed below:

The stone wall on the south side of Cooks Hill St Augustine's Church

The Railway Inn

The Old Brickworks Chimney

New development, which threatens the distinctive character of Clutton, as set out in the village design appraisal will not be supported. Any development must conserve and enhance Clutton's historic heritage.

#### **COMMENT**

**There is no definition of “inappropriate “ development. This policy could be improved by rewording the first paragraph as follows:**

**“Development proposals, which would adversely affect the character or setting of Clutton’s landmark structures (listed below) will not be supported.”**

#### **Policy CNP17**

##### **PROTECTION OF ASSETS OF COMMUNITY VALUE**

Development proposals that will enhance the viability and community value of registered Assets of Community Value will be supported. Development proposals that would result in either the loss of the asset or in significant harm to the community value and use of an asset will not be permitted unless it can be clearly demonstrated that the operation of the asset, or the on going delivery of the community value of the asset, is no longer economically viable typically because the site has been marketed at a reasonable price for at least a year for that and any other suitable employment or service trade uses and no interest in acquisition has been expressed.

#### **COMMENT**

**For clarity I suggest that the Assets of Community Value are included in the policy.**

#### **Policy CNP18**

##### **PEDESTRIAN LINKS**

All future developments shall provide sufficient pedestrian links to neighbouring streets and pedestrian routes outside the development for easy access to other parts of the settlement and beyond.

Footpaths should form part of a coherent network, linking to other parts of the village (as a pedestrian alternative to using through roads). These footpaths within the village, should be a minimum of 2 metres wide, must be designed for use in all weathers and in darkness.

### **Comment**

**This policy would have been better if supported by an existing pedestrian route strategy. Without being able to identify exactly where the routes need to go or be connected with it will be difficult to achieve.**

### **Policy CNP19**

#### **TRAFFIC IMPACTS OF RESIDENTIAL DEVELOPMENTS**

Development proposals with measureable traffic impact shall as part of that development contribute to traffic calming measures along Cooks Hill and Station Road.

It is a design aspiration that New Developments shall have pavements of sufficient width to allow a pushchair, a wheelchair or other mobility aid to pass without pedestrians having to step into the road.

### **COMMENT**

**Whilst I consider this policy appropriate I suggest the following minor modification for clarity:**

**“ Cooks Hill and Station Road have been identified as areas where traffic calming is required to improve residential amenity and highway safety. Developments, which would increase traffic movements in this area, should be supported by a Transport Statement, which measures the**

**traffic impact of the proposal and include measures to mitigate against this impact.**

It is a design aspiration that New Developments shall have pavements of sufficient width to allow a pushchair, a wheelchair or other mobility aid to pass without pedestrians having to step into the road.”

### **Policy CNP20**

#### **CAR PARKING PROVISION**

All proposals for new developments will be expected to provide off street parking provision commensurate with local car ownership rates in order to avoid an increase in on-street parking in the vicinity of the site, which would detract from highway safety and residential amenity. Garages should be extra to this provision.

**I have no comment to make on this policy**

### **Policy CNP21**

#### **STREET LIGHTING**

Proposals for new development will be required to install LED street and footpath lights to reduce light pollution and minimise energy use.

**I have no comment on this policy.**

## **SECTION 5**

### **Conclusion and Recommendations**

5.1.I find that the Clutton Neighbourhood Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

5.2.The Neighbourhood Development Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

5.3. The Clutton Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.

5.4.I find that the Strategic Environmental Assessment screening and the Habitats Regulations Assessment screening meet the EU Obligation.

5.5.The policies and plans in the Clutton Neighbourhood Development Plan would contribute to achieving sustainable development. Subject to minor modification they have regard to national policy and to guidance, and generally conform to the strategic policies of the saved policies of the Bath and North East Somerset Local Plan 2007 and the Bath and North East Somerset Core Strategy 2014 - the Development Plan.

5.6.I therefore recommend that with the suggested minor modifications the Clutton Neighbourhood Development Plan can proceed to a Referendum.

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