

Publow with Pensford Neighbourhood Development Plan 2016 - 2035

Report by Independent Examiner

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Summary and Conclusion

1. The Neighbourhood Development Plan has a clear vision and sets out clear aims. I have recommended modification to some of the policies in the Plan. In particular, I have recommended modification to Housing and Development Policy 1, and Business and Technology Policy 1 to refer to the need for all new development to satisfy the criteria, rather than the need to provide evidence in planning applications.
2. I have recommended that Housing and Development Policy 2, with regard to affordable housing, does not refer to a 'strong' local connection and instead includes reference to any current housing allocation policy of B&NES.
3. I have recommended the deletion of Housing and Development Policy 3, primarily because I consider that the request for information in Policy 3 is an onerous additional requirement that is not justified by robust evidence. I realise the importance of ensuring that new development does not have an adverse impact on the natural and built environment and therefore see merit in retaining such a reference in a policy. I have suggested that such a reference can be included in Housing and Development Policy 1.
4. In the absence of clear and compelling justification that the car parking standards are necessary to manage the local road network, I have recommended the deletion of Housing and Development Policy 4.
5. Technical standards or requirements for new dwellings should not be included in a Neighbourhood Plan. For non-residential development, there is no basis for an absolute requirement for carbon neutral development. Therefore, I have recommended the deletion of Housing and Development Policy 5.
6. I have recommended modification to Business and Technology Policy 2 to strengthen the definition of 'significant traffic impact' to ensure that the policy has regard to national policy.
7. **Whilst I have set out my reasoning under individual policies, my overall conclusion is that, subject to my recommendations, the Plan meets the Basic Conditions. It is appropriate to make the Plan. Subject to my recommendations being accepted, I consider that the Publow with Pensford Neighbourhood Development Plan 2016 - 2035 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Publow with Pensford Neighbourhood Development Plan 2016 - 2035, as modified by my recommendations, should proceed to Referendum.**

Introduction

8. I was appointed as an independent Examiner for the Publow with Pensford Neighbourhood Development Plan 2016 - 2035 in December 2016.
9. On 11 February 2015 Bath and North East Somerset Council (B&NES) approved that the Publow with Pensford Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Publow with Pensford.
10. The qualifying body is Publow with Pensford Parish Council. The Plan has been prepared by a Neighbourhood Planning Steering Group, consisting of Parish councillors and residents. The Plan covers the period 2016 - 2035.

Legislative Background

11. As an independent Examiner, I am required to determine, 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 in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
 - the Plan meets the requirements of Section 38B of the 2004 PCPA where the plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area; and
 - that the Plan has been prepared for an area that has been designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.
12. I am obliged to determine whether the Plan complies with the Basic Conditions. The Basic Conditions are:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood 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; and

- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

EU Obligations

14. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
15. B&NES Council prepared a Strategic Environmental Assessment (SEA) Screening Determination for the Publow with Pensford Neighbourhood Development Plan in May 2016 under the European Directive 2001/42/EC. This Report concluded that the Plan *is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment*. The consultees concurred with this view. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.
16. The Screening Determination states: *There are national and European landscape/biodiversity designations within and on the edge of the plan area. However, the limited proposals of the neighbourhood plan accord with the emerging Core Strategy of the local authority and are not considered likely to lead to significant effects on these designations. The B&NES Core Strategies have both been subject to SEA and HRA and this plan does not propose anything over and above what is contained in those higher-level plans. The Draft HRA screening identified opportunities for impact avoidance and mitigation which have been incorporated into the draft Publow with Pensford.*
17. On this basis and based on the consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.
18. A Publow with Pensford Sustainability Assessment has been prepared. There is no legal requirement for such an assessment to be undertaken for neighbourhood plans. Nevertheless, this document does help inform the policies in the Plan.
19. A Neighbourhood Plan must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant. I am satisfied that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

20. *The National Planning Policy Framework (2012) (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. *The Planning Practice Guidance (2014) (PPG)* provides Government guidance on planning policy.
21. Publow with Pensford Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Publow with Pensford Neighbourhood Development Plan Area includes the saved policies in the B&NES Local Plan 2007 and the B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014). Publow with Pensford are identified as villages washed over by the Green Belt with a Housing Development Boundary for Pensford. Strategic policies in the B&NES development plan include policies regarding the Green Belt and the delivery of homes and jobs in the area.
22. The emerging Placemaking Plan is more detailed than the Core Strategy in that it focuses more on the specifics, including detailed design principles and development aspirations. Both documents are to be read as one.
23. The emerging Placemaking Plan is currently in the process of being examined. Following the Examination hearings the Inspector has issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes will be subject to public consultation prior to the Inspector issuing her Final Report. In the meantime, B&NES has set out the weight that it will give to policies in the Draft Placemaking Plan.

The Neighbourhood Development Plan Preparation

24. I am required under The Localism Act 2011 to check the consultation process that has led to the production of the plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
25. The initial consultation process included regular update articles in the Parish Magazine. Drop-in events were held in May 2015, followed by a hand delivered questionnaire in October 2015. Draft policies were available for comment at further drop-in meetings in March 2016. The subsequent draft plan was delivered to every household and business in the Parish in June 2016. The Consultation period on the pre-submission draft of the Plan ran from 22 June 2016 to 12 September 2016.
26. All events were advertised in the Parish Magazine and banners and posters throughout the Parish. In addition the Parish Council's website has a dedicated section for the Neighbourhood Plan.

27. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. It is clear that the qualifying body went to considerable lengths to ensure that local residents and businesses were able to engage in the production of the Plan. I congratulate them on their efforts.
28. B&NES Council publicised the submission Plan for comment during the publicity period between 18 November 2016 and 13 January 2017 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 4 responses were received during the consultation period. A late response has not been taken into consideration in my examination of the Plan, as I see no exceptional circumstances for this response to be submitted after the deadline. I am satisfied that all the responses can be assessed without the need for a public hearing.
29. Some responses suggest additions and amendments to policies. My remit is to determine whether the Plan meets the Basic Conditions. Where I find that policies do meet the Basic Conditions, it is not necessary for me to consider if further suggested additions or amendments are required. Whilst I have not made reference to all the responses in my report, I have taken them into consideration.

The Publow with Pensford Neighbourhood Development Plan 2016 - 2035

30. It is necessary for Neighbourhood Plans to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.
31. I have been provided with a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.
32. A clear Community Vision for the Parish has been established with regard to seeking to ensure that the Parish continues to thrive and remains an attractive place to live, work and visit.
33. Community Action Policies throughout the Plan relate to issues identified through the consultation process as being important to the community, now and in the future, and where the community believes action is required. It is clear that the Community Action Policies are separate from the land use and development policies in the Plan.

34. For ease of reference, I have used the same headings and policy titles as those in the Plan.

Housing and Development

Policy 1 Housing Development

35. The whole Parish is washed over by Green Belt designation. On page 6 it is clearly stated that the policies in the Plan should be read alongside Green Belt policies in the NPPF.
36. Core Strategy Policy SD1 takes a positive approach that reflects the presumption in favour of sustainable development in the NPPF.
37. Policy 1 is concerned with general development control principles against which all planning applications are to be assessed. I consider this policy plans positively to support, shape and direct local development in accordance with the presumption in favour of sustainable development in this Green Belt location.
38. One of the purposes of neighbourhood plans is to set policies for development rather than to make the development process more onerous for developers. The definition of development in planning policy encompasses a wide range, including change of use and small scale development. There may be many instances where the request for such evidence may not be proportionate for small scale development. It may not be necessary or appropriate for all planning applications to provide evidence for each of the criterion in Policy 1.
39. In the interest of precision, I recommend modification to Policy 1 to state: *all new development should* rather than seeking to require *evidence*. This provides a precise basis upon which to evaluate planning applications. Subject to this modification and associated editing to the criteria, Policy 1 has regard to national policy and is in general conformity with strategic policy.
40. The first paragraph of supporting text on page 10 refers to the need to undertake a detailed study of the accommodation needs of elderly residents, including the feasibility of relocating existing Sheltered Housing. This requirement has not been translated into policy. Therefore, in the interest of precision, I recommend the deletion of this paragraph.
41. The third paragraph in the Rationale is written as policy, but is not translated as such into Policy 1. In the interest of clarity, I recommend the deletion of this paragraph.
42. **Recommendation: to meet the Basic Conditions;**

I recommend the deletion of the first paragraph on Page 10;

I recommend the deletion of the penultimate paragraph in the 'Rationale'; and

I recommend modification to Policy 1 to read as follows:

Housing & Development Policy 1

Housing Development

All new development should:

- a) be in keeping with the character, materials and design of existing buildings**
- b) not dominate or be detrimental to the landscape or surrounding buildings**
- c) provide adequate off-road parking**
- d) be proportionate to the size of the site and surrounding areas**
- e) be sustainable**
- f) be designed to minimise light pollution.**

Policy 2 Affordable Housing

- 43. The NPPF explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. New buildings in the Green Belt are considered to be inappropriate development. Exceptions include *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan.*
- 44. Core Strategy Policy CP8 states: *The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy. Paragraph 5.25 in the Core Strategy states: in villages washed over by the Green Belt with a housing development boundary as defined on the Policies Map proposals for residential and employment development will be determined in accordance with national policy set out in the NPPF.*
- 45. The Parish Housing Needs Survey (2012) identified a need for additional affordable housing of up to 12 homes. The Plan recognises that this Survey needs updating. Policy 2 ensures that affordable housing proposals are assessed against an up-to-date Housing Needs Survey.
- 46. The Homesearch \ Bath and North East Somerset Council's Housing Allocation Scheme states: *In rural communities where there is a population of less than 3000, people with a connection to the parish will be given priority*

when a property becomes vacant. To have a priority an applicant will need to meet the rural connection criteria. This allocation scheme does not define a strong local connection.

47. Policy 2 does not specify the definition of a 'strong local connection' or explain the criteria to assess such a connection. In the Core Strategy it is stated that affordable housing will be delivered in accordance with the Council's Housing Strategy or equivalent. I have no robust justifiable evidence to clearly depart from this method of allocation. In these circumstances, in the interest of clarity and precision, I recommend that the Policy 2 does not refer to a 'strong' local connection and instead includes reference to any current housing allocation policy of B&NES.
48. Savills, on behalf of clients, has raised concern that the Plan only allows for affordable housing, rather than market housing. I do not agree. Whilst Policy 2 only refers to affordable housing, Policy 1 refers to criteria for any new development and does not preclude the development of market housing. I do not consider that the Plan precludes the development of sites for market housing that meet all the development plan policy requirements and restrictions on development in this Green Belt location. There are no policies in this Plan that would restrict development in this Green Belt location that accord with policy in the NPPF. In particular, there are no policies preventing limited infilling in villages on appropriate sites.
49. Savills are promoting a site at Guys Farm in Wick Lane, Pensford, for residential development and has requested the allocation of that site in the Plan. My role is restricted to determining whether the Plan meets the Basic Conditions. Subject to my proposed modifications, I do not consider that it is necessary to allocate the site at Guys Farm for the Plan to meet the Basic Conditions.
50. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy 2 to read as follows:**
Housing & Development Policy 2
Affordable Housing
a) Affordable Housing developments will be permitted subject to an up-to-date Housing Needs Survey and a suitable site being identified within the Housing Development Boundary or, if this is not possible, on a rural exceptions site
b) Affordable Housing should be available in perpetuity to meet the needs of people with local connections in accordance with current B&NES housing allocation policy.

Policy 3 Environmental Impact

51. The NPPF, at paragraph 58, requires neighbourhood plans to include policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.
52. Whilst it is necessary to ensure that new development does not have an adverse impact on the natural and built environment, I consider that the request for information in Policy 3 is an onerous additional requirement that is not justified by robust evidence. In particular, there may be many instances where the request for such information may not be proportionate for small scale development.
53. Reference is made to protecting wildlife and trees in Policy 3, whereas Core Strategy Policy CP6 goes much further than this where it seeks to promote, protect, conserve or enhance the distinct quality, character and diversity of environmental assets. As written, I consider that Policy 3 is not in general conformity with strategic policy in Core Strategy Policy CP6.
54. Reference is made in Policy 3 to preserving vistas and views. I have no map defining vistas or any background evidence that identifies them. On this basis, I cannot see how planning applications can be assessed against this requirement. Therefore, in the interest of clarity, I recommend deletion of this reference.
55. The requirement to integrate new development into the landscape and surrounding buildings is already covered in Policy 1. I see no need for this repetition.
56. For the reasons stated above, I do not consider that Policy 3 meets the Basic Conditions. Therefore, I recommend deletion of this policy.
57. I realise the importance of ensuring that new development does not have an adverse impact on the natural and built environment and therefore see merit in retaining such a reference in a policy. Policy 1 already covers much of this. I recommend that a further criterion is added to Policy 1 to state: All new development should *promote, protect, conserve or enhance environmental assets*. This would be in general conformity with strategic policy, have regard to national policy and contribute towards sustainable development. In the interest of precision, the 'Rationale' for Policy 3 can be moved to the section under Policy 1.
58. **Recommendation: to meet the Basic Conditions I recommend the deletion of Policy 3 and the inclusion of the Rationale into the Rationale for Policy 1.**

I recommend the addition of the following criterion in Policy 1:

g) promote, protect, conserve or enhance environmental assets.

Policy 4 Parking

59. The NPPF recognises at paragraph 29 that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.
60. At paragraph 39 the NPPF states:
- If setting local parking standards for residential and non-residential development, local planning authorities should take into account:*
- *the accessibility of the development;*
 - *the type, mix and use of development;*
 - *the availability of and opportunities for public transport;*
 - *local car ownership levels; and*
 - *an overall need to reduce the use of high-emission vehicles.*
61. A Government Written Ministerial Statement of 25 March 2015 announced that the following text now needs to be read alongside paragraph 39: *Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network.*
62. Saved Local Plan Policy T.26 sets maximum parking standards for new development. The Government abolished national maximum parking standards in 2011.
63. Policy 4 seeks to ensure that there is adequate off road parking for any new development. Policy 4 sets minimum standards. For 1 and 3 bedroom properties and larger properties, these minimum standards are greater than the maximum standards in Saved Local Plan Policy T.26.
64. I note that emerging Placemaking Plan Policy ST7 will replace Local Plan Policy T.26 and that B&NES has attached significant weight to this emerging policy. For non-residential developments outside the City of Bath, parking requirements will be determined on an individual basis. Minimum parking standards will be applied to residential development outside the City of Bath. The accompanying text states that the prescribed parking standards need to be considered in a sensitive and flexible way that reflects local circumstances. The minimum standards in Policy 4 are mostly greater than those in the emerging Placemaking Plan.
65. I understand the concerns of local residents with regard to road safety and parking and I have seen for myself the existing highway and parking situation. I note that Pensford is well served by buses to Bristol and Bath and south to Wells and beyond, but poorly served for buses to Keynsham and the villages of the Chew Valley. Residents of Woollard and Publow have to walk or drive to and from Pensford to get a bus. In these

circumstances, it can reasonably be assumed that many local residents require the use of a car. Nevertheless, I see no clear and compelling justification for the local parking standards proposed. In addition, I am concerned that the lack of flexibility in Policy 4, particularly for smaller dwellings, is likely to threaten the viability of any such proposed new development.

66. In the absence of clear and compelling justification that the car parking standards are necessary to manage the local road network, I consider that the precise inflexible nature of Policy 4 does not have regard to national policy for local parking standards. In these circumstances, I recommend the deletion of Policy 4 and accompanying text.
67. **Recommendation: To meet the Basic Conditions, I recommend the deletion of Policy 4.**

Policy 5 Sustainability

68. A core principle in the NPPF is to: *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).*
69. Whilst the environmental role of sustainable development seeks a move towards a low carbon economy, there is no current national policy requiring residential or non-residential buildings to be carbon neutral.
70. Core Strategy Policy CP2 states that sustainable design and construction will be integral to new development. Since the adoption of the Core Strategy, a Government Written Ministerial Statement of 25 March 2015 announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans.
71. The Government published a command *paper Fixing the foundations: Creating a more prosperous nation* in July 2015. It announced with regard to new housing development that: *The government does not intend to proceed with the zero carbon Allowable Solutions carbon offsetting scheme, or the proposed 2016 increase in on-site energy efficiency standards, but will keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established.*
72. Policy 5 requires all new developments to aim to be carbon neutral. As outlined above, this does not have regard to national policy for residential or non-residential buildings. Technical standards or requirements for new dwellings should not be included in a Neighbourhood Plan. For non-

residential development, there is no basis for an absolute requirement for carbon neutral development. Policy 5 does not have regard to national policy and is not in general conformity with strategic policy. On this basis, I recommend the deletion of Policy 5 and accompanying text. This does not mean that energy efficient buildings cannot be encouraged; as any planning application will have to satisfy the requirements of Core Strategy Policy CP2.

73. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy 5.**

Policy 6 Lighting

74. Paragraph 125 in the NPPF states: *By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.* There is no directly relevant adopted strategic policy.
75. Policy 6 seeks to minimise light pollution. I consider it has regard to national policy in this respect and contributes towards sustainable development, particularly the environmental aim to minimise light pollution. Policy 6 meets the Basic Conditions.

Business and Technology

Business and Technology Policy 1

76. The NPPF promotes a strong rural economy. At paragraph 28 it states: *planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.* Similarly, Section 6e in the Core Strategy seeks to support the development and growth of a prosperous economy.
77. One of the core principles in the NPPF is to *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.*
78. Policy 1 seeks to ensure that non-residential development within the Housing Development Boundary does not have a detrimental effect on neighbours and traffic. I see this as a reasonable planning requirement for new businesses to ensure the amenity of local residents in accordance with the core principle above.
79. For the same reasons as expressed under Housing and Development Policy 1, I recommend that rather than *evidence* being required, this policy is modified to state that such development *should not have an adverse effect.* Subject to this modification, Policy 1 contributes towards the economic, social and environmental roles of sustainable development. In addition,

Policy 1 has regard to national policy to promote a strong rural economy and is in general conformity with strategic policy. Policy 1 meets the Basic Conditions.

80. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy 1 to read as follows:**

Business & Technology Policy 1

Applications for non-residential development within the Housing Development Boundary should not have a detrimental effect on neighbours and traffic, including issues of noise, traffic congestion, smells and vibration.

Business and Technology Policy 2

81. The NPPF at paragraph 32 states: *all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment.*
82. PPG states: *Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of movement on a case by case basis.*
83. Core Strategy Policy CP6 seeks *high quality and inclusive design of schemes, including transport infrastructure which reinforces and contributes to its specific local context, creating attractive, inspiring and safe place.*
84. Policy 2 refers to the need for a traffic assessment where new non-residential development would have a significant traffic impact. The criteria for 'significant traffic impact' are not defined in Policy 2. To have regard to national policy and in the interest of precision, I recommend modification to Policy 2 to refer to developments that *generate significant amounts of movement* and for the policy to refer to planning applications for such development. Subject to this modification, Policy 2 would contribute towards sustainable development, and be in general conformity with strategic policy.
85. The remainder of the Business and Technology section includes 6 Community Action Policies to be taken forward by local groups and individuals, the Parish Council, B&NES and other interested parties and organisations.
86. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy 2 to read as follows:**

Business & Technology Policy 2

Our Neighbourhood Plan requires a traffic assessment as part of any planning application for new non-residential development that

generates significant amounts of movement, including parking provision, vehicle movements and access.

Environment and Leisure

87. This section includes four Community Action Policies concerned with the environment and leisure. They do not affect whether the Plan meets the Basic Conditions.

Traffic and Transport

88. This section includes six transport related Community Action Policies. the introduction is not strictly correct where it states that *Traffic and Transport issues are outside the remit of a Neighbourhood Plan*, as policies such as those concerning infrastructure provision may, in some circumstances, be land use and development policies. In the interest of clarity, I recommend the deletion of this reference on page 21.
89. Reference is made on page 23 to The Housing and Development section of the Plan proposing planning conditions to mitigate the lack of adequate car parking. As I have recommended the deletion of Housing and Development Policy 4, in the interest of clarity I recommend the deletion of this reference on page 23.
90. There has been a request for the provision of safe cycle storage in the centre of Pensford. My role is restricted to determining whether the Plan meets the Basic Conditions. Subject to my proposed modifications, I do not consider that it is necessary to allocate a site for cycle storage for the Plan to meet the Basic Conditions.
91. **Recommendation: to meet the Basic Conditions;**
I recommend the deletion of the statement on page 21 that Traffic and Transport issues are outside the remit of a Neighbourhood Plan; and
I recommend modification to the statement on page 23 regarding car parking, to reflect the deletion of Housing and Development Policy 4.

Glossary

92. The NPPF defines Rural Exception Sites as: *Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes*

may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

93. In the interest of precision, I recommend that the definition of Rural Exception Sites in the Glossary accords with that in the NPPF.
94. **Recommendation: to meet the Basic Conditions, I recommend modification to the definition of Rural Exception Sites in the Glossary to accord with that in the NPPF.**

Referendum and the Publow with Pensford Neighbourhood Development Plan Area

95. I am required to make one of the following recommendations:
- the Plan should proceed to Referendum, on the basis that it meets all legal requirements; or
 - the Plan as modified by my recommendations should proceed to Referendum; or
 - the Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
96. **I am pleased to recommend that the Publow with Pensford Neighbourhood Development Plan 2016 – 2035 as modified by my recommendations should proceed to Referendum.**
97. I am required to consider whether or not the Referendum Area should extend beyond the Publow with Pensford Neighbourhood Development Plan Area. I see no reason to alter or extend the Neighbourhood Development Plan Area for the purpose of holding a referendum.

Minor Modifications

98. The Plan is a well-written document, which is easy to read. It is not for me to re-write the Plan. If other minor amendments are required as a result of my proposed modifications, I see these as editorial matters which can be dealt with as minor amendments to the Plan.

Janet Cheesley

Date 9 February 2017

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (2012)
The Planning and Compulsory Purchase Act 2004
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Planning Practice Guidance (2014)
Saved policies in the B&NES Local Plan 2007
B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014)
B&NES Placemaking Plan Pre-Submission Draft (December 2015)
B&NES Placemaking Plan: Analysis of weight to be applied to Placemaking Plan policies (as at January 2017)
Regulation 16 Representations
Publow with Pensford Consultation Report
Publow with Pensford Neighbourhood Plan Basic Conditions Statement
Publow with Pensford Sustainability Assessment
Publow with Pensford Neighbourhood Planning Evidence Base List
Strategic Environmental Assessment - Screening determination for the Publow with Pensford Neighbourhood Plan (May 2016)
Publow with Pensford Neighbourhood Plan HRA Screening
Publow with Pensford Parish Housing Needs Survey 2011: Survey Report (2012)