

PUBLOW WITH PENSFORD 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 Publow with Pensford Neighbourhood plan comprises the whole parish of Publow with Pensford in the Bath & North East Somerset Council authority area (B&NES). On 11th February 2015, B&NES Council approved that the Publow with Pensford Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Publow with Pensford Parish council submitted the draft Publow with Pensford Neighbourhood Plan, and supporting documents to B&NES Council in November 2016.
- 2.3 Following submission of the Publow with Pensford Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 18th November 2016-13th January 2017.
- 2.4 In January 2017, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) DipTP MRTPI to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 9th February 2017 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 Publow with Pensford 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:

A handwritten signature in black ink, appearing to read 'Lisa Bartlett', with a horizontal line extending to the right.

Lisa Bartlett

Divisional Director – Development
Bath & North East Somerset Council

Dated: 16th February 2017

APPENDIX 1: Modifications to the draft Publow with Pensford 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 Publow with Pensford Neighbourhood Plan, as submitted to the local authorities in November 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
N/A	The second group (highlighted in yellow), called Community Action Policies in our Plan, <i>and</i> 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.	8	Grammatical error noted by the parish council
8	The Sheltered Housing at the top of Hillcrest is remote from village amenities and some elderly residents do not drive and/or have mobility difficulties. A detailed study should be carried out to determine how best to address the accommodation needs of our elderly residents and should include the feasibility of relocating some or all of the Sheltered Housing as part of an overall plan to provide a mix of rented accommodation in different parts of Pensford. Residents in the Sheltered Housing on Hillcrest should be consulted as part of this study and any relocation will be voluntary.	13	Text in ‘blue’ has been moved to the introduction. 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, the examiner recommends the deletion of this paragraph.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
8	<p>Housing & Development Policy 1 Housing Development</p> <p>Planning applications must provide evidence that the development. <u>All new development should:</u></p> <p>a) is <u>be</u> in keeping with the character, materials and design of existing buildings b) does not dominate or <u>is be</u> detrimental to the landscape or surrounding buildings c) provides adequate off-road parking d) is <u>be</u> proportionate to the size of the site and surrounding areas e) is-be sustainable f) is-be designed to minimise light pollution</p>	11	In the interest of precision, the examiner recommends 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.
8	<p>In order to be sustainable for the future, any development should be energy efficient and be seen to address issues such as pedestrian safety, parking provision for residents and visitors, traffic congestion and surface water drainage and flooding.</p>	11	This requirement has not been translated into policy. Therefore, in the interest of precision, the examiner recommends the deletion of this paragraph.
10	<p>Housing & Development Policy 2 Affordable Housing</p> <p>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</p> <p>b) Affordable Housing should be available in perpetuity to meet the needs of people with strong local connections <u>in accordance with current B&NES housing allocation policy.</u></p>	12	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. There is no robust justifiable evidence to clearly depart from this method of allocation. In these circumstances, in the interest of clarity and precision, the examiner recommends 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.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
11	<p>Housing & Development Policy 3 Environmental Impact</p> <p>Planning applications must address the impact of a new development on the natural and built environment. Information must be included to demonstrate how they plan to protect wildlife, including trees, preserve vistas and views for the community and integrate the development into the landscape and surrounding buildings.</p>	12	<p>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, the examiner considered that Policy 3 is not in general conformity with strategic policy in Core Strategy Policy CP6. Therefore, in the interest of clarity, The examiner recommends deletion of this reference. The requirement to integrate new development into the landscape and surrounding buildings is already covered in Policy 1.</p> <p>Policy 3 does not meet the Basic Conditions. Therefore, the policy is deleted.</p>
11	<p>Planning applications must provide evidence that the development. <u>All new development should:</u></p> <p>a) is <u>be</u> in keeping with the character, materials and design of existing buildings b) does not dominate or is <u>be</u> detrimental to the landscape or surrounding buildings c) provides adequate off-road parking d) is <u>be</u> proportionate to the size of the site and surrounding areas e) is <u>be</u> sustainable f) is <u>be</u> designed to minimise light pollution <u>g) promote, protect, conserve or enhance environmental assets.</u></p>	12	<p>Policy 1 already covers much of this. The examiner recommends that a further criterion is added to Policy 1 to state:</p> <p>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.</p>
13	<p>Car parking, particularly in Pensford, is already a major problem for residents and for local businesses. On road parking contributes to traffic congestion and adds to the risk to pedestrians particularly in areas where there is no footpath. There is no public, off road parking in Pensford.</p>	13	<p>In the absence of clear and compelling justification that the car parking standards are necessary to manage the local road network, the examiner considered that the precise inflexible nature of Policy 4 does not have regard to national policy for local parking standards. In these circumstances, the examiner</p>

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	<p>Our Plan, therefore, requires any new development or significant extension to a dwelling or change of use, to provide adequate off-road parking for residents and visitor parking.</p> <p>Housing & Development Policy 4 Parking</p> <p>All new dwellings and commercial premises will be required to provide adequate car parking spaces for residents, workers and visitors. For new 1 and 2 bed-roomed dwellings this will be a minimum of 2 off-road parking spaces per dwelling. For larger dwellings it will be at a ratio of one parking space per bedroom. In exceptional circumstances, where adequate on-road parking can be demonstrated, this number could be reduced for larger dwellings.</p> <p>A garage, where provided, must be of a size to accommodate a large modern car.</p>		<p>recommends the deletion of Policy 4 and accompanying text.</p>
	<p>Housing & Development Policy 5 Sustainability</p> <p>New developments must be energy efficient. They must aim to be carbon neutral and water and power efficient through design and construction and the use of green technologies.</p>		<p>Policy 5 requires all new developments to aim to be carbon neutral. 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. The examiner recommended the deletion.</p>

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15	<p><i>Business & Technology Policy 1</i></p> <p>Applications for non-residential development within the Housing Development Boundary must provide evidence that the development does <i>should</i> not have a detrimental effect on neighbours and traffic, including issues of noise, traffic congestion, smells and vibration.</p>	16	<p>Recommendation: to meet the Basic Conditions, I recommend modification to Policy 1 to read as follows: Business & Technology Policy 1</p> <p>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.</p>
15	<p><i>Business & Technology Policy 2</i></p> <p>Our Neighbourhood Plan requires a traffic assessment as part of any <i>planning application for</i> new nonresidential development where there is significant traffic impact <i>that generates significant amounts of movement</i>, including parking provision, vehicle movements and access.</p>	16	<p>Policy 2 refers to the need for a traffic assessment where new nonresidential 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.</p>
17	<p>Although Traffic and Transport issues, highlighted through the consultation process, are identified as Community Action Policies, are outside the remit of a Neighbourhood Plan, they are included in our Plan as issues which the community has highlighted, through the consultation process, as being of particular concern. They are identified as Community Action Policies.</p>	23	<p>The examiner recommends the deletion of the statement on page 23 that Traffic and Transport issues are outside the remit of a Neighbourhood Plan.</p>

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	<p>The lack of adequate car parking for residents, visitors and businesses, is a major problem, especially in Pensford. The Housing and Development section of our Neighbourhood Plan proposes planning conditions to mitigate this in relation to new development. <i>stresses the need for new developments to provide adequate off road parking.</i></p>		<p>The examiner recommends modification to the statement on page 23 regarding car parking, to reflect the deletion of Housing and Development Policy 4.</p>
17	<p>Sites solely for the development of affordable housing on land within or adjoining existing small rural communities, which would not otherwise be released for general market housing. <i>The NPPF defines Rural Exception Sites as:</i></p> <p><i>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.</i></p>	31	<p>To meet the Basic Conditions, the examiner recommends modification to the definition of Rural Exception Sites in the Glossary to accord with that in the NPPF.</p>