

# **Stanton Drew Neighbourhood Development Plan 2017 - 2036**

**Report by Independent Examiner to Bath & North  
East Somerset Council**

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## Summary and Conclusion

1. The Stanton Drew Neighbourhood Development Plan has established a clear vision.
2. The Parish is entirely within the Green Belt. There are three areas within defined housing development boundaries. The Plan support proposals for infill development within the housing development boundaries subject to a list of criteria.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended the deletion of some policies. The detailed reasons are set out in the main body of this report.
4. In brief, I have recommended the deletion of Design Policy SD1 as it does not add an additional layer. Part of Policy BP2 should be incorporated into Policy BP1. Policy CIL1 is not a development and land use policy. Policies EL1 and EL8 repeat the content of policies elsewhere in the Plan. Policy EL6 does not have regard to national guidance.
5. Even though I have recommended a number of modifications to the Plan, these do not significantly or substantially alter the intention or nature of the Plan.
6. **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 Stanton Drew Neighbourhood Development Plan 2017 – 2036 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Stanton Drew Neighbourhood Development Plan 2017 - 2036, as modified by my recommendations, should proceed to Referendum.**

## Introduction

7. On 6 October 2013 and confirmed in a letter dated 11 October 2013, Bath and North East Somerset Council (B&NES) approved that the Stanton Drew Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Stanton Drew.
8. The qualifying body is Stanton Drew Parish Council. The Plan has been prepared by the Stanton Drew Parish Neighbourhood Plan Steering Group on behalf of the Parish Council. The Plan covers the period 2017 to 2036.
9. I was appointed as an independent Examiner for the Stanton Drew Neighbourhood Development Plan 2017 - 2036 in February 2020. I confirm that I am independent from the Parish Council and B&NES. I have no

interest in any of the land affected by the Plan and I have appropriate experience to undertake this examination. As part of my examination, I have visited the Plan area.

## Legislative Background

10. 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.
11. 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.
12. *The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018* came into force on 28 December 2018. They state:

*Amendment to the Neighbourhood Planning (General) Regulations 2012.*

*3.—(1) The Neighbourhood Planning (General) Regulations 2012(5) are amended as follows.*

(2) In Schedule 2 (Habitats), for paragraph 1 substitute:

*“Neighbourhood development plans*

*1. In relation to the examination of neighbourhood development plans the following basic condition is prescribed for the purpose of paragraph 8(2)(g) of Schedule 4B to the 1990 Act(6)—*

*The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017(7).”*

13. Since 28 December 2018, a neighbourhood plan is required to be examined against this extra Basic Condition. I will make further reference to this matter under EU Obligations.
14. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.

## **EU Obligations Strategic Environmental Assessment (SEA) and Habitat Regulation Assessment (HRA)**

15. Directive 2001/42/EC and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended) (EA Regulations) set out various legal requirements and stages in the production of a Strategic Environmental Assessment (SEA).
16. B&NES Council prepared a *SEA Screening Determination for the Stanton Drew Neighbourhood Plan* in July 2018. This Report concludes that the Plan *is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.*
17. The statutory consultees did not dispute this conclusion. The SEA screening accords with the provisions of the European Directive 2001/42/EC. Based on the screening determination and consultee responses, I consider that it was not necessary for the Plan to require a full SEA Assessment.
18. As regards HRA, the Parish lies within 1.8km of Chew Valley Lake SPA and entirely within a 5km buffer zone around the lake. The Draft *HRA Screening of Stanton Drew Neighbourhood Plan* concludes on the pre-submission draft of the Plan that it *does not raise concerns in the context of the Habitats Regulations.*
19. Although undated, the HRA screening opinion was sent to statutory consultees in July 2018. Following consultation, Natural England concluded: *Based on the information provided the Council’s conclusion that Stanton Drew Neighbourhood Plan is unlikely to have significant effects on European sites, alone or in combination, appears reasonable and we agree that further assessment is not necessary.*

20. Based on the screening determination and consultee response, I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive. I am satisfied that the Plan does not breach the requirements of Chapter 8 of Part 6 of *the Conservation of Habitats and Species Regulations 2017(7)*.
21. 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.
22. A Draft Sustainability Appraisal (November 2018) has been prepared to *identify the sustainability issues within the Parish of Stanton Drew and to set objectives for the sustainability appraisal of the Neighbourhood Plan that can be used to determine how the Neighbourhood Plan will address these issues.*
23. A Sustainability Appraisal is not required for a neighbourhood plan. Nevertheless, the Sustainability Appraisal provides useful background supporting evidence for policies in the Plan.

## Policy Background

24. The *National Planning Policy Framework (NPPF)* (2019) 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.
25. At the heart of the NPPF is the presumption in favour of sustainable development. Paragraph 8 sets out the three overarching objectives which are interdependent and need to be pursued in mutually supportive ways. The three overarching objectives are:
  - a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*
  - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently,*

*minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

26. Stanton Drew Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Neighbourhood Plan Area includes the Local Plan 2011-2029 comprising two separate development plan documents: the B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014) and the Placemaking Plan (PMP) (adopted on 13 July 2017). Strategic policies in the B&NES development plan include policies regarding the Green Belt and the historic and natural environment.
27. B&NES Council started preparation of a new Local Plan for the District for the period 2016 - 2036 and undertook Options consultation in the winter of 2018. The Local Plan was being prepared alongside and to deliver the West of England Joint Spatial Plan (JSP). The Joint Spatial Plan Examination has been halted and B&NES Council met on 16 January 2020 and approved the withdrawal of the JSP.
28. During the course of the examination of this Neighbourhood Plan, B&NES Council has undertaken consultation on a Local Plan Partial Update Policy Review.

## **The Neighbourhood Plan Preparation**

29. 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.
30. The initial consultation process started in early 2013. There were informal recorded Parish surgeries for parishioners, timed on a bi-monthly basis in between scheduled formal Parish Council meetings to give parishioners direct access to Parish Council representatives. Monthly Community Cafes and other village events also offered opportunity for informal contact with Parish Councillors or Steering Group members. In addition, the long list of consultation events includes walk-in sessions, public presentations, workshops, and questionnaires delivered to households.
31. An Options document was compiled using results from two household questionnaires and research carried out by professional agencies together with public consultation input from multiple surgeries and Public sessions. Consultation was undertaken for the Options document in July/August 2017. In September/October 2017 there was further consultation regarding Policy options for Policy P&D1.
32. The Consultation period on the pre-submission draft of the Plan ran from 5 March 2018 to 16 April 2018. During this consultation period, the Plan and supporting documents were available to view on the Parish Council's



Neighbourhood Plan website. In addition, the Plan was available to view at: St Marys Church, The Carpenter s Arms, The Druids Arms and by appointment at three local homes. Two walk in session were held in the Village Hall on 21 and 25 March 2018.

33. 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 were able to engage in the production of the Plan. I congratulate them on their considerable efforts.
34. B&NES publicised the submission Plan for comment during the publicity period between 22 November 2019 and 24 January 2020 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of 13 responses were received.
35. Unfortunately, the content of the Consultation Statement available for consultation as part of the package of documents publicised for comment under Regulation 16 did not accord with the requirements of Regulation 15 (2) in The Regulations. To rectify the situation, B&NES Council publicised a revised Consultation Statement as part of the documents for a further six week consultation period from 8 June 2020 to 20 July 2020 under Regulation 16. I do not consider that anyone was prejudiced by this approach. A total of 6 responses were received. Following that consultation and having considered the comments received, I am satisfied that consultation has now accorded with the Regulations.
36. I have taken into consideration all representations made during both consultation stages under Regulation 16. I am satisfied that all these responses can be assessed without the need for a public hearing.
37. I gave the Parish Council the opportunity to comment on the initial Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the B&NES web site.

## **The Stanton Drew Neighbourhood Development Plan**

38. I have been provided with a detailed evidence base in Part 1 of the Plan and in background supporting documents. This has provided a useful and easily accessible source of background information. A clear Vision for the Parish has been established.
39. Paragraph 16 in the NPPF requires plans to be prepared positively, in a way that is aspirational but deliverable; and serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area. In addition, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals.

40. PPG states: *A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.* (Paragraph: 041 Reference ID: 41-041-20140306).
41. I do refer to clarity and precision with regard to some recommendations to modifications to the Plan. Where I do so, I have in mind the need for clear and unambiguous policies, thus ensuring that the Plan has regard to national policy in this respect.
42. It is not for me to re-write the Plan. Where I have found editing errors, I have identified them as minor editing matters and highlighted these as such. These have no bearing on whether the Plan meets the Basic Conditions.
43. Paragraph 48 should refer to the 2019 NPPF and all other references throughout the Plan to the NPPF should similarly be to the 2019 NPPF. **I see these as minor editing matters.**
44. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations these have to be clearly differentiated from policies for the development and use of land. The aspirations of the community are summarised in a separate section to the policies in the Plan.
45. For ease of reference, I have used the same policy titles as those in the Plan. I have briefly explained national policy and summarised main strategic policies where relevant to each neighbourhood plan policy. I have tried not to repeat myself. Where I have not specifically referred to other relevant strategic policy, I have considered all strategic policy in my examination of the Plan.

### **Policy P&D1 - Housing Mix**

46. The Parish is entirely within the Green Belt. There are three areas within defined Housing Development Boundaries. Paragraph 133 in the NPPF explains that the *fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence.*
47. Core Strategy Policy DW1 provides an overarching strategy which focusses new housing in Bath, Keynsham and the Somer Valley ensuring that development in rural areas is located at settlements with a good range of local facilities and with good access to public transport.

48. Core Strategy Policy CP8 seeks to protect the openness of the Green Belt. Paragraph 64 in Part Two of the B&NES Adopted Placemaking Plan Volume 1 (2017) states: *Although the construction of new buildings is regarded as inappropriate development in Green Belt, limited infilling in villages is an exception to this policy. For settlements washed over by the Green Belt, Policy GB2 will apply as set out in the Green Belt Development Management Policies section. Any proposals outside the HDBs would be considered inappropriate development in the Green Belt and Core Strategy Policy CP8 would apply.*
49. PMP Policy GB2 states: *development in villages in the Green Belt will not be permitted unless it is limited to infilling and in the case of residential development the proposal is within the defined Housing Development Boundary.* This policy supports the strategic objectives of Core Strategy Policy CP8 with regard to protecting the openness of the Green Belt.
50. The glossary in the Core Strategy defines 'infilling' in relation to housing as *the filling of small gaps within existing development e.g. the building of one or two houses on a small vacant plot in an otherwise extensively built up frontage, the plot generally being surrounded on at least three sides by developed sites or roads.*
51. PMP Policy D7 states: *Infill development is defined as the filling of a small gap in an otherwise built-up frontage, usually consisting of frontage plots only. It goes on to state: Neighbourhood Plans in B&NES may identify a locally specific definition of infill, with reference to local characteristics.*
52. The NPPF seeks to ensure that there is provision of a wide choice of quality homes. Core Strategy Policy CP10 seeks a variety of housing types and size to accommodate a range of different households as evidenced by local needs assessments.
53. Policy P&D1 supports infill development within a housing development boundary subject to a list of criteria. As there are three housing development boundaries, this should be plural. As the Plan, once made, will become part of the development plan and will be considered by B&NES Council with regard to planning applications in the Parish, B&NES Council as well as the Parish Council will be required to take into account the policies in the neighbourhood plan. Thus, the policies in the Plan should not be restricted to being just supported by the Parish Council. I have suggested revised wording for the first sentence in Policy P&D1 to reflect this.
54. The first criterion in Policy P&D1 refers to specific paragraphs in the NPPF with regard to the openness of the Green Belt. As other paragraphs in the NPPF also refer to the openness, in the interest of I suggest that specific paragraphs are deleted from this criterion.
55. The third criterion in Policy P&D1 refers to conserving open views. This is a vague statement, which does not identify where these open views area. As

Design Policy SD3 identifies four key views, I recommend specific cross reference to that policy.

56. I have recommended the deletion of Policy EL6, thus a cross reference to that policy is no longer relevant. As regards Policies EL2 and EL3, the sixth criterion in Policy P&D1 is not quite the same as those policies. Therefore, in the interest of precision, I recommend the deletion of that criterion.
57. The policy title is 'Housing Mix', but it does not refer to a mix of housing. In the interest of precision, I suggest the title is modified to 'Housing'.
58. Subject to the modifications suggested above, Policy P&D1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy P&D1 meets the Basic Conditions.
59. I have spotted and corrected the grammar in the first sentence of Policy P&D1. Paragraph 64 and elsewhere in the Plan refer to the 'New Local Plan 2011- 2036'. The time period should be 2016 – 2036. **I see this as a minor editing matter.**
60. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy P&D1 to read as follows:**

#### **Policy P&D1 - Housing**

**Proposals for 'infill' development, as defined by the B&NES Development Plan, will be supported within the housing development boundaries, provided:**

- **The proposal is consistent with maintaining the openness of the Green Belt as defined in the NPPF**
- **The quantum of dwellings and their site coverage will not be an overdevelopment of the plot in relation to the characteristics of neighbouring plots in respect of built form, massing and building line**
- **The development conserves Key Views identified in Design Policy SD3**
- **The development protects the residential amenity of neighbours**
- **The development is well integrated with the existing village**
- **The development will incorporate the principles of sustainable urban drainage, where appropriate.**

#### **Policy P&D2 – Affordable Allocation**

61. The NPPF recognises that the needs of groups with specific housing requirements are addressed.

62. The *Stanton Drew Parish Council - Household and Business Survey 2016* was undertaken by Worcester Research. There has been criticism of this research. Nevertheless, following a household survey, this survey found that approximately a quarter of those responding stated they would prefer affordable home ownership and about 14% would prefer affordable rented accommodation.
63. Policy P&D2 supports affordable housing for local people and this is justified by the results of the household survey. My concern is with the term 'strong local connection'.
64. The Homesearch \ Bath and North East Somerset Council's Housing Allocation Scheme 2019 states: *We will give priority to people with a connection to a rural community where there is a population of less than 3000. The applicant must meet one, or more, of the following criteria to have a rural connection.* This allocation scheme does not define a 'strong' local connection, other than in relation to rural exception sites.
65. Core Strategy Policy CP9 seeks affordable housing. The supporting text to this policy states: *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 P&D2 does not refer to a 'strong' local connection.
66. Subject to the above modification, Policy P&D2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy P&D2 meets the Basic Conditions.
67. **Recommendation: to meet the Basic Conditions, I recommend the deletion of 'strong' from Policy P&D2.**

### **Design Policy SD1 - Compliance with the Development Plan**

68. Usually the neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. Design Policy SD1 is a general policy, which does not provide an additional layer. It simply reiterates the approach in national policy and the development plan to seeking high quality design. To avoid unnecessary duplication of policies that apply to a particular area, with no local relevance, I recommend deletion of Design Policy SD1.
69. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Design Policy SD1.**

## Design Policy SD2 - Landscape Context and Character

70. An extract from paragraph 124 in the NPPF states: *Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.*
71. Paragraph 125 in the NPPF states: *Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood plans can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development.*
72. Paragraph 127 in the NPPF emphasises the need to ensure that development establishes or maintains a strong sense of place and is sympathetic to local character.
73. Core Strategy Policy CP6 seeks high quality and inclusive design. The distinct character and quality of the landscape will be conserved and enhanced. PMP Policy NE2 requires new development *to reinforce the local landscape character and make a positive contribution to views.*
74. The above policies are relevant to the design policies in the Plan.
75. The *Stanton Drew Parish Community Design Statement (2016)* (Design Statement) has been compiled following character surveys undertaken by members of the local community; school workshops, and a community workshop and open drop in session. The Design Principles in the Design Statement have been incorporated into this Plan in the Design Policies.
76. I have visited the Parish and seen the dispersed settlement pattern and landscape setting. Design Policy SD2 is Design Principle SD2 in the Design Statement. Design Policy SD2 seeks to retain the local landscape context and character. Whilst the essence of Design Policy SD2 is evident, paragraph 16 in the NPPF requires plans to contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals. To have regard to this national policy, I have suggested revised wording to Design Policy SD2.
77. Subject to the above suggested modification, Design Policy SD2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Design Policy SD2 meets the Basic Conditions.
78. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy SD2 to read as follows:**

## DESIGN POLICY SD2 - Landscape Context and Character

**SD2 Development proposals must respect the dispersed, cluster settlement pattern of the Parish, with small settlements and farmsteads linked by a network of footpaths and narrow lanes (some sunken).**

**Development proposals must respect the undulating nature of the landscape.**

## Design Policy SD3 - Landmark Views and Policy EL8- Protected Views

79. Both of these policies refer to views.
80. The *Stanton Drew Parish Neighbourhood Plan Landscape and Environment Protected Views Document* identifies four views worthy of being protected views, based on specific criteria. I have seen these views and appreciate their importance to the local community. They are identified as key views in Design Policy SD3. Policy EL8 seeks to ensure that these views are not adversely affected. To avoid unnecessary duplication, I suggest the amalgamation of these two policies as Design Policy SD3.
81. Design Policy SD3 is Design Principle SD3 in the Design Statement.
82. I have suggested revised wording to the first paragraph in Design Policy SD3. The first sentence of Design Policy SD3 regarding the landscape is largely covered in Design Policy SD2. Thus, I recommend the deletion of this sentence. As some of the Key Views extend beyond the Parish, in the interest of precision, this policy needs to specify that it only relates to development proposals within the Parish. In addition, as the Parish is within the Green Belt, I have suggested the inclusion of reference to the openness of the Green Belt.
83. Pages 22 - 24 in the Plan refer to key views and landmarks. Two of these were rejected as not meeting the criteria for designation as views worthy of protection. Thus in the interest of precision, the views from junction of Bromley Road with A368 towards Knowle Hill and from Sandy Lane and footpath to west, north and north-west should be deleted from this section.
84. Key Views, protected views, important views and landmarks are all intertwined in the policies and supporting text. In the interest of precision, I have only referred to Key Views in suggested revised wording. Where similar modifications are required in the accompanying text, **I see these as minor modifications.**
85. Subject to the above modifications, Design Policy SD3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Design Policy SD3 meets the Basic Conditions.

86. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) the deletion of Policy EL8**

**2) Pages 22-24 are titled 'Key Views' and the views from junction of Bromley Road with A368 towards Knowle Hill and from Sandy Lane and footpath to west, north and north-west are deleted from these pages**

**3) modification to the first paragraph in Design Policy SD3 to read as follows:**

**DESIGN POLICY SD3 - KEY VIEWS**

**SD3 The following views are identified as Key Views. Development proposals within the Parish should not adversely affect the Key Views by changing landscape context and character including openness of the Green Belt.**

**Design Policy SD4 - Conservation Area**

87. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

88. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

89. Core Strategy Policy CP6 seeks to protect, conserve and enhance the historic environment.

90. Design Policy SD4 is Design Principle SD4 in the Design Statement.

91. Design Policy SD4 seeks to preserve or enhance the special character and appearance of the Conservation Area. The accompanying map within the policy box has listed buildings as the title, although the policy is concerned with the Conservation Area. I suggest that the Conservation Area is added to the title. The key on that map has not been completed and in particular does not identify the Conservation Area, although it is shaded green on the map. In addition, the map is of a poor quality and would benefit from being of a more suitable scale on an OS base. As the map is part of the policy, in the interest of precision, these modifications are required to meet the Basic Conditions.

92. Subject to the suggested modifications to the accompanying map, Design Policy SD4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. The suggested modifications to the accompanying map would ensure that Design Policy SD4 meets the Basic Conditions.



93. **Recommendation: to meet the Basic Conditions I recommend modification to the map accompanying Design Policy SD4 as follows:**
- 1) change the title to Stanton Drew Conservation Area and Listed Buildings**
  - 2) complete the Key to the map**
  - 3) provide an OS based map at a more appropriate scale that ensures the precise boundaries of the Conservation Area and the listed buildings are clearly identifiable.**

### **Design Policy SD5 - Character Areas**

94. Design Policy SD5 is Design Principles SD5 and SD6 in the Design Statement.
95. I will consider each Design Principle in Design Policy SD5 in turn.
96. SD5.1. This principle seeks to ensure that development is appropriate to the character areas. A planning policy cannot dictate how the design process is undertaken. Therefore, in the interest of precision, the second sentence should be deleted.
97. SD5.2. This is a repetition of much of Design Policy SD2. Therefore, to avoid unnecessary repetition, and as the Plan has to be read as a whole, I recommend that SD5.2 is deleted.
98. SD5.3. SD5.3 seeks to ensure high standards of energy efficiency are incorporated in all new development.
99. The NPPF supports the transition to a low carbon future. Core Strategy Policy CP2 requires all development to be accompanied by a Sustainable Construction Checklist and include evidence of maximising energy efficiency.
100. PPG, (at Paragraph: 001 Reference ID: 56-001-20150327), makes it clear through a link to a Written Ministerial Statement of 25 March 2015 that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction or performance of new dwellings in neighbourhood plans. Thus, SD5.3 should only apply to non-residential properties. I have suggested revised wording. The Parish Council may wish to include an explanation of why SD5.3 is not applicable to residential properties. **I see this as a minor editing matter.**
101. SD5.4. This encourages high quality traditional and contemporary architectural styles. As such, this contributes towards the achievement of high quality design.

102. SD5.5. This is already substantially covered in Design Policy SD2 with regard to the traditional form of roads. Road markings and signage are not a development and land use matter for a planning policy. Therefore, I recommend the deletion of SD5.5.
103. The Design Statement needs to be updated to refer to the NPPF 2019, rather than the NPPF 2012 and to refer to the now adopted Placemaking Plan. Following my recommendations above on a number of the Design Policies, the Design Principles in the Design Statement would need to be similarly modified as SD5 requires regard to be had to the Design Principles Statement, which I have taken to be the design principles outlined in the *Stanton Drew Community Design Statement*.
104. As the *Stanton Drew Community Design Statement* needs significant updating and substantial modification, I recommend that it is now a background evidence document that has informed the design policies and it is made clear that it is not a supplementary planning document where regard has to be had to its design principles. I have suggested revised wording for the first paragraph in Design Policy SD5 in this regard. The Parish Character Assessment in Appendix 6 to the Plan has been derived from the Design Statement. As that is a summary of character findings, it can remain as a useful means of informing design. The Planning Policy Context for the Design Principles in Appendix 1 should be deleted.
105. The first paragraph in Design Policy SD5 refers to community engagement. Paragraph 40 in the NPPF clearly indicates that local planning authorities cannot require that a developer engages with them at the pre-application stage and can only encourage developers to engage with the local community before submitting their applications. It is therefore evident to me that this part of the policy requiring a statement demonstrating engagement with the Parish Council and local community does not comply with the Basic Conditions because of this clear conflict with the NPPF. I have therefore suggested revised wording for the first paragraph in Design Policy SD5 in this regard.
106. Subject to the above modifications, Design Policy SD5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Design Policy SD5 meets the Basic Conditions.
107. **Recommendation: to meet the Basic Conditions, I recommend:**

**1) modification to Design Policy SD5 to read as follows:**

**DESIGN POLICY SD5 - Character Areas (see Appendix 6)**

**At the pre-application stage, all applicants for development are encouraged to engage with the Parish Council and the local community. Stanton Drew Parish Council will undertake to positively**

**engage with any applicants and to engage with neighbouring Parishes if appropriate.**

**Any development proposals should be appropriate to the character area, as outlined in the Parish Character Assessment in Appendix 6, and respect nearby colours, textures, materials, scale, ridge heights, plot location and boundary details.**

**Any development proposals for non-residential new buildings and extensions will be supported if they incorporate high standards of energy efficiency and include, where possible, renewable energy generation in ways that respect local character and so long as the development proposals meet other associated requirements of the Neighbourhood Plan.**

**High-quality traditional and contemporary architectural styles, incorporating imaginative and original design that adds to the unique character of the area is encouraged.**

**2) that the Stanton Drew Design Statement (2016) does not become supplementary planning guidance for the design policies in this Plan. This should be made clear in paragraph 68 in the Plan.**

**3) delete Appendix 1.**

## **Policy BP1 - Business Retention**

## **Policy BP2 - Business Retention within the Housing Development Boundary**

108. I have considered these two policies together.

109. Paragraph 83 in the NPPF states:

*Planning policies and decisions should enable:*

*a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*

*b) the development and diversification of agricultural and other land-based rural businesses;*

*c) sustainable rural tourism and leisure developments which respect the character of the countryside; and*

*d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

110. 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.*

111. Policy BP1 supports the conversion of existing buildings and small-scale development and the retention and expansion of existing businesses, subject to Green Belt policy.
112. Policy BP2 supports the small-scale conversion or extension to a building for uses normally associated with home workers within the Housing Development Boundaries. Such development must demonstrate that it is required for appropriate business use and conform to the Design Statement guidelines.
113. I have already covered the Design Statement above. Turning to demonstrating a requirement, home working is predominately ancillary to the main use of a dwelling, where it is not reasonable or necessary to determine if it is required for business use. For example, a proposal for an extension to a dwelling for a home office cannot be expected to submit details of the business. An extension to a dwelling for homeworking is usually a design matter.
114. I see no reason to differentiate between business development within or outside the Housing Development Boundaries for the purposes of Policies BP1 and BP2. I suggest that the extension of buildings referred to in Policy BP2 is added to Policy BP1 and that Policy BP2 is deleted. I have suggested revised wording.
115. Subject to the above modifications, an amalgamation of Policies BP1 and BP2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy BP1 meets the Basic Conditions.
116. **Recommendation: I recommend:**
- 1) the deletion of Policy BP2**
  - 2) modification of Policy BP1 to read as follows:**
- Policy BP1 - Business**
- BP1 The conversion or extension of existing buildings and small-scale development, the expansion of existing business and horticultural or agricultural premises across the Parish, especially those that deliver local employment opportunities will be supported. Proposals should be consistent with national Green Belt policy.**

### **Policy BP3 - Internet Connectivity**

117. The NPPF, at paragraph 112, states that advanced, high quality and reliable communications infrastructure is essential for economic growth and social

well-being. Planning policies should support the expansion of electronic communications networks.

118. Core Strategy Policy CP13 requires new development to be supported by the timely delivery of required infrastructure.
119. Policy BP3 supports residential and business development that makes provision to connect the internet with a minimum symmetric speed of 30Mps. However, whilst this is a laudable aim, a developer cannot be held to this requirement as connection speeds are dictated by the internet provider. It is for the internet provider, not the developer, to determine the internet speeds. Therefore, I recommend modification to Policy BP3. I have suggested revised wording that requires residential and business development to make provision to connect to the internet, to enable connection to the latest industry standard. I have suggested revised wording.
120. Subject to the above modification, Policy BP3 has regard to national policy and contributes towards sustainable development. Modified Policy BP3 meets the Basic Conditions.
121. Document R: the *Physical Infrastructure for high –speed electronic communications networks* (2016) is a document under the building regulations. This is not a planning document for the development or use of land. This should be explained in the rationale supporting Policy BP3. **I see this as a minor editing matter.**
122. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy BP3 to read as follows:**
- Policy BP3 - Internet Connectivity**
- BP3 Residential and business development proposals will be supported where they make provision to connect to the internet, to enable connection to the latest industry standard, and should be supported by a ‘Connectivity’ Statement to be provided with the relevant planning application.**

### **Policy CIL1 - Community Infrastructure Levy**

123. Policy CIL1 refers to allocating Community Infrastructure Levy money to community infrastructure projects. This is not a policy for the development and use of land. Therefore, I recommend that it is deleted. It can be included in the Community Aspirations part of the Plan as an Aspiration.
124. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy CIL1.**

## Policy EL1 - Rural Landscape Character

125. The NPPF, in Paragraph 170, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing valued landscapes and minimising impacts on biodiversity and providing net gains in biodiversity where possible.
126. Core Strategy Policy CP6 seeks to conserve or enhance the distinctive character and quality of landscapes and protect and enhance valued habitats. PMP Policy CP7 seeks to protect, enhance and manage the integrity, multi-functionality, quality and connectivity of the strategic Green Infrastructure network.
127. The above policies are relevant to Policies EL1 – EL5 below.
128. Policy EL1 seeks to conserve the rural character. This is already covered in Design Policies SD2 and SD5. To avoid unnecessary duplication, as stated in paragraph 16 in the NPPF, Policy EL1 should be deleted.
129. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy EL1.**

## Policy EL2 – Green Corridors and Biodiversity

130. One of the principles to protect and enhance biodiversity in Paragraph 175 in the NPPF states: *if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*
131. Core Strategy Policy CP6 seeks to ensure that the quality and robustness of protected sites and valued habitats are enhanced and networks of valued habitat are restored or created.
132. Whilst not a strategic policy, PMP Policy NE3 seeks to protect sites, species and habitats. Within this policy there is reference to possible mitigation measures and to circumstances where development may be allowed even if creating an adverse impact.
133. Figures 14, 31 and 32 identify Green Infrastructure. Policy EL2 supports development proposals that promote and protect the network of green spaces, corridors and biodiversity. However, to have regard to national policy, it needs to refer to the mitigation/compensation measures. I have suggested revised wording.
134. Subject to the above modification, Policy EL2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EL2 meets the Basic Conditions.

135. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EL2 to read as follows:**

**Policy EL2 – Green Corridors and Biodiversity**

**EL2 Development proposals will be supported if the proposal promotes and protects the network of green spaces, corridors, and biodiversity, or adequately mitigates or compensates for any loss of biodiversity, and if the application also accords with other policies in the Neighbourhood Plan.**

**Policy EL3 - Trees, Hedge and Green Verge Conservation and Enhancement**

136. Whilst not a strategic policy, PMP Policy NE6 is a detailed policy regarding the protection of trees and woodland. This includes compensatory provision.
137. Policy EL3 seeks the protection of trees and hedges and requires development proposals to include them. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development, such as house extensions, are not able to include the planting of trees and it would be unreasonable to request that they do. I doubt if this is the intention of the local community and there is no evidence to suggest that this is the case. I have suggested revised wording that supports the planting of trees, small copses and orchards, but does not require them for all development.
138. BS5837 is the British Standard for Trees in relation to design, demolition and construction. It is mandatory to comply with this standard. Therefore, it does not need to be included in Policy EL3.
139. To ensure that sustainable development is not prevented, I suggest the inclusion of compensatory provision for the loss of trees and hedges. I have suggested revised wording.
140. Subject to the above modifications, Policy EL3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EL3 meets the Basic Conditions.
141. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EL3 to read as follows:**

**Policy EL3 - Trees, Hedge and Green Verge Conservation and Enhancement**

**EL3 Development proposals should protect trees and hedges on or adjoining a development, unless it is demonstrated that an adverse impact on the trees and hedges is unavoidable to allow for appropriate development and that adequate compensatory provision is made.**

**Development proposals that include the planting of trees, small copses or orchards, will be supported providing the application is in accordance with other policies in the Neighbourhood Plan.**

#### **Policy EL4 - Aquatic Biodiversity**

142. Paragraph 149 in the NPPF requires plans to take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk.
143. Policy EL4 promotes the conservation and enhancement of ponds and watercourses and seeks to ensure that development mitigates against increasing flood risk. The last sentence in Policy EL4 is not clear with regard to flood risk. I have suggested revised wording. Subject to this modification, Policy EL4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EL4 meets the Basic Conditions.
144. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy EL4 to read as follows:**

#### **Policy EL4 - Aquatic Biodiversity**

**EL4 The Neighbourhood Plan will promote the conservation and enhancement of ponds and watercourses especially where they contain scheduled or rare species or support a rich assemblage of plants, invertebrates or amphibia.**

**Any development must mitigate against increasing flood risk.**

#### **Policy EL5 - Dark Skies**

145. Paragraph 180 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
146. In this rural area much of the Parish must enjoy the benefits of minimal light pollution. Policy EL5 seeks to minimise light pollution and provide dark corridors for bats. However, I have concern regarding the requirement for the provision of dark corridors for bats in all new development. The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development cannot incorporate dark corridors. In the interest of clarity, I recommend modification to Policy EL5 to require dark corridors 'where possible'.



147. Subject to the above modification, Policy EL5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy EL5 meets the Basic Conditions.
148. **Recommendation: to meet the Basic Conditions, I recommend the inclusion of ‘where possible’ at the end of Policy EL5.**

### **Policy EL6 - Heritage Assets**

149. The NPPF advises at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.
150. Paragraph 197 in the NPPF states: *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*
151. Recently updated PPG states:
- There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.*
- Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.*
152. Core Strategy Policy CP6 seeks to: *protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.*
153. PMP Policy HE1 seeks to ensure that: *development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance.*
154. The Parish produced a Heritage Assets Report in 2014 as part of the evidence base for the PMP. This has been updated in 2017. It includes proposed non-designated heritage assets identified as having heritage value to the local community. To have regard to guidance in PPG, the criteria used to select them has to be accessible to the public.
155. I have sought clarification as to whether the criteria for selection of the proposed non-designated heritage assets is already in the public domain.

B&NES Council has confirmed that it does not currently maintain a list of non-designated heritage assets. In April 2018 B&NES Council set out in a draft supplementary planning document *Locally Listed Heritage Assets* (SPD) the process by which non designated heritage assets will be identified and recorded. The process essentially requires that potential heritage assets are assessed against a set of criterion, following guidance by Historic England on Local Heritage Listing (May 2016). The process was subject to public consultation during 2018 and formal adoption is in progress.

156. B&NES Council has stated that when the neighbourhood plan is made and the Locally Listed Heritage Assets SPD is adopted the buildings in the *Stanton Drew Heritage Assets Report* (2017) will be identified as locally listed, assuming they meet the criteria set out by Historic England and in essence therefore the criteria in the SPD.
157. I have not been provided with any publically available criteria for selection of the proposed non-designated heritage assets in any detail. B&NES Council will consider their selection once the SPD has been adopted. In these circumstances, the identification of non-designated heritage assets through the neighbourhood plan process does not meet national guidance. Therefore, Policy EL6 should be deleted.
158. I suggest that reference to the Heritage Assets Report 2017 is made in the Community Aspirations Section of the Plan. It can refer to the identification of non - designated heritage assets in the Heritage Assets Report 2017 and state that the local community will request B&NES Council to consider identifying the buildings as non-designated heritage assets on a local list once the SPD is adopted. **I see this as a minor editing matter.**
159. **Recommendation: to meet the Basic Conditions I recommend the deletion of Policy EL6 and accompanying explanatory text.**

## **Referendum and the Stanton Drew Neighbourhood Development Plan Area**

160. 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.

161. **I am pleased to recommend that the Stanton Drew Neighbourhood Development Plan as modified by my recommendations should proceed to Referendum.**
162. I am required to consider whether or not the Referendum Area should extend beyond the Stanton Drew 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**

163. The Plan is a well-written document, which is easy to read. Where I have found errors, I have identified them above. 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 minor editing matters which can be dealt with as minor modifications to the Plan. In particular the Foreword will need to be updated. This should not refer to the examiner finding the plan 'sound' as this is not a requirement for a neighbourhood plan. As a general point, the quality of many of the maps is poor and would benefit from better definition.

**Janet Cheesley**

**Date 13 August 2020**

## Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (The Framework) (2019)  
The Planning and Compulsory Purchase Act 2004  
The Localism Act (2011)  
The Neighbourhood Planning (General) Regulations (2012)  
The Neighbourhood Planning (General) (Amendment) Regulations (2015)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2016)  
The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations (2017)  
The Neighbourhood Planning Act (2017)  
The Planning Practice Guidance (2014)  
Regulation 16 Representations  
The B&NES Core Strategy Part 1 of the Local Plan (July 2014)  
The B&NES Placemaking Plan (PMP) (July 2017)  
Background supporting evidence listed on pages 90 – 92 in the neighbourhood plan.  
The Homesearch \ Bath and North East Somerset Council's Housing Allocation Scheme (2019)