

High Littleton and Hallatrow Neighbourhood Plan 2024 - 2044

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

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Summary and Conclusion

1. The High Littleton and Hallatrow Neighbourhood Plan seeks to ensure that small-scale developments do not have a detrimental impact on landscape character and the setting of the Parish. It does not allocate any sites for housing.
2. Paragraph 121 in Volume 5 of the Bath and North East Somerset Composite Plan explains that High Littleton village meets the criteria of a RA1 settlement and should provide about 50 additional dwellings. Hallatrow village meets the criteria of a RA2 settlement and should provide between 10-15 dwellings. However, there are no site allocations in the Composite Plan as there is considered to be no realistic prospect of ensuring the timely delivery of the supporting social infrastructure that would be required. In particular the Primary School does not have spare capacity and is unable to expand.
3. I have recommended modification to some of the policies in the Plan. In particular, I have recommended that some text in policies is transferred to the accompanying rationale. I have recommended the deletion of Policy ES4 and recommended combining Policies HB2 and HB3. A number of suggested modifications are in the interest of clarity and precision.
4. My reasons with regard to all the suggested modifications are set out in detail below. None of these significantly or substantially alters the intention or nature of the Plan.
5. **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 High Littleton and Hallatrow Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the High Littleton and Hallatrow Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

6. In October 2016 Bath and North East Somerset Council (B&NES) approved that the High Littleton and Hallatrow Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended). The Area covers the whole of the Parish of High Littleton and Hallatrow.

7. The qualifying body is High Littleton and Hallatrow Parish Council. The Plan has been prepared by a Neighbourhood Plan Working Group on behalf of the Parish Council. The Plan covers the period 2024 to 2044.
8. I was appointed as an independent Examiner for the High Littleton and Hallatrow Neighbourhood Plan in September 2024. 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 the examination, I have visited the Plan area.

Legislative Background

9. 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.
10. 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.

11. *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).”

12. 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.
13. 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)

14. 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).
15. B&NES Council prepared a *Strategic Environmental Assessment Screening Determination for the High Littleton and Hallatrow Neighbourhood Plan* in April 2024. This report concluded that the Plan *does not require a Strategic Environmental Assessment as it is unlikely to have significant environmental effects*. The statutory consultees did not dispute this conclusion.
16. I have taken the screening determination to be the statement of reasons that Planning Policy Guidance advises must be prepared and submitted with the Plan and made available to the independent examiner where it is determined that the Plan is unlikely to have significant environmental effects. The SEA screening accords with the provisions of the European

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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.

17. As regards HRA, B&NES Council prepared a *Habitats Regulations Assessment Screening Determination for the High Littleton and Hallatrow Neighbourhood Plan* in April 2024. The plan area is within reasonable proximity to several European sites, including being within the 7km buffer for Chew Valley Lake. This report concluded that the Plan *does not require a Habitats Regulations Assessment as it is unlikely to have significant environmental effects.*
18. This decision is made for the following key reasons:

The neighbourhood plan proposals are considered to be in general conformity with the Development Plan documents of Bath & North East Somerset Council and this has been subject to HRA assessments.

The neighbourhood plan is not proposing additional development over and above that described in the Development Plan. The neighbourhood plan explains that 'limited infill' development within the village housing development boundary will be subject to the usual controls and restrictions of the adopted Core Strategy and Placemaking Plan.
19. Following consultation, Natural England concluded: *It is Natural England's advice, on the basis of the material supplied with the consultation, that: significant effects on statutorily designated nature conservation sites or landscapes are unlikely; and, significant effects on Habitats sites, either alone or in combination, are unlikely.*
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.

Policy Background

22. The *National Planning Policy Framework (NPPF)* (December 2024) 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.

23. This neighbourhood plan was prepared prior to the updated December 2024 version of the NPPF. Paragraph 239 in that version of the NPPF states: *for neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025.* **Therefore, the neighbourhood plan is being examined under the policies of the former version of the NPPF (December 2023). All subsequent references to the NPPF are from that former version.**
24. 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, beautiful and safe places, 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 protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
25. High Littleton and Hallatrow Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Neighbourhood Plan Area includes: the B&NES Core Strategy (adopted in July 2014), the Placemaking Plan (PMP) (adopted in July 2017) and the Local Plan Partial Update (adopted on 19 January 2023). These have been incorporated into the Composite Plan single set of documents in January 2023. Not all the policies are strategic policies. The Composite Plan document clearly states which policies are strategic. Strategic policies in the B&NES development plan include policies regarding the historic and natural environment.
26. In light of new mandatory housing targets and revisions to the NPPF, the Local Plan is being revised.

The Neighbourhood Plan Preparation

27. 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 (as amended).
28. The initial consultation process began with articles in the Parish magazine and social media. This led to the first Neighbourhood Plan community event in November 2016 with a “drop in” meeting. A second “drop in” meeting was held in January 2023 following a halt in the preparation of the Plan.
29. The consultation period on the pre-submission draft of the Plan ran from 13 June to 25 July 2023. Statutory consultees were informed via email, and the local community was informed via the parish and school newsletters, social media and the Parish Council’s website.
30. Regulation 15 (2) (c) in the Neighbourhood Planning (General) Regulations 2012 (as amended) states that the Consultation Statement must summarise the main issues and concerns raised by persons consulted. The Consultation Statement Document submitted with the Plan did not include all the necessary information regarding consultation on the pre-submission Regulation 14 Draft Plan, as required above. Appendix D in the Consultation Statement did not adequately summarise the main issues and concerns raised by persons consulted.
31. I gave the Parish Council the opportunity to submit a revised Consultation Statement that fully complied with the Regulations. This revised document was subject to public consultation between 6 November and 18 December 2024. Three responses were received. During the same consultation period, the *Landscape Character Assessment of High Littleton Parish* (LCA) (April 2018) was made available for public consultation as a number of the policies are reliant on the findings of the LCA for their justification. Following the revision of the Consultation Statement, together with the publication of the LCA for public consultation, I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012 (as amended).
32. B&NES publicised the submission Plan for comment during the publicity period between 12 July and 23 August 2024 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012 (as amended). A total of ten responses were received. I am satisfied that all these responses, together with those following the revision of the Consultation Statement, can be assessed without the need for a public hearing.

33. 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 referred to all the responses in my report, I have taken them into consideration. I gave the Parish Council the opportunity to comment on the Regulation 16 representations. I have taken their comments into consideration. Their comments have been placed on the B&NES web site.

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34. Policies in a neighbourhood plan can only be for the development and use of land. Where there are community aspirations (identified as Other Aspirations and Concerns in this Plan) these have to be clearly differentiated from policies for the development and use of land.
35. 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.
36. 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).
37. 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.
38. 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.
39. Background information is provided throughout the Plan. Page 3 refers to an overarching vision, but this is not specifically expressed in the paragraph. The vision can be found in the Consultation Statement and reads as follows: *Retain and enhance High Littleton's and Hallatrow's*

unique heritage and rural setting through sympathetic development that provides an attractive and safe environment for the whole community. In the interest of clarity, the vision should be included on page 3 of the Plan.

40. Each policy in the Plan is accompanied by objectives. Page 3 lists key objectives. These differ from the objectives accompanying each policy later in the Plan. To avoid confusion, in the interest of clarity, the objectives accompanying the policies should be those key objectives identified on Page 3. It is not for me to rewrite the Plan. I will leave this matter for the Parish Council.
41. **Recommendation: to meet the Basic Conditions, I recommend that the vision outlined in the Consultation Statement is included in the Plan and objectives accompanying the policies are modified where necessary to duplicate the key objectives identified on Page 3.**
42. The planning context in Section 2 needs to be updated. In Section 3 the Map requires a Key. **I see these as minor editing matters.**
43. Section 3.3 refers to the *Landscape Character Assessment of High Littleton Parish* (LCA) undertaken by Hankinson Duckett Associates. Appendix B is a Snapshot Character Summary from that document but does not include the whole document. As a number of the policies are reliant on the findings of the LCA as their justification, I requested that the whole document be made available for public consultation. As this is an important evidence base, the Parish Council may wish to consider including the whole LCA in Appendix B. **I see this as a minor editing matter.**
44. 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 PD1

45. Paragraph 180 in the NPPF requires the planning system to contribute to and enhance the natural and local environment. This paragraph is relevant to Policies PD1, PD3, ES1a, ES1b and ES4.
46. B&NES Development Plan Strategic Policy NE2 seeks to conserve and enhance local landscape character. This policy is relevant to Policies PD1 and PD3.
47. B&NES Development Plan Strategic Policy CP6 is a general policy seeking to promote, protect, conserve or enhance the distinct quality, character and diversity of environmental assets, including the historic environment. This

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policy is relevant to Policies PD1, PD3, ES1a, ES1b, ES4, HB1, HB2, HB3 and HB4.

48. Policy PD1 seeks to ensure that small-scale developments do not have a detrimental impact on landscape character and the setting of the Parish. Policies in a neighbourhood plan can only be confined to the area of the Parish. Therefore, in the interest of precision, I have suggested revised wording.
49. Small-scale development is defined as between 1-9 dwellings in this Plan.
50. Policy PD1 refers to important views identified in the LCA. However, whilst a number of views are listed, none are mapped and their importance, other than being over rural areas and similar, are not defined. In this context I recommend that Policy PD1 deletes such a reference, whilst acknowledging that development should have regard to the findings in the LCA.
51. Each policy is accompanied by a rationale/objective column. As a general point, I have found throughout the Plan that some wording in policy is the rationale of the policy rather than planning policy for the development and use of land and some of the rationale is policy rather than justification for the policy. In these instances, in the interest of precision, I have suggested moving sentences across from one column to the other. It is not my role to re-write the Plan. I will leave the editing details of these matters to the Parish Council. In this context, the last sentence of Policy PD1 should be transferred over to the rationale column supporting the policy.
52. Subject to the above modifications, Policy PD1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD1 meets the Basic Conditions.
53. **Recommendation: to meet the Basic Conditions, I recommend:**
 - 1) modification to Policy PD1 to read as follows:**

PD1 - Preserve the rural landscape

Small-scale development proposals should not have a detrimental impact on the landscape character of the Parish and should have regard to the Landscape Character Assessment of High Littleton Parish (April 2018).
 - 2) transferring the last sentence in Policy PD1 to the rationale column to be updated if the Parish Council decides to include the whole LCA in Appendix B.**

Policy PD2

54. Policy PD2 is divided into the following two policies.

Policy PD2a

55. Paragraphs 82 - 84 in the NPPF promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities.
56. B&NES Development Plan Strategic Policy RA1 encourages residential development in villages outside the Green Belt and adjoining or closely related to their housing development boundaries of a scale, character and appearance appropriate to the village and its setting, subject to a list of criteria. Where the criteria cannot be met, limited development will be acceptable in accordance with B&NES Development Plan Strategic Policy RA2.
57. Paragraph 121 in Volume 5 of the Composite Plan explains that High Littleton village meets the criteria of a RA1 settlement and should provide about 50 additional dwellings. Hallatrow village meets the criteria of a RA2 settlement and should provide between 10-15 dwellings. However, there are no site allocations as there is considered to be no realistic prospect of ensuring the timely delivery of the supporting social infrastructure that would be required. In particular the Composite Plan states that the Primary School does not have spare capacity and is unable to expand. Following a fact check of my draft examination report, I was informed that the school capacity has increased from 180 to 196 pupils as a result of the installation of a temporary classroom. Current pupil numbers are 185 and are forecast to reach the full capacity of 196.
58. Policy PD2a supports small-scale development. From my observations, such a scale of development would be in keeping with the character and appearance of the villages. Policy PD2a does not allocate any sites for development in the Plan and is not required to do so. I note that sites are being promoted for future development to the south of Greyfield Road and south of the A39. I am also aware of the reintroduction of NPPF mandatory housing targets.
59. The Neighbourhood Plan Examination process does not require a rigorous examination of district wide housing land requirements. This is the role of the examination of an emerging Local Plan. B&NES has made it clear that there are no site allocations in the Parish in the Local Plan because of a lack of supporting social infrastructure. It is not my role to determine whether the Neighbourhood Plan would be inconsistent with an emerging Local Plan if it were to be subject to future amendments to accommodate further growth. In this context, I am satisfied, as far as I can reasonably be

expected to be, that the policy to allow small-scale development and the overall approach to housing development in the Neighbourhood Plan contributes to the achievement of sustainable development.

60. In the interest of precision, the last sentence in Policy PD2a should be transferred to the rationale column. Subject to this modification, Policy PD2a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD2a meets the Basic Conditions.
61. **Recommendation: to meet the Basic Conditions, I recommend transferring the last sentence in Policy PD2a to the rationale column.**

Policy PD2b

62. Section 9 of the NPPF promotes sustainable transport with an emphasis on firstly giving priority to pedestrian and cycle movements and secondly encouraging public transport use. It recognises that patterns of movement, streets, parking and other considerations are integral to the design of schemes and contribute towards making high quality places.
63. B&NES Development Plan Strategic Policy ST1 promotes sustainable Travel and healthy streets. In particular, it seeks to ensure that development reduces the adverse impact of all forms of travel on the natural and built environment and seeks to enhance facilities for pedestrians.
64. The above national and strategic policies are relevant to Policies PD2b and PD5.
65. Policy PD2b requires small-scale development proposals to demonstrate consideration for highway and pedestrian safety and support easement of traffic congestion.
66. The first sentence in the second paragraph in Policy PD2b is rationale rather than planning policy and thus should be transferred to the rationale column.
67. It is not clear what is meant by 'sensitively developed' in the last sentence in Policy PD2b in the context of highway safety. In the interest of precision, this reference should be deleted.
68. Subject to the above modifications, Policy PD2b has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD2b meets the Basic Conditions.

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

1) modification to Policy PD2b to read as follows:

PD2b: Any new small-scale development must demonstrate consideration for highway and pedestrian safety and support easement of traffic congestion throughout the Parish, for example, by providing necessary parking.

Any new small-scale development must consider the need to support a sustainable and safe commuter corridor that protects the parish residents and also supports commuters utilising this route.

2) transferring the first sentence in the second paragraph in Policy PD2b to the rationale column.

Policy PD3

70. Policy PD3 seeks to maintain the rural environment and preserve the green spaces between the villages. Reference to such spaces is referred to in the LCA Snapshot Character Summaries for both villages.
71. For Hallatrow: *The village is surrounded on all sides by open countryside, and safeguarding this green space, for example between Greyfield Road and Greyfield Wood, or High Littleton and Hallatrow, and around the village, is extremely important to the retention of the individual and distinctive character of this settlement.*
72. Further reference is found in the summary: *On that basis, very modest growth will be accepted, provided it is of a type and at a scale that maintains the spirit of Hallatrow's hamlet community, and the identifiable green space and open countryside which frames it and which provides clear separation between itself and neighbouring villages.*
73. For High Littleton: *There is a clear need to maintain the green spaces and open countryside around the village, and those between High Littleton and surrounding villages such as Paulton, Hallatrow, Clutton and Timsbury.*
74. The second sentence in Policy PD3 requires small-scale development proposals in the gap between the villages of High Littleton and Hallatrow to take due consideration of the LCA. The LCA is not a policy document. Therefore, in the interest of precision, regard should be had to that document, rather than there being a requirement to be in line with that document.
75. The third sentence in Policy PD3 contradicts the second sentence, in that it basically does not support any development within this gap. 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 would maintain the rural environment and preserve the natural green spaces. In the interest of precision and to ensure that the Plan contributes towards sustainable development, I have suggested revised wording in Policy PD3 in this respect, which also modifies the policy to avoid internal conflict within the policy and to avoid unnecessary repetition.

76. Subject to the above modifications, Policy PD3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD3 meets the Basic Conditions.

77. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD3 to read as follows:**

PD3: New small-scale development proposals on land between the villages of High Littleton and Hallatrow must seek to maintain the rural environment and preserve the natural green spaces between the villages, having regard to the Landscape Character Assessment of High Littleton Parish (April 2018).

Policy PD4

78. Paragraph 157 in the NPPF states: *the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.*

79. Paragraph 90 in the Composite Plan explains that B&NES intends that the District is carbon neutral by 2030. In the list of key priorities to achieve this there is a priority for zero carbon new build.

80. B&NES Development Plan Strategic Policy SCR6 is a sustainable construction policy for new build residential development. New build residential development should aim to achieve zero operational emissions by reducing heat and power demand, then supplying all energy demand through onsite renewables.

81. B&NES Climate Action Plan 2023-24 sets out the Council's priority actions to tackle the climate emergency. Their Climate Emergency Strategy strives for carbon neutrality in the District by 2030. It explains that new homes need to be zero carbon or net carbon positive.

82. Development Plan Policy SCR9 is a non-strategic policy which requires all dwellings with one or more dedicated parking spaces or garage must provide access to electric vehicle charging infrastructure.
83. Policy PD4 seeks to deliver the B&NES clean energy requirements. Only small-scale developments that demonstrate net zero by 2030 are supported. I am conscious that B&NES Development Plan Strategic Policy SCR6 does not go as far as making such a requirement. Therefore, to be in general conformity with strategic policy, I have suggested revised wording for the last sentence in Policy PD4.
84. Neither the latest Climate Action Plan nor Climate Emergency Strategy defines 'Clean Energy'. Therefore, Policy PD4 should not have this definition with capital letters. In addition, in the interest of precision, reference should be made to the latest Action Plan, as these are updated.
85. Subject to the above modifications, Policy PD4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD4 meets the Basic Conditions.
86. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD4 to read as follows:**

PD4: New small-scale developments must deliver the clean energy requirements that align with the ambitions of the B&NES Local Plan and the latest Climate Action Plan.

New small-scale developments must consider the installation of solar panels and green technology where appropriate, for example future planning with the installation of electric car charging points.

Small-scale developments that demonstrate net zero by 2030 are supported.

Policy PD5

87. Policy PD5 requires new developments to support safe walking routes and where significant enhancements are proposed, a consultation with residents is required.
88. Developer contributions can only be sought where they meet the tests that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. These tests are set out as statutory tests in the Community Infrastructure Levy Regulations 2010 and paragraph 57 in the NPPF.
89. 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 has no impact on walking routes and thus cannot be expected to support such routes. Therefore, in the interest of precision, I have suggested revised wording for the first sentence in Policy PD5.

90. It is quite clear that consultation with residents is desirable and good practice. However, the NPPF clearly encourages rather than requires pre application and community involvement. I have no reason to suppose that it is the government's intention that the procedural requirements on developers for planning applications should be more onerous where neighbourhood plans are in existence than elsewhere. There would therefore need to be a special justification for a policy imposing these requirements to relate to all small-scale development applications and none has been presented to me. Therefore, I have suggested revised wording for the last sentence in Policy PD5.
91. Subject to the above modifications, Policy PD5 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy PD5 meets the Basic Conditions.
92. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD5 to read as follows:**
93. **PD5: Where appropriate, new small-scale developments must demonstrate support for safe walking routes throughout the Parish and, in particular, routes to key parish assets (including the school and recreation ground). Where any significant enhancements are proposed, a consultation with residents is encouraged.**

Policy ES1

94. Policy ES1 is divided into the following two policies.
95. The last paragraph on page 13 regarding national environmental policy should be updated if required. **I see this as a minor editing matter.**

Policy ES1a

96. B&NES Development Plan Strategic Policy NE3 is a detailed policy seeking to protect biodiversity. This policy is relevant to Policies ES1a, ES1b, ES2 and ES4.
97. Policy ES1a seeks to respond positively to opportunities to protect and enhance the natural environment. The rationale supporting the policy refers to key wildlife habitats and green spaces identified and mapped on the B&NES website. I asked for a map identifying these areas. In the

interest of clarity, the map I received via email from B&NES on 20 January 2025 should be included in the Plan to support Policy ES1a.

98. Part of the rationale is written as policy and part of the policy is background information more relevant to the rationale column. In the interest of precision, I have suggested revised wording, which also removes repetition in the policy..
99. The second paragraph in the rationale for Policy ES4 is more relevant to Policy ES1a and thus its contents should be incorporated in to the rationale for Policy ES1a. **I see this as a minor editing matter.**
100. Subject to the above modifications, Policy ES1a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ES1a meets the Basic Conditions.
101. **Recommendation: to meet the Basic Conditions, I recommend:**

1) modification to Policy ES1a to read as follows:

ES1a Respond positively to opportunities to protect and enhance the natural environment, including key wildlife habitats and corridors.

All new development should focus on preserving the existing green infrastructure whilst not adversely impacting the current agricultural pastures, hedgerows, woodlands, grasslands and watercourses of the Parish landscape and environment. Key wildlife habitats and green spaces within the Parish are identified on map xx.

2) transferring the following from Policy ES1a to the rationale:

As identified in the Area Profiles of the Joint Green Infrastructure Strategy for the West of England, the Parish lies within Area 11 (Cam, Wellow and Somer Valley).

3) the inclusion in the Plan of the key wildlife habitats and green spaces map I received via email from B&NES on 20 January 2025 and modification to the last sentence in the rationale column accompanying Policy ES1a to read as follows:

Key wildlife habitats and green spaces are identified on map xx.

Policy ES1b

102. The NPPF, in Paragraph 180, requires the planning system to contribute to and enhance the natural and local environment. This includes protecting and enhancing sites of biodiversity and minimising impacts on biodiversity and providing net gains in biodiversity.
103. The Environment Act 2021 makes provision for achieving a minimum 10% biodiversity net gain to be a condition of receiving planning permission. The requirement for a minimum of 10% biodiversity net gain came into force on 12 February 2024 for major developments and on 2 April 2024 for small sites.
104. Whilst not a strategic policy, B&NES policy NE3a only permits minor development where no net loss and appropriate net gain of biodiversity is secured using the latest DEFRA Small Sites metric or agreed equivalent.
105. Policy ES1b seeks biodiversity net gain where required through legislation. It seeks to ensure that any off-site mitigation focusses on improving local habitats and species and adaptation to climate change. As such, Policy ES1b has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy ES1b meets the Basic Conditions.

Policy ES2

106. Paragraph 191 in the NPPF seeks to limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
107. Policy ES2 seeks to minimise light pollution. The first sentence in the second paragraph is not policy and thus should be transferred to the rationale. In the interest of precision, the last sentence in the policy should refer to nocturnal wildlife that 'may be adversely affected'. I have suggested revised wording.
108. Subject to the above modifications, Policy ES2 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ES2 meets the Basic Conditions.
109. **Recommendation: to meet the Basic Conditions, I recommend:**
1) modification to Policy ES2 to read as follows:

ES2: Any new small-scale development should be specifically designed to minimise the risk of light spillage/light pollution within the Parish.

Lighting should be designed to protect light sensitive species and dark skies. In particular, light spillage should be minimised beyond the site boundary into neighbouring properties, the wider countryside and night sky to protect bats and other nocturnal wildlife that may be adversely affected.

2) transferring the following from Policy ES2 to the rationale:

It is widely recognised at a local level that noise and light pollution is a growing problem and there is strong support to reduce harm to the environment and wildlife.

Policy ES3

- 110. Paragraph 173 in the NPPF specifies when development is required to incorporate sustainable drainage systems in areas at risk of flooding.
- 111. B&NES Development Plan Strategic Policy CP5 requires all development to incorporate sustainable drainage systems.
- 112. I note that the Environment Agency has stated in its Regulation 16 representations that sustainable drainage is an increasing issue in the area.
- 113. Policy ES3 requires sustainable drainage systems and requires Surface Water Management Plans for small-scale developments. I have not been made aware of the reason for such plans for small-scale developments. B&NES has published a District wide Surface Water Management Plan. B&NES Development Plan Policy SU1, whilst not a strategic policy, sets out detailed requirements for when a “SuDS Proof of concept” and a “Sustainable Drainage Strategy” is required. I have not been provided with robust evidence to require a further report in the form of a Surface Water Management Plan. Thus, I recommend the deletion of this reference in Policy ES3.
- 114. The third paragraph in Policy ES3 is not policy and thus should be transferred to the rationale.
- 115. Subject to the above modifications, Policy ES3 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy ES3 meets the Basic Conditions.

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

1) modification to Policy ES3 to read as follows:

ES3: Ensure that sustainable drainage solutions are incorporated which reduce water pollution and enable the Parish to adapt and build resilience for the increasing pressures of climate change.

Incorporating and delivering Sustainable Urban Drainage Systems (SuDS) and where feasible, Nature-Based Solutions (NbS), will be a requirement of any new small-scale development.

2) transferring the following from Policy ES3 to the rationale:

SuDS and NbS will help to slow the flow of water through the landscape and improve natural drainage. Delivering Nature-Based Solutions will also help to improve water quality, through natural infiltration, and reducing urban diffuse pollution by capturing surface water run-off before any polluted water drains back through the landscape into the local rivers.

Policy ES4

117. B&NES Development Plan Policy LCR6A, whilst not a strategic policy, identifies and protects Local Green Spaces in the Parish in accordance with policy to protect such spaces as outlined in paragraphs 105-107 in the NPPF.
118. Policy ES4 seeks to protect and enhance Local Green Spaces. Usually, a neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. The suggested policy to protect local green space does not do this. It simply reiterates the approach in national and development plan policy.
119. The remainder of Policy ES4 is a duplication of the requirements of Policy ES1a. In the interest of precision, I recommend the deletion of Policy ES4. The policy requirements will still be met elsewhere in the development plan.
120. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy ES4.**

Policy HB1

121. 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.

122. 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.
123. B&NES Development Plan Strategic Policies HE1 and CP6 seek to protect, conserve and enhance the historic environment.
124. Policy HB1 seeks to preserve or enhance the historic buildings in the Parish. These are listed in Appendix C in the Plan. Whilst it is clear from the accompanying rationale that Policy HB1 only relates to preserving or enhancing designated heritage assets, this is not clearly expressed in Policy HB1. In the interest of clarity, I have suggested revised wording.
125. Subject to the above modification, Policy HB1 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HB1 meets the Basic Conditions.
126. The accompanying text and rationale refer to Appendix G, where they should refer to Appendix C. The second paragraph under the aim in section 4.4 should refer to 'villages', rather than 'village'. **I see these as minor editing matters.**
127. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy HB1 to read as follows:**

HB1: Where relevant, new small-scale development proposals should seek to preserve a designated heritage asset listed in Appendix C or its setting or any features of special architectural or historic interest which it possesses.

Restoration of original features of designated heritage assets and/or improvements to previous unsympathetic alterations will be supported.

Policy HB2 and Policy HB3

128. Section 12 in the NPPF seeks to achieve well-designed and beautiful places. Paragraph 131 in the NPPF states: *The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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. So too is effective engagement between applicants,*

communities, local planning authorities and other interests throughout the process.

129. Paragraph 132 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 planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.*
130. The above are relevant to Policies HB2, HB3 and HB4.
131. I have considered Policies HB2 and HB3 together as there is considerable duplication of policy. Policy HB2 seeks to ensure that new small-scale development fronting the A39 reflects the distinct design characteristics of this area. Policy HB3 seeks to ensure that new small-scale developments are sympathetic to local design, scale and form.
132. Firstly, the rationale for Policy HB2 explains that the dwellings along the A39 northwards from the school should be preserved. Whilst their features make an important contribution to the character and appearance of the area, their preservation can only be assured through listing. Therefore, I have suggested deletion of this requirement.
133. The second paragraph in Policy HB2 should be in the rationale, as it is a statement rather than policy.
134. To avoid unnecessary repetition and in the interest of clarity, I have suggested revised wording that combines Policies HB2 and HB3 into one policy.
135. Subject to the above modifications, Policies HB2 and HB3 have regard to national policy, contribute towards sustainable development and are in general conformity with strategic policy. Modified combined Policy HB2 meets the Basic Conditions.
136. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policies HB2 and HB3 into one combined policy to read as follows:**
- HB2: New buildings, as part of a small-scale development proposal, should be sympathetic to design characteristics, building shapes and proportions and be of simple form.**

New small-scale development proposals fronting onto the A39 should reflect the distinct design characteristics of existing buildings and be sympathetic in form.

Prominent developments (i.e. those fronting on to or visible from the A39) should make use of natural local materials with the use of slate, neutral clay or dark tiles for roofs with lias stone (High Littleton) templestone (Hallatrow) being encouraged.

2) transferring the second paragraph in Policy HB2 into the rationale.

3) deleting ‘and should be preserved’ from the end of the first sentence in the rationale accompanying Policy HB2.

Policy HB4

137. Policy HB4 seeks to preserve and enhance the distinct character of the area around the school and church. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Whilst I recognise the importance of traditional features in the area around the school and church, this is not a Conservation Area. The protection and enhancement of the listed buildings is covered in Policy HB1. I have not been provided with any clear justification for elevating the area to that protected by Conservation Area legislation. Thus, to have regard to national policy, and in the interest of precision, I have suggested revised wording.
138. The second paragraph in Policy HB4 should be in the rationale, as it is a statement rather than policy.
139. Subject to the above modifications, Policy HB4 has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy HB4 meets the Basic Conditions.
140. **Recommendation: to meet the Basic Conditions, I recommend:**
- 1) modification to Policy HB4 to read as follows:**
- HB4: New small-scale development proposals in the vicinity of the school and Holy Trinity Church should have regard to the distinct historic character of the area.**

2) transferring the second paragraph in Policy HB4 into the rationale.

Referendum and the High Littleton and Hallatrow Neighbourhood Plan Area

141. 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.
142. **I am pleased to recommend that the High Littleton and Hallatrow Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
143. I am required to consider whether or not the Referendum Area should extend beyond the High Littleton and Hallatrow Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

144. 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, there are a number of maps near the end of the Plan which require titles and keys.

Janet Cheesley

Date 6 February 2025

Appendix 1 Background Documents

The background documents include:

The National Planning Policy Framework (December 2023)

The Planning and Compulsory Purchase Act 2004

The Localism Act (2011)

The Neighbourhood Planning (General) Regulations (2012) (as amended)

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)

The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

B&NES Local Plan: Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update (Composite Plan) (January 2023)

Regulation 16 Representations

Further Representations

All Supporting Documentation submitted with the Plan

Examination Correspondence (on the B&NES web site)