

WHITCHURCH VILLAGE NEIGHBOURHOOD PLAN DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1 Pursuant to the Adopted Bath & North East Somerset Council's My Neighbourhood: Neighbourhood Planning Protocol (p42), the Divisional Director (Planning) is authorised on behalf of the Local Planning Authority to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and other relevant legislation.

2. BACKGROUND

- 2.1 The Whitchurch Village Plan area comprises the whole parish of Whitchurch in the Bath & North East Somerset Council authority area (B&NES). On 3rd November 2014, B&NES Council approved that the Whitchurch Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Whitchurch Village Council submitted the draft Whitchurch Village Neighbourhood Plan, and supporting documents, to B&NES Council on 27th April 2017.
- 2.3 Following submission of the Whitchurch Village Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 19th May 2017 to the 30 June 2017.
- 2.4 Erroneously 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 7 July 2017 to the 18 August 2017 under Regulation 16.
- 2.5 In May 2017, B&NES Council appointed an independent examiner, Janet L Cheesley (BA HONS DipTP MRTPI) to review the Plan and consider whether it should proceed to referendum.
- 2.6 The examiner's report was received on 28th September 2017 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.7 In accordance with legislation, the local authority must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in

order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authorities are satisfied then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1 Having considered the examiner's recommendations and reasons for them, B&NES Council concur with the examiner's view and have decided to make modifications to the draft Whitchurch Village Neighbourhood Plan to ensure that it meets legal requirements including the Basic Conditions as set out in legislation. Appendix 1 sets out the modifications to be made in response to the examiner's recommendations, together with the reasons for them.
- 3.2 B&NES Council are satisfied that the Neighbourhood Plan as modified complies with the legal requirements and can proceed to referendum.
- 3.3 B&NES Council also agree with the examiner that there is no reason to extend the Neighbourhood Plan Area for the purpose of holding the referendum.
- 3.4 I declare that we have no private interest in respect of this matter that would prevent us from making this decision.

Signed:

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

Lisa Bartlett
Divisional Director – Planning
Bath & North East Somerset Council

Dated: 2nd October 2017

APPENDIX 1: Modifications to the draft Whitchurch Village Neighbourhood Plan in response to the Examiner’s recommendations

Throughout the table modifications are shown as follows:

- Text in *italics and underlined* identifies new text
- Text that is shown as ~~strikethrough~~ identifies deleted text

The paragraph, policy and page numbering relates to the draft Whitchurch Village Neighbourhood Plan, as submitted to the local authority in 27th April 2017.

The final plan, to be published after the referendum, will renumber the policies and paragraphs following the making of the changes as set out in the table below.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 38 (Page 10)	Paragraph numbering in report		Minor editorial change – Please note that Paragraph numbering will be updated as required in the final version of the plan following referendum
Para 39 (Page 10)	Paragraph 3.6 and 7.3 in the plan identify different end dates and this need to be amended to comply with the end date specified on the front cover	9 and 23	Minor editorial change

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 40 (Page 10)	<p>Paragraph 1.2 and 7.1 do not accurately reflect the Basic Conditions. The Basic Conditions require the Plan to be <i>in general conformity with strategic policy</i> and <i>have regard to national policy</i>.</p> <p>In addition (but not recommended by the Examiner) paragraphs 1.2 and 7.1 also need to correctly refer to the B&NES Local Plan as follows:</p> <p>the Bath and North East Somerset (B&NES) Local Plan (<i>comprising two DPDs i.e. the Core Strategy and the Placemaking Plan</i>)</p>	5 and 22	Minor editorial changes
Para 42 (Page 10)	Under the list of objectives it is stated that there are 16 policies. Following the Examiner's recommendations there are 14 policies and this needs to be reflected.	27	Minor editorial change
Para 47 (Page 11)	<p>Deletion of the second sentence in paragraph 7.14</p> <p>Housing and employment is a key element of the community being vibrant within this context. Transportation proposals need to be delivered as a priority before any major development can be considered reasonable.</p>	25	There is no corresponding policy requirement in the Plan. In the interest of precision and to avoid internal conflict in the Plan, the Examiner recommends deletion of this sentence.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 54 (Page 12)	<p>Modification to Policy WV 1.1 to read as follows:</p> <p>All proposals for new development shall comply with <u>have regard to the</u> Whitchurch Village Character Appraisal (2015). Furthermore, each new development application shall demonstrate the following:</p> <p>a) is designed to a high quality which responds to the heritage and distinctive character and reflects the identity of the local context of Whitchurch Village as defined in the Character Appraisal in terms of; height, scale, spacing, layout, orientation, design and materials of buildings, the scale, design and materials of the public realm (highways, footways, open space and landscape)</p> <p>b) is sympathetic to the setting of any heritage assets</p> <p>c) incorporates energy efficient design and climatic resilience into the design; and,</p> <p>d) efficiently uses water (such as through the use of flow regulators, water efficient fittings and appliances) and encourages water reuse.</p>	30	The Character Appraisal is primarily an analysis of the existing situation, rather than a policy document. In this respect, in the interest of precision, the Examiner recommends modification to Policy WV 1.1 to refer to new development having 'regard to' the Character Appraisal, rather than complying with it.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 63 (Page 13)	<p>Deletion of Policy WV 1.3:</p> <p>Policy WV 1.3 – Allocation of Affordable Housing At least 30% of affordable housing within Whitchurch village (or such different number as is evidenced by demonstrable need at the time of development) shall be allocated based on a local connection, meaning that people with a strong local connection to the Parish and whose needs are not met by the open market will be the first to be offered the tenancy or shared ownership of the dwelling. A strong local connection means an applicant(s) who:</p> <ul style="list-style-type: none"> a) Is resident in the Parish and needs separate accommodation b) Is not resident in the Parish, but: c) Has family associations in the Parish; or d) Has had periods of residence in the Parish; or e) Through their work provides important services to the Parish and who need to live closer to the community or has employment or the offer of employment within the Parish. 	30	<p>Policy WV 1.3 seeks a proportion of the affordable housing in Whitchurch to be first offered to people with a strong local connection. The criteria for strong local connection are defined in the policy and are not the same criteria as those specified in the B&NES Housing Allocation Scheme. The Examiner had no clear evidence to justify departing from the B&NES method of allocation. In these circumstances, in the interest of clarity and precision, particularly for the practical provision of affordable housing, Policy WV 1.3 should not refer to a ‘strong’ local connection. It follows that the ‘at least 30% of affordable housing being available to people with a strong local connection’ specified in Policy WV 1.3 is no longer relevant.</p>

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 73 (Page 14)	<p>Modification to Policy WV 1.4 to read as follows:</p> <p>Any development must conserve and enhance the heritage assets of the Parish and their setting, including maintaining settlement separation. Inappropriate extensions or revisions to Listed Properties will be resisted. Any development must not cause harm or adversely impact on the setting of important heritage sites in the Parish.</p>	31	Paragraphs 132-135 in the NPPF explain in some detail the decision process for development proposals that would cause substantial or less than substantial harm to the significance of heritage assets, including the settings of these assets. The last sentence of Policy WV 1.4 does not have regard to this national policy requirement with regard to 'harm' and the Examiner considered she had not been provided with robust evidence to justify the approach in the last sentence of Policy WV 1.4
Para 77 (Page 15)	<p>As a minor editing matter, the Examiner suggests the words in Policy WV 1.5 re-ordered as follows:</p> <p>Proposals for the redevelopment or change of use of the ground floor of redundant land or buildings of <u>redundant land or the ground floor of buildings</u> in employment or service trade use to non-employment uses will only be permitted if the existing use is no longer economically viable and the site has been marketed for freehold or leasehold at a reasonable price for at least a year without restriction.</p>	34	Minor editorial change
Para 78 (Page 15)	<p>Deletion of paragraph 8.10:</p> <p>New employment should aim to create high quality jobs and employment</p>	34	There is no policy in the Plan to support this statement. To provide a practical framework for decision making, the Examiner recommended deletion of this sentence.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 82 (Page 16)	<p>Minor editing to Policy WV 1.6:</p> <p>To be supported, development proposals for new dwellings, employment premises, and education facilities must make provision to connect to the internet with a minimum symmetrical speed of 25Mbps where available and with realistic future proof upgrades available (demonstrated through a 'Connectivity Statement' provided with relevant planning application).</p>	35	Minor editorial change
Para 84 (Page 16)	<p>Deletion of reference to community assets that the Plan would seek to retain in Paragraph 8.11 and reference to the Plan brining forward a long term site specific set of proposals for a community shop in Paragraph 11.1</p> <p>Para 8.11: As a village there are a number of community facilities such as the formal village play area, cricket club, the rugby club, the football club, the social club, the equine centre and Horse World which have been at the heart of village activity. In addition the Village Hall is well used during the day and evening with events in both the large hall and small halls. There are active churches. The Maes Knoll restaurant provides an eating place and the music shop provides a community cafe and a unique classic wind pipe organ rebuilding service.</p>	35/36	Neither of these matters are referred to within policies. Thus, in the interest of precision, to provide a practical framework for decision making, the Examiner recommends that these two references should be deleted.

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	<p>These two pictures of the allotments and adjacent children's play park illustrate two community assets which the Neighbour Hood Plan would seek to retain.</p> <p>Para 11.1: A community shop is an essential and critical requirement for sustaining a local community and this plan brings forward a long term site specific set of proposals. This will be a clear community aim for the future.</p>		
Para 102 (Page 18)	<p>Modification to Policy WV 2.2 to read as follows:</p> <p>Where possible, open views towards the countryside, and across open spaces must be maintained from key existing <i>movement</i> routes within the village <i>as identified in the Whitchurch Village Character Appraisal (2015)</i>. Views along streets and/or open spaces to the surrounding countryside must be created within new developments where there are opportunities to do so.</p>	37	In the interest of precision, the Examiner recommended modification to Policy WV 2.2 to refer to the routes identified in the Character Appraisal.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 107 (Page 19)	<p>Modification to Policy WV 2.3 to read as follows:</p> <p><i><u>Proposals with potential to impact on views into and from the countryside should be accompanied by a Landscape and Visual Impact Assessment undertaken by a qualified practitioner.</u></i> An assessment of views to and from the proposed development must be included in a supporting Visual Impact Statement. Visual impact should be minimised through the design of the site layout, buildings and landscape. The approach to minimising visual impact must be fully explained in the visual impact statement.</p>	38	<p>In the interest of clarity and to be in general conformity with strategic policy with regard to conserving and enhancing the natural and built environment, the Examiner recommended modification to Policy WV 2.3. The Examiner has suggested modified wording to accord with PMP Policy NE2.</p>

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 115 (Page 20/21)	<p>Modification to Policy WV 2.4 to read as follows:</p> <p>Development must avoid harming existing ecological assets i.e. the habitats and dependent local biodiversity, including any features of importance for foraging and for maintaining habitat connectivity (including local and strategic Ecological Networks). Any development must submit evidence which shows how development will not harm these attributes. This shall be in the form of a <i>Where a proposal has a potential to impact on ecological assets, it should be accompanied by</i> a Landscape and Ecological Mitigation and Management Plan, <i>which should accord with the National Planning Policy Framework.</i></p>	38	To have regard to national policy, the Examiner recommends modification to Policy WV 2.4 by the deletion of the second sentence and modification of the last sentence to require Landscape and Ecological Mitigation and Management Plans only where proposals have a potential to impact on ecological assets.
Para 119 (Page 21)	<p>Deletion of paragraph 13.6:</p> <p>The community need to see the impact of the “about 200” houses set out in the Core Strategy (2011-2029) to assess pollution, service provision, highways capacity, transport and jobs before any significant further strategic allocations are proposed.</p>	40	Supporting paragraph 13.6 requires the impact of about 200 houses to be assessed before any significant further strategic allocations are proposed. As this is not a policy requirement in the Plan, in the interest of precision, the Examiner recommends deletion of this paragraph.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 126 (Page 22)	<p>Deletion of the second sentence in Policy WV 4.1:</p> <p>Development proposals must demonstrate that developers have considered the impact of their proposals on air quality and where appropriate, provide an air quality assessment and appropriate mitigation measures.</p> <p>Developments which would result in detriment of Whitchurch Village's nitrogen dioxide pollution levels will be resisted.</p>	42	This part of Policy WV 4.1 does not have regard to national policy concerning air pollution and is an imprecise statement that does not provide a practical framework for decision making. Therefore, the Examiner recommends deletion of this sentence. By retaining the first sentence, the concerns of the local community are sufficiently addressed.
Para 133 (Page 23)	<p>Modification to Policy WV 4.2 to read as follows:</p> <p>Development proposals that are likely to have severe effects on transport must be accompanied by an assessment of the transport implications <i>generate significant amounts of movement must be accompanied by a Transport Statement or Transport Assessment outlining the transport implications</i> during both construction and in operation, in particular addressing impacts on:</p> <ul style="list-style-type: none"> a) Road dangers b) Pedestrian environment and movement c) Cycling infrastructure provision d) Public transport e) The street network 	43	To have regard to national policy and in the interest of precision, the Examiner recommends modification to Policy WV 4.2 to refer to developments that generates <i>significant amounts of movement</i> . Secondly, the Examiner has assumed that an assessment is to be either a Transport Statement or Transport Assessment as defined in the NPPF. In the interest of precision, the Examiner recommends modification to Policy WV 4.2 to clarify these matters.

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 136 (Page 24)	<p>Modification to Policy WV 4.3 to read as follows:</p> <p>Proposals that accord with the policies in the Plan and result in improvements to the free flow of traffic in the Village will be supported. Proposals requiring planning permission and which seek to increase the number of access points, or which would involve an increase in traffic generation, will need to demonstrate that they do not <u>severely</u> further inhibit the free flow of traffic or <u>severely</u> exacerbate conditions of parking stress, including conflict with larger vehicles or encourage through traffic.</p>	43	National policy requires that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The second sentence in Policy WV 4.3 does not have regard to this test of severity. To have regard to national policy, the Examiner recommends modification to the second sentence in Policy WV 4.3.
Para 141 (Page 24)	<p>Paragraph 15.13 refers to details regarding the Barbarian RFC in Appendix 11. This is actually Appendix 1. As explained below, the Examiner has recommended the deletion of most of the appendices. Therefore, paragraph 15.13 should refer to the document as being within the background evidence.</p> <p>15.13. As an example, the local Barbarians RFC have intentions to develop more community focused facilities (please see appendix 11 Background Document 1).</p>	47	Minor editorial change

Examiner Recommendation Number (Page in Examination Report)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
Para 145 (Page 25)	The Examiner recommends that all appendices, apart from the Whitchurch Village Character Appraisal (2015), are removed from the appendices and retained separately as background evidence.	Appendices (Background Documents)	To provide a practical framework for decision making, the Examiner recommends the deletion of all appendices apart from the Whitchurch Village Character Appraisal (2015). The remaining appendices can be retained separately as background evidence.
Para 145 (Page 25)	The Examiner recommends the addition of an explanatory sentence in Appendix 3 (to be moved to background evidence), stating that this is a background evidence document and is not planning policy.	Appendix 3 (Now Background Document 3)	In the interest of precision and thus to provide a practical framework for decision making, the Examiner recommends the addition of an explanatory sentence in Appendix 3, stating that this is a background evidence document and is not planning policy.
Para 145 (Page 25)	The Examiner recommends that the title of Appendix 5 (to be moved to background evidence) is altered to 'Transport Issues' and recommends the addition of an explanatory sentence stating that this is a background evidence document and is not planning policy.	Appendix 5 (Now Background Document 5)	In the interest of precision and thus provide a practical framework for decision making, the Examiner recommends that Appendix 5 is modified to state that it is an evidence base document to support policies in the Plan and that these policies are not policy in the Plan