

Claverton Neighbourhood Plan 2018 - 2036

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

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Summary and Conclusion

1. The Claverton Neighbourhood Plan has a clear vision which is supported by four key objectives.
2. The Parish is washed over by Green Belt with strategic policy limiting housing development to infilling within the Housing Development Boundary. The Plan does not allocate any sites for housing, but includes policies to guide new development that may come forward.
3. I have recommended modification to some of the policies in the Plan, for the reasons set out in detail below. I have recommended the deletion of Policies PD3a and E2a. These policies do not meet the Basic Conditions. If I were to suggest modifications, they would add no local policy detail above that specified in strategic policy.
4. There is some repetition within the policies which has led me to recommend the deletion of Policies E4b and CA3a.
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 Claverton Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Claverton Neighbourhood Plan, as modified by my recommendations, should proceed to Referendum.**

Introduction

7. On 18 October 2017, Bath and North East Somerset Council (B&NES) approved that the Claverton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Claverton.
8. The qualifying body is Claverton Parish Council. The Plan has been prepared by the Claverton Neighbourhood Plan Steering Committee on behalf of the Parish Council. The Plan covers the period 2018 to 2036.
9. I was appointed as an independent Examiner for the Claverton Neighbourhood Plan in May 2019. 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 below.
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 an SEA
16. B&NES Council prepared a SEA Screening Determination for the Claverton Neighbourhood Plan in January 2019. This Report concludes: *the proposed Claverton Neighbourhood 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. The Claverton Neighbourhood Plan 2018-2036 HRA Screening & Review concludes: *The plan does not propose nor allocate specific development but includes policies to guide new development that may come forward. The vision and policies have a very clear and strong ambition to protect and enhance the natural and cultural qualities of the neighbourhood, and clearly recognises the important wildlife of the Parish, including its location to key features of the Bath & Bradford on Avon SAC. The screening indicates no likelihood of significant effects upon the Bath and Bradford SAC and the plan can be screened out from any further HRA review.*
19. Natural England confirmed it had no concerns regarding natural environment interests. 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).

20. 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

21. 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.
22. 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.*
23. The Basic Conditions Statement that supports the Plan has considered how the Plan has regard to national policy against the NPPF of July 2018. However, the NPPF has been further updated in February 2019. As the updates were minor clarifications to the July 2018 version, I do not consider that anyone has been prejudiced by this approach.
24. Claverton 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.

25. B&NES is preparing a new Local Plan for the District. This is being prepared alongside and will deliver the West of England Joint Spatial Plan which will provide a new strategic planning context for all four West of England Districts for the period 2016 - 2036. The Joint Spatial Plan has been submitted for Examination.

The Neighbourhood Plan Preparation

26. 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.
27. The first meeting of the Steering Committee was held in November 2017. A questionnaire was circulated to all Parish residents, members of the boating community living in the Parish, owners of property and businesses who did not reside in the Parish, those who either worked or volunteered within the Parish, non-resident members of St Mary's Church congregation, and other neighbouring stakeholders. This was followed by an Open Meeting in February 2018. The results of the questionnaire and of the Open Meeting have formed the basis of the policies and aspirations included in the Plan.
28. The Consultation period on the pre-submission draft of the Plan ran from 28 October 2018 to 9 December 2018. During this period there were three drop-in sessions at St Mary's Church where hard copies of the full document were available for review. The drop in sessions were advertised via a newsletter, the Claverton Gazette, Parish website and notice board.
29. I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulation 14 in The Neighbourhood Planning (General) Regulations 2012. The consultation and publicity went beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that interested parties were able to engage in the production of the Plan. I congratulate them on their efforts.
30. B&NES publicised the submission Plan for comment during the publicity period between 24 May and 5 July 2019 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of seven responses were received during this consultation period. I am satisfied that all these responses can be assessed without the need for a public hearing. A late representation was received from the Environment Agency. I see no exceptional reason for this late response and thus have not taken it into consideration.

31. 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 website.

The Claverton Neighbourhood Plan 2018 - 2036

Background To The Neighbourhood Plan

32. I have been provided with a detailed evidence base in background supporting documents and the opening sections of the Plan. This has provided a useful and easily accessible source of background information.
33. 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.
34. 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).
35. 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.
36. 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.
37. The Map of the Claverton Designated Area on page 5 shows both Parish and Ward boundaries and there is an overlapping of these boundaries to the west of the Parish. To ensure that the parish boundaries are clearly defined, I suggest that the ward boundaries are removed from this map. I **see this as a minor editing matter.**
38. Page 6 summarises the Basic Conditions. Whilst it is not necessary for a neighbourhood plan to include such a summary, as it does so, it should make reference to the new Basic Condition: *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). I see this as a minor editing matter.

39. Claverton's vision for the future is *to safeguard the essential character of this rural valley parish whilst welcoming change which improves its sustainability and enhances its assets for the benefit of the Parish*. This is supported by four key objectives.
40. 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 and concerns of the community are summarised in a separate section to the policies in the Plan.
41. 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 and some non-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.

Planning and Development

Policy PD1a

42. The Parish is entirely within the Cotswolds Area of Outstanding Natural Beauty (AONB). 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.
43. 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.
44. The Parish is entirely within the Green Belt. 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*.
45. Core Strategy Policy CP8 protects the openness of the Green Belt from inappropriate development in accordance with national policy.

46. Where the above policies are relevant to other policies in this neighbourhood plan, I have not repeated a summary of them.
47. Policy PD1a seeks to ensure that all development proposals demonstrate how they would protect and enhance existing green infrastructure whilst not adversely impacting agricultural pastures and woodlands.
48. The definition of development in planning policy encompasses a wide range, including change of use. There may be many instances where it would be unnecessary and unreasonable to expect small scale development to meet the requirements of Policy PD1a; for example for a dormer window extension to a dwelling.
49. 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 need to be a special justification for a policy imposing the requirements of Policy PD1a on all development proposals and none has been presented to me. Therefore, in the interest of clarity, I recommend modification to Policy PD1a. I have suggested revised wording that still ensures the protection and enhancement of the existing green infrastructure.
50. Subject to the modification suggested above, Policy PD1a has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy PD1a meets the Basic Conditions.
51. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD1a to read as follows:**
- Development proposals should respond positively to opportunities to protect and enhance existing green infrastructure whilst not adversely impacting the current agricultural pastures and woodlands.**

Policy PD1b

52. Paragraph 109 in the NPPF makes it clear that development should only be prevented or refused on highways grounds *if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
53. Paragraph 111 in the NPPF states: *all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.*
54. PPG states: *Local planning authorities must make a judgement as to whether a development proposal would generate significant amounts of*

movement on a case by case basis. Paragraph: 009 Reference ID: 42-009-20140306.

55. Core Strategy Policy CP6 seeks: *high quality and inclusive design of schemes, including transport infrastructure, which reinforces and contributes to its specific local context, creating attractive, inspiring and safe place.*
56. PMP Policy ST7 broadly re-iterates national policy regarding highway safety and requirements for a transport statement or transport assessment.
57. It is clear from the background evidence that there are local concerns with regard to the heavy traffic on the A36 and Claverton Hill. Policy PD1b broadly re-iterates national policy regarding requirements for a transport statement or transport assessment in the light of heavy traffic on the existing main roads. As such, it has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy PD1b meets the Basic Conditions.

Policy PD2a

58. The Claverton Village Landscape Character Assessment (2018) outlines the highly rural nature of the surrounding countryside and the setting of the Conservation Area within the landscape.
59. The Claverton Conservation Area Character Appraisal (2007) identifies important views both within and outside the Conservation Area.
60. During my visit to the Parish, I was able to appreciate the views of the rural surroundings and across the valley. The important views identified in Figure 2 in the Plan are clearly an essential part of Claverton's character.
61. Policy PD2a seeks to ensure that development proposals promote the retention of the landscape setting. As mentioned above, the definition of development in planning policy encompasses a wide range and there may be many instances where small scale development has no impact on the landscape setting. In these circumstances, I do not consider it appropriate for such proposals to be required to promote the retention of the landscape setting. Therefore, In the interest of precision, I recommend modification of Policy PD2a to state that development proposals should not have a detrimental impact on the landscape setting and the important views. I have suggested revised wording.
62. Subject to the modifications suggested above, Policy PD2a has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy PD2a meets the Basic Conditions.
63. The rationale/objective for Policy PD2a refers to the Claverton Village Landscape Character Assessment. This is incorrect. It should refer to the

Conservation Area Character Appraisal and figure 2. **I see this as a minor editing matter.**

64. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD2a to read as follows:**

Development proposals should not have a detrimental impact on the landscape setting of the Parish and its surrounding countryside, which are an essential part of Claverton's character, and should not have a detrimental impact on the important views identified in Figure 2.

Policy PD3a

65. Core Strategy Policy DW1 provides an overarching strategy which focusses new housing in Bath, Keynsham and the Somer Valley ensuring that development in rural area is located at settlements with a good range of local facilities and with good access to public transport.
66. 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.*
67. PMP Policy RE6 permits the re-use of rural buildings subject to a list of criteria. This includes: *in the case of buildings in the Green Belt, it does not have a materially greater impact than the present use on the openness of the Green Belt or would conflict with the purposes of including land within the Green Belt.* In addition, PMP Policy RE6 lists criteria that include design, existing construction and visual amenity matters.
68. The PMP Policies summarised above support the strategic objectives of Core Strategy Policy CP8 with regard to protecting the openness of the Green Belt.
69. Policy PD3a supports the reuse of any existing buildings for housing within the Parish, without any reference to the criteria in PMP policies above or any reference to national Green Belt criteria, particularly paragraph 146 d) in the NPPF. This states that the re-use of buildings in the Green Belt is not inappropriate development *provided that the buildings are of permanent and substantial construction.* I have no evidence before me to justify departure from national policy in this respect.
70. Usually the neighbourhood plan policy should provide an additional level or layer of detail to national policy and the local planning authority's policies. Without repeating all the caveats in the above PMP policies and Green Belt policy outlined in the NPPF, Policy PD3a does not have regard to national Green Belt policy and is not in general conformity with strategic Green Belt policy.

71. Even if I were to suggest modification to Policy PD3a to meet the Basic Conditions, this would not provide an additional level or layer of detail to national policy and the local planning authority's policies. In these circumstances, I recommend the deletion of Policy PD3a. This does not prevent existing buildings in the Parish being developed for housing in accordance with national and B&NES policies.
72. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy PD3a and supporting rationale/objective.**

Policy PD3b

73. 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.
74. 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.
75. Core Strategy Policy CP6 seeks to protect, conserve and enhance the historic environment. 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.* This policy supports the appropriate repair and reuse of listed buildings.
76. Policy PD3b seeks to preserve or enhance the character and setting of buildings of architectural or historic distinction, including non-designated heritage assets.
77. Whilst Appendix IV is a table of listed historic buildings, there is no list of buildings identified as being of architectural distinction. This makes the implementation of Policy PD3b ambiguous and the policy does not have sufficient clarity for a decision maker to apply it consistently and with confidence when determining planning applications. Therefore, I recommend the deletion of reference to buildings of architectural distinction.
78. Appendix V is a list of non-listed heritage assets of interest which contribute to the character of Claverton. The Plan does not include a list of non-designated heritage assets in the Parish. I sought clarification from B&NES as to whether the buildings on this list or any other buildings in the Parish are identified by B&NES as non-designated heritage assets and received confirmation that there are none. Therefore, I recommend the deletion of reference to non-designated heritage assets.

79. Unfortunately, a neighbourhood plan cannot identify non-designated heritage assets. It is for local authorities to identify such sites. Nevertheless, it is clear from the evidence before me that the buildings identified in Appendix V are historic buildings of significance to the local community that are worthy of being preserved and enhanced. Therefore, I consider it appropriate to make specific reference to these buildings within Policy PD3b, in accordance with the policy objective,
80. In the interest of clarity I have suggested revised wording. Modified Policy PD3b has regard to national policy, contributes towards sustainable development, particularly the environmental objective, and is in general conformity with strategic policy. Modified Policy PD3b meets the Basic Conditions.
81. B&NES has brought to my attention that the Pumping Station has recently been re-designated Grade I listed status. Appendix IV can be updated accordingly. **I see this as a minor editing matter.**
82. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy PD3b to read as follows:**
- Proposals relating to the listed buildings identified in Appendix IV should seek to preserve or enhance their character and setting or any features of special architectural or historic interest which they possess. Restoration of original features and/or improvements to previous unsympathetic alterations will be supported.**
- The buildings listed in Appendix V are regarded as historic buildings of local interest which are worthy of being preserved and enhanced. Development adversely affecting their character or their settings will be resisted.**

Policy PD4a and Policy E4b

83. Policy PD4a and Policy E4b are both concerned with noise pollution and seek to protect existing tranquillity. Paragraph 16 in the NPPF requires plans to avoid unnecessary duplication of policies that apply to a particular area. Therefore, I have considered both of these policies together.
84. The NPPF at paragraph 180 recognises the need to protect tranquil areas from noise pollution.
85. Whilst not a strategic policy, PMP Policy PCS1 seeks to ensure that new development does not cause noise pollution.
86. It is clear from the background evidence that there is a rural tranquillity in the Parish that should be protected. As such, Policy PD4a meets the Basic Conditions, particularly where it has regard to national policy regarding noise pollution.

87. As it is only appropriate to retain either Policy PD4a or Policy E4b, I recommend the retention of the former, as it is a more comprehensive policy, which includes reference to both isolated and cumulative impacts of development.
88. **Recommendation: to meet the Basic Conditions; whilst I recommend the retention of Policy PD4a, I recommend the deletion of Policy E4b.**

Policy PD5a

89. The NPPF supports a prosperous rural economy. PMP Policies RE1, RE2 and RE3 support appropriate economic growth in rural areas. These policies support the District-wide spatial strategy to promote sustainable development outlined in Core Strategy Policy DW1.
90. Policy PD5a supports rural businesses in an area where a range of agricultural activities contribute towards the rural nature of the Parish. It recognises the need for such development to be sustainable, and particularly to not have a detrimental impact on the landscape or the openness of the Green Belt. As such, Policy PD5a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy PD5a meets the Basic Conditions.

Buildings

Policy B1a

91. 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.
92. Core Strategy Policy CP6 seeks to protect, conserve and enhance the historic environment.
93. The Claverton Conservation Area takes in Claverton Manor Farm, the Parish church and various dwellings and farm buildings set along a narrow north south road through the village. Policy PD3b seeks to preserve or enhance those elements which contribute to its special character.
94. Policy PD3b already refers to the listed buildings identified in Appendix IV. Therefore, to avoid unnecessary repetition, I recommend deletion of reference to these buildings from Policy B1a. Instead, in the interest of clarity, I suggest that reference is made to the special character of the Conservation Area as identified in the Claverton Conservation Area Character Appraisal (March 2007). I have suggested revised wording.

95. Subject to the modifications recommended above, modified Policy B1a has regard to national policy regarding Conservation Areas, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B1a meets the Basic Conditions.

96. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy B1a to read as follows:**

Development within or affecting the setting of the Conservation Area will only be supported where the proposal preserves or enhances those elements which contribute to its special character as identified in the Claverton Conservation Area Character Appraisal (March 2007).

Policy B1b

97. National and strategic policies summarised under Policy PD1b are relevant to this policy.

98. As mentioned under Policy PD1b, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. To have regard to national policy, Policy B1b should include specific reference to these national policy requirements. I have suggested revised wording.

99. Policy B1b is concerned with traffic, but has been included in the Buildings Section. In the interest of clarity within the Plan, I suggest that this Policy is moved to the Planning and Development Section. It could be incorporated into Policy PD1b.

100. Subject to the recommendations suggested above, modified Policy B1b has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy B1b meets the Basic Conditions.

101. **Recommendation: to meet the Basic Conditions I recommend:**

1) moving Policy B1b to the Planning and Development Section; and

2) modification to Policy B1b to read as follows:

To protect the village environment, any new development must ensure that traffic arising from the development would not have an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe.

Policy B2a

102. The NPPF emphasises that good design is a key aspect of sustainable development. Paragraph 125 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.*
103. Core Strategy Policy CP6 promotes high quality design, which reinforces and contributes to its specific local context.
104. Policy B2a is largely a repetition of the objectives of Policies PD2a and B1a. Thus, I recommend deletion of those parts which are repetition of other policies. The only addition is the requirement for development to ensure that it sits well with, and does not dominate, the form and shape of existing rooflines.
105. It is clear from the background evidence and from my site visit that the form and shape of the existing rooflines make an important contribution to the character and appearance of the area. Thus, this aspect of Policy B2a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Policy B2a as modified by my recommendation above meets the Basic Conditions.
106. **Recommendation: to meet the Basic Conditions I recommend modification to Policy B2a to read as follows:**
- Development proposals which do not sit well with, and which dominate the form and shape of the existing rooflines, will not be supported.**

Environment

Policy E1a

107. 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.
108. One of the principles to protect and enhance biodiversity in Paragraph 175 in the NPPF states: if significant harm 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.
109. Core Strategy Policy CS6 is a strategic policy that includes a requirement to conserve or enhance the landscape and to promote the management, conservation, enhancement or restoration of environmental habitats.

110. 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. PMP Policy NE6 is a detailed policy regarding the protection of trees and woodland. This includes compensatory provision.
111. It is clear from the Landscape Character Assessment that the existing hedgerows are important within the landscape and that opportunities to improve hedgerow management have been identified in this assessment.
112. Policy E1a seeks to retain hedgerows and supports new native species hedgerows. From my site visit and from the background evidence, I can see the importance of encouraging additional native species to the character and appearance of the Parish.
113. For the same reasons as explained under Policy PD1a, the definition of development encompasses a wide range, and there may be many instances of small scale development where there is no impact on hedgerows or biodiversity. Therefore, I have suggested revised wording.
114. In addition, Policy E1a seeks to preserve and protect existing flora and fauna and wildlife sites. However, to have regard to national policy, it would need to refer to the mitigation/compensation measures listed in paragraph 175 in the NPPF. If I were to recommend modification it would add no local policy detail above that stated in national policy. Therefore I recommend the deletion of this section of Policy E1a.
115. Policy E1a, as modified by my suggestions, has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy E1a meets the Basic Conditions.
116. **Recommendation: to meet the Basic Conditions I recommend modification to Policy E1a to read as follows:**

Development proposals should respond positively to opportunities to preserve and protect existing hedgerows. The provision of native species of hedging on site boundaries will be supported.

Policy E2a

117. The NPPF, at paragraph 180, recognises the need for planning policies to ensure that new development is appropriate for its location taking account of the likely effects of pollution on the natural environment.
118. Core Strategy Policy CS6 promotes the management, conservation, enhancement or restoration of environmental assets.

119. Whilst not a strategic policy, PMP Policy PCS1 seeks to ensure that new development does not cause pollution. PMP Policy NE3 is a detailed policy that seeks to protect sites and species.
120. Policy E2a is an all-encompassing policy regarding the protection of flora and fauna. It is not site specific and does not add any detail to the extremely detailed requirements of current development plan policies. Neither does it refer to mitigation/compensation measures referred to in paragraph 175 of the NPPF. If I were to recommend modification it would add no local policy detail above that stated in national policy. In these circumstances, I recommend the deletion of Policy E2a. Flora and fauna will continue to be adequately protected from pollution through existing national and development plan policies.
121. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy E2a.**

Policy E3a

122. Paragraph 148 in the NPPF supports the transition to a low carbon future.
123. Core Strategy Policy CP2 states that sustainable design and construction will be integral to new development. Core Strategy Policy CP3 encourages renewable energy development.
124. Policy E3a supports the use of sustainable materials, energy efficiency and renewable energy as outlined in both national and strategic policy. As development, particularly renewable energy generation may have an impact on the openness of the Green Belt, to have regard to national policy for protecting the openness of the Green Belt, it is necessary to include such a reference in Policy E3a.
125. 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. Therefore, to meet the Basic Conditions, Policy E3a can only apply to non-residential development. I have suggested revised wording.
126. The Parish Council may wish to add a sentence to the rationale/objective supporting Policy E3a to explain that the policy only applies to non-residential development as 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. **I see this as a minor editing matter.**
127. Subject to the modifications I have suggested above, Policy E3a has regard to national policy, contributes towards sustainable development and is in

general conformity with strategic policy. Modified Policy E3a meets the Basic Conditions.

128. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy E3a to read as follows:**

Support will be given to non-residential developments which;

- **incorporate sustainable and natural building materials**
- **seek to maximise energy efficiency**
- **provide renewable energy generation.**

These should be on a scale which is sympathetic to and does not detract from the visual character of the Parish and protects the openness of the Green Belt.

Policy E4a and Policy E4c

129. 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.*
130. Whilst not strategic policies, PMP Policy D8 seeks to ensure that lighting does not have a detrimental effect on the locality and PMP Policy NE3 seeks to protect identified protected species.
131. Policy E4a seeks to minimise light pollution and Policy EC4c specifies protection of bats along the canal. In the interest of clarity, especially as there is some duplication with regard to light sensitive species, I recommend that policies E4a and E4c are combined.
132. It is clear from the background evidence that the local community wishes to ensure that there is control of light spillage in order to retain the existing low levels of light pollution. Policy E4a is not precise. I have suggested revised wording to ensure that there is a requirement for lighting to be specifically designed to minimise the risk of light spillage.
133. In the interest of precision, I suggest that the full title of the Water Space Design Guidance is included in the new combined policy.
134. Subject to the recommendations I have suggested above, modified Policy E4a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy E4a meets the Basic Conditions.
135. **Recommendation: To meet the Basic Conditions I recommend a combined Policy E4a and E4c to read as follows:**

All development shall be specifically designed to minimise the risk of light spillage beyond the site boundary into neighbouring properties, the wider countryside and night sky. Lighting should be designed to protect light sensitive species and dark skies.

Any development along the River Avon and the Kennet & Avon Canal within the Parish should take into consideration B&NES Water Space Design Guidance: Protecting Bats in Waterside Development (June 2018) relating to bat protection and lighting.

Community Amenities

- 136. At Section 8, the NPPF requires planning policies to aim to achieve healthy, inclusive and safe places.
- 137. Core Strategy Policy RA3 supports new community facilities within and adjoining villages provided that they are of a scale and character appropriate to the village and meet the needs of the parish and adjoining parishes.
- 138. The above policies are relevant to a number of the community amenities policies below.

Policy CA1a

- 139. At paragraph 98, the NPPF seeks to protect and enhance public rights of way and access.
- 140. Core Strategy Policy CS6 supports sustainable opportunities for improved access to and enjoyment of environmental assets, where it does not compromise the integrity of the asset.
- 141. The towpath that runs through the Parish provides recreational opportunities for the local community. Policy CA1a supports proposals to enhance footpaths, towpaths, cycling routes and bridleways where they maintain their original character. As such, it has regard to national policy, particularly where it supports sustainable transport, contributes towards sustainable development and is in general conformity with strategic policy. Policy CA1a meets the Basic Conditions.

Policy CA2a

- 142. Policy CA2a supports additional recreational and educational facilities. As development, particularly educational facilities, may have an impact on the openness of the Green Belt, to have regard to national policy for protecting the openness of the Green Belt, it is necessary to include such a reference in Policy CA2a. Otherwise, Policy CA2a has regard to national policy,

contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy CA2a meets the Basic Conditions.

143. **Recommendation: To meet the Basic Conditions, I recommend modification to Policy CA2a to read as follows:**

Proposals for recreational and educational facilities will be supported providing that the siting, design and scale of the development conserves or enhances the quality of the Parish's historic setting, the ecology and surrounding use of the land and protects the openness of the Green Belt.

Policy CA2b and Policy CA3a

144. Policy CA2b and Policy CA3a support the retention and improvement of community facilities. The Church is already protected as a listed building, so I see no need for a separate policy for the Church, where the main community facilities objectives are already included in Policy CA2b. To avoid this unnecessary duplication, I suggest the deletion of Policy CA3a. In addition, for the reasons stated under Policy CA2a, I suggest inclusion of reference to protecting the openness of the Green Belt in Policy CA2b.
145. Subject to the suggestions above, modified Policy CA2b has regard to national policy, contributes towards sustainable development, particularly the social objective and is in general conformity with strategic policy. Modified Policy CA2b meets the Basic Conditions.

146. **Recommendation: To meet the Basic Conditions, I recommend:**

1) the deletion of Policy CA3a; and

2) modification to Policy CA2b to read as follows:

Proposals that ensure the retention, improve the quality and/or extend the existing range of community facilities, such as the American Museum, Pumping Station, and Church will be supported provided that the facility and the scale are appropriate to the needs of the community and protect the openness of the Green Belt.

Policy CA4a

147. The NPPF in paragraphs 99- 101 states: *the designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces*

should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

The Local Green Space designation should only be used where the green space is:

a) in reasonably close proximity to the community it serves;

b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and

c) local in character and is not an extensive tract of land.

Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

148. PPG states: *if land is already protected by Green Belt policy, or in London, policy on Metropolitan Open Land, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space.*

One potential benefit in areas where protection from development is the norm (eg villages included in the green belt) but where there could be exceptions is that the Local Green Space designation could help to identify areas that are of particular importance to the local community. (Paragraph: 010 Reference ID: 37-010-20140306).

149. Supporting text accompanying PMP Policy LCR6A regarding Local Green Spaces (LGS) designation makes it clear that B&NES would not normally expect LGS to be designated within the Green Belt.

150. The Plan identifies four possible LGS. In order for LGS to be allocated, Policy CA4a needs to identify them within the policy and cross refer to a relevant map(s).

151. The LGS map(s) needs to be of a suitable scale for ease and accuracy of identification. In the interest of precision, I recommend the inclusion of inset OS based maps at an appropriate scale that ensures the precise boundaries of the LGS are clearly identifiable.

152. I have visited the Parish and seen the four proposed LGS. Unfortunately, I chose the hottest day of the year and I realise that Warleigh Island Field is probably not as extensively visited as it was on that day! Nevertheless, it is clear from my visit and background evidence that this site meets the criteria for designation as LGS.

153. It is clear from my visit and background evidence that the Village Green and Pound Paddock meet the criteria for selection as LGS.

154. Despite already being in the Green Belt, I consider that it is appropriate to designate the above sites as LGS as it has been clearly demonstrated that they are of particular importance to the local community.
155. The owners of the field opposite Bassett Farmhouse, south of the Walled Garden has objected to the proposed LGS designation, citing that this is a private field which does not meet criteria b) and c) for designation.
156. The Parish Council was given the opportunity to make comments on all representations and they confirmed their commitment to allocating this site as a LGS. I realise that the site is private and not available for use by the public. However, these are not critical to designation as LGS.
157. From my visit to the Parish and the background evidence, I do consider that this site is demonstrably special to the local community, particularly due to its landscape beauty and tranquillity in the heart of the village. Whether a site is an extensive tract of land and is local in character depends on much more than its actual size. In this instance, the site has defined boundaries, which gives it some level of containment. It is local in character, and due to its containment I do not consider it to be an extensive tract of land. As such, this site meets the criteria for designation as LGS and despite already being in the Green Belt, I consider that it is appropriate to designate the site as LGS as it has been clearly demonstrated that it is of particular importance to the local community.
158. The owners of this field have raised concern that such a designation would run the risk of undermining the spatial strategy for the District and the delivery of sustainable development across the plan period by seeking to designate a site that is suitable for sustainable residential development. I note that the intention is to promote a proposal for affordable housing on the eastern part of the site.
159. The field is outside the Housing Development Boundary within the Green Belt. Should an affordable housing planning application be submitted, policies for managing development within a LGS are consistent with those for Green Belts. Core Strategy Policy RA4 regarding rural exception sites for affordable housing will continue to be relevant to the determination of any planning application. Therefore, the designation as LGS is consistent with local planning for sustainable development in the area.
160. Subject to the modifications I have suggested above, Policy CA4a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy CA4a meets the Basic Conditions.
161. Appendix II, regarding green space assessment, quotes from the 2018 NPPF. This should be re-dated to 2019. **I see this as a minor editing matter.**
162. **Recommendation: to meet the Basic Conditions, I recommend:**

1) **the inclusion of inset OS based map(s) at an appropriate scale that ensure the precise boundaries of the Local Green Spaces are clearly identifiable.**

2) **Modification to Policy CA4a to read as follows:**

The following sites shown on Map(s) [X] are designated as Local Green Spaces:

Village Green;

Warleigh Island Field;

Meadow at North End of village known as Pound Paddock; and

Field opposite Bassett Farm House, South of the Walled Garden.

Development that would conflict with the reasons that the Local Green Space has been demonstrated to be special to the local community and holds a particular local significance; and which prejudice its role as Local Green Space, will not be permitted unless very special circumstances are demonstrated.

Policy CA5a

163. 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.
164. Core Strategy Policy CP13 requires new development to be supported by the timely delivery of required infrastructure.
165. Policy CA5a requires all development to make provision for connection to the internet. As previously mentioned, the definition of development in planning policy encompasses a wide range, including residential extensions, and there may be many instances where small scale development does not require an internet connection and where a Connectivity Statement cannot be justified. In the interest of precision and clarity, I suggest the inclusion of 'where relevant' at the beginning of this policy.
166. Policy CA5a requires the internet connection to be to the latest industry standard. Whilst this is a laudable aim, a developer cannot be held to this requirement as connection speeds are dictated by the internet provider. Therefore, I have suggested revised wording.
167. Subject to the modifications I have suggested above, Policy CA5a has regard to national policy, contributes towards sustainable development and is in general conformity with strategic policy. Modified Policy CA5a meets the Basic Conditions

168. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CA5a to read as follows:**

Where relevant, development proposals should 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.

Glossary

169. The glossary includes terms and definitions that are not referred to within the Plan. Therefore, these should be deleted. **I see this as a minor editing matter.**

Referendum and the Claverton Neighbourhood Plan Area

170. 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.
171. **I am pleased to recommend that the Claverton Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
172. I am required to consider whether or not the Referendum Area should extend beyond the Claverton Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Minor Modifications

173. 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.

Janet Cheesley

Date 2 August 2019

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)
The B&NES Core Strategy Part 1 of the Local Plan (July 2014)
The B&NES Placemaking Plan (PMP) (July 2017)
Regulation 16 Representations
Claverton Neighbourhood Plan Evidence Base