

CLAVERTON 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 Director of Development & Public Protection 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 plan area comprises the whole parish of Claverton in the Bath & North East Somerset Council authority area (B&NES). On 18th October 2017, B&NES Council approved that the Claverton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Claverton Parish Council submitted the draft Claverton Neighbourhood Plan, and supporting documents, to B&NES Council on 30th of April 2019.
- 2.3 Following submission of the Claverton Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 24th May 2019 to the 5th July 2019.
- 2.4 In July 2019, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) DipTP MRTPI to review the Plan and consider whether it should proceed to referendum.
- 2.5 The [examiner's report](#) was received on 2nd August 2019 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.6 In accordance with legislation, the local authority must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authorities are satisfied then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1 Having considered the examiner's recommendations and reasons for them, B&NES Council concur with the examiner's view and have decided to make modifications to the draft Claverton 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 small dot at the end of the signature.

Lisa Bartlett
Director - Development & Public Protection
Bath & North East Somerset Council

Dated: 9th October 2019

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

Throughout the table modifications are shown as follows:

The paragraph, policy and page numbering relates to the submission draft Claverton Neighbourhood Plan, as submitted to the LPA in April 2019

The [Examiner’s report](#) notes that: “*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.*” The final plan, to be published for the purposes of the referendum, will renumber the policies and paragraphs following the making of the changes as set out in the table below.

Examiner Recommendation Number (Page in Examination Report, Paragraph Ref)	Recommendation and changes	Reference	Page in draft NDP	Reason for change
9, 37	Remove ward boundary from map	Designated area	5	Minor modification
9, 38	<p>Add reference to new basic condition. New bullet point added</p> <ul style="list-style-type: none"> • <i>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> <p>Before the bullet point - Be compatible with European Law.....</p>	Intro	6	Minor modification
11, 51	<p>Modified to:</p> <p><i>Development proposals should respond positively to opportunities to protect and enhance existing green infrastructure whilst not adversely impacting the current agricultural pastures and woodlands.</i></p>	PD1a	19	Modify policy: To meet basic conditions

12, 63	Rationale should refer to the Claverton Neighbourhood Plan Conservation Area Character Appraisal and figure 2 rather than Landscape Character Assessment. Changed to: <i>The Conservation Area Character Appraisal highlights the importance of the special views characteristic of the setting of the Parish as shown in Fig 2. These should be safeguarded.</i>	Rationale for PD2a	19	Minor Modification
13, 64	Modified to: <i>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.</i>	PD2a	19	Modify policy: To meet basic conditions
14, 72	Deletion of Policy PD3a and supporting rationale/objective	PD3a	19	To meet basic conditions
N/A, minor editing matter	Renumbered to PD3	PD4	19	Update numbering following examiners recommendations
N/A, minor editing matter	Renumbered to PD4	PD5	19	Update numbering following examiners recommendations
15, 81	Update Pumping Station listing from Grade II to Grade I – Also update reference on page 15	Appendix IV	43	Minor modification
15, 82	Modified to and renumbered as PD1d: <i>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.</i> <i>The buildings listed in Appendix V are regarded as historic buildings of local interest which are worthy of being preserved and enhanced.</i> <i>Development adversely affecting their character or their settings will be resisted.</i>	PD3b	19	Modify policy: To meet basic conditions
16, 88	Delete E4b (Retain PD4a)	E4b	21	Repetition

17, 96	Modified to: <i>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).</i>	B1a	20	Modify policy: To meet basic conditions
17, 101	Recommendation: 1) moving Policy B1b to the Planning and Development Section; and 2) modification to Policy B1b (now PD1c) to read as follows: <i>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.</i>	B1b	20	Modify policy: To meet basic conditions
18, 106	Modified to: <i>Development proposals which do not sit well with, and which dominate the form and shape of the existing rooflines, will not be supported.</i>	B2a	20	Modify policy: To meet basic conditions
19, 116	Modified to: <i>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.</i>	E1a	21	Modify policy: To meet basic conditions
20, 121	Delete E2a	E2a	21	Repetition of national/strategy policy
N/A, minor editing matter	Added to E1	E2	21	Update numbering following examiners recommendations
N/A, minor editing matter	Renumbered as E2	E3	21	Update numbering following examiners recommendations
N/A, minor editing matter	Renumbered as E3	E4	21	Update numbering following examiners recommendations

20, 126	<p>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.</p> <p>Renamed as E2, text added as last paragraph:</p> <p><i>(The policy can only apply to non-residential development as it is not appropriate to refer to any additional local technical standards or requirements relating to new dwellings in neighbourhood plans.)</i></p>	E3a – supporting text	21	Minor editing matter
21, 128	<p>Renumbered as E2a and modified to:</p> <p><i>Support will be given to non-residential developments which;</i></p> <ul style="list-style-type: none"> <i>• incorporate sustainable and natural building materials</i> <i>• seek to maximise energy efficiency</i> <i>• provide renewable energy generation.</i> <p><i>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.</i></p>	E3a	21	Modify policy: To meet basic conditions
21, 135	<p>Recommend a combined Policy E4a and E4c to read as follows:</p> <p><i>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.</i></p> <p>Combined and renumbered E3a as modified by Examiner</p>	E4a and E4c	21	Modify policy: To meet basic conditions

23, 143	<p>Modified to:</p> <p><i>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.</i></p>	CA2a	22	Modify policy: To meet basic conditions
23, 146	<p>1) the deletion of Policy CA3a; and</p> <p>2) modification to Policy CA2b to read as follows:</p> <p><i>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.</i></p>	CA2b and CA3a	22	<p>Modify policy: To meet basic conditions</p> <p>Duplication</p>
25/26, 161	<p>Appendix II, regarding green space assessment, quotes from the 2018 NPPF. This should be re-dated to 2019.</p> <p>References to NPPF changed from July 2018 to February 2019</p>	Appendix II		Minor editing
25/26, 162	<p>Inclusion of inset OS based map(s) at an appropriate scale that ensure the precise boundaries of the Local Green Spaces are clearly identifiable.</p> <p>New maps to be included in Appendix 1 maps. iv. Local Green Spaces, Cycle routes renumbered as v.</p>	CA4a – supporting text	22	Modify policy: To meet basic conditions

25/26, 162	<p>Renumbered CA3a and modified to include additional first paragraph:</p> <p><i>The following sites shown on Appendix I maps are designated as Local Green Spaces:</i></p> <ul style="list-style-type: none"> • <i>Village Green;</i> • <i>Warleigh Island Field;</i> • <i>Meadow at North End of village known as Pound Paddock; and</i> • <i>Field opposite Bassett Farm House, South of the Walled Garden.</i> <p><i>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.</i></p>	CA4a	22	Modify policy: To meet basic conditions
27, 168	<p>Renumbered CA4a and modified to:</p> <p><i>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.</i></p>	CA5a	22	Modify policy: To meet basic conditions
27, 169	<p>Remove unused terms from Glossary. The following terms have been deleted:</p> <p>Affordable housing, Development Plan, Development Plan Documents, Green & Blue Infrastructure, heritage Asset, Listed building consent. Market housing, permitted development, UNESCO earth charter, Windfall sites</p>	Glossary	51/52	Minor editing
N/A, minor editing matter	<p>Pinion-streaked Snout moved from BIRDS to MOTHS (insert after Orange Footman)</p>	Appendix III	40	Minor editing following examiners report