

## **ENGLISHCOMBE 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 (Development) 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 Englishcombe Plan area comprises the whole parish of Englishcombe parish in the Bath & North East Somerset Council authority area (B&NES). On 15<sup>th</sup> March 2013, B&NES Council approved that the Englishcombe Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Englishcombe Parish Council submitted the draft Englishcombe Neighbourhood Plan, and supporting documents, to B&NES Council on 21<sup>st</sup> February 2016.
- 2.3 Following submission of the Englishcombe Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 2<sup>nd</sup> March 2016 to the 13<sup>th</sup> April 2016.
- 2.4 In April 2016, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) Dip TP MRTPI, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 3<sup>rd</sup> May 2016 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 Englishcombe 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:**

**Lisa Bartlett**

Divisional Director – Development  
Bath & North East Somerset Council

**Dated:** 13<sup>th</sup> May 2016

## APPENDIX 1: Modifications to the draft Englishcombe 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 Englishcombe Neighbourhood Plan, as submitted to the local authorities in February 2016.

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)	Recommendation and changes	Page in Neighbourhood Plan	Reason for change
8	<p>The Neighbourhood Plan will encourage and support <i>development proposals for</i> farming businesses, arboricultural enterprise, small holdings, fruit growing, light industry, artisan workshops, providing they can be shown to be <del>viable</del>, sustainable <i>and</i> benefit the local economy and the wellbeing of the parish.</p> <p>They should be sensitive to the local setting and not have a detrimental impact on the surrounding landscape, <del>the openness of the Green Belt</del> or historical buildings.</p>	7	Recommended modification to Policy P&D 1 to ensure that businesses development proposals supported by this policy do not have an adverse impact on the openness of the Green Belt.
8	<p>P&amp;D 2 – The Neighbourhood Plan will seek to support development <i>proposals</i> where <del>it</del> <i>they</i> makes use of existing buildings and those that are under-used or derelict in accordance with other <del>policies</del></p>	7	<p>The word ‘policies’ has been misspelt in Policy P&amp;D 2.</p> <p>The text has been changed to ensure that the policy does not have an adverse impact on the openness of</p>

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	<u>policies</u> within this Plan <u>and national Green Belt policy</u> .		the Green Belt.
9	The Neighbourhood Plan will support buildings, conversions and additions of a size, design and height which does not have an adverse impact on the <u>openness of the</u> Green Belt, Cotswold Area of Outstanding Natural Beauty or the historical assets of the Parish.	7	The text has been changed to ensure that the policy does not have an adverse impact on the openness of the Green Belt.
9	<del>P&amp;D 4 – Community Infrastructure Levy funds generated through development in this Parish will be used in accordance with the aspirations set out in this Neighbourhood Plan or in future reviews.</del>	7	As agreed by B&NES and the Parish Council, this is not a land use or development policy and therefore is deleted.
9	In addition, dark corridors for bats and light sensitive species should be incorporated into all new development or redevelopments within the Parish <u>where possible</u> .	7	The definition of development in planning policy encompasses a wide range, including change of use and there may be many instances where small scale development cannot incorporate dark corridors.
10	<del>RE 1 – The neighbourhood Plan will support the re-use of farm buildings provided they are in accordance with the following criteria: a) Where this is likely to be small scale development and will be of an individual character in keeping with the existing character of the parish b) Where the building has been in an agricultural use for at least 10 years c) Where there are no adverse highways and access impacts d) Where there are no adverse noise impacts e) Where there are no contamination risks on the site f) Where there are</del>	12	As agreed by B&NES and the Parish Council, this policy is not in accordance with the revised Permitted Development Rights in Class Q for the change of use of an agricultural building to a dwelling. As such it does not have regard to national policy and should be deleted.

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	<p><del>no flooding risks on the site</del> g) Where a proposed development does not have an impact upon existing (and likely) bat roosts, or other European Protected Species.</p> <p><del>h) Where the design or external appearance of the building is in accordance with other policies in this Plan</del></p>		
10	<p>RE 3 – All development proposals should seek to retain and protect all <del>native</del> trees on site or on the boundary of the site.</p> <p>All development proposals <i>for sites with existing trees, or with trees on the boundary</i>, should be accompanied by a tree survey that establishes the health and longevity of <del>any</del> these trees. <del>on the site or on the boundary.</del></p>	13	<p>In the interest of clarity, the second part of this policy is modified to ensure that only development proposals on sites with existing trees will be required to provide a tree survey.</p> <p>Word native removed as there are a large number of non-native specimen trees within the parish.</p>
11	<p><del>RE 4 – The Neighbourhood Plan will support the conversion of derelict agricultural land into recreational use.</del></p>	13	<p>Wording of this policy may make it difficult to resist recreational use that is not compatible with the tranquil rural environment in the Parish. This would not be in conformity with Core Strategy Policy CP6 where it seeks to ensure the distinctive character and quality of the landscape is conserved and enhanced. As such it does not have regard to national policy and should be deleted.</p>
12	<p><del>VE 1 – Any development should be within the defined Housing Development Boundary as shown on the map below and at Appendix 14.</del></p>	16	<p>This policy does not have regard to national policy and should be deleted.</p>

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12	<i>Where new site boundaries are proposed,</i> the Neighbourhood Plan will support developments where the boundaries of each individual development consist of either native species hedging and/or local stone.	16	Text added for clarity purposes.
12	Delete the proposed Green Space Designation and the associated maps	17	There is no policy within this Plan identifying such a Green Space. Therefore, in the interest of clarity, I recommend that the proposed Green Space designation is deleted from the map.
13	<p><u>Section 4.5 Climate Change</u></p> <p><u>In a Written Ministerial Statement of 25 March 2015, the Government announced that it is not now appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. In Policies CC 1 and CC 3 it is not intended to impose any such additional local technical standards or requirements.</u></p>	19	In the interest of clarity and precision, the addition of a paragraph in section 4.5, acknowledging the Ministerial Statement and stating that these policies accord with that statement will ensure the Plan meets the basic conditions.
13	Renewable energy. (i) The Neighbourhood Plan will support development <i>proposals</i> that seeks to incorporate renewable energy generation as part of a development provided they are in accordance with other policies in this Plan. (ii) The neighbourhood Plan will support renewable energy generation structures where appropriate <i>sites are sites are in accordance with Core Strategy Policy CP3 identified</i> and in accordance with other	19	The word 'policies' has been misspelt in Policy CC2.  Text added for clarity purposes.

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	<p><del>policies</del> policies in this Plan.</p> <p>(iii) The Neighbourhood Plan will support <u>development proposals for</u> renewable energy generation structures that are accompanied by a full impact assessment of the potential effect on bats and other European species and where any impacts are satisfactory mitigated.</p>		
14	CC 3 – Energy Efficiency. The Neighbourhood Plan would support development <u>proposals</u> that seeks to maximise energy efficiency <del>on site</del> .	19	Text added and deleted for clarity purposes.
15	The Neighbourhood Plan will support <del>the a</del> proposal for development of <u>a</u> <del>an appropriate</del> Parish facility <u>Parish facility</u> in Englishcombe Villageto meet the social, recreational and cultural needs of the community, <u>where it is in accordance with other policies within this plan</u> .	20	Text added and deleted for clarity purposes.
15	T&M 1 -- The Neighbourhood Plan will support <u>proposals for</u> development if adequate off road parking is included within the area of the development, and is in accordance with other policies in this plan.	22	Text added and deleted for clarity purposes.
16	TC 1 -- To support sustainable economic growth, and enhance the provision of local community facilities and services, <del>developers will be required to show how telecommunications services, both fixed line and mobile, will be provided to achieve the government's aspirational target of 100 Mbps. <u>all new dwellings and employment buildings should</u></del>	24	Text added and deleted for clarity purposes.

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	<u>incorporate ducting capable of accepting fibre to enable Ultrafast Broadband.</u>		
17	5. The Parish Design Statement can be found at Appendix 4 County Planning Dept., 1983.	26	Editing error in footnotes corrected
17	13. A list of currently available amenities and services are listed at Appendix 5	26	Editing error in footnotes corrected
17	Objectives: This Design Statement will be used as a guide to the future development of any house extensions, reuse of existing barns/redundant agricultural buildings and any new development. <u>It cannot impose design criteria on development that does not need planning permission, although it does encourage such developments to have regard to this Design Statement.</u> It is aimed at improving the physical qualities of the Parish by promoting an appropriate, pleasing and harmonious quality architectural and landscape design in development which will complement and reinforce the existing character of the rural Parish landscape. Future sustainability of any build is of paramount importance.	28	Appendix 3 is a Parish Design Statement. Such guidance cannot impose design criteria on development that does not need planning permission, although it can encourage such developments to have regard to the guidance. A sentence has been added to address this issue.
17	<b>Local Concerns:</b> Proposals for any new development and/or alterations must take proper account of relevant planning considerations raised by immediate neighbours or the Community at large. <del>This should be done through the Parish Council who should ensure comprehensive local engagement.</del>	28	It is an onerous requirement for developers of all types of development to be required to engage through the Parish Council. A sentence has been added to address this issue.

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	Specific consideration needs to be taken to all matters relating to the Neighbourhood Plan. In this respect it is recommended that pre application advice is sought from B&NES planning department.		
N/A	Appendix 14: Housing Development and <del>Proposed Green Space Boundaries</del> Boundary and current community green space boundaries	49	Title changed to reflect comments made in the examiner's report