

Stanton Drew 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 Stanton Drew in the Bath & North East Somerset Council authority area (B&NES). On 11th October 2013, B&NES Council approved that the Stanton Drew Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2 Stanton Drew Parish Council submitted the draft Stanton Drew Neighbourhood Plan, and supporting documents, to B&NES Council in August 2019.
- 2.3 Following submission of the Stanton Drew Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 22 November 2019 and 24 January 2020 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012.

Unfortunately, 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 8 June 2020 to 20 July 2020 under Regulation 16.

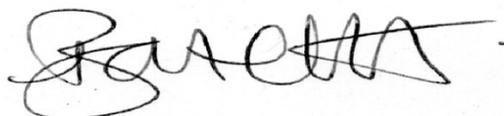
- 2.4 In February 2020, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) DipTP MRTPI to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 13th August 2020 and concluded that subject to making the modifications 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 Stanton Drew 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
Director - Development & Public Protection
Bath & North East Somerset Council

Dated: 11th March 2021

APPENDIX 1: Modifications to the draft Stanton Drew 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 Stanton Drew Neighbourhood Plan, as submitted to the LPA in August 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/ Policy or paragraph number	Reason for change
43	Paragraph 48 should refer to the 2019 NPPF and all other references throughout the Plan to the NPPF should similarly be to the 2019 NPPF.	48	Minor editing matter
59	Paragraph 64 and elsewhere in the Plan refer to the ‘New Local Plan 2011- 2036’. The time period should be 2016 – 2036	64	Minor editing matter

61	<p>Policy P&D1 - Housing Proposals for 'infill' development, as defined by the B&NES Development Plan, will be supported within the housing development boundaries, provided:</p> <ul style="list-style-type: none"> • The proposal is consistent with maintaining the openness of the Green Belt as defined in the NPPF • The quantum of dwellings and their site coverage will not be an overdevelopment of the plot in relation to the characteristics of neighbouring plots in respect of built form, massing and building line • The development conserves Key Views identified in Design Policy SD3 • The development protects the residential amenity of neighbours • The development is well integrated with the existing village • The development will incorporate the principles of sustainable urban drainage, where appropriate. 	P&D1	To meet the Basic Conditions
67	deletion of 'strong' from Policy P&D2.	P&D2	To meet the Basic Conditions
69	deletion of Design Policy SD1	SD1	To meet the Basic Conditions
78	<p>modification to Policy SD2 to read as follows:</p> <p>DESIGN POLICY SD2 - Landscape Context and Character SD2 Development proposals must respect the dispersed, cluster settlement pattern of the Parish, with small settlements and farmsteads linked by a network of footpaths and narrow lanes (some sunken). Development proposals must respect the undulating nature of the landscape.</p>	SD2	To meet the Basic Conditions

80 - 84	<p>The <i>Stanton Drew Parish Neighbourhood Plan Landscape and Environment Protected Views Document</i> identifies four views worthy of being protected views, based on specific criteria. I have seen these views and appreciate their importance to the local community. They are identified as key views in Design Policy SD3. Policy EL8 seeks to ensure that these views are not adversely affected. To avoid unnecessary duplication, I suggest the amalgamation of these two policies as Design Policy SD3.</p> <p>Pages 22 - 24 in the Plan refer to key views and landmarks. Two of these were rejected as not meeting the criteria for designation as views worthy of protection. Thus in the interest of precision, the views from junction of Bromley Road with A368 towards Knowle Hill and from Sandy Lane and footpath to west, north and north-west should be deleted from this section</p> <p>Key Views, protected views, important views and landmarks are all intertwined in the policies and supporting text. In the interest of precision, I have only referred to Key Views in suggested revised wording.</p>		minor modifications.
86	<p>1) the deletion of Policy EL8 2) Pages 22-24 are titled 'Key Views' and the views from junction of Bromley Road with A368 towards Knowle Hill and from Sandy Lane and footpath to west, north and north-west are deleted from these pages 3) modification to the first paragraph in Design Policy SD3 to read as follows: DESIGN POLICY SD3 - KEY VIEWS SD3 The following views are identified as Key Views. Development proposals within the Parish should not adversely affect the Key Views by changing landscape context and character including openness of the Green Belt.</p>	EL8 – SD3	To meet the Basic Conditions

93	Recommendation: to meet the Basic Conditions I recommend modification to the map accompanying Design Policy SD4 as follows: 1) change the title to Stanton Drew Conservation Area and Listed Buildings 2) complete the Key to the map 3) provide an OS based map at a more appropriate scale that ensures the precise boundaries of the Conservation Area and the listed buildings are clearly identifiable.	SD4	To meet the Basic Conditions
96	SD5.1. This principle seeks to ensure that development is appropriate to the character areas. A planning policy cannot dictate how the design process is undertaken. Therefore, in the interest of precision, the second sentence should be deleted.	SD5.1	To meet the Basic Conditions
97	SD5.2. This is a repetition of much of Design Policy SD2. Therefore, to avoid unnecessary repetition, and as the Plan has to be read as a whole, I recommend that SD5.2 is deleted.	SD5.2	To meet the Basic Conditions
100	The Parish Council may wish to include an explanation of why SD5.3 is not applicable to residential properties.	SD5.3	Minor editing matter
102	SD5.5. This is already substantially covered in Design Policy SD2 with regard to the traditional form of roads. Road markings and signage are not a development and land use matter for a planning policy. Therefore, I recommend the deletion of SD5.5.	SD5.5	To meet the Basic Conditions

<p>103 - 104</p>	<p>The Design Statement needs to be updated to refer to the NPPF 2019, rather than the NPPF 2012 and to refer to the now adopted Placemaking Plan. Following the recommendations above on a number of the Design Policies, the Design Principles in the Design Statement would need to be similarly modified as SD5 requires regard to be had to the Design Principles Statement, which I have taken to be the design principles outlined in the <i>Stanton Drew Community Design Statement</i>.</p> <p>As the <i>Stanton Drew Community Design Statement</i> needs significant updating and substantial modification, I recommend that it is now a background evidence document that has informed the design policies and it is made clear that it is not a supplementary planning document where regard has to be had to its design principles. I have suggested revised wording for the first paragraph in Design Policy SD5 in this regard. The Parish Character Assessment in Appendix 6 to the Plan has been derived from the Design Statement. As that is a summary of character findings, it can remain as a useful means of informing design. The Planning Policy Context for the Design Principles in Appendix 1 should be deleted</p>	<p><i>Stanton Drew Community Design Statement</i></p>	<p>To meet the Basic Conditions</p>
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107	<p>DESIGN POLICY SD5 - Character Areas (see Appendix 6)</p> <p>At the pre-application stage, all applicants for development are encouraged to engage with the Parish Council and the local community. Stanton Drew Parish Council will undertake to positively engage with any applicants and to engage with neighbouring Parishes if appropriate. Any development proposals should be appropriate to the character area, as outlined in the Parish Character Assessment in Appendix 6, and respect nearby colours, textures, materials, scale, ridge heights, plot location and boundary details.</p> <p>Any development proposals for non-residential new buildings and extensions will be supported if they incorporate high standards of energy efficiency and include, where possible, renewable energy generation in ways that respect local character and so long as the development proposals meet other associated requirements of the Neighbourhood Plan.</p> <p>High-quality traditional and contemporary architectural styles, incorporating imaginative and original design that adds to the unique character of the area is encouraged.</p> <p>2) that the Stanton Drew Design Statement (2016) does not become supplementary planning guidance for the design policies in this Plan. This should be made clear in paragraph 68 in the Plan.</p> <p>3) delete Appendix 1.</p>	SD5	To meet the Basic Conditions
116	<p>1) the deletion of Policy BP2</p> <p>2) modification of Policy BP1 to read as follows:</p> <p>Policy BP1 - Business</p> <p>BP1 The conversion or extension of existing buildings and small-scale development, the expansion of existing business and horticultural or agricultural premises across the Parish, especially those that deliver local employment opportunities will be supported. Proposals should be consistent with national Green Belt policy.</p>	BP1 and BP2	To meet the Basic Conditions

121	Document R: the <i>Physical Infrastructure for high –speed electronic communications networks</i> (2016) is a document under the building regulations. This is not a planning document for the development or use of land. This should be explained in the rationale supporting Policy BP3.	rationale supporting Policy BP3	Minor editing matter
122	Policy BP3 - Internet Connectivity BP3 Residential and business development proposals will be supported where they 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.	BP3	To meet the Basic Conditions
124	deletion of Policy CIL1.	CIL1	To meet the Basic Conditions
129	deletion of Policy EL1	EL1	To meet the Basic Conditions
129	Policy EL2 – Green Corridors and Biodiversity EL2 Development proposals will be supported if the proposal promotes and protects the network of green spaces, corridors, and biodiversity, or adequately mitigates or compensates for any loss of biodiversity, and if the application also accords with other policies in the Neighbourhood Plan.	EL2	To meet the Basic Conditions
141	Policy EL3 - Trees, Hedge and Green Verge Conservation and Enhancement EL3 Development proposals should protect trees and hedges on or adjoining a development, unless it is demonstrated that an adverse impact on the trees and hedges is unavoidable to allow for appropriate development and that adequate compensatory provision is made.	EL3	To meet the Basic Conditions

144	<p>Policy EL4 - Aquatic Biodiversity</p> <p>EL4 The Neighbourhood Plan will promote the conservation and enhancement of ponds and watercourses especially where they contain scheduled or rare species or support a rich assemblage of plants, invertebrates or amphibia.</p> <p>Any development must mitigate against increasing flood risk.</p>	EL4	To meet the Basic Conditions
148	The inclusion of 'where possible' at the end of Policy EL5.	EL5	To meet the Basic Conditions
158 - 159	<p>deletion of Policy EL6 and accompanying explanatory text</p> <p>I suggest that reference to the Heritage Assets Report 2017 is made in the Community Aspirations Section of the Plan. It can refer to the identification of non - designated heritage assets in the Heritage Assets Report 2017 and state that the local community will request B&NES Council to consider identifying the buildings as non-designated heritage assets on a local list once the SPD is adopted. I see this as a minor editing matter.</p>	EL6	To meet the Basic Conditions
163	The Foreword will need to be updated. This should not refer to the examiner finding the plan 'sound 'as this is not a requirement for a neighbourhood plan. As a general point, the quality of many of the maps is poor and would benefit from better definition.	Forward and mapping	Minor editing matter