

Englishcombe Neighbourhood Plan 2014-2034

Report by Independent Examiner

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Summary and Conclusion

1. The Englishcombe Neighbourhood Plan 2014 - 2034 has a clear over-riding vision to preserve what is best about Englishcombe Parish today.
2. I have recommended modification to some of the policies in the Plan. In particular, I have recommended modification to a number of policies in the interest of clarity, to provide a practical framework for decision making.
3. I have recommended modification to Policy P&D 1 to ensure deliverability and modifications to that policy and Policy P&D 2 to have regard to national Green Belt Policy.
4. I have recommended modification to Policy TC 1. Whilst a Broadband connection speed of 100Mbps is a laudable aim, a developer cannot be held to this requirement as connection speeds are dictated by the internet provider.
5. I have recommended the deletion of Policies P&D 4 and RE 1 for the same reasons as stated in a joint Clarification Note produced by Bath and North East Somerset Council and Englishcombe Parish Council in February 2016.
6. I have recommended the deletion of Policy RE 4. Whilst it may have been the intention to include a policy to allow some form of outdoor informal recreational use that is compatible with the tranquil rural environment, Policy RE 4 would allow many other recreational uses. It is difficult to see how the policy could be modified to meet the Basic Conditions.
7. I have recommended the deletion of Policy VE 1. This policy does not have regard to national Green Belt policy.
8. **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 Englishcombe Neighbourhood Plan 2014 - 2034 will provide a strong practical framework against which decisions on development can be made. I am pleased to recommend that the Englishcombe Neighbourhood Plan 2014 - 2034, as modified by my recommendations, should proceed to Referendum.**

Introduction

9. I was appointed as an independent Examiner for the Englishcombe Neighbourhood Plan 2014 - 2034 in March 2016.
10. On 15 March 2013 Bath and North East Somerset Council (B&NES) approved that the Englishcombe Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Englishcombe.

11. The qualifying body is Englishcombe Parish Council. The Plan has been prepared by the Englishcombe Parish Council. The Plan covers the period 2014 - 2034.

Legislative Background

12. 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.
13. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
14. 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.

EU Obligations

15. B&NES Council prepared a Strategic Environmental Assessment (SEA) Screening Determination for the Englishcombe Neighbourhood Plan in May 2015 under the European Directive 2001/42/EC. This Report concluded that

the Plan *is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment*. As part of the consultation process, Natural England confirmed that the Plan was unlikely to have significant environmental effects. Based on the screening determination and consultee response, I consider that it was not necessary for the Plan to require a full SEA Assessment. The SEA screening accords with the provisions of the European Directive 2001/42/EC.

16. B&NES Council carried out a draft HRA screening of the Plan under the Conservation of Habitats and Species Regulations (2010) to assess the likely significant effect on European Sites. The Draft HA screening has confirmed that there are opportunities for impact avoidance and mitigation which have been incorporated into the draft Plan.
17. Natural England has agreed that the Plan is unlikely to result in significant impacts on a European site and therefore an HRA is not required.
18. Reference to mitigation measures regarding bat roosts and other European Species have subsequently been included in Policies P&D 2, RE 1 and CC 2 and reference is made to Englishcombe Parish being affected by the Bath and Bradford Upon Avon Bats SAC in section 4.4. On this basis and based on the screening determination and consultee response, and I consider that the Plan does not require a full HRA under Articles 6 or 7 of the Habitats Directive.
19. Englishcombe Parish Council and the Englishcombe Neighbourhood Plan Committee have prepared an Englishcombe Sustainability Appraisal. There is no legal requirement for such an appraisal to be undertaken for neighbourhood plans. However, this document does help inform the policies in the Plan.
20. 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 (2012) (NPPF)* sets out the Government's planning policies for England and how these are expected to be applied. *The Planning Practice Guidance (2014)* provides Government guidance on planning policy.
22. Englishcombe Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Englishcombe Neighbourhood Plan Area comprises the saved policies in the B&NES Local Plan 2007 and the B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014). Englishcombe is identified in the Core Strategy as a *village washed over by the Green Belt with a housing development boundary*.

23. Strategic policies in the B&NES development plan include policies regarding the Green Belt, the Cotswold Area of Outstanding Natural Beauty (CAONB) and the delivery of homes and jobs in the area.

The Neighbourhood Plan Preparation

24. 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.
25. The initial consultation process included a survey in 2012 and the setting up of a Neighbourhood Planning Committee. A draft Plan was subsequently produced and there was local consultation to ensure the Plan correctly interpreted parishioner's wishes from the result of the initial parish survey. This consultation involved a hard copy of the Plan with a consultation questionnaire being delivered to all households during June 2014. A community open day was held in July 2014.
26. The consultation period on the pre-submission draft of the Plan ran from 30 October 2015 to 14 December 2015. All households were sent a copy of the planning policies booklet with a copy of the full draft plan and its supporting documents were made available on the website and at two open days.
27. 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 ensured that local people were able to engage in the production of the Plan. I congratulate those involved on their efforts.
28. B&NES publicised the submission Plan for comment during the publicity period between 2 March 2016 and 13 April 2016 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. A total of two responses were received. Neither had any comment to make on the Plan. I am satisfied that the Plan can be assessed without the need for a public hearing.

The Englishcombe Neighbourhood Plan 2014 - 2034

29. It is necessary for Neighbourhood Plans to provide *a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency* as stated in the core planning principles in paragraph 17 in the NPPF. I do refer to clarity and precision with regard to a number of recommendations to modifications to the Plan. Where I do so, I have in mind the need to provide a practical framework in accordance with the core principles in the NPPF, thus ensuring that the Plan has regard to national policy in this respect.

30. I have been provided with detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.
31. For ease of reference, I have used the same headings and policy titles as those in the Plan.

Background and Vision

32. The Plan has a clear vision which sets the context for the policies in the Plan. The vision is: *Our over-riding vision has been to preserve what is best about Englishcombe Parish today – its open rural environment and landscape, its small-village ambience, its history and its sense of place and timelessness -- while ensuring that it has a plan for the future to ensure the continuing health, happiness and well-being of all its residents.*

Planning & Development Policies

POLICY P&D 1

33. Englishcombe is a largely rural community and Policy P&D 1 seeks to support rural businesses. In this respect, this policy has regard to a core principle in the NPPF to proactively drive and support sustainable economic growth and policy in the NPPF with regard to promoting a strong rural economy.
34. Paragraph 173 in the NPPF states that *plans should be deliverable*. I cannot see how a new business identified under Policy P&D 1 can be expected to prove from the onset that it is viable. This detailed requirement does not provide a practical framework for decision making and could restrict otherwise sustainable economic development. Thus, I recommend the deletion of reference to viability in Policy P&D 1. In addition, in the interest of clarity, I recommend modification to Policy P&D 1 to refer to 'development proposals'.
35. The Plan area is almost entirely within the Green Belt, apart from a small part of Kilkenny Lane and Padleigh. The National Planning Policy Framework explains that the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
36. Core Strategy Policy CP8 states: *The openness of the Green Belt will be protected from inappropriate development in accordance with national planning policy*. When considering whether the Plan meets the Basic Conditions, I am aware that the policies in the Plan have to be in general conformity with this strategic policy and have regard to national Green Belt Policy in the NPPF. Rather than keep repeating myself, where I recommend modification to policies to include reference to Green Belt policy and the

protection of the openness of the Green Belt, it is within this context. For these reasons, I recommend modification to Policy P&D 1 to ensure that the businesses development proposals supported by this policy do not have an adverse impact on the openness of the Green Belt.

37. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy P&D 1 to read as follows:**

The Neighbourhood Plan will encourage and support development proposals for farming businesses, arboricultural enterprise, small holdings, fruit growing, light industry and artisan workshops, providing they can be shown to be sustainable and benefit the local economy and the wellbeing of the parish.

They should be sensitive to the local setting and not have a detrimental impact on the surrounding landscape, the openness of the Green Belt or historical buildings.

POLICY P&D 2

38. This policy supports the re-use of existing buildings and those under-used or derelict. It is not inappropriate development in the Green Belt to re-use buildings, provided that the buildings are of permanent and substantial construction. Therefore, it is necessary for Policy P&D 2 to refer to development proposals being in accordance with national Green Belt policy. In the interest of clarity, I recommend modification to Policy P&D 3 to refer to 'development proposals'. To meet the Basic Conditions, I recommend modification to Policy P&D 2 to have regard to national policy.

39. The word 'policies' has been misspelt in Policy P&D 2.

40. **Recommendation: to meet the Basic Conditions, I recommend modification to the first paragraph in Policy P&D 2 to read as follows:**

The Neighbourhood Plan will seek to support development proposals where they make use of existing buildings and those that are under-used or derelict in accordance with other policies within this Plan and national Green Belt policy.

POLICY P&D 3

41. This policy seeks to ensure that new development does not have an adverse impact on Green Belt, CAONB or historic assets. As such, it contributes towards the environmental role of sustainable development.
42. In the interest of clarity, I recommend modification to Policy P&D 3 to refer to 'development proposals' and impact on the 'openness' of the Green Belt. Subject to these modifications, Policy P&D 3 meets the Basic Conditions.

43. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy P&D 3 to read as follows:**
44. **The Neighbourhood Plan will support development proposals for buildings, conversions and additions of a size, design and height which does not have an adverse impact on the openness of the Green Belt, Cotswold Area of Outstanding Natural Beauty or the historical assets of the Parish.**

POLICY P&D 4

45. A joint Clarification Note was produced by B&NES and Englishcombe Parish Council in February 2016 and published on the websites of both parties on 2 March 2016. With regard to Policy P&D 4, it states that this *is not a land use issue and therefore will be deleted as a Policy and will be included as a parish aspiration.*
46. I agree with the clarification statement. This is not a land use or development policy. In the interest of clarity, to meet the Basic Conditions, I recommend the deletion of Policy P&D 4.
47. I am happy for the content of Policy P&D 4 to become an aspiration, as outlined in the joint Clarification Note. This has no bearing on whether the Plan meets the Basic Conditions.
48. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy P&D 4.**

POLICY P&D 5

49. Paragraph 125 in the NPPF states: *By encouraging good design, planning policies and decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.*
50. I note that in this rural area much of the Parish enjoys the benefits of minimal light pollution. Policy P&D 5 seeks to continue to limit light pollution and I consider it has regard to national policy in this respect. However, I have concern regarding the requirement for the provision of dark corridors for bats in all new development. 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. In the interest of clarity, I recommend modification to Policy P&D 5 to require dark corridors 'where possible'.
51. **Recommendation: to meet the Basic Conditions, I recommend modification to the last sentence in Policy P&D 5 to read as follows:**

In addition, dark corridors for bats and light sensitive species should be incorporated into all new development or redevelopments within the Parish where possible.

Rural Environment Policies

POLICY RE 1

52. The joint Clarification Note states: *For information, since the preparation of the neighbourhood Plan and Pre submission consultation and publicity the Permitted Development Rights, Part Q has changed and as a result Policy RE1 of the Draft Neighbourhood Plan is not in accordance with the revised Permitted Development Rights and therefore should be deleted.*
53. I agree that Policy RE 1 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. To meet the Basic Conditions, I recommend the deletion of Policy RE 1.
54. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy RE 1.**

POLICY RE 2

55. It is clear from the background evidence that the existing ancient hedgerows play an integral role in defining the character and appearance of the area and I note that a local survey, (*The Historic Landscape Survey of the Manor of Englishcombe*), recommended the conservation of a significant number of the hedgerows in the Parish.
56. Policy RE 2 seeks to protect existing ancient hedgerows and supports the provision of additional hedging. As such, I consider it contributes towards one of the core principles in the NPPF regarding conserving and enhancing the natural environment and contributes towards the environmental role of sustainable development. Policy RE 2 meets the Basic Conditions.

POLICY RE 3

57. For the same reasons to those expressed under Policy RE 3 the need to retain native trees outlined in Policy RE 3 meets the Basic Conditions. In the interest of clarity, the second part of this policy should be modified to ensure that only development proposals on sites with existing trees will be required to provide a tree survey.
58. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy RE 3 to read as follows:**

All development proposals should seek to retain and protect all native trees on site or on the boundary of the site.

All development proposals for sites with existing trees, or with trees on the boundary, should be accompanied by a tree survey that establishes the health and longevity of these trees.

POLICY RE 4

59. Policy RE 4 supports the conversion of derelict agricultural land to recreational use. Green Belt policy in the NPPF lists development that is not considered as inappropriate in the Green Belt. This list includes: *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.* Policy RE 4 does not have regard to this national policy.
60. Recreational use has a broad definition and can include the intensive use of land that would not be compatible with the tranquil character of the area. As I write this, I have in mind the noise and disturbance created from off road driving experience sites. In addition, recreation use includes a variety of sports, which may require associated buildings.
61. I am concerned that the 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.
62. Whilst it may have been the intention to include a policy to allow some form of outdoor informal recreational use that is compatible with the tranquil rural environment, Policy RE 4 would allow many other recreational uses. It is difficult to see how the policy could be modified to meet the Basic Conditions. Therefore, I recommend the deletion of Policy RE 4.
63. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy RE 4.**

Village Environment Policies

POLICY VE 1

64. Core Strategy paragraph 5.25 states: *In villages washed over by the Green Belt with a housing development boundary as defined on the Policies Map proposals for residential and employment development will be determined in accordance with national policy set out in the NPPF.*
65. Policy VE 1 requires any development to be located within the defined Housing Development Boundary. As previously mentioned, the definition of

development in planning policy encompasses a wide range, including change of use. Development is not considered inappropriate in the Green Belt, both inside and outside of a Housing Development Boundary, if it is in accordance with Section 9 in the NPPF regarding protection of the Green Belt. In particular, I refer to paragraphs 89 and 90 which identify development considered not inappropriate in the Green Belt. Policy VE 1 does not have regard to this national Green Belt Policy. Thus, to meet the Basic Conditions, I recommend the deletion of Policy VE 1.

66. The Map on page 17 identifying the Housing Development Boundary also identifies an area designated as a proposed Green Space. 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. The map is duplicated in Appendix 14. For the same reasons, that map should be similarly modified.
67. **Recommendation: to meet the Basic Conditions, I recommend the deletion of Policy VE 1. I recommend that the proposed Green Space designation is deleted from the maps on page 17 and in Appendix 14.**

POLICY VE 2

68. Policy VE 2 seeks to ensure that new site boundaries are in keeping with the locality. In this context, this policy contributes towards the environmental role of sustainable development.
69. The definition of development encompasses a whole manner of large and small development and some may not include new site boundaries, for example the extension to existing buildings. In the interest of clarity, I recommend modification to Policy VE 2 to explain that this policy only applies where new site boundaries are formed as part of the development.
70. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy VE 2 to read as follows:**

Where new site boundaries are proposed, the Neighbourhood Plan will support development proposals where the site boundaries of each individual development consist of either native species hedging and/or local stone.

Climate Change Policies

71. A core principle in the NPPF is to: *support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy).*

72. 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.
73. I do not consider Policies CC 1 or CC 3 refer to additional technical standards or requirements. However, they clearly refer to supporting the use of sustainable building materials and supporting energy efficiency. In the interest of clarity and precision, I recommend the addition of a paragraph in section 4.5, acknowledging the Ministerial Statement and stating that these policies accord with that statement. I have suggested such a paragraph which would meet the Basic Conditions.
74. **Recommendation: To meet the Basic Conditions, I recommend modification to Section 4.5 by the addition of the following:**
- 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.**

POLICY CC 1

75. Core Strategy Policy CP2 states that sustainable design and construction will be integral to new development.
76. Policy CC 1 supports the use of sustainable and natural building materials. This has regard to national policy and is in general conformity with strategic policy in Core Strategy Policy CP2. In the interest of clarity, I recommend modification to Policy CC 1 to refer to 'development proposals'. Subject to this modification, Policy CC 1 meets the Basic Conditions.
77. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CC 1 to read as follows:**
- Recycled materials. The Neighbourhood Plan will support development proposals that seeks to incorporate sustainable and natural building materials.**

POLICY CC 2

78. Core Strategy Policy CP3 lists criteria against which the location of renewable energy infrastructure is to be assessed. In the interest of clarity, I recommend cross reference to this policy in criterion (ii) in Policy CC 2 as it is not clear from that criterion what is meant by 'appropriate sites' and deletion of the vague requirement for such a site to be 'appropriate'. In the interest of clarity, I recommend modification to Policy CC 2 to refer to

‘development proposals’. Subject to these modifications, Policy CC 2 meets the Basic Conditions, particularly where it has regard to the core principle outlined above.

79. Policy CC 2 incorporates the need to avoid impacts to SAC bats as specified as a requirement in the HRA screening opinion.

80. The word ‘policies’ has been misspelt in Policy CC 2.

81. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CC 2 to read as follows:**

Renewable energy. (i) The Neighbourhood Plan will support development proposals that seek 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 development proposals for renewable energy generation structures where sites are in accordance with Core Strategy Policy CP3 and in accordance with other policies in this Plan.

(iii) The Neighbourhood Plan will support development proposals for 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.

POLICY CC 3

82. Core Strategy Policy CP2 seeks to maximise energy efficiency.

83. Policy CC 3 supports energy efficient development. This has regard to national policy and is in general conformity with strategic policy in Core Strategy Policy CP2. In the interest of clarity, I recommend modification to Policy CC 3 to refer to ‘development proposals’. Subject to this modification, Policy CC 3 meets the Basic Conditions.

84. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy CC 3 to read as follows:**

Energy Efficiency. The Neighbourhood Plan would support development proposals that seek to maximise energy efficiency on site.

Facilities, Services and Amenities Policy

POLICY FSA 1

85. Policy FSA 1 supports the provision of a Parish facility within the village of Englishcombe. This contributes towards the social role of sustainable development.
86. It is not clear what constitutes an appropriate parish facility in Policy FSA 1. I note that a pre-submission version of this policy included that a parish facility must be in accordance with other policies in the Plan. In the interest of clarity, I recommend the re-instatement of that requirement into Policy FSA 1, and deletion of the vague requirement for such a facility to be 'appropriate'. In the interest of clarity, I recommend modification to Policy FSA 1 to refer to 'development proposals.' Subject to these modifications, Policy FSA 1 meets the Basic Conditions.
87. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy FSA 1 to read as follows:**

The Neighbourhood Plan will support a proposal for the development of a Parish facility in Englishcombe Village to meet the social, recreational and cultural needs of the community, where it is in accordance with other policies within this plan.

Transport and Movement Policy

POLICY T&M 1

88. It is clear from the background evidence that whilst parking is not a major problem, there is potential that further on street parking on the narrow roads could adversely impact on highway and pedestrian safety. As such, Policy T&M 1 seeks adequate off road parking for new development. This Policy addresses the need for off-street parking in the particular circumstances of the Parish. The provision of adequate off road parking has regard to policy in paragraph 35 in the NPPF where it seeks to ensure that development is located to *create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter.*
89. In the interest of clarity, I recommend modification to Policy T&M 1 to refer to 'development proposals'. Subject to this modification, Policy T&M 1 meets the Basic Conditions.
90. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy T&M 1 to read as follows:**

The Neighbourhood Plan will support proposals for development if adequate off road parking is included within the area of the development, and is in accordance with other policies in this plan.

Telecommunications Policy

POLICY TC 1

91. Paragraph 42 in the NPPF states: *Advanced, high quality communications infrastructure is essential for sustainable economic growth. The development of high speed broadband technology and other communications networks also plays a vital role in enhancing the provision of local community facilities and services.*
92. It is clear from the background evidence to the Plan that a fast broadband service is important to many people living and working in the Parish. Policy TC 1 seeks the provision of good internet connectivity. Such an intention is compatible with NPPF policy to support high quality communications infrastructure. However, Policy TC 1 specifically stipulates that developers are required to show how a connection speed of 100Mbps will be achieved. Whilst this connection speed is a laudable aim, a developer cannot be held to this requirement as connection speeds are dictated by the internet provider.
93. Paragraph 173 in the NPPF states: *Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.*
94. Policy TC 1 places such a burden on developers that it would make most small scale development envisaged in the Parish unviable. This would not have regard to national policy in Paragraph 173 in the NPPF. To meet the Basic Conditions, I recommend modification to Policy TC 1 to require all new dwellings and employment buildings to incorporate ducting capable of accepting fibre to enable Ultrafast Broadband. This would ensure that the viability of such developments is not threatened by the requirements of Policy TC 1. Subject to this modification, Policy TC 1 would meet the Basic conditions and would go as far as is possible in a neighbourhood plan policy to achieving the community's aspiration for connection speeds of 100Mbps.
95. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy TC 1 to read as follows:**

To support sustainable economic growth, and enhance the provision of local community facilities and services, all new dwellings and employment buildings should incorporate ducting capable of accepting fibre to enable Ultrafast Broadband.

Appendices

96. The Plan includes a number of appendices. I have noted an editing error in footnotes 5 and 13 in Appendix 1, where they cross refer to the wrong appendices.
97. 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. In the interest of clarity, I recommend modification to the Objectives section of the Parish Design Statement, to clarify this matter.
98. The Planning Practice Guidance advises: *The approach to pre-application engagement needs to be tailored to the nature of the proposed development and the issues to be addressed.*
99. The Parish Design Statement requires that: *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. This should be done through the Parish Council who should ensure comprehensive local engagement.*
100. I consider it an onerous requirement for developers of all types of development to be required to engage through the Parish Council. This does not have regard to the tailored approach in The Planning Practice Guidance. To meet the Basic Conditions, I recommend modification to the last paragraph in Appendix 3 by deleting: *This should be done through the Parish Council who should ensure comprehensive local engagement.*
101. **Recommendation: to meet the Basic Conditions, I recommend modification to the Englishcombe Parish Design Statement as follows:**

The first paragraph:

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. 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. 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.

The last paragraph:

Local Concerns: 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. 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.

Referendum and the Englishcombe Neighbourhood Plan Area

102. 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.
103. **I am pleased to recommend that the Englishcombe Neighbourhood Plan 2014 – 2034, as modified by my recommendations, should proceed to Referendum.**
104. I am required to consider whether or not the Referendum Area should extend beyond the Englishcombe Neighbourhood Plan Area. I see no reason to alter or extend the Neighbourhood Plan Area for the purpose of holding a referendum.

Janet Cheesley

Date 3 May 2016

Appendix 1 Background Documents

The background documents include

The National Planning Policy Framework (The Framework) (2012)
The Planning and Compulsory Purchase Act (2004)
The Localism Act (2011)
The Neighbourhood Planning Regulations (2012)
The Neighbourhood Planning (General) (Amendment) Regulations (2015)
The Planning Practice Guidance (2014)
B&NES Comments on the Englishcombe Neighbourhood Plan December 2015)
Regulation 16 Representations
Englishcombe Neighbourhood Plan Validation Notice (11 February 2016)
Englishcombe Clarification Note (11th February 2016)
Strategic Environmental Assessment- Screening Determination for the Englishcombe Neighbourhood Plan (May 2015)
Draft Englishcombe Neighbourhood Plan HRA Screening (2015)
Englishcombe Parish Council's Consultation Statement (January 2016)
Englishcombe Neighbourhood Plan Evidence Base List
Englishcombe Sustainability Appraisal
Englishcombe Neighbourhood Plan Basic Conditions Statement
Neighbourhood Plan Area Designation (15 March 2013)
Englishcombe Planning Policy Booklet for Consultation (2015)
Natural England SEA/HRA Screening Response (26 October 2015)