

Appendix S

Examiners Report on the Stowey Sutton Neighbourhood Plan



Stowey Sutton Neighbourhood Plan

Report by Independent Examiner

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CHEC Planning Ltd

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Summary and Conclusion

1. The Stowey Sutton Neighbourhood Plan has a clear community vision, together with clear objectives, strategy and means of delivery.
2. I have found that the Plan has sought to provide for sustainable growth by supporting infill housing within the Housing Development Boundary. I am satisfied that the housing strategy in the Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth. In addition, I have found that the business and employment policies have regard to the national policy commitment to securing economic growth.
3. I have recommended modifications to the Plan. In particular, I have recommended modifications to ensure that the Plan has incorporated all the recommendations in the Habitats Regulations Assessment (HRA).
4. I have recommended modification to Action Policy SSCR02 as I cannot see justification for the policy approach to requiring contributions towards the provision of allotments for community use where the individual garden size of any development of five or more houses is smaller than the footprint of the actual building.
5. Many of my recommendations to modify the Plan are to clarify the policy intention, to ensure that the Plan provides a practical framework for decision making, having regard to this requirement in the National Planning Policy Framework.
6. My recommendations ensure that the Plan meets the Basic Conditions. Subject to my recommendations being accepted, I consider that the Stowey Sutton Neighbourhood Plan will provide a strong practical framework against which decisions on development can be made.

Introduction

7. I was appointed as an independent Examiner for the Stowey Sutton Neighbourhood Plan in April 2015.
8. On 13 December 2013 Bath and North East Somerset Council (B&NES) approved that the Stowey Sutton Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012. The Area covers the whole of the parish of Stowey Sutton.
9. The qualifying body is Stowey Sutton Parish Council. The Plan has been prepared by residents and members of the Stowey Sutton Parish Council working as part of a Neighbourhood Planning Steering Group. The Plan covers the period 2015 to 2029.

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. Subject to the modifications I have recommended in this report, I am content that these requirements have been satisfied.
12. I am obliged to determine whether the plan complies with the Basic Conditions. These are that the Plan is required to:
 - have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contribute to the achievement of sustainable development;
 - be in general conformity with the strategic policies contained in the Development Plan for the area; and
 - not breach, and is otherwise compatible with, EU obligations and human rights requirements.
13. B&NES Council prepared a Strategic Environmental Assessment (SEA) Screening determination for the Stowey Sutton Neighbourhood Plan in September 2014 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, English Heritage confirmed that a SEA was not required.
14. Natural England has confirmed that *'providing the recommendations in the Habitats Regulations Assessment (HRA) screening are followed, the conclusion that no SEA or AA is needed appears reasonable.'*
15. 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.

16. The two European Sites in the vicinity are the Chew Valley Lake Special Protection Area (SPA) and the North Somerset and Mendips Bat Special Area of Conservation (SAC).
17. The HRA made the following recommendations:
- 'the SSNP should include clear reference to the conservation status and designation of Chew Valley Lake SPA and North Somerset and Mendips Bat SAC, and their proximity and relevance to the Plan;*
- the SSNP should include a commitment to protect and enhance the special interests and key features of these European sites (suggested wording: "development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the development plan.");*
- the SSNP should include clarification that any provision for cycling and walking access around the entire lake will only be supported and promoted by the SSNP where the route has been designed in partnership with Natural and England and Bristol Water and where it adopts a sensitive route that will avoid any detrimental impacts of the special interests of the SAC [the Council has confirmed to me that this should be a reference to the SPA as it is not a SAC]; and*
- the SSNP should include a lighting policy to protect bat flight and foraging corridors.'*
18. To satisfy the first recommendation in the HRA, it is necessary to include clear reference to the conservation status and designation of Chew Valley Lake SPA and North Somerset and Mendips Bat SAC, and their proximity and relevance to the Plan. I do not consider that this recommendation has been fully complied with in the Plan. To ensure compliance, I recommend that such a reference is included in the background section of the Plan and includes maps of both the SPA and the SAC.
19. The second recommendation of the HRA is partially covered under Policy SSHP06 and Action Policy SSRT05. To be fully compliant with the second recommendation of the HRA I recommend the inclusion of a commitment to protect and enhance the special interests and key features of the European sites. I suggest the wording in the second HRA recommendation is used and included in the Plan as either a policy or a statement in the text.
20. Whilst it is not for me to re-write the Plan, it may be appropriate to include these references within the existing 'Landscape and Environment' background section.
21. I have made detailed comments under Action Policies SSRT03 and SSRT05 with regard to the third HRA recommendation. In summary, I have recommended modification to Action Policy SSRT05 to specifically include the wording of the third HRA recommendation.

22. I have made detailed comments under Policy SSHP06 with regard to the fourth HRA recommendation. I consider that the fourth recommendation is met in the Lighting Policy SSHP06 with regard to the North Somerset and Mendips Bat SAC.
23. In the light of my comments and subject to my recommended modifications in this regard, I am satisfied that the Plan as modified meets the requirements of the HRA to avoid or mitigate against disturbance to Annex 1 bird species for which the Chew Valley Lake SPA is designated and to avoid or mitigate against the Plan adversely impacting on the bat foraging and flightline features of the SAC.
24. **Recommendation: to meet the Basic Conditions I recommend modification to the Plan by the inclusion of clear reference to the conservation status and designation of Chew Valley Lake SPA and North Somerset and Mendips Bat SAC, and their proximity and relevance to the Plan together with maps of both areas; and**
- the inclusion of a commitment to protect and enhance the special interests and key features of these European sites. I suggest the wording is that of the second recommendation in the HRA which is as follows: "development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the development plan."**
25. 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, subject to modifications outlined above, is compatible with EU obligations and does not breach the European Convention on Human Rights obligations.

Policy Background

26. *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* provides Government guidance on planning policy.
27. Stowey Sutton Parish is within the local authority area of Bath and North East Somerset Council. The development plan for the Stowey Sutton 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). Stowey Sutton is identified as a Policy RA1 village expected to accommodate approximately 50 dwellings over the period 2011 to 2029. Stowey Sutton has exceeded this figure. Strategic policies in the B&NES development plan include policies regarding the Green Belt, the Mendip Hills Area of Outstanding Natural Beauty and strategic housing policies.

The Neighbourhood Plan Preparation

28. 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.
29. The initial consultation process in 2012 included a survey of residents to identify areas of interest and concerns. A further survey was undertaken in 2014.
30. In February 2014 drop-in events were held for local businesses and employers and local landowners. The progress of the Plan was explained in leaflets and the Parish Council's monthly electronic newsletter. A housing needs survey was undertaken in February 2014.
31. The survey responses were considered in the development of the initial draft Plan. Further drop-in sessions were held in May 2014, prior to the production of a second draft Plan. The Consultation period on this pre-submission draft of the Plan ran from 3 November 2014 to 15 December 2014. The Plan was distributed to every household and two public engagement events were held at different times of the day to target different groups of people.
32. 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 well beyond the requirements and it is clear that the qualifying body went to considerable lengths to ensure that local residents were able to engage in the production of the Plan. I congratulate them on their efforts, particularly the care they took to hold events at different times of the day and I am very impressed by the dedication of Steering Group Members who went to extraordinary lengths to make themselves available to visit people in their own homes.
33. B&NES Council publicised the submission Plan for comment during the publicity period between 29 January 2015 and 12 March 2015 in line with Regulation 16 in The Neighbourhood Planning (General) Regulations 2012. Two responses were received in support of the Plan.
34. Whilst I have not made reference to all the responses in my report, I have taken into consideration all responses made at both the Regulation 14 and Regulation 16 consultation stages. I am satisfied that the Plan can be assessed without the need for a public hearing.

The Stowey Sutton Neighbourhood Plan

Background To The Neighbourhood Plan

35. The Plan area covers the whole Parish of Stowey Sutton. The background section includes a history of the area, the consultation process, plan preparation and the Neighbourhood Plan Vision. This vision is for '*Stowey Sutton to continue to thrive as vibrant and distinctive village's, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining their unique and distinctive character, and to provide an outstanding quality of life for current and future generations of residents.*' As such, this section provides a clear community vision, together with clear objectives, strategy and delivery.
36. The Plan identifies a number of aspirations, which are non-land use and development policy matters. These are identified as Action Policies in the relevant topic sections in the Plan. The Plan makes clear that these Action Policies are not intended to be delivered through the planning system. It is not usually necessary for me to determine whether non-planning policies meet the Basic Conditions. Therefore, it has not been necessary for me to comment on most of these Action Policies.
37. 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 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.
38. The Plan does not include a map of the Neighbourhood Plan Area within the main body of the Plan. In the interest of clarity, I recommend the inclusion of such a plan.
39. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the inclusion of a map identifying the Neighbourhood Plan Area.**

Housing and Development

Housing and Development Policy SSHP01 Housing Boundary

Housing and Development Policy SSHP02 Development Scale

Housing and Development Policy SSHP03 Development Character

40. B&NES Council's Core Strategy identifies a strategy for the rural areas to enable housing development of around 50 dwellings at each of the villages that meets the criteria in Policy RA1.
41. Policy SSHP01 in the Neighbourhood Plan extends the existing Housing Development Boundary (HDB) to incorporate two approved housing developments totalling 76 dwellings. This scale of development is significantly above the requirement of around 50 dwellings in Core Strategy Policy RA1.
42. An objection to the pre-consultation draft of the Stowey Sutton Neighbourhood Plan by Planning Consultants IJP, has questioned whether the Neighbourhood Plan can review the HDB.
43. As part of the justification for Policy RA1, the Core Strategy states at paragraph 5.21 that: *'the allocation of sites will be considered in more detail through the Placemaking Plan in conjunction with Parish Councils as the locally elected representatives of their communities. The Housing Development Boundaries shown on the Policies Map (saved from the existing Local Plan) will be reviewed as part of the Placemaking Plan to incorporate the sites identified and /or enable new sites to come forward. Sites identified in adopted Neighbourhood Plans that adjoin the housing development boundary of villages meeting the criteria of Policy RA1 will also be appropriate and these may come forward for inclusion as a part of the Placemaking Plan or subsequent to it.'*
44. In relation to the Placemaking Plan, I note that in the Report on the Examination into the Core Strategy, it was recognised that as a *'number of planning permissions have been granted for housing development in the past year or so that plan may need only to amend the housing boundary to reflect recent commitments.'*
45. The Parish has exceeded its housing requirement as set out in the Core Strategy and has redrawn the HDB to incorporate the new housing development areas. The Plan has to be in *general* conformity with the strategic policies (my emphasis on 'general'). Although the justification for Core Strategy Policy RA1 specifies that HDBs will be reviewed as part of the Placemaking Plan, rather than in a preceding Neighbourhood Plan, under these particular circumstances, I consider the redefinition of the HDB in Policy SSHP01 to be in general conformity with strategic Policy RA1 in the Core Strategy.
46. The Plan proposes infill development within the HDB. The Parish Character Assessment at Appendix E provides a comprehensive assessment of distinct areas. As such, it provides a very useful guide to the scale and design of new development.
47. Consultants IJP have requested the inclusion of land at Stitchings Shord Lane for housing development and have stated that there should have been an assessment of suitable sites for development outside the HDB.

48. Any assessment of land availability in the production of Neighbourhood Plans needs to be proportionate. My role is restricted to determining whether the Plan meets the Basic Conditions. There are no adopted strategic policies upon which to base a more significant growth strategy.
49. National policy emphasises that development means growth. The Neighbourhood Plan has sought to provide for sustainable growth by supporting infill housing within the HDB. I am satisfied that the housing strategy in the Plan will contribute towards the achievement of sustainable development by the provision of sustainable growth.
50. In support of Policy SSHP02, reference is made to an appeal decision regarding a development proposal in the AONB. A planning appeal decision is determined on its individual merits. As such, in the interest of clarity, I do not consider it appropriate to refer to this appeal decision to justify the policy approach in Policy SSHP02.
51. Whilst there is a map in Appendix I identifying the revised HDB, in the interest of clarity, a map showing the revised HDB should be included in the main text of the Plan.
52. For the above reasons, and subject to the two recommended modifications below, I conclude that Policies SSHP01, SSHP02 and SSHP03 meet the Basic Conditions.
53. **Recommendations: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of reference to an appeal decision at the end of the supporting reasoning for Policy SSHP02 and I recommend the inclusion of a map in the Plan to identify the revised Housing Development Boundary.**

Housing and Development Policy SSHP04 Property Size

54. This policy supports infill development which proposes to build one and two bedroom low cost open market houses. The accompanying Housing Survey Results (March-April 2014) concludes that of the 26 homes which stated they need to move in the next five years '2 bedroom houses were the most commonly required (23%) followed by 5 and 4 bedrooms (15% each). A further 11% required 3 bedroom houses. Bungalows were required by 31% of households. 20% of households required either 2 or 3 bedroom homes, with a further 7% requiring 1 bedroom households. Flats were required by 15% of households. An equal proportion of households required 1 or 2 bedroom flats.'
55. The recent planning permissions on two sites at Stitchings Shord Lane and Oak Court, The Batch will provide 76 dwellings in a mix of dwelling types and sizes. I have received confirmation that both of the developments are under construction.

56. The NPPF seeks to deliver a wide choice of high quality homes. Paragraph 50 states that *'local planning authorities should plan for a mix of housing based on current and future demographic trends, market trend and the needs of different groups in the community.'*
57. I am satisfied that there may be a current identified housing need for one and two bedroom properties as identified in Policy SSHP04. However, the Plan has an end date of 2029 and housing needs may alter over the plan period. To have regard to national policy in the NPPF, I recommend modification to the Policy to include reference to support for other types and sizes of dwellings on infill sites, if they reflect identified housing needs.
58. **Recommendation: to meet the Basic Conditions I recommend modification to Policy SSHP04 to read as follows:**
- In accordance with the 2014 housing needs survey the Neighbourhood Plan supports infill development which proposes to build small (1 and 2 bedroom) low cost open market houses. Other types and sizes of dwellings on infill sites will be supported if they reflect identified housing needs.**

Housing and Development Policy SSHP05 Sustainability Impact

59. Planning Policies are clearly defined in the Plan inside a highlighted border. I have taken this policy to include all the criteria requirements in the paragraphs before the reasoned explanation. For clarity, to provide a practical framework for decision making, the criteria requirements listed for Policy SSHP05 should be included within the highlighted box.
60. One of the requirements is for contributions, which may be through Section 106 Agreements. Planning Policy Guidance has been revised (on 28 November 2014) with regard to infrastructure contributions through planning obligations. By way of explanation, the following is an extract from the Planning Practice Guidance (Paragraph: 012 Reference ID: 23b-012-20141128):
- 'There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.*
- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm.*
- In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted*

until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty.

Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.'

61. B&NES Council has confirmed that the order setting out the designated rural areas in the South West including for the Parish of Stowey Sutton is in the Housing (Right to Acquire or Enfranchise) (Designated Rural Areas in the South West) Order 1997 (SI.621) following Section 17 of the Housing Act 1996, not the Housing Act 1985. At the time of my examination, B&NES Council was seeking clarification on this matter. As there are no housing allocations in the plan, or specific policies concerning the amount of developer contributions, this is not a reason to hold up the examination of the Plan.
62. Due to the small scale nature of likely development, contributions via Section 106 agreements may not be forthcoming. Nevertheless, to have regard to the Planning Practice Guidance thresholds, I recommend Policy SSHP05 is modified to include reference to contributions via a Section 106 Agreement 'where possible'.
63. I note that B&NES Council's Community Infrastructure Levy (CIL) charging schedule came into effect on 6 April 2015. The Planning Practice Guidance states that '*CIL is intended to focus on the provision of new infrastructure and should not be used to remedy pre-existing deficiencies in infrastructure provision unless those deficiencies will be made more severe by new development.*'
64. The first, second and third paragraphs in the reason for Policy SSHP05 refer to deficiencies arising from the recent developments. To have regard to national guidance, I recommend the deletion of these paragraphs.
65. **Recommendations: in the interest of clarity, to meet the Basic Conditions, I recommend modification to Policy SSHP05 and the accompanying reason as follows:**

include the requirements listed for Policy SSHP05 within the highlighted 'policy box';

insert 'where possible' after 'via a Section 106 Agreement' in Policy SSHP05; and

delete the first, second and third paragraphs in the reason for Policy SSHP05.

Housing and Development Policy SSHP06 Lighting

66. The fourth recommendation in the HRA is to include a lighting policy to protect potential bat flights and foraging corridors. Policy SSHP06 seeks to ensure that any lighting scheme does not impact negatively near woodland edges or near hedgerows used by bats for foraging. I consider this policy satisfies the HRA requirement in this respect.
67. The second recommendation in the HRA is that the Plan should include 'a commitment to protect and enhance the special interests and key features of the European site of the North Somerset and Mendips Bats SAC. The supporting reason for Policy SSHP06 recognises this commitment. I consider this commitment satisfies the HRA requirement in this respect to some extent and I refer to my comments regarding the HRA in the Legislative Background Section above.

Business and Employment

Business and Employment Policy SSBE01 Business Conservation and Preservation

68. This Policy seeks to maintain local employment opportunities. This policy is in accordance with national policy with regard to seeking to build a strong responsive and competitive economy. As such, this policy meets the Basic Conditions.

Business and Employment Policy SSBE002 Business Type

69. This policy seeks to encourage the provision of new and expanding businesses. In this respect, this policy has regard to the national policy commitment to securing economic growth. However, it is difficult to see how the requirement for such proposals 'to meet the needs of existing and future local businesses' would work in practice. This requirement restricts healthy competition and there is no robust evaluation mechanism in the Plan. This detailed requirement does not provide a practical framework for decision making and thus does not have regard to the NPPF in this respect.
70. **Recommendation: to meet the Basic Conditions, I recommend modification to Policy SSBE002 by the deletion of 'such development should meet the needs of existing and future local businesses.'**

Business and Employment Policy SSBE03 Employee Parking

71. The NPPF promotes sustainable transport, recognising 'that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'
72. The Plan recognises that private cars are needed to access commercial development, due to the lack of rural public transport. Policy SSBE03 seeks

to ensure that adequate parking is provided for new businesses. I consider this approach has regard to national policies for sustainable transport and securing economic growth. As such, it meets the Basic Conditions.

73. Reference is made on pages 29 and 30 to PPG13. This is former national guidance in *Planning Policy Guidance Note 13: Transport*, which has been superseded by the NPPF. For clarity, these references should be deleted.
74. **Recommendation: in the interest of clarity, to meet the Basic Conditions, I recommend the deletion of references to PPG13 from pages 29 and 30.**

Business and Employment Policy SSBE04 Homeworking

75. This Policy recognises the importance of home working. Whilst home working does not usually require planning permission, this policy specifically refers to *'building alterations that support home working.'* Where planning permission is required for development that enables home working, I am satisfied that this policy has regard to the NPPF with respect to supporting a prosperous rural economy.

Transport and Communications

76. This section of the Plan contains Action Policies to improve the availability of public transport and supports the provision of additional parking spaces to improve access to retail facilities, the provision of safe crossing facilities, improvements to existing footpaths, provision of more extensive footpaths and the provision of safe and accessible walking and cycling facilities for leisure purposes.
77. Action Policies SSRT03 and SSRT05 include reference to a safe cycle and footpath route that provides improved access to Chew Valley Lake. Policy SSRT05 recognises that such improved access should avoid any detrimental impacts on the special nature of the designated SPA. Whilst these are Action Policies, it is appropriate for me to make comment as they have a direct impact on the HRA.
78. The third recommendation in the HRA is that *'the SSNP should include clarification that any provision for cycling and walking access around the entire lake will only be supported and promoted by the SSNP where the route has been designed in partnership with Natural England and Bristol Water and where it adopts a sensitive route that will avoid any detrimental impacts of the special interests of the SAC.'*
79. I have sought clarification from B&NES Council, which has confirmed that this third recommendation should refer to the SPA, as Chew Valley Lake it is not a SAC. Therefore, in the interest of precision, this reference needs to be corrected in Action Policy SSRT05. In addition, to ensure that the recommendations of the HRA are met, I recommend modification to Action

Policy SSRT05 in accordance with the third recommendation in the HRA. This will ensure that the Basic Conditions are met in this respect.

80. **Recommendation: modification to Action Policy SSRT05 to read as follows:**

The Neighbourhood Plan supports provision of safe and accessible walking and cycling facilities for leisure purposes. For example the leisure opportunities already available at Chew Valley Lake need to be optimised by the provision of a safe cycle and footpath route that provides improved access to the lake. Any provision for cycling and walking access around the entire lake will only be supported and promoted where the route has been designed in partnership with Natural England and Bristol Water and where it adopts a sensitive route that will avoid any detrimental impacts of the special interests of the designated Special Protection Area. Reference Policy SSRT03.

Community and Recreation

81. This section includes an Action Policy for promoting greater use of the recreation ground and Action Policy SSCR02 regarding the provision of allotments.
82. The Basic Conditions Statement states that the Action Policies '*are not intended to be delivered through the planning system but through other funding streams.*'
83. Action Policy SSCR02 requires specific contributions towards the provision of allotments for community use '*where the individual garden size of any development of five or more houses is smaller than the footprint of the actual building, excluding any hard surfaced parking.*'
84. In a plan where housing development is limited to infill within the amended HDB, I see little opportunity for there to be such developments. Even so, as it is written, this is a 'Planning Policy', rather than an 'Action Policy', as it relates to specific contributions required from the development of land. I have made reference to developer contributions under Policy SSHP05.
85. The background document in Appendix Q states that only 21% of respondents to the General Survey said they would use an allotment. Action Policy SSHP05 appears to be based on the premise in Appendix Q that as recent and current developments have much smaller gardens it is likely that a significant number of residents in these properties would make use of an allotment. I do not consider there to be robust and justifiable evidence to support this assertion.
86. Although it is stated in the Plan on page 40 that there is '*significant demand for allotments within the parish*', I have no robust evidence base to justify the requirement of this policy. Therefore, I recommend modification to the

paragraph at the end of page 39 and top of page 40 to state that there 'may be' demand for allotments within the parish.

87. The Planning Practice Guidance states that the relevant tests for seeking developer contributions are that the contributions are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.
88. The reason stated in the Plan for Action Policy SSCR02 is '*to encourage recreational activities and provide a healthy and sustainable food supply, together with developing a better understanding of the food chain in younger residents.*' Whilst this is a laudable aim, in my opinion, to require such contributions from an arbitrary size of development does not meet the relevant tests for seeking developer contributions as set out in the Planning Practice Guidance.
89. To retain an Action Policy in the Plan regarding the provision of allotments, I recommend the deletion of reference to contributions from developments of five or more houses and recommend modification to Action Policy SSCR02 to state that allotments will be supported where there is an identified need.
90. **Recommendations: to meet the Basic Conditions, I recommend:**
modification to the paragraph at the end of page 39/top of page 40 to read as follows:
More recent housing development in the parish has small gardens with insufficient space for growing fruit and vegetables such that there may be demand for allotments within the parish.
modification to Action Policy SSCR02 to read as follows:
The Neighbourhood Plan will support the provision of allotments for community use where there is an identified need. To be promoted using funding from CIL and grants where available.

Appendices

91. The Plan includes a number of appendices which provide a detailed evidence base in background supporting documents. This has provided a useful and easily accessible source of background information.
92. Appendix O is Stowey Sutton Parish Council's development policies regarding residential planning policy and commercial planning policy. The relationship between these policies and those in the Plan is not explained. Whilst these policies in Appendix O are in an appendix to the Plan, I have not examined these policies and do not consider them to be part of the planning policies in the Neighbourhood Plan.

Referendum and the Stowey Sutton Neighbourhood Plan Area

93. 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.
94. **I am pleased to recommend that the Stowey Sutton Neighbourhood Plan as modified by my recommendations should proceed to Referendum.**
95. I am required to consider whether or not the Referendum Area should extend beyond the Stowey Sutton 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 13 May 2015

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 Planning Practice Guidance (2014)
- Saved policies in the B&NES Local Plan 2007
- B&NES Core Strategy Part 1 of the Local Plan (adopted July 2014)
- Regulation 14 Representations
- Regulation 16 Representations
- Supporting Documentation:
 - Consultation Statement
 - Basic Conditions Statement
 - Stowey Sutton Habitats Regulations Assessment Screening Determination
 - Stowey Sutton Strategic Environmental Assessment Screening Determination
- Appendices to the Stowey Sutton Neighbourhood Plan
- Comments made by B&NES on the Draft Neighbourhood Plan
- Housing Survey Results March-April 2014