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# **Report on Bourton – Dorset Neighbourhood Plan 2016- 2031**

**An Examination undertaken for North Dorset District Council with the support of Bourton Parish Council on the November 2016 submission version of the Plan.**

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## **Main Findings** - Executive Summary

From my examination of the Bourton - Dorset Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Bourton Parish Council;
- The Plan has been prepared for an area properly designated – the parish of Bourton as shown on Map 1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2016 - 2031; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

## **1. Introduction and Background**

### *Bourton – Dorset Neighbourhood Plan 2016- 2031*

- 1.1 The parish of Bourton (the Parish) lies at the northern edge of Dorset and is bounded to the north east by the county of Wiltshire and to the north west by the county of Somerset. Although the parish is bisected by the dual carriageway of the busy A303, it is primarily rural in character consisting of a farmed, pastoral landscape rising from the Blackmore Vale to the south towards the Limestone Ridges which occupy the northern part of the Parish.
- 1.2 The main settlements in the Parish are the village of Bourton which is situated to the north of the A303, just below the ridgeline, and the hamlet of West Bourton to the south of the A303. The headwaters of the River Stour run through Bourton providing the source of power for a number of industries previously located in the village. The village is now principally residential in character.

### *The Independent Examiner*

- 1.3 As the Bourton – Dorset Neighbourhood Plan (the Plan) has now reached the examination stage, I have been appointed as its examiner by North Dorset District Council (the Council), with the agreement of Bourton Parish Council (the Parish Council).
- 1.4 I am a chartered town planner and former government Planning Inspector, with considerable experience in examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

### *The Scope of the Examination*

- 1.5 As the independent examiner I am required to produce this report and recommend either:
- (a) that the Plan is submitted to a referendum without changes; or
  - (b) that modifications are made and that the modified Plan is submitted to a referendum; or
  - (c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.
- 1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:
- Whether the Plan meets the Basic Conditions;
  - Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
    - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the Local Planning Authority;
    - it sets out policies in relation to the development and use of land;
    - it specifies the period during which it has effect;
    - it does not include provisions and policies for 'excluded development';
    - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;

- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended)('the 2012 Regulations').

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.8 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- 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 of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the *North Dorset Local Plan Part 1 2011 – 2031 (adopted 2016)* (the Local Plan) and the saved and retained policies of *the North Dorset District Wide Local Plan (1<sup>st</sup> Revision)*

to 2011 (adopted 2003). The first of these plans will be referred to in this report as the Local Plan and the second as the 2003 Local Plan. The Council considers Policies 1 – 21 of the Local Plan and Policy 1.7 of the 2003 Local Plan are strategic for the purposes of this examination.

- 2.2 The Council is in the early stages of preparing the *North Dorset Local Plan Review* (the emerging Local Plan). This plan will, amongst other things, be reviewing: the level of housing growth considered appropriate in villages such as Bourton; the settlement boundaries of larger villages including Bourton; and the possibility of allocating housing sites in villages such as Bourton. The Plan is not required to be in conformity with the emerging Local Plan but the aim is that the two should be complementary and conflicts between them minimised. Having regard for these factors and the advice in the Planning Practice Guidance (PPG) and the National Planning Policy Framework<sup>1</sup> (the Framework), I have taken the emerging Local Plan into consideration in this examination.
- 2.3 Although it is not part of the development plan, it is relevant to note that the *Bourton -Dorset Village Design Statement* has been adopted by the Council as a Supplementary Planning Document. This Village Design Statement is referred to in the Plan
- 2.4 The planning policy for England is set out principally in the Framework. The PPG offers guidance on how this policy should be implemented.

#### *Submitted Documents*

- 2.5 I have considered all policy, guidance and other reference documents I take to be relevant to the examination, including those submitted which comprise:
- the Submission Draft of the Plan draft dated 3<sup>rd</sup> November 2016;
  - Map 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, 15<sup>th</sup> November 2016;
  - the Basic Conditions Statement, November 2016;
  - all the representations that have been made in accordance with the Regulation 16 consultation, including a late representation;
  - the Strategic Environmental Assessment (SEA) and Habitat Regulations (HRA) Screening Report, February 2014, prepared on behalf of the Parish Council;
  - the Bourton Neighbourhood Plan: SEA, May 2016, prepared on behalf of the Parish Council;
  - the responses by the Council and the Parish Council to questions set out in my letters of 6<sup>th</sup> June 2017<sup>2</sup>.

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<sup>1</sup> PPG Reference ID 41-009-20160211 and Framework paragraph 184.

<sup>2</sup> The correspondence can be viewed under the heading 'Examination of the Submitted Plan' at: <https://www.dorsetforyou.gov.uk/article/424844/Proposed-Bourton-Neighbourhood-Plan>

### *Site Visit*

- 2.6 I made an unaccompanied site visit to the Neighbourhood Plan Area on 25 July 2017 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and in evidence.

### *Written Representations with or without Public Hearing*

- 2.7 One respondent expressed the view that a hearing was necessary. I do not agree. I am satisfied that objections to the Plan have been clearly articulated as have arguments for and against its suitability to proceed to a referendum. Consequently, I do not consider that a public hearing is necessary. This examination has, therefore, been dealt with by written representations.

### *Modifications*

- 2.8 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The Plan has been prepared and submitted for examination by the Neighbourhood Planning Group (NPG) acting on behalf of the Parish Council, which is a qualifying body. The parish of Bourton was designated as the Neighbourhood Plan Area by resolution of the Council on 10 December 2012 – see Map 1 of the Plan.
- 3.2 It is the only neighbourhood plan for the parish and does not relate to land outside the designated neighbourhood area.

### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2016 to 2031.

### *Neighbourhood Plan Preparation and Consultation<sup>3</sup>*

- 3.4 A number of methods were used to obtain the information and local opinion on which the Plan would be based and to involve local people in and inform them of its preparation. Seven public meetings were held between 2012 and 2015; two questionnaires were delivered to and collected from households in the parish, each of which attracted a high response rate; interviews were held with nine local businesses, fifteen local landowners, the local school, the local church and the local surgery; and five Focus Groups involving local volunteers considered various matters being addressed in the Plan.
- 3.5 A consultation exercise was carried out under the terms of Regulation 14 of the 2012 Regulations between May and July 2016. The responses to this consultation exercise were considered and, where it was considered appropriate, modifications were incorporated into the Submission Version of the Plan. The requirements of Regulation 14 have, therefore, been met.
- 3.6 The Submission Version of the Plan was the subject of a further round of consultation carried out under Regulation 16 of the 2012 Regulations which took place in February and April 2017 and gave rise to comments on planning matters from 12 respondents, all of which I have taken into account in preparing this report.
- 3.7 The NPG has borne the brunt of the work involved in preparing the plan. One respondent felt that this group had the outward appearance of a closed shop and that it lacked transparency and openness in its proceedings. It is true that the chairman of the NPG, who was elected by the Parish Council, was responsible for the selection of its members but I see nothing objectionable in this in principle. Members of the local community who were not selected for the NPG were not precluded from taking part in the plan making process as, apparently, a number of volunteers chose to do. It was also open to members of the public to make their feelings known through the various meetings, questionnaires and consultation exercises referred to above.
- 3.8 The NPG did not hold its meetings in public but its meetings were minuted and reported on a monthly basis to the Parish Council. These reports were recorded in the Parish Council minutes, which were made available on notice boards and on the village web site.
- 3.9 It is unfortunate that at least one member of the local community felt excluded from the plan making process and I acknowledge that there will always be difference of opinion on planning matters within a local

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<sup>3</sup> It is claimed that a member of the Neighbourhood Planning Group did not disclose pecuniary interest in the process by which Village Hall sites were selected. However, it is not within the remit of a neighbourhood plan examination to address these allegations. Such allegations should be addressed through the complaints procedure of the Parish and District Councils.

community. However, I am satisfied that the proceedings of the NPG were reasonably transparent and open and there was no deliberate attempt on its part to preclude, stifle or ignore the opinions of sections of the local community.

- 3.10 Having had due regard to the advice on plan preparation in the PPG, I am satisfied that the Plan has been publicised in a manner likely to bring it to the attention of people who live, work or carry on business in the neighbourhood area and that the Plan has met its legal requirements in this respect.

#### *Development and Use of Land*

- 3.11 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

#### *Excluded Development*

- 3.12 The Plan does not include provisions and policies for 'excluded development'.

#### *Human Rights*

- 3.13 The Council is satisfied that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.

## **4. Compliance with the Basic Conditions**

#### *EU Obligations*

- 4.1 *The Bourton Neighbourhood Plan Strategic Environmental Assessment (SEA) Screening Report and Habitat Regulations Assessment (HRA) Screening Report (2014)* came to two conclusions. The first of these was that the Plan need not be subject to a HRA. From my own independent assessment, I agree with this conclusion as the Plan will not have an adverse effect, either on its own or in combination with other plans, on the integrity of internationally designated sites.
- 4.2 The second conclusion was that an SEA was required because the Plan envisaged allocating a site for a new village hall and small scale residential development. Consequently, the *Bourton Neighbourhood Plan: Strategic Environmental Report (2016)* was prepared. This concluded that the Plan would be likely to have significant positive effects on the setting of the historic environment, on the rural character of the village, on the quality of community life and on the protection and enhancement of green spaces.

- 4.3 While these conclusions relate to the Pre-Submission Draft of the Plan I am satisfied that they also apply to the Submission Draft of the Plan that is before me as the difference between the two versions of the Plan are relatively minor.

#### Main Issues

- 4.4. Having considered whether the Plan complies with various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.8 of this report), particularly the regard it pays to national policy and guidance, the contribution it makes to sustainable development and whether it is in general conformity with strategic development plan policies.
- 4.5 Having regard to the Plan, the consultation responses and other evidence, and the site visit, I consider that there are four main issues relating to the Basic Conditions for this examination. These are:
1. Whether or not the Plan makes sufficient provision for housing, having regard to national policy and guidance, the contribution to sustainable development and general conformity with the adopted development plan?
  2. Whether or not Policies 1, 9 and 10 of the Plan take an overly restrictive approach to development contrary to national policy and to the achievement of sustainable development?
  3. Whether or not the proposal for a new village hall contained in Policy 5 of the Plan is viable and is based on a rigorous assessment of alternative sites which accords with the achievement of sustainable development?
  4. Whether or not the remaining policies in the Plan meet the Basic Conditions?

#### *Issue 1: Housing*

- 4.6 Paragraph 47 of the Framework makes clear the national policy of boosting significantly the supply of housing. Policy 6 of the Local Plan and its supporting text establishes that at least 825 dwellings should be built in Stalbridge, the eighteen larger villages (of which Bourton is one) and the countryside. The Plan sets itself the aim of making '*...provision for people who currently find it difficult to secure appropriate accommodation in Bourton...*' and there is an acknowledged need for affordable and low cost housing in the area. However, other than a small amount of housing intended to enable the provision of a new Village Hall, no specific provision is made for new housing in the Plan.
- 4.7 At the time the Plan was drafted, planning permissions existed for 50 dwellings in the plan area. Two of the larger sites included in this total (10 dwellings at Rugby Cottage and 35 dwellings at Bourton Mill, including

6 affordable homes) are now under construction. This is a relatively high level of commitments compared to others of the eighteen villages referred to in Local Plan Policy 6. There is, of course no suggestion in Policy 6 that development should be allocated to this spatial area on a pro rata basis and of course the figure of 825 dwellings referred to in that policy is a minimum figure. While it would be going too far, therefore, to argue that the high level of housing commitments in the village means that it has 'taken its share of development', it does provide support for not making further housing allocations at this time.

- 4.8 The words 'at this time' as used in the previous paragraph are important because, as has already been established in paragraph 2.2 of this report, the emerging Local Plan will be reviewing; the level of housing growth considered appropriate in villages such as Bourton; the settlement boundaries of villages such as Bourton; and the possibility of allocating housing sites in villages such as Bourton. The question of whether it is appropriate to allocate further housing in Bourton will, therefore be considered in the emerging Local Plan. If further housing allocations were to be made in the emerging Local Plan the provisions of that plan would prevail.<sup>4</sup> That being so, there is no necessity for the Plan to contain a detailed assessment of housing need, to consider revising the settlement boundary or to explore the suitability of potential housing sites.
- 4.9 Under these circumstances, and given the evidence of local support for the approach taken to housing provision in the Plan, I am satisfied that the Plan makes an appropriate contribution to sustainable development, it has regard to national policy and advice and it is in general conformity with strategic policies in the Local Plan. In this respect, therefore, the Plan meets the Basic Conditions.

### *Issue 2: Approach to Development*

- 4.10 The Plan contains a number of policies which restrict development. This raises the question of whether or not these are overly restrictive. **Policy 1(a)** states that development shall take place within the existing settlement boundary or on allocated sites. I have set out above my reasons for concluding that as far as housing is concerned, and this typically is the type of development for which there is most pressure in villages such as Bourton, there is no need for the Plan to consider revising and extending the development boundary of the village or allocating further housing sites. This aspect of policy is not, therefore, too restrictive.

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<sup>4</sup> Section 38(5) of the Planning and Compulsory Purchase Act 2004 (as amended) requires, in effect, that in the event of conflict between policies in different plans this should be resolved in favour of the policy in the later plan to be adopted or made.

- 4.11 **Policy 1(b)** states that development should not adversely affect important views of the countryside from the village, or those towards the village, especially those identified as Important Views. Map 2 of the Plan identifies nineteen such views. The Parish Council has confirmed<sup>5</sup> that this policy is not intended to preclude all development within the range of these views but, if taken to the extreme, it could be argued that almost any development that is visible in a view would have an adverse effect on it. The wording of this aspect of the policy would not meet the Basic Conditions in that it would not pay sufficient regard to the Framework at the heart of which is the presumption in favour of sustainable development.<sup>6</sup>
- 4.12 The Parish Council has suggested an alternative form of wording ('that development shall maintain important views') but I consider this would be open to a similarly restrictive interpretation. I consider that to avoid such an interpretation I recommend that **Policy 1(b)** should state that development shall not have a significantly adverse effect on important views. For ease of reference Map 2, which shows the location of important views, should also be referred to in the policy. These amendments are shown in **PM1**.
- 4.13 **Policy 1(c)** refers to the 'Green Fingers' shown on Map 6 of the Plan. It states, correctly, that the Countryside Policy of the Local Plan applies to these areas but it does not specify the number of that policy. In the interests of clarity, it should. More significantly, **Policy 1(c)** makes no reference to **Policy 10** of the Plan which deals specifically with 'Green Fingers'. Again, in the interests of clarity, it should. These changes are set out in **PM2**.
- 4.14 The village of Bourton originally consisted of several hamlets and this is still apparent in the village form today with groups of development interspersed with areas of countryside giving views out of the settlement into the wider rural area. It is these areas which are identified as 'Green Fingers' on Map 6 of the Plan and it is these areas that **Policy 1(c)** and **Policy 10** refer to. These areas of countryside, mingling with built up areas, are a characteristic feature of the village giving it an important element of openness and spaciousness and as such warrant the additional protection afforded by **Policy 10**.
- 4.15 The areas, although relatively large, are intimately related to the village and consequently cannot be treated as strategic designations as they do not relate to anything beyond the immediate environs of Bourton. While **Policy 10** stresses the importance of preserving green spaces between

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<sup>5</sup> Letter dated June 26 2017 available on the Council web site. See footnote 2.

<sup>6</sup> The Framework, paragraph 14.

housing and views of the countryside it does not preclude all development. **Policy 10** is not, therefore, overly restrictive.

- 4.16 **Policy 9** identifies four Local Green Spaces the location of which are shown on Map 6. There is no dispute that each of these sites is within the village and hence in close proximity to the community. Each is demonstrably significant and special to the Local Community, local in character and relatively small, not comprising extensive tracts of land. To that extent they meet the criteria for designating such sites set out in paragraph 77 of the Framework.
- 4.17 However, paragraph 78 goes on to state that local policy for managing development within a Local Green Space should be consistent with the policy for Green Belt. The policy for Green Belt is that inappropriate development should not be approved except in very special circumstances.<sup>7</sup>
- 4.18 **Policy 9** uses somewhat more discursive wording with its references to '*Development which does not enhance and promote the use, attributes and features for which the sites were designated will not be permitted.*' Such wording is less rigorous than the policy in the Framework with its references to well established terms of planning phraseology such as '*inappropriate development*' and '*very special circumstances*'. This looser wording could be interpreted as going beyond Green Belt Policy in the Framework and no reasons or justification for this are given. In that respect **Policy 9** does not have sufficient regard to Green Belt policy in the Framework and should be reworded to reflect more accurately that policy as shown in **PM3**.
- 4.19 If modified in the manner proposed, I am satisfied that **Policies 1, 9 and 10** of the Plan would contribute to the achievement of sustainable development, be in general conformity with the strategic policies of the Local Plan and have regard to national policies and guidance.

### *Issue 3: New Village Hall*

- 4.20 The existing village hall in Bourton has many limitations and there is widespread local support for its replacement. **Policy 5** of the Plan proposes that one of two sites in the village but outside the Settlement Boundary, would be suitable for a new village hall and parking area (approximately 0.3ha), an amenity space (approximately 1.5ha) and housing development (approximately 0.3ha).
- 4.21 These sites were selected following a process which involved the appraisal of fourteen sites. Short lists of four sites and then three sites were

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<sup>7</sup> Paragraph 87 of the Framework.

subjected to more detailed appraisal including, in the case of the three sites, a Landscape Visual Impact Assessment. This process led to the emergence of the two sites identified in the Plan which were considered to be broadly comparable. Consultations revealed a clear local preference for both sites to be included in the Plan, either of which could prove suitable as a village hall site.

- 4.22 It appears to me that a systematic and reasonably rigorous assessment of the merits of these sites has been carried out. As in any such exercise a number of judgements have to be made and there will be those who arrive at different judgements. In this instance it is suggested, on the one hand, that the visual impact of developing the site Jubilee Field has been underestimated while, on the other hand it is suggested that the impact of developing the site at Sandways Farm on the setting of a Grade II listed building has not been accurately represented. There may or may not be merit in these points, but before one or other of these sites is developed planning permission will have to be granted and at that stage the visual impact of any scheme will have to be fully considered as will any effect on the setting of the Listed building.
- 4.23 There is no doubt that the two sites have different merits but I am satisfied that, in the absence of detailed development proposals and taken in the round, there is sufficient evidence to indicate that the two sites are broadly similar in terms of their suitability as a village hall site and that they are superior to alternative sites.
- 4.24 If developed, the village hall scheme would involve an element of housing; the intention being that the proceeds from these would enable the land for the village hall and the amenity space to be transferred to the Parish Council. While I have not seen a detailed financial appraisal of the feasibility of such a scheme, I am told that it has attracted interest from landowners and developers and a now withdrawn planning application (Ref:2/2016/1227/OUT) had been submitted for a village hall and housing on one of the sites. This gives some provisional indication that such a scheme is viable and I am satisfied, therefore, that **Policy 5** strikes an appropriate balance between being realistic and being aspirational as required by paragraph 154 of the Framework.
- 4.25 As to the wording of **Policy 5**, criterion c) of this policy refers to land for the village hall and amenity space being transferred to the Parish Council before planning permission is granted as part of a section 106 or similar agreement. The Council has expressed concern that this requires a process outside the control of the planning system. I do not agree. There is no dispute that planning permission would only be granted if the ownership of the land were to be transferred and such a permission would not be issued until a section 106 or similar agreement to that effect had

been signed. I see no reason why this should not be referred to in the policy.

- 4.26 The Council also raises concern about the reference in criterion f) of **Policy 5** to taking account of the identified wishes of residents. Clearly the 'wishes', or 'preferences' to use an alternative word suggested by the Parish Council, of local residents will be a material consideration in determining any application for a village hall but only insofar as they relate to planning considerations. I, like the Council, consider that this point should be made explicit in the policy as shown in **PM4**.
- 4.27 Subject to the proposed modifications referred to above, I am satisfied that Policy 5 would contribute to the achievement of sustainable development and would have regard to the Framework and the Local Plan insofar as these seek to plan positively for the provision of shared space and community facilities<sup>8</sup> and ensure the retention and improvement of such facilities<sup>9</sup>

#### *Issue 4: Other Policies*

- 4.28 **Policies 1 to 5** of the Plan deal with various aspects of the built environment. Leaving aside **Policy 1**, which has already been dealt with, **Policy 2** seeks to maintain settlement pattern and character. There is nothing objectionable in this as it is generally consistent with the Framework, which advises that policies should set out the quality of development that will be expected<sup>10</sup>. The strategic policies in the Local Plan do not deal with matters of design and amenity specifically for Bourton.
- 4.29 However, **Policy 2** also includes the statement that '*Development proposals will be required to follow the design guidance in the Village Design Statement*'. In effect, this confers the status of development plan policy on the Village Design Statement. The Village Design Statement is a Supplementary Planning Document and, as the Glossary to the Framework makes clear, while Supplementary Planning Documents are capable of being a material consideration in planning decisions they are not part of the development plan. The reference to the Village Design Statement should, therefore, be deleted as shown in **PM5**.
- 4.30 **Policy 3** also seeks to provide good quality design and safeguard amenity and, as referenced in paragraph 4.28 above, such an objective is consistent with the aims of the Framework and the Local Plan. However, criterion e) of this policy states that '*Aerials and satellite dishes shall be*

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<sup>8</sup> The Framework, paragraph 70.

<sup>9</sup> Policy 14 of the Local Plan.

<sup>10</sup> The Framework, paragraph 58.

*placed out of sight or as unobtrusively as possible'*. As the Council points out, such development can, for the most part, be carried out as permitted development. To include this statement in a policy could be misleading and thus lack clarity. It should therefore be deleted from the policy as shown in **PM6** - although there would be no objection to it being inserted into the supporting text if this was considered desirable.

- 4.31 **Policy 4** deals with traffic and parking and seeks to ensure the provision of development that will function well and add to the overall quality of the area, while making adequate provision for parking. In these respects, it is consistent with the relevant aims of the Framework and the Local Plan<sup>11</sup>. In the interest of clarity however, the supporting text to this policy should specify the policy in the Local Plan to which it refers as shown in **PM7**.
- 4.32 **Policy 5** has been dealt with earlier in this report.
- 4.33 **Policies 6, 7 and 8** of the Plan deal respectively with *Biodiversity, Protection of Habitats* and *Mitigating and Adapting to Climate Change*. These policies aim variously to conserve and enhance the natural environment and meet the challenge of climate change. In this respect, they are consistent with the Framework<sup>12</sup> and the Local Plan<sup>13</sup>
- 4.34 **Policies 9 and 10** have been dealt with earlier in this report.
- 4.35 **Policy 11** seeks to protect and enhance footpaths and bridleways and thus has regard to the Framework which has the same aim<sup>14</sup> and is generally consistent with the Local Plan<sup>15</sup> which encourages Neighbourhood Plans to assist in the delivery of key green infrastructure benefits.
- 4.36 **Policy 12** seeks to support proposals for local business. In this it is consistent with the aims of the Framework insofar as this seeks to support a prosperous local economy<sup>16</sup> and with the Local Plan<sup>17</sup> insofar as this supports economic development in the countryside.
- 4.37 Therefore, with the recommended modifications, I consider that the 'Other Policies' would be in general conformity with the strategic statutory policies, would contribute to the achievement of sustainable development

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<sup>11</sup> The Framework, paragraph 58 and Policy 23 of the Local Plan.

<sup>12</sup> The Framework, for example paragraphs 109, 113 and 114 together with paragraphs 93 and 100.

<sup>13</sup> Local Plan Policy 4 and Policy 3.

<sup>14</sup> The Framework paragraph 75.

<sup>15</sup> Local Plan Policy 15.

<sup>16</sup> The Framework paragraph 28.

<sup>17</sup> Local Plan Policy 11.

and have regard to national advice and guidance, so would meet the Basic Conditions.

## **5. Conclusions**

### *Summary*

- 5.1 The Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the neighbourhood plan, the evidence documents submitted with it and the answers to my written questions.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the plan should be the boundary of the designated neighbourhood plan area.
- 5.4 The Plan is clearly the product of a great deal of hard work sustained over a long period of time by the Parish Council, the Neighbourhood Planning Group, their professional adviser and various volunteers. The result is a logically structured, well presented and accessible document which grapples successfully with the planning challenges faced in the parish of Bourton. All involved in the preparation of the Plan are to be congratulated for their efforts.

*R J Yuille*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Policy 1b), page 9	<b><i>Development shall not adversely affect <u>have a significantly adverse effect on important views of the countryside from the village or those towards the village, especially those identified as Important Views within the VDS on Map 2.</u></i></b>
PM2	Policy 1c), page 9.	<b><i>The "Green Fingers", which contribute significantly to the rural character of the village, are formally identified (See Map 6) and will be protected by the Local Plan's Countryside Policy <u>20 and Policy 10 of this plan (see Map 6).</u></i></b>
PM3	Policy 9, page 21	<b><i><del>Development which does not enhance and promote the use, attributes and features for which the sites were designated will not be permitted.</del></i></b> <b><i><u>Inappropriate development will not be approved in these areas except in very special circumstances</u></i></b>
PM4	Policy 5f), page 15	<b><i>The decision-making process on Planning Applications for the proposed site options will be carried out by the Local Planning Authority in accordance with this policy as part of the plan-led process and having taken into account any other material considerations, including the <u>identified wishes planning considerations</u> of the residents as expressed through the Parish Council</i></b>
PM5	Policy 2, page 12	<b><i>Development proposals will <del>be required to follow the design guidance in the Village Design Statement.</del> In particular, <del>development shall maintain the settlement pattern and character and:</del></i></b>

PM6	Policy 3 e) page 13	<b><i>External security lighting shall be sited so as to prevent light pollution or inconvenience to neighbours or pedestrians. <del>Aerials and satellite dishes shall be placed out of sight or as unobtrusively as possible.</del></i></b>
PM7	Page 14	This policy complies with the parking and traffic standards <u>referred to in NDLP Policy 23</u> , and is based on evidence and guidance in the VDS.