

Bremhill Parish Council

**Bremhill Parish  
Neighbourhood Plan  
2016 - 2030**

**Independent Examiner's Report**

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2 October 2017

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## Summary

I have been appointed as the independent examiner of the Bremhill Neighbourhood Development Plan.

The Parish consists of a number of small settlements in valleys with Bremhill village, Charcutt and Spirthill prominent on a hill and escarpment. Bremhill village lies two miles north west from Calne and three miles east of Chippenham.

Just before the examination commenced, the Parish Council responded to two representations received during the submission consultation period. I also noted that in the intervening time between submission, the submission consultation period and the examination that the Chippenham Site Allocations Plan had been adopted. As a result of these two matters, a further period of consultation has been held.

Whilst no site allocations are made for housing, the Plan's five policies primarily focus on the landscape, historic and rural characteristics of the Parish and seek to address the community's concerns about the development pressure from nearby Chippenham and Calne. The Plan is supported by an evidence base and it is clear that the community has invested much time and resource into the Plan.

During the course of the examination I asked for further information about a number of issues. I am grateful to both bodies for their attention to this and for enabling the examination to run smoothly.

I have recommended a series of modifications which by and large are to help ensure that the Plan is a workable document that provides a practical framework for decision making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wiltshire Council that the Bremhill Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
2 October 2017



## 1.0 Introduction

This is the report of the independent examiner into the Bremhill Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wiltshire Council (WC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The examiner is required to check<sup>1</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

The basic conditions<sup>2</sup> 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a

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<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### **3.0 Neighbourhood plan preparation and the examination process**

A separate Consultation Statement dated August 2016 has been submitted and Appendix A of Part 2 of the Plan is also titled “consultation statement”. I have relied on the separate statement.

Work began on the Plan in 2013. A Housing Survey provided by WC was followed by a well presented and comprehensive Plan questionnaire sent to each of the Parish’s 394 households in Summer 2014. An excellent response rate of around 47% was achieved on the Plan questionnaire demonstrating the benefits of delivering the questionnaires by hand and providing a SAE. The Consultation Statement includes detailed information about the responses received.

A business questionnaire was also sent to 75 businesses and 30 responses received. Again details of the responses received are to be found in the Consultation Statement.

Progress and feedback was given regularly through Steering Group meetings and Parish Council meetings and monthly updates in the Parish newsletter circulated to each household. Information and documents were available on the Parish website. Posters, email and local newspapers were used to keep residents informed. Updates were also given at parish events.

Three presentations were given to residents after the surveys and these events were attended by a total of around 150 residents.

Meetings were held with developer Chippenham 2020, Wiltshire Wildlife Trust and the Environment Agency and Natural England.

Pre-submission (Regulation 14) consultation took place between 2 November 2015 and 29 January 2016, an extension over the original end date of 14 December to allow sufficient time for the statutory consultees to respond. The Plan was available in the three village halls and two pubs. The consultation was advertised via notices, the newspaper and website and a series of Parish meetings held in the three village halls. The consultation resulted in some changes being made to the Plan including the deletion of a designated green space. Details of the representations received and the action taken are in the Consultation Statement.

Technical advice was received from a planning consultant. Throughout there has been liaison with Wiltshire Council.

I consider there has been sustained and good engagement with, and feedback to, the community throughout the process.

Submission (Regulation 16) consultation was carried out between 21 November 2016 – 9 January 2017. The Regulation 16 stage attracted 30 representations from different people or organisations.

Just before I was due to start the examination, the Parish Council wrote to me with a response to representations from WC and CSJ Planning submitted at the Regulation 16 stage. The response included suggestions for amending the wording of some of the policies and amalgamating some. I decided to accept this correspondence and asked for it to be placed in the public domain. An email of 12 June was received from CSJ Planning. I wrote to WC on 19 June 2017 and my letter is attached as Appendix 2 to this report. It can be seen from this that I suggested options on the action open to all parties on the additional correspondence received from the Parish Council. I also noted that, in the intervening time between the submission consultation stage and the examination beginning, the Chippenham Site Allocations Plan had been adopted and suggested a further short, focused consultation on this change in circumstance.

An additional period of consultation was therefore undertaken on two matters; the correspondence from the Parish Council as the Parish Council decided not to withdraw the Plan or their representation and the Chippenham Site Allocations Plan. This was carried out between 17 July – 3 August 2017. 20 representations were received.

I have taken all the representations received during the Regulation 16 period of consultation and the additional consultation into account.

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

I made it clear in my letter of 19 June 2017 that I could not consider any proposed amendments to any policies as put forward by the Parish Council in their letter to me of 30 May 2017. My role is limited to examining the submitted Plan.

PPG explains<sup>8</sup> the general rule of thumb is that the examination will take the form of written representations,<sup>9</sup> but there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

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<sup>6</sup> PPG para 055 ref id 41-055-20140306

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid* para 056 ref id 41-056-20140306

<sup>9</sup> Schedule 4B (9) of the Town and Country Planning Act 1990

I have sought clarification on a number of matters from the Parish Council and WC in writing and my list of questions is attached to this report as Appendix 3. I am very grateful to both Councils who have provided me with comprehensive answers. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

I made an unaccompanied site visit to the neighbourhood plan area on 27 August 2017.

## **4.0 Compliance with matters other than the basic conditions**

I now check the various matters set out in section 2.0 of this report.

### **Qualifying body**

Bremhill Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

### **Plan area**

The Plan area was approved by Wiltshire Council on 30 April 2014. The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 1 of the Plan.

### **Plan period**

The Plan covers the period 2016– 2030. This is clearly stated on the Plan’s front cover, in the Plan itself and in the Basic Conditions Statement (BCS).

### **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

### **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should



be clearly identifiable.<sup>10</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## 5.0 The basic conditions

### Regard to national policy and advice

The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>14</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>15</sup>

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<sup>10</sup> PPG para 004 ref id 41-004-20170728

<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid*

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>

Whilst this has formed part of my own assessment, the BCS sets out how the Plan has responded to national policy and guidance through commentary on how the Plan, its policies and community priority actions align with the NPPF's 13 elements for delivering sustainable development.

### **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>18</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>

Whilst this has formed part of my own assessment, the BCS contains a table which sets out how the Plan's vision and objectives, policies and community priority actions align with each of the three components of sustainable development outlined in the NPPF.

### **General conformity with the strategic policies in the development plan**

The development plan relevant to this examination, includes the Wiltshire Core Strategy Development Plan Document (CS) which was formally adopted on 20 January 2015 and the saved and retained policies of the North Wiltshire Local Plan 2011 (LP) adopted in June 2006 which are identified in Appendix D of the CS. In response to my query WC has confirmed that only saved LP Policy H4 (Residential development in the open countryside) is considered to be relevant and strategic for this particular Plan.

The CS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy and the CS has 17 key objectives. It identifies 18 Community Areas and the Parish of Bremhill falls within the Calne Community Area.

The CS identifies Bremhill as a Small Village; as set out in CS Core Policies 1 and 2 these are settlements with a low level of services and facilities and few employment opportunities where development is limited to that needed to help meet their housing need and improve employment opportunities, services and facilities.

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<sup>16</sup> PPG para 040 ref id 41-040-20160211

<sup>17</sup> *Ibid*

<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>19</sup> *Ibid* para 7

CS Core Policy 2 explains that development will not be permitted outside the defined limits of development other than in circumstances permitted by other CS policies. In Small Villages development is limited to infill within the existing built up area. Proposals will be supported where they seek to meet the housing needs of settlements or provide employment, services and facilities as long as the development respects the settlement's character and form, does not elongate the village or impose development in sensitive landscape areas and does not consolidate existing sporadic, loose knit areas of development. Although in the LP, Bremhill had a settlement boundary, this has been removed by the CS.

CS Core Policy 8 sets out the spatial strategy for the Calne Community Area.

CS Policies 2 and 8 indicate that the remaining housing requirement for the Calne Community Area is 165 houses although it must be noted that this is up to 2026 rather than 2030, the end date of the Plan. The CS makes it clear that this figure is indicative and that additional growth may be appropriate.

The Chippenham Site Allocations Plan (CSAP) was adopted on 16 May 2017 before the examination commenced and so also forms part of the development plan. Page 4 of that document shows the area to which the CSAP applies. I checked with WC and the Parish Council whether any part of Bremhill Parish falls within the jurisdiction of the CSAP. I checked because I had not come across a 'square' plan area that was not based on administrative or similar boundaries or physical features on the ground. The question is a matter of disagreement between WC and the Parish Council. However, I am clear that part of Bremhill Parish falls within the CSAP plan area. This means that I have considered the CSAP as part of this examination.

The CSAP sets the long term pattern and direction of growth for the town's expansion. WC's website explains that its main purpose is to identify strategic mixed use sites for businesses, new homes and the infrastructure necessary to support them.

WC has also published the draft Wiltshire Housing Site Allocations Plan, along with accompanying evidence reports, for formal consultation. The consultation runs from 14 July – 22 September 2017.

The BCS outlines selected CS policies alongside the Plan's objectives, policies and community action priorities. Whilst it would have been useful for the BCS to be more comprehensive in its coverage by adding a commentary and addressing other policies in other documents, this has formed part of my own assessment.

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment),

92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>20</sup>

### ***Strategic Environmental Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

A Screening Report identified as 'Final Draft - June 2016' has been submitted. This appeared to me to be the same as the screening determination found in Appendix J of Part 2 and this has been confirmed in response to my query on this. As a result I make a recommendation in relation to Appendix J later in my report.

PPG is clear that the SEA should only focus on what is needed to assess the likely significant effects of the plan proposal and that it does not need to be done in any more detail, or use more resources than is considered appropriate for the content and level of detail in the Plan.<sup>21</sup>

Although the screening was based on an earlier version of the Plan which aligns with advice that the screening should be carried out early on in the process, the earlier version included site allocations and the designation of two Local Green Spaces. The Plan now does not contain any site allocations and only one Local Green Space is now proposed. The vision statement and seven objectives remain the same with the exception of the number of dwellings reducing by a third. I consider there was sufficient information about the likely contents of the Plan and its likely intent for the screening to be carried out properly and for its conclusions to remain valid.

The representation from WC confirms that the requisite consultation was undertaken with the statutory consultees and their responses are to be found in Appendix 1 of the representation. All three concurred with the screening opinion whilst making some comments.

I have taken this document to be the statement of reasons required by PPG.<sup>22</sup>

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<sup>20</sup> PPG para 031 ref id 11-031-20150209

<sup>21</sup> *Ibid* para 030 ref id 11-030-20150209

<sup>22</sup> *Ibid* para 031 ref id 11-031-20150209

Based on the Screening Report and the consultee responses, the contents of the Plan and its relationship with higher level planning policy documents, I consider it was not necessary for the Plan to have a full SEA assessment. Therefore EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>23</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

The SEA Screening Report identified as 'Final Draft - June 2016' also contains the HRA screening which appeared to be the same as Appendix I in Part 2 dated 17 February 2016 and this has been confirmed in response to my check on this. As a result I make a recommendation in relation to Appendix I later in my report. The Screening Report explains that screening has been carried out on the draft Plan of October 2015 which, as explained, above, has some differences between the submitted Plan. Natural England was consulted on the screening and concurred with its conclusions.

The HRA screening acknowledges that the final version of the Plan will need to be rescreened if there are alterations to policies. In response to a query WC has also explained that the HRA was considered informally by WC once the Plan was submitted. Given that the general scope and proposals remain the same, it was considered that the conclusions of the original screening remain valid.

I too am confident that given the nature, characteristics and distances of the European sites and the nature and contents of the Plan which now promotes less development than that screened, does not now include any site allocations for development and now only one proposed Local Green Space, that the earlier screening can still be relied upon. I therefore consider that a full HRA is not required and that the further basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with.

### ***European Convention on Human Rights (ECHR)***

The BCS contains a short statement about fundamental rights and freedoms guaranteed under the ECHR and the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

PPG<sup>24</sup> confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft

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<sup>23</sup> PPG para 047 ref id 11-047-20150209

<sup>24</sup> *Ibid* para 031 ref id 11-031-20150209

neighbourhood plan have been met. It is WC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

## 6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented in two parts; the first part contains the vision and objectives, policies and evidence and policy context. The second part contains more detailed evidence as well as community priority actions. In some ways it would be useful to see more detail in Part 1 which feels a little like a summary document in places. However, I recognise this is a matter of style rather than anything else and I have taken the two parts together in my examination of the Plan as a whole.

Both parts have an eye-catching front cover and are simply laid out. Policies are clearly differentiated and sit within blue coloured boxes. Although there are only five policies, it would be useful to title each of them. This is often helpful in ensuring that the right policy is cited in reports or at appeal hearings and inquiries and will help to ensure that the Plan provides a practical framework as sought by the NPPF.

In addition there are references throughout the two parts which are now out of date, for instance references to the draft CSAP which has now been adopted with the passage of time. These should be updated as necessary.

Finally, in a number of places Core Strategy policies are inserted, but some are only partially quoted. This could be construed as misleading. It is arguably unnecessary to quote large chunks of the policies, a simple reference to them may suffice. If however, the quotes are to be retained, a sentence should be added to acknowledge that not every CS policy is quoted in full and reference should always be made to the CS document itself.

- **Give each policy a title in addition to the number**
- **Update references to CSAP as necessary throughout Parts 1 and 2 of the Plan**
- **Deal with the partial quotes from, or references to, various CS policies by adding a sentence of explanation at the start of Part 1 that reads:**

***“It should be noted that various Core Strategy policies are referred to throughout this document. Not every Core Strategy policy is quoted in full. For***

***this reason it is acknowledged that only selected quotes appear in this document and readers should also refer to the Core Strategy itself.”***

In now commenting in detail on each of the five policies, the headings relate to Part 1 of the Plan and I deal with Part 2 later on in my report.

## **Foreword**

This is a helpful introduction to the Plan, its evolution and purpose and the contents of its two parts.

## **Summary of vision and objectives**

A vision statement consisting of seven issues ranging from “a viable community” to “wellbeing and leisure” are to be found in this section. All seven topics and the bullet points sitting underneath them are clearly articulated and relate to the development and use of land.

A number of objectives then follow on housing, economy and jobs, green and open spaces, local landscape and wildlife, management of water courses and flood mitigation, traffic management and accessibility, community wellbeing and sustainability and climate change. All are clearly worded and whilst some do not relate to the development and use of land, for example “supporting speed watch initiatives including traffic signage”, the Plan itself is clear that some community aspirations are found separately identified in Part 2.

Some of the vision statements and objectives do not align with each other between Parts 1 and 2. The Parish Council has explained that in Part 2 vision has been used in a generic way and this is understandable. In order to avoid any confusion though it is suggested that the vision statements in Part 1 are taken as the definitive ones and that any “visions” on the section headings in Part 2 are changed to align with those in Part 1. This will help to ensure the Plan provides a more practical framework.

Some of the community priority actions such as 3.31 on page 93 and 3.56 on page 116 in Part 2 could have been planning policies as they deal primarily or in part with the development and use of land. This could be a consideration for the Parish Council when they come to review the Plan at a future date. They are clearly identified as community priority actions at the present time.

- **Ensure that the section headings in Part 2 that refer to “vision’ are the same as the vision statements in Part 1; in particular the section heading on page 45 of Part 2 of the Plan should be changed to: “Bremhill Parish – *Appreciate Our Green Environment Vision To conserve the rural character of Bremhill Parish and preserve the green areas within and surrounding the small villages*” and the section heading on page 67 of Part 2 be changed to “*An Attractive Parish*”**

## Summary of policies

This page simply summarises the five policies in the Plan. This is unnecessary and confusing especially given that for NP1 – Policy 1, the design statement policies are not included. This will give rise to confusion and potential uncertainty over whether the design statement policies are part of the policy or not. Given that Part 1 is relatively short in any case and there are only five policies, it would be preferable to amalgamate the “summary of policies” and “policy evidence and context” sections. This will ensure that the clear and practicable framework sought by the NPPF and PPG can be achieved.

- **Remove the separate summaries of each policy on page 7 of the Plan, retitle and combine this section with the next so it becomes one section with each policy and the supporting material sitting underneath each policy**

## Policy evidence and context

### NP1 Bremhill Neighbourhood Plan – Policy 1

Policy 1 is a long policy that covers a number of different things. Firstly, it supports “up to” 20 homes over the Plan period. It is not particularly clear to me how this figure has been reached although in answer to a query on this, I accept that it has been derived from the housing allocation for the Calne Community Area, the Housing Needs Survey, review of sites and contact with interested parties as well as support from a large majority of the community through the questionnaire. In any case the imposition of an upper limit is not acceptable as neighbourhood plans should not cap development and the CS is clear in that the requirement for the Community Area is indicative and the Plan period is four years longer than the CS. For this reason I will make a modification to remove this upper limit.

Low cost homes for younger people and rural workers are supported. Again it is not clear whether this type of housing is included within the figure of 20 homes or not. However, there is support for both types of housing from the community and at national level and in CS policies. A modification is made to add clarity to this part of the policy.

Development in the open countryside is not permitted unless there is no or a minimal effect on the rural character and subject to four criteria. It is highly unlikely that development of any sort anywhere has no impact. It would be difficult to articulate whether development would have no or only a minimal effect on rural character; I envisage many potential arguments around this wording.

This part of the policy is worded too restrictively as it does not take account of other types of development which are acceptable in the countryside at national or local level. So for example whilst the policy supports tourism opportunities and is therefore generally consistent with CS Core Policies 39 and 40 which support tourist facilities



subject to various criteria, CS Core Policy 34 supports new and existing rural based businesses within or adjacent to Small Villages subject to various criteria, but this type of development is not acknowledged in this policy.

It is then not clear whether the four criteria that follow this paragraph are all to be met or whether they are standalone. I consider that in order to take account of national policy, they should be standalone, as for example, criteria two and three are for different types of development both of which are usually acceptable in the countryside.

Taking all these considerations together, this paragraph in the policy does not have the clarity and precision national policy and guidance seeks. Modifications are recommended to address these concerns.

A third paragraph on conversions of redundant farm buildings is clearly worded. However, CS Core Policy 48 in supporting appropriate conversions refers to rural rather than farm buildings and makes no reference to the need for them to be redundant. Therefore by referring to only farm buildings and requiring them to be redundant, this part of the policy is more restrictive than the CS. Little evidence has been presented to support taking a more restrictive approach in this Parish and I am mindful that there appears to be a number of opportunities in the Parish for such development. Therefore a modification is made to address this.

Five Design Statement Policies (DSP1 – DSP5) then follow. I have taken these to form part of the policy as they appear in the ‘blue box’ and have been consulted upon in this way. This stance is reinforced by the explanation in Part 2 that policies have a blue tint background<sup>25</sup> and the confirmation in the Basic Conditions Statement<sup>26</sup> that they do form part of the policy. All are clearly worded. However, DSP5 refers to other policies within the neighbourhood plan; national policy and the CS also include policies on business development and visitor facilities and this should be acknowledged. For this reason, a modification is made to address this.

- **In paragraph one of the policy replace the words “up to” with “*approximately*”**
- **In paragraph one of the policy add the words “*In addition*” before the second sentence**
- **Change the wording in paragraph two of the policy to read:**  
  
**“Proposals for development in *the* countryside will *only* be permitted *where* it can be *demonstrated* that the development would have an *acceptable* effect on the rural character *and landscape* of the area, and would also *support one or more of the following purposes:...*” [retain bullet points]**
- **Add a new fifth bullet point that reads “*v. other development supported by national policy or other development plan policies.*”**

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<sup>25</sup> Part 2 page 6

<sup>26</sup> Basic Conditions Statement page 4

- In paragraph three of the policy replace the words “redundant farm” with “*rural*”
- Add after “the policies within this Neighbourhood Plan” in DSP5 “*and other development plan policies.*”

## NP2 Bremhill Neighbourhood Plan – Policy 2

Policy 2 seeks to prevent development in the countryside between Bremhill village and the Parish boundary to the south and east.

One of the core planning principles in the NPPF recognises the intrinsic character and beauty of the countryside. The NPPF is clear that the planning system should contribute to and enhance the natural and local environment including through the protection and enhancement of valued landscapes.<sup>27</sup>

I note CS Core Policy 2 is clear that development will not be permitted outside the limits of development other than in circumstances identified in paragraph 4.25 of the CS. These circumstances are covered by CS Core Policies 34 (additional employment land), 37 (military establishments), 39 and 40 (tourism), 44 (rural exception sites), 46 and 47 (specialist accommodation provision) and 48 (supporting rural life). Bremhill is identified as a Small Village and does not have a limits of development boundary and the Plan does not choose to designate one.

CS Core Policy 51 explains that development on the edges of towns and villages will broadly be controlled in line with CS Core Policy 2. It recognises that pressure on the landscape from new development arises from the erosion of the separate identity, character, visual and functional amenity of settlements and their setting and impacts on open countryside. Another challenge, it continues, is to allow for appropriate development whilst having full regard to the conservation and enhancement of the most highly valued landscapes. It seeks to protect, conserve and enhance landscape character, including the locally distinctive character of settlements and their landscape settings. The CS therefore recognises there is a need to protect the distinct character and identity of villages.

The intent of Policy NP2 is clear; it seeks to ensure that the visual separation of Bremhill village (which has a Conservation Area) and Calne (which lies outside of the Plan area) and the landscape is retained.

Coalescence between settlements is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and national policy offers support for local identity and distinctiveness to be reinforced and promoted.

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<sup>27</sup> NPPF para 109

I saw at my site visit that the linear and historic village of Bremhill is situated on higher ground. Panoramic views towards and out of Bremhill village to the surrounding countryside are many and varied and the village and its landscape setting are strongly interconnected. This is reinforced by the character of narrow country lanes. Whilst the A3102 forms a distinct and hard edge to the west of Calne, there is understandable community concern about visual separation of the two settlements because of the character of the rural landscape and the area's topography. The policy would ensure that the setting of Bremhill village and its Conservation Area is respected and that its distinct local identity reinforced. It takes a locally distinctive approach to this and to the village's landscape character, adding to CS Core Policy 51.

However, the blanket prevention of any development does not recognise the circumstances outlined in the NPPF or in CS Core Policy 2 which recognise the need to sustain rural communities through appropriate development. On the face of it, it also contradicts Policy NP1. Therefore a modification is recommended to acknowledge that some types of development are appropriate provided that their impact on the rural character and landscape of this sensitive area are acceptable.

Subject to modification, this policy takes account of national policy and guidance, is in general conformity with strategic policies and will contribute to the achievement of sustainable development therefore meeting the basic conditions.

- **Change Policy NP2 to read:**

***“Development should not be permitted in the open countryside between Bremhill village and the Parish boundary to the south and east unless it is for development permitted by the ‘exceptions’ policies in the Core Strategy or other policies in this neighbourhood plan. Any development must maintain the visual separation between Bremhill village towards Calne and ensure that the landscape character of the area is protected or enhanced.”***

### **NP3 Bremhill Neighbourhood Plan – Policy 3**

This policy resists development in the open countryside north of the North Rivers Cycle Route (CR), between the CR and the Tytherton Lucas Conservation Area. It explains that this will allow cyclists a “clear uninterrupted view” to the north and east, maintain the River Marden valley for amenity and leisure and maintain the separation of Tytherton Lucas from coalescence with Chippenham.

This policy is similar in nature to Policy NP2 and I have set out the stance of national policy and the most relevant policies of the CS in my discussion of that policy.

At my site visit, I walked this part of the CR. It is clearly a well used and popular route and does, in my view, provide a distinctive and recognisable boundary to this part of the

Parish to which this policy would apply. Likewise the Tytherton Lucas Conservation Area boundary is well established and clear.

Tytherton Lucas is a small settlement containing some large properties and farmhouses in spacious grounds giving a dispersed feel although there is a discernible 'core' to the settlement around the junction. Accessed by narrow country lanes, there are many views towards and out of this settlement to the surrounding countryside which creates the setting for this conservation village.

The area applicable to this policy is clearly of importance both for its contribution to the ambience of the CR, its landscape character and the River Marden valley. Separation between Tytherton Lucas and Chippenham is important and integral to the character and local distinctiveness of the area. This issue, amongst others, has been rehearsed during the examination into the recently adopted CSAP. Rawlings Green to the eastern side of Chippenham is a strategic allocation in the CSAP (Policy CH 2) that extends to the River Avon which forms the Plan area's westernmost boundary. It does not therefore fall within the Plan area and this has been confirmed in response to my query on this.

Another proposed site allocation promoted in the submitted CSAP which would have in part extended over some of the area to which this policy would apply has not been taken forward in the adopted CSAP.

I acknowledge that Policy CH 2 requires that the design and layout of any development on the Rawlings Green site must not prohibit a potential future road connection to land across the river to the south-east and that an eastern link road may be considered at a later date, but there is no strategic development plan policy that shows a link road within the Parish/Plan area or that safeguards any land for that purpose. Therefore this is not a matter for me, but for a future plan.

The CSAP acknowledges that in planning for the growth of Chippenham, the individual identities of villages within the landscape setting of Chippenham and their relationship to the town should be respected.

Like the previous policy, this policy would introduce a blanket restriction on any development and does not recognise the exceptions in national or local policy or those outlined in Policy NP1.

Although it could be argued that CS policies, such as Core Policy 51, provide a satisfactory level of protection, there is no reason why the community should not consider matters further in the Plan. This provides more detail and a locally distinctive approach to address concerns about the landscape character and setting of Tytherton Lucas and its Conservation Area including its separation from Chippenham, and a well-used and valued amenity and leisure route, part of a national route.

Therefore, similar to Policy NP2, I consider that if the policy is modified to remove the blanket restriction on development, the policy would meet the basic conditions in that

it takes account of national policy and guidance, adds to CS Core Policies 50, 51, 57 and 58 in particular and will help to achieve sustainable development.

- **Change Policy NP3 to read:**

**“Development should not be permitted in the open countryside north of the North Rivers Cycle Route between the cycle route and the Tytherton Lucas Conservation Area unless it is for development permitted by the ‘exceptions’ policies in the Core Strategy or other policies in this neighbourhood plan. This will allow users of the cycle route to enjoy clear uninterrupted views to the north and east, maintain the unspoiled nature of the River Marden valley for amenity and leisure and *maintain the visual separation between Tytherton Lucas and Chippenham to prevent their coalescence.*”**

#### **NP4 Bremhill Neighbourhood Plan – Policy 4**

The NPPF is clear that the planning system should contribute to and enhance the natural and local environment<sup>28</sup> and given the high value placed on these areas by the community, this policy seeks to protect or enhance landscape, woodland, hedgerows, ponds, lakes, rivers, streams and ditches as well as fragile wildlife habitats. It introduces buffers for the main and key watercourses in the Parish.

The NPPF takes the stance of making distinctions between the hierarchy of international, national and locally designated sites so that protection is commensurate with their status and contribution to wider ecological networks.<sup>29</sup>

The preamble to CS Core Policy 8 also recognises the need to protect and enhance the ecological value and landscape character of the River Marden corridor. The preamble to CS Core Policy 50 (biodiversity and geodiversity) recognises that the natural environment does not only include identified sites, but also features of nature conservation value. The CS policy seeks to protect features of nature conservation and geological value and seeks opportunities to enhance biodiversity. Amongst other things, CS Core Policy 50 protects nature conservation features of value indicating an expectation that such features will be buffered. On local sites which that policy deals with later, buffers are also mentioned.

The Parish Council has consulted Natural England regarding the specific buffers put forward in this policy. I note that Natural England welcomes the Plan’s objective to retain the landscape character of the area and its measures to enhance biodiversity and that the Environment Agency supports this policy particularly referring to the buffer in its representation.

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<sup>28</sup> NPPF section 11

<sup>29</sup> *Ibid* para 113

This simply worded policy is clear in its intention, but it begins with a presumption against major development. I consider it would be preferable to change the stance of the policy; this is because it will then be more positively worded. Subject to this modification the policy will meet the basic conditions.

- **Delete the first sentence of Policy NP4 and reword the policy to read:**

***“Permission should be refused for development that results in the loss or deterioration of irreplaceable or fragile habitats in line with national policy.***

***Development should protect and, wherever possible, enhance landscapes, woodland, hedgerows, ponds, lakes, rivers, streams, ditches and wildlife habitats.***

**[retain second paragraph that begins “This includes ecology buffers...”]**

## **NP5 Bremhill Neighbourhood Plan – Policy 5**

Policy NP5 seeks to designate an area of Local Green Space (LGS) at Lodowicks, Bremhill.

The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>30</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment. The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.

The proposed area is shown rather vaguely on a map on page 23 of the Plan in Part 1, but is shown in more detail on page 55 of Part 2 of the Plan. This more detailed map should be included alongside the policy.

Part 2 also provides supporting evidence as to why the area meets the criteria in the NPPF. This indicates it is the only open space in Bremhill village for outdoor events and activities and is host to annual village events, fetes, bonfire night, play area and as a result is valued by villagers. The evidence indicates that the Parish as a whole does not have many areas of amenity open space or playing fields. In addition Appendix H of Part 2 contains letters from residents about the proposed LGS.

I visited the area on my site visit. The area is laid to grass and accessed by road and on foot from a short steep residential road, Lodowicks. The proposed area is close to the community it serves. Bremhill is essentially a tightly knit, linear village and this area is accessible to the community it serves. It is local in character and is clearly defined and

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<sup>30</sup> NPPF paras 76, 77 and 78

self-contained and is not an extensive tract of land. The area is valued by the community as an area used for a variety of village and community events and is used as an informal recreational and play area. Given the nature of the village such spaces are few and far between. In my view, the proposed LGS meets the criteria in the NPPF satisfactorily.

Turning now to the policy itself, the policy should designate the area and therefore a modification to the wording is required to

- **Insert a detailed map into the Plan Part 1 to clearly show the location and extent of the Local Green Space alongside the policy**
- **Change the wording of the policy to read: “**

***Land at Lodowicks, Bremhill village and as shown on the detailed accompanying map X [insert title, number etc.] is designated as a Local Green Space for the benefit of the community.”***

## Part 2

Part 2 of the Plan contains the evidence reports and appendices.

As the Plan policies are included in Part 2 and have been recommended for modification, Part 2 will require natural updating of course.

Some references are made to CSAP which, now with the passage of time, are out of date. These should be up dated as necessary.

In a number of places CS policies are inserted, but some are only partially quoted. This could be construed as misleading. It is arguably unnecessary to quote large chunks of the policies, a simple reference to them may suffice. If however, the quotes are to be retained, a sentence should be added to acknowledge that not every CS policy is quoted in full and reference should always be made to the CS document itself. I made a similar point and recommend the same modification with regard to Part 1. The following list details the quotes that require attention:

- Core Policy 58 on page 15 quoted partially
- Core Policy 50 on page 27 quoted partially
- Core Policy 51 on page 28 quoted partially
- Core Policy 58 on page 28 quoted partially
- Core Policy 51 on page 41 quoted partially
- Core Policy 58 on page 41 quoted partially
- Core Policy 8 on page 64 quoted partially
- Core Policy 50 on page 64 quoted partially
- Core Policy 51 on page 65 quoted partially
- Core Policy 53 on page 65 quoted partially

- Core Policy 68 on page 66 quoted partially
- Core Policy 1 on page 68 quoted partially
- Core Policy 2 on page 69 quoted partially
- References to Core Policy 44 on page 70
- Core Policy 48 on page 74 quoted partially
- Core Policy 57 on page 75 quoted partially
- Core Policies 61, 63 and 64 simply referred to on page 103
- References to open space standards on page 113
- Core Policies 41 and 42 simply referred to on page 116

Turning now to other matters in Part 2, page 38 has a plan that is labeled a “proposed local rural buffer”. Although the text explains this has now been replaced by CS Core Policy 51, the inclusion of this map may cause confusion. As a result it should be removed.

Page 77 refers to various sites and page 78 contains a plan entitled “Indicative Housing Sites Being Considered”. No site allocations are now made in the Plan and as a result this section is both unnecessary and confusing. Sections 3.22 and 3.23 and “considered sites” A – E and information on the “SHLAA” site should be removed from Part 2.

A section<sup>31</sup> in Part 2 of the Plan indicates that the Plan will be reviewed and monitored which is to be welcomed even though this is not a requirement of neighbourhood planning.

A number of appendices then follow.

Appendix A is titled “Consultation Statement”, but as noted earlier a separate Consultation Statement has been submitted. This is confusing. In response to a query the Parish Council has confirmed that Appendix A should now be removed.

Appendix B is titled “West side of Bremhill Parish Character Assessment: evidence and context”. Appendix C lists the documents cited or used in the production of the Plan. Both can be retained as part of the evidence base.

I raised a query about Appendix D as it seemed to me to relate to a proposed Local Green Space between Tytherton Lucas and Chippenham; a proposal that has now been removed from the submitted version of the Plan. Whilst I agree with the Parish Council that to some extent the evidence set out here helps to explain the intent behind Policies NR3 and NR4, it portrays an inaccurate and confusing picture for readers as it refers to a now deleted proposal. The opportunity to update the appendix so that it was relevant to Policies NR3 and NR4 was not taken. As a result this does not provide the practical framework required by national policy and guidance and it should be deleted.

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<sup>31</sup> Part 2 page 118



Appendix E refers to Community Infrastructure Levy which is not referred to anywhere else in either parts of the Plan. Nevertheless there is useful information in this appendix and it should be brought into the main documents of Part 2.

Appendix F is a letter from the Chairman and there is no reference to this appendix in either part of the Plan and therefore the appendix should be removed or included in the Consultation Statement if desired.

Appendix G sets out further information about three sites identifying those as “proposal” and “proposed allocation”. These sites are not subject to any planning policies and are therefore not allocations. The presence of the appendix creates confusion and does not provide the practical framework required by national policy and guidance. It should therefore be deleted.

Appendix H contains a number of letters from residents about the proposed Local Green Spaces at Lodowicks subject to Policy NP5. This appendix can be retained as part of the evidence base.

Appendix I contains the Habitats Screening Report and, as it duplicates that submitted separately with the SEA at submission stage, whilst I quite understand that at earlier stages of Plan making this was useful to Parishioners, it is no longer necessary and can be deleted in order to provide the practical framework required by national policy and guidance. The same applies to Appendix J which is the SEA Screening Assessment. It is not necessary to duplicate documents and to do so does not create a practical framework as required by national policy and guidance.

- **Update any modified Plan policies in Part 2 as necessary**
- **Update any references to the now adopted CSAP as necessary**
- **Deal with the partial quotes from, or references to, various CS policies in Part 2 by adding a sentence that reads:**  
  
*“It should be noted that various Core Strategy policies are referred to throughout this document. Not every Core Strategy policy is quoted in full. For this reason it is acknowledged that only selected quotes appear in this document and readers are urged to refer to the Core Strategy itself.”*
- **Remove the “proposed local rural buffer” map on page 38**
- **Remove sections 3.22 and 3.23 and considered sites A – E and information about the SHLAA site on pages 77 – 82 inclusive**
- **Delete Appendix A from Part 2**
- **Delete Appendix D from Part 2**

- **Move the information in Appendix E to a more appropriate part of the Plan**
- **Delete Appendix F from Part 2; include as part of the Consultation Statement if desired**
- **Delete Appendix G from Part 2**
- **Delete Appendix I from Part 2**
- **Delete Appendix J from Part 2**
- **Consequential renumbering of the appendices will of course be needed**

## 7.0 Conclusions and recommendations

I am satisfied that the Bremhill Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Bremhill Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Bremhill Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Bremhill Neighbourhood Plan area as approved by Wiltshire Council on 30 April 2014.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
2 October 2017

## **Appendix 1**

### **List of key documents specific to this examination**

Bremhill Parish Neighbourhood Plan Part 1: policies, evidence & context Planning the future of the Parish 2016 - 2030 Final Draft June 2016

Bremhill Parish Neighbourhood Plan Part 2: evidence reports and appendices Planning the future of the Parish 2016 - 2030 Final Draft June 2016

Basic Conditions Statement Final Draft dated June 2016

Consultation Statement Final Draft dated August 2016

Strategic Environmental Assessment Final Draft dated June 2016 (includes Habitats Regulation Assessment Screening)

Wiltshire Core Strategy adopted 20 January 2015

North Wiltshire Local Plan 2011 adopted April 2006

Chippenham Site Allocations Plan adopted May 2017 and associated documentation

Various documents on the Parish Council website: [www.bremhillparish.org](http://www.bremhillparish.org)

**List ends**

## Appendix 2

### Letter to WC of 19 June 2017



146 New London Road, Chelmsford, Essex CM2 0AW  
T. 07776 204651  
E. ann@annskippers.co.uk  
W. annskippers.co.uk

19 June 2017

*Dear Ms. Tilsed,*

#### **Bremhill Neighbourhood Plan Examination**

I am writing with reference to your email of 15 June which forwarded an email received from Mike Orr on behalf of Chippenham 2020 LLP of 12 June.

Mr. Orr notes that two documents submitted by Ian James, Chairman of the Neighbourhood Plan Steering Group, dated 30 May 2017 have been uploaded to the Wiltshire Council. Two points are made in relation to this; the first is that the documents were uploaded some two weeks after the date of the letter and statement from the Parish Council. The second is that Mr. Orr was not aware that the examination had commenced.

In relation to the first point, I advised you that I was minded to accept the correspondence on 30 May and so the interval between that and placing the correspondence on the website must be a matter between you and Mr. Orr. I would however say that I appreciate it is not always easy or quick to upload documents.

On the second point I write to confirm that the examination has not yet started; I merely confirmed acceptance of the correspondence from the Parish Council. In view of this latter point it is then of less import as to when the documents were uploaded. It has been, and remains my intention, to start the examination this month. However, the correspondence from Mr. Orr has meant I have today considered some of the documents in order to be able to assist you with a response to Mr. Orr.

Until I have considered all the documentation and undertaken a site visit I will not be able to confirm whether or not a hearing is required. However, I will endeavour to confirm this as soon as reasonably possible. Beyond indicating a 'start month', I do not usually issue a timetable or timescale for examinations as this usually varies considerably depending on the complexity of the neighbourhood plan, the amount of representations and my other commitments.

Turning now to the representation dated 30 May 2017 made by the Parish Council, I see that the submission does, as Mr. Orr states, as well as offering further comments on submission representations made particularly by Chippenham 2020 LLP and Wiltshire Council, suggest amending Policy 1 and combining Policies 2 and 3 into a revised Policy 2. Mr. Orr's letter requests a period of 14 days to enable interested parties to review and comment upon the Parish Council's submission.

I would like to make it clear that if the Parish Council wishes to revise the wording of any policy, then I believe the best route for this would be to withdraw the neighbourhood plan, make any changes considered desirable and re-submit the plan to Wiltshire Council allowing for the

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Regulation 16 period of consultation to occur. This is because I cannot consider any proposed rewording of any policy that has not been through the requisite Regulation 16 consultation period per se. This is because my role is limited to examining the submitted plan and because I can only make modifications to policies to ensure the basic conditions are met. Therefore I consider it would be prudent for you to establish whether in the light of this (which I would have made clear once starting the examination, but have considered now due to the need to respond to Mr. Orr's email), the Parish Council wish to withdraw their letter and statement.

If the Parish Council wish the letter and statement to be considered (noting my comments above about my ability to consider revised policy wording), then a further period of 14 days should be given to all interested parties to comment on it. This period would include the opportunity for the Parish Council to make further submissions. After this extra period of consultation, no further representations would be accepted from any party unless there was a material change in circumstances.

In looking at this matter, I have also considered whether there has been any material change in circumstances since the Regulation 16 period of consultation took place earlier this year. On 14 March 2017, the Chippenham Site Allocations Plan was adopted. It seems to me this is an important consideration in relation to this neighbourhood plan. I am therefore of the view that a further period of consultation should in any case occur for this reason to allow interested parties to comment on any implications for this neighbourhood plan which arise from the adoption of the Site Allocations Plan.

Therefore I suggest that, given the particular circumstances of this neighbourhood plan, that:

1. It should be made clear to the Parish Council I cannot consider amended policy wording or make modifications that go beyond my remit. Therefore the Parish Council may wish to consider whether i) they wish to withdraw the neighbourhood plan to allow further work to be undertaken or ii) withdraw their submission or iii) keep the situation as is (i.e. I have accepted their submission, but they are made aware I cannot examine revised policy wording).
2. Should the Parish Council not wish to withdraw either the plan or their submission, an additional period of consultation for 14 days allowing interested parties to comment on the submission should be held, making it clear that earlier representations will be 'rolled forward'.
3. An additional period of consultation for 14 days allowing interested parties to comment on the now adopted Site Allocations Plan and any implications for the neighbourhood plan be held making it clear that earlier representations will be 'rolled forward'.

It would be possible, and indeed sensible, for points 2. and 3. above to run together should the Parish Council wish to keep to the current situation.

The further period of consultation whether it be on points 2. and 3. together or just point 3. should make it clear that:

- a) Representations will be rolled forward so there is no need to write in again with the same representations or write in confirming those representations are still to be considered; they will automatically be considered and
- b) Further comments are not being invited on any other matters and
- c) That I do not intend to accept any further representations on any other issues unless exceptional circumstances arise as I consider it important for all parties that the examination can be progressed.

I am of course happy to discuss the options above and the suggested course of action should you have any queries or wish to suggest an alternative way forward for me to consider. Please will you let me know as soon as possible how you / the Parish Council wish to proceed?

The comments made in this letter are without prejudice to my conclusions on any other issue.

Yours sincerely

*Ann Skippers*

Ann Skippers MRTPI  
Director

*via email to Louise Tilsed, Senior Planning Officer, Economic Development and Planning, Wiltshire Council*

## **Appendix 3**

### **Questions of clarification to WC and the Parish Council**

#### **Bremhill Neighbourhood Plan Examination**

#### **Questions of clarification from the Examiner to the Parish Council and WC**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. At Regulation 16, there are 32 numbered representations but no representations numbered 13 and 26. Please may I check to see whether I am missing two representations or whether this is just the system's way of operating?
2. Does WC regard any of the saved policies of the North Wiltshire Local Plan 2011 to be strategic and if so, it would be most helpful if you could confirm which ones.
3. The Habitats Regulation Assessment (HRA) screening is dated 27 January 2016 but also February 2017? Please could the date of the HRA screening be confirmed together with what version of the Plan was screened? The screened Plan appears to be the draft which seems to have altered? The same applies to the Strategic Environmental Assessment (SEA).
4. Appendix D appears to relate to a now deleted proposal? If this is right, what would the best course of action be with regard to this appendix?
5. Appendix G sets out information about a number of sites, but there are no sites or allocations in the Plan. If this is right, what would the best course of action be with regard to this appendix?
6. Please confirm if part of Bremhill Parish falls within the Chippenham Site Allocations Plan boundary.
7. Please confirm whether any of the Rawlings Green, Chippenham Site Allocations Plan Policy CH 2 site allocation, falls within the Parish boundary.
8. Some of the vision statements and objectives do not align with each other between Parts 1 and 2 (see particularly pages 45 and 67 of Part 2). As they should be the same, any differences in Part 2 should be removed; is this an acceptable course of action? Please advise of the changes needed.
9. Policy NP1 includes a figure of 20 homes over the Plan period. Whilst it is clear that this figure is supported by the community, it is not clear how the figure was reached. Please could this be explained?

10. Policy NP4 includes references to ecology buffers of approximately 200m of main watercourses and 100m of other key watercourses. There is reference to a meeting with Natural England about this. Please provide more information about the rationale for the buffers and their distances and the liaison with Natural England or other bodies about this.
11. Is Appendix A now superseded by the separate Consultation Statement?
12. Please confirm whether Appendix I is the same as submitted separately in the SEA Screening Assessment Final Draft – June 2016?
13. Please confirm whether Appendix J is the same as submitted separately in the SEA Screening Assessment Final Draft – June 2016?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.  
Ann Skippers  
5 September 2017