

HILPERTON NEIGHBOURHOOD PLAN

Submission Draft Version

**Questions to the Qualifying Body and Local Planning
Authority on
Hilperton Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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Hilperton Neighbourhood Plan Examiner's Questions

Following my initial assessment of the Neighbourhood Plan and representations, I would appreciate clarification and further evidence on the following matters from the Qualifying Body and/or the Local Planning Authority. In order to ensure openness and transparency of the examination process, these questions and the responses should be published on the Council's website.

1. The SEA Screening Report and appropriate assessment were undertaken before the boundary of the neighbourhood area was revised. Would the LPA confirm that the boundary change has had no implications for the SEA / HRA screening and appropriate assessment.
2. The SEA Screening Report and appropriate assessment were undertaken in February 2017 on the pre-submission draft plan and state that the plan is not allocating any sites for development. Representations have highlighted the subsequent revisions to Policy 1 and the introduction of Policy 2 and state that they consider there are deficiencies in the documentation amounting to legal flaws. Would the LPA comment on the validity of the remarks made in Representations 17 and 18 on the SEA and HRA processes and review the Screening Reports to confirm whether they adequately reflect the options considered and the policies in the submission draft Neighbourhood Plan. If they do not, would they provide me with updated SEA and HRA reports.
3. Would the LPA comment on whether the SEA and HRA reports have taken account of those prepared for the HSAP?
4. Would the LPA confirm that the three environmental organisations were consulted on the HRA Screening Decision and Appropriate Assessment and supply me with a copy of the Natural England's response.
5. Has the QB undertaken an assessment of whether the Plan has met its obligations under the Human Rights Act? Would you supply me with a copy please.
6. Has the Neighbourhood Plan taken account of the housing needs evidence for the Trowbridge Community Area as a whole? Should consideration be given to how the plan area can help to deliver some of the housing need for Trowbridge in view of its proximity as suggested in representations from developers?
7. What is the status of the proposed housing site to the west of Elizabeth Way? Would the LPA provide me with a map showing the correct boundary of the proposed allocation.
8. Would the LPA confirm whether the details in Appendix 9 on windfall housing are up to date? Are all the sites deliverable within the plan period?
9. Are the sections in the plan on Paxcroft Mead still relevant following the review of the boundary of the plan area? Would the QB advise me on whether any should be retained.
10. Would the LPA and QB comment of the following proposed revision to paragraph 11.4 to better explain the role of the planning policies and community actions:

“Section 11 of the NDP includes the planning policies which once the NDP is made will form part of the development plan alongside the Wiltshire Core Strategy and Local Plan. These policies will be used in determining planning applications. Section 12 of the NDP includes Community Actions which set out actions for the Parish Council to work with other organisations to help deliver various improvements that have been highlighted through the community consultations that cannot be delivered through planning policies.”

Policy 1 – Landscape Setting

11. It is considered that there is a degree of conflict and confusion in the first three paragraphs of Policy 1. The first paragraph preserves the area for agriculture, biodiversity and informal recreation. Whereas the second and third paragraphs recognise that exceptional forms of development such as rural exceptions affordable housing may be acceptable in rural areas. Other forms of housing and economic development are also acceptable under the NPPF and Core Strategy policies. I am proposing that these paragraphs should be combined and simplified to reflect national and strategic policies for development in the countryside. Would the QB and LPA comment on the following proposed revisions which will relate to the area nearest to Hilperton to the east of Elizabeth Way.

“The landscape setting and rural character of the area to the west of Hilperton village shown on the Policies Map will be safeguarded. Development in the area should accord with NPPF paragraphs 28 or 55 or relevant strategic local policies for the countryside and should satisfy the following criteria:

12. How is the first bullet point of Policy 1 that the “openness and landscape value of the landscape setting of Hilperton must not be compromised” to be interpreted by decision makers?
13. Second bullet point - Apart from the footpaths and cycleway are there any other informal recreation facilities in the Hilperton Gap to the east of Elizabeth Way?
14. How is the “setting of the Church” in the 4th bullet point to be interpreted?
15. In the criteria of Policy 1 concerning the development site west of Elizabeth Way, the first criterion seeks to restrict development to open land uses. This appears to go beyond the recommendation of the Landscape and Visual Analysis Report and it is considered that this is a blanket restriction on development on this area not supported by robust evidence. Would the QB comment on the following proposed revision to this bullet point to reflect the advice of the background evidence:
- “Development in the area to the south of Middle Way should be laid out and designed to maintain a green edge to the settlement and to minimise its impact on the setting of the village, landscape features and historic assets.”**
16. What evidence does the QB have to justify the restriction of new buildings to two storeys in Policy 1?

17. Would the LPA comment on whether they consider that these additional planning requirements (as proposed to be modified) are deliverable and sufficiently flexible so that they would not place unnecessary restrictions on the proposed housing allocation.
18. Would the LPA and QB comment on the relevance of using the Hilperton VDS in the consideration of the design of the development west of Elizabeth Way as the development will be related to Trowbridge rather than Hilperton?

Policy 2 – Housing

19. I have a number of concerns about Policy 2:
 - The policy does not provide guidance on where windfall housing development will be acceptable. To accord with local strategic policy reference should be made to development being in the settlement boundary primarily, and in the countryside only where it accords with national and Local Plan policies. (However see Question 22 below)
 - Avoidance of the use of “will be permitted”.
 - Avoidance of repeating “subject to compliance with other policies of the NP and CS”.
 - It is considered that the requirement that self build houses should be retained by their builders for a minimum of 5 years is not enforceable and should be deleted.
 - What is the evidence to stipulate a preference for these 3 types of housing?
 - There is no accepted definition for affordable self build housing. This is not a form of affordable social housing. How do the plan makers propose that such sites are to be delivered?
 - There is no indication of the number of dwellings that are to be delivered through the Plan.
20. Part c) refers to “retirement homes, sheltered housing or other homes specifically designed for the retired population. Is it intended that this includes residential care homes? Would the LPA and QB confirm the appropriate local terminology for this type of housing eg would it be more appropriate to refer to extra care housing or housing for over 55s? These types of housing usually require a large site to be commercially viable. Has the QB considered whether it would be feasible to deliver this type of housing eg whether there are any suitable sites in the plan area?
21. Would the LPA and QB comment on the proposed revisions to Policy 2 to address the following concerns about the policy

New housing development within the settlement boundary of Hilperton and exceptionally in the countryside where it satisfies national and strategic policies will be encouraged to deliver at least XX dwellings, particularly the following types of housing:
22. Has the QB considered that notwithstanding the proposed modifications to the policy set out above that makes reference to windfall development being in the settlement boundary, windfall sites outside the settlement boundary may be approved should

the LPA fail to demonstrate a 5 year supply of deliverable housing sites. The plan provides no criteria to consider the suitability of such sites.

23. Apart from the details of housing sites in Appendix 9, has an assessment of potential windfall or infill sites has been undertaken?
24. Paragraph 11.16 states that “a zero housing requirement remained”. Would the LPA provide me with the current position on housing supply in the Trowbridge Community Area. Would the LPA provide me with an up to date statement that reflects the comments in their representation on the opportunities to develop housing in the plan area and propose how paragraph 11.16 may be reworded to reflect the current position.
25. I am proposing some revisions to paragraph 11.18 and to combine it with paragraph 11.21 to avoid repetition, to remove the emotive language, to better explain that the affordable housing need could be met through committed and identified windfall sites and to include a reference to monitoring the future housing needs through surveys. Provided that answers to Question 8 demonstrate that the evidence in Appendix 9 is correct, would the QB and LPA comment on the following proposed wording:

The current affordable housing needs of Hilperton as evidenced by the 2017 Housing Needs Survey is for 13 affordable homes. In view of the current housing commitments and potential windfall sites it has not been considered necessary to allocate additional housing sites to deliver affordable housing to meet the local housing need. Appendix 9 includes a list of current commitments and potential windfall sites which demonstrates that they could produce sufficient affordable homes to meet the current need. The need for additional affordable homes in the future will be kept under review through future Housing Needs Surveys. A continuing dialogue with developers of potential sites will be welcomed by the Parish Council and community.

26. The Neighbourhood Plan refers to “local housing need” in a number of places. It is not clear whether this is intended to refer to all types of housing, both market and social affordable housing or just to social affordable housing as evidenced by the Housing Needs Survey. Would they QB review the use of the term Local Housing Need in the NP and let me know if they wish to revise it to refer to “housing requirement” or “housing to meet local market and affordable housing needs”.

Policy 5 Infrastructure and Developer contributions

27. Has the QB any evidence to demonstrate the need for the local infrastructure priorities, particularly the medical facility? How it is proposed to deliver these facilities?
28. It is not appropriate to set out exemptions from developer contributions in the policy as these are set out in national guidance on CIL. Eco houses are not included in the list of national exemptions.
29. In view of my concerns about the policy as currently worded, I am proposing to recommend modifications to the policy to set out a more general form of wording and

to place the list of local infrastructure in the Appendix as a Community Action.
Would the QB and LPA comment on the following revised wording of Policy 5:

Developer contributions from Community Infrastructure Levy and Section 106 agreements will be used to deliver local infrastructure identified in the Community Actions.

30. Would the LPA and QB comment on the points may by the Environment Agency in their representation. Is surface water flooding adequately addressed in the strategic policies?

Rosemary Kidd
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