

EXAMINER'S REPORT

WOOTTON RIVERS

NEIGHBOURHOOD DEVELOPMENT PLAN

R J Bryan BA Hons. M.R.T.P.I.

ABBREVIATIONS

The following are the abbreviations or acronyms used in this examination:

HRA - Habitats Regulation Assessment
NPPF - National Planning Policy Framework
NPPG - National Planning Policy Guidance
The council - Wiltshire Council

INTRODUCTION

1. This is an independent examination of a Neighbourhood Plan prepared by Wootton Rivers Parish Council in consultation with the local community. The Localism Act 2011 provided local communities with the opportunity to have a stronger say in their future by preparing neighbourhood plans, which contain policies relating to the development and use of land.

2. If the plan is made, following a local referendum, which must receive the support of over 50% of those voting, it will form part of the statutory development plan. It will be an important consideration in the determination of planning applications as these must be determined in accordance with development plan policies unless material considerations indicate otherwise.

3. The Plan covers the whole of the Parish.

4. I have been appointed by Wiltshire Council (subsequently referred to as “the council”) in consultation with the Parish Council, to carry out this independent examination. I am a Chartered Town Planner with over 30 years experience working at a senior level in local government and as a private consultant. I am a member of the Royal Town Planning Institute

5. I confirm that I am independent of the Parish Council and the local planning authority and have no interest in any land, which is affected by the Neighbourhood Development Plan.

6. This report is the outcome of my examination of the submitted version of the Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the council puts the plan forward to a referendum and it then receives the support of over 50% of those voting, then the Plan will be “made” by the council as the Local Planning Authority.

BACKGROUND DOCUMENTS

8. I have considered the following documents as part of this examination:

Documents submitted by the Parish Council:

The Neighbourhood Plan, version 8.1 20/12/16 submitted to the council under regulation 15 of the Neighbourhood Planning (General) Regulations 2012, Basic Conditions Statement, Consultation Statement, 20 December 2016, Environmental Scoping Report, Document No. 1v8, May 2015 Strategic Environmental Assessment-Screening Determination, Wiltshire Council 8/3/16 Habitats Regulations Assessment Screening, June 2016

Responses to the consultations under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 as follows:

Regulation 16 Representation Responses (30/1/17-15/3/17)

Local and National Policies:

National Planning Policy Framework (NPPF); National Planning Policy Guidance (NPPG)
Wiltshire Core Strategy Adopted January 2015
West Wiltshire District Plan 2004 Saved Policies
Wootton Rivers Village Design Statement, prepared by the Parish Council in 2004
Wootton Rivers Conservation Area Statement prepared by Wiltshire Council, March 2004.

THE EXAMINATION

9. The nature of the independent examination is set out in Section 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

10. The examiner has to make a recommendation as to whether the Plan should be submitted to a referendum, with or without modifications, and whether the area for the referendum should extend beyond the plan area.

11. As a general rule the examination should be carried out on the basis of written representations unless a hearing is necessary to allow adequate consideration of an issue or to allow a person a fair chance to put a case. I am satisfied from the information that has been made available to me and my site visits that the examination can be carried out without a hearing.

12. I visited the Plan area on the 13th July 2017 and assessed the implications of the proposed Plan as part of the examination.

PROCEDURAL MATTERS

13. This report comments on each section of the plan and makes recommendations at the end of these comments regarding modifications necessary to make the plan conform to basic conditions.

14. It is necessary to determine that the plan complies with the following procedural matters¹:

- The Plan has been prepared and submitted by a qualifying body
- The Plan has been prepared for an area that has been properly designated
- The Plan specifies the period to which it has effect, does not include provisions about excluded development and does not relate to more than one neighbourhood area
- The policies relate to the development and use of land for a designated neighbourhood area.

15. The parish council is authorised as the qualifying body² to act for the purposes of a neighbourhood development plan if the area of the plan includes the whole or any part of the area of the council.

16. The Council formally designated the whole of the parish council area as a Neighbourhood Area on the 30th November 2015.

17. The Plan clearly states in the “Introduction” that it relates to the period from “adoption until the end of 2026”. It should be made clearer that it relates to a period of 2017-2026 on the front cover of the Plan document

18. The Plan does not include any provision about development that is “excluded development”³, such as minerals, waste disposal and major infrastructure projects.

19. I am satisfied that the plan does not relate to more than one neighbourhood area.

RECOMMENDATION 1

On the front cover of the Plan document after “Neighbourhood Development Plan” insert “ 2017-2026”.

¹ Paragraph 8(1) of Schedule 4 B of the Town and Country Planning Act 1990 (as

² as determined by Section 61G(2) of the Town and Country Planning Act 1990

³ as defined in Section 61K, of the Town and Country Planning Act 1990

CONSULTATION

20. The parish council has submitted a “Consultation Statement”, which explains how they have carried out a programme of consultation as the Plan has progressed.

21. The parish council has through a dedicated team carried out a systematic and thorough programme of consultation aimed at residents, various community organisations and the business community.

22. From the start, the steering group made efforts to engage the community by holding a set of open meetings and presentations to create a Vision Statement to identify what was valuable and important in the parish. This was then incorporated into a “Scoping Document”

23. This formed the basis of a “key questionnaire” sent to every household in the parish asking strategic questions, including broad approaches to development, ranking of areas the plan should cover and an opportunity to raise further issues not already thought of. This received a commendable 75% response rate.

24. The steering group sought to incorporate as many views as possible rather than just the majority view and prepared a draft plan. Before offering comments on the draft policies, parishioners were encouraged to attend one of the community engagement forums, which were held to explain draft policies.

25. The response to the questionnaire relating to the draft plan was sent to all households and provided a strong endorsement.

26. A further draft plan was produced informed by the previous consultation and formed the statutory 6 week consultation stage⁴. This included consultation with all households, technical bodies and interest groups, which are listed in the submitted consultation statement. Publicity was given to this stage in accordance with the regulations and allowed landowners and other interested parties to get involved.

27. In November 2016 the feedback was reviewed and a final draft prepared for submission to the council. The Consultation Statement analyses the comments and explains the reasoning behind the final draft plan.

28. The Plan was submitted to the Council in December 2016 and then put through formal consultation from January to March 2017 prior to this examination.

29. I am satisfied that the “Consultation Statement”, demonstrates a good level of consultation with the local community, which has targeted all parishioners and reached various organisations and members of the community.

⁴ Regulation 14 of the Neighbourhood Planning (General) Regulations 2012

BASIC CONDITIONS

30. It is necessary to decide whether the Neighbourhood Development Plan meets the “basic conditions” specified in the Act.⁵ This element of the examination relates to the contents of the Plan.

31. This Plan meets the basic conditions if:

- a) It has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) The making of the plan contributes to sustainable development,
- c) The making of the plan is in general conformity with the strategic policies contained in the development plan for the area,
- d) The making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) Prescribed conditions are met in relation to the Plan and prescribed matters have been complied. The prescribed condition is that the ‘making’ of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) (either alone or in combination with other plans or projects).

32. The parish council has submitted a “Basic Conditions Statement”, 10.11.2016, to seek to demonstrate conformity with basic conditions. The analysis of conformity with the basic conditions is carried out below. Note this is not in the order specified above.

SUSTAINABLE DEVELOPMENT

33. The NPPF establishes that sustainability consists of three main components;
Economic - contributing to building a strong, responsive and competitive economy,
Social - supporting strong, vibrant and healthy communities by meeting housing needs in a high quality environment accessible to services which support a community’s health and well-being
Environmental- contributing to protecting and enhancing our natural, built and historic environment

34. The parish council highlight in the ‘Basic Conditions Statement’ that the Plan responds to the concept of sustainability as outlined in the NPPF.

35. The plan promotes high standards of design to conform to the strong local character and history of the parish and protects historic buildings and their setting to ensure they remain in productive use.

⁵ Contained Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

36. The plan seeks to promote the health and well being of the community by planning positively for the provision of shared space, community facilities and local services and protects important local green space. It protects the valuable landscape and recognizes its importance in an Area of Outstanding Natural Beauty.

37. The plan contains housing policies, which achieve a modest amount of development in accordance with the strategic plan for the area and in scale with the facilities and infrastructure available. It seeks to control housing mix to meet local needs. Similarly, economic development is supported, provided it is of a scale appropriate to the village.

38. The Plan effectively balances the protection of the sensitive environment and ecology with the need to provide for housing and scope for local employment.

39. The plan does not specifically address any issues regarding affordable social housing as defined in the NPPF. However, there is no specific strategic development policy or sufficient housing needs information, which demonstrates that this is imperative in this village

40. I have concluded that the Basic Conditions Statement adequately illustrates the manner in which the Plan promotes sustainable development.

EU OBLIGATIONS, HUMAN RIGHTS REQUIREMENTS

41. A neighbourhood plan must be compatible with European Union Directives as incorporated into UK law, in order to be legally compliant. Key directives are the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.

42. The Council made a Strategic Environmental Assessment (SEA) Screening Determination in March 2016. This assessment conformed to the requirements of Regulation 9 and Schedule 1 of the SEA Regulations in that it took into account the criteria relating to the “characteristics of the plans and programmes” and the “characteristics of the effects and of the area likely to be affected”.

43. The assessment concluded that an SEA of the emerging Neighbourhood Plan was not required on the basis that;

“

- The Neighbourhood Plan is not likely to have significant environmental effects because Wootton Rivers is designated as a small village in the Wiltshire Core Strategy and therefore according to Core Policy 2 infill development only is acceptable in the village.
- Core Policy 2 of the Wiltshire Core Strategy has been subject to SEA/HRA and the Neighbourhood Plan is not proposing any development that is not infill. No development allocations are proposed in the plan.
- Any development proposals that come forward in Wootton Rivers in the future

must be in accordance with policies of the Wiltshire Core Strategy.”

44. Natural England, Environment Agency and English Heritage are statutory consultees and agreed with these conclusions.

45. I agree with these conclusions.

46. The Habitats and Wild Birds Directive requires a Habitats Regulation Assessment (HRA) to assess the impact on any wildlife sites protected under European legislation. The Council carried out a HRA screening assessment in June 2016.

47. The submitted HRA explains that each element of the plan has been categorized against screening criteria developed by Natural England. The effect of each policy individually and in combination has been considered against these criteria. In addition the parameters used in the Core Strategy to determine the likelihood of potential impact on Natura 2000⁶ sites were applied

48. The impacts on the Natura 2000 sites were assessed as follows;

Recreation

Salisbury Plan SPA/SAC- The Core Strategy addresses any issues relating to additional recreational pressure as a result of residential development by requiring developer contributions to ecological management on the plains.

Pewsey Downs SAC- The Neighbourhood Plan is only just within the 5km. zone of likely impact and would have minimal impact on the SAC.

Hydrology

Water Resources – Wessex Water have confirmed the small amount of development proposed in the plan can be accommodated within existing abstraction levels

Water Quality- the small amount of development can be accommodated within the existing discharge licence. The plan area is sufficiently far from the River Avon SAC to have a minimal effect.

Nitrogen Disposition

The scale of development and distance from Nature 2000 sites would not have any significant impact

Physical Damage/interruption of flight lines

The plan area is sufficiently far from the Bath and Bradford on Avon SAC that there

⁶ Natura 2000 is a network of nature protection areas in the European Union. It is made up of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) designated respectively under the Habitats Directive and Birds Directive.

is no real potential impact on flight lines associated with the SAC.

49. The conclusions of the HRA are therefore that there are no likely significant effects upon the Natura 200 network either alone or in combination with other policies or programmes and no appropriate assessment is required by the council as a competent authority.

50. I consider this process was correct and agree with the conclusions.

51. I do not consider the Plan raises any issues under the European Convention and the Human Rights Act 1998. In terms of the Article 6 of the Act and the right to a “fair hearing” I consider the consultation process has been effective and proportionate in its efforts to reach out to different groups potentially affected. Community responses have been taken into account in a satisfactory manner during the processing of the plan

CONFORMITY WITH NATIONAL AND LOCAL STRATEGIC POLICIES

52. The “Basic Conditions Statement” provides an analysis of the manner in which the plan relates to national guidance and local strategic planning policies in the NPPF and the Local Plan respectively.

53. The Plan is required to take into account national policies and guidance from the Secretary of State. The Plan does not reference the NPPF or national planning policy guidance (NPPG) in any detail but the “Basic Conditions Statement” states that it has had due regard to the core planning principles set out in paragraph 17 of the NPPF. In particular it seeks to retain the distinctive historic character of the village and surrounding countryside in the setting of the AONB, whilst retaining and enhancing local services and facilities to seek to maintain a sustainable community.

54. I am satisfied that the plan is in conformity with the broader advice in the NPPF and the NPPG but there are some detailed modifications I have recommended below to ensure full compliance. These are mainly concerned with need to separate planning policies from more general aspirations, which the parish council wish to pursue and establish clarity and precision in policies in order to meet the requirements of the NPPG which states policies⁷ “*should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.*”

55. The plan has to be in general conformity with strategic policies, which are in the Wiltshire Core Strategy. The plan does not make sufficient explicit reference to this plan, which in some cases is necessary to put policies in context. I do not consider there are any policies, which are not in general conformity with strategic policies but I

⁷ Paragraph: 041 Reference ID: 41-041-20140306

have made recommendations to include more reference to Core Strategy policies where necessary.

56. The Basic Conditions Statement states that the plan takes account of policies in the Core Strategy, relating to settlement and delivery strategies for housing, the environment, supporting rural life, protecting landscape character, design, conservation and sustainable communities. I agree that the plan is in conformity with these policies and provides an appropriate local dimension to the Core Strategy.

57. In some cases below I have suggested modifications to ensure the Plan meets basic conditions regarding Secretary of State advice and conformity with statutory local planning policies.

58. I am satisfied that subject to my modifications the Plan has taken in to account the Secretary of State's guidance and is in general conformity with local strategic development policies.

RECOMMENDATIONS ON THE PLAN IN RELATION TO BASIC CONDITIONS

59. I have made recommendations below in order that the Plan may conform to "basic conditions". Where I am suggesting modifications I have given reasons.

60. I have taken into account all the representations received during the Plan process. In most cases I have considered that these do not require specific reference, as they do not relate to the need to conform to "basic conditions". In some cases, due to the specific and detailed nature of a representation and its particular relevance to "basic conditions", for ease of reference, I have referred to the author of a representation by name.

61. I have not taken into account comments, which do not relate to the need for the Plan to conform to basic conditions and legal requirements.

The Historic Environment and Heritage Assets

62. I agree with the council that there is an incorrect reference to Core Strategy policy 59, which refers to the world heritage site, which is not within the plan area and not significantly affected by any policies in the plan. For the avoidance of confusion this should be deleted. Policy 58 in the Core Strategy is however relevant as it refers to "Ensuring the conservation of the historic environment".

63. The indication that "any" development in or near the historic centre should be accompanied by an archaeological survey is over prescriptive, as some minor developments may not have any apparent archaeological implications. Ultimately the requirements for planning application submissions are a matter for the council. In the interests of clarity this should be amended in the plan.

RECOMMENDATION 2

In the 4th paragraph in section 2 The Historic Environment and Heritage Assets delet"59" and replace with "58".

In the paragraph on page 7 alter the final sentence as follows;

"Due to the known occupation of the village since Saxon times development in or near the centre of the village may require an archaeological evaluation. The Wiltshire Council will determine the need for an evaluation in accordance with its valuation criteria on validating planning applications."

NDP Vision and Objectives

64. These are appropriate and are founded on the public consultation response.

Policy H1: Housing Development

65. I consider the policy requires some amendment to make it more succinct and exclude certain matters, which are more suitable for reference in supporting text or other policies. I recommend that the three elements of the policy be consolidated into one policy.

66. The overview needs to explain the relationship of this policy to the strategic policies in the Core Strategy.

67. It is necessary to define infill development as expressed in the Core Strategy with more clarity than shown in the policy. Given the rather detailed nature of the definition this is most appropriate in the supporting text so that the policy is succinct and clear.

68. I consider the defined area in which built development is acceptable to be based on robust evidence and appropriate in terms of the definition of acceptable infill development in the Core Strategy. The supporting text to Core Policy 2 defines infill development as normally one dwelling which respects the existing character and form of settlement, does not elongate the village or intrude in sensitive landscape areas and does not consolidate an existing sporadic loose knit areas of development related to the settlement.

69. I consider the defined built development area fulfills to an extent the Core Policy 2 criteria regarding infill development and I note the parish council has taken into account the council's methodology for defining settlement boundaries. However, it is necessary to define the built development area more closely to restrict it to the curtilages of properties in order that the width west to east of the area has some definition. Generally, development outside the established curtilages of properties would not in my view satisfy the criteria in Core Policy 2. It is also important to re-title

the map such that the settlement boundary can be a reference for other types e.g. non-residential development as referred to in policy NRD1.

70.I have considered the representations from Savills that the development boundary should include land south of the railway line off St Andrews Close. They state this land sits comfortably within the existing settlement pattern and its development would have limited impact on the AONB. It is proposed that this site can meet a need expressed by the parish council for supportive open market and affordable housing for local needs and form a rural exception site for up to 10 dwellings.

71.I do not consider the site recommended by Savills to conform to the Core Policy 2 definition of acceptable infill development. The site is within an area of a loose-knit development and not integral with the built form of the settlement. Development of it would elongate the settlement and be intrusive in the relatively open landscape, which is contrary to national guidance in paragraph 115 of the NPPF and Core Strategy policy 2 to protect the open countryside in the AONB.

72.I also do not consider there is justification for designating the site for rural exception housing. There is only the response to the plan questionnaire and no analysis of supply and demand in the parish in the form of a housing needs survey. This does not qualify as robust evidence recommended in the NPPG⁸

73.I agree with the council that the supporting text in paragraph 4 gives the impression that affordable housing may not be provided in the village as the housing register does not identify a significant demand. This denies the scope of future wider evidence illustrating a need and the potential to provide affordable housing on exception sites in accordance with Core Policy 44.

74.The reference to control of housing “type” is consistent with the NPPF and Core Policy 45 in the Core Strategy. The evidence supplied is just the preferences of local people and not a full housing needs survey examining supply and demand of housing. The only clear conclusion regarding housing mix is that there is a local preference for development other than larger more than 4 –bed dwellings to provide for younger people and older persons who wish to downsize.

75.The policy reflects this to an extent but it refers to low cost and/or 2/3 bedroom dwellings. The term “low-cost” is not precise enough to guide decision-making. Social affordable housing on rural housing exception sites can provide for people who need low cost housing whilst this policy is related to housing other than affordable.

⁸ NPPG Paragraph: 040 Reference ID: 41-040-20160211

76. There is a need to address the council's concerns that there is a need to refer to the Core Strategy policy 44, which allows provision of affordable housing on exception sites when a need can be identified.

77. Given the available evidence it is my conclusion that it is only possible to justify a general preference for smaller housing i.e. 3 bedrooms or less. It is readily apparent that there is a lack of smaller dwellings below 3 bedrooms and the community has clearly expressed a desire to create some smaller dwellings to increase the choice of housing. This is in accordance with the general aims of the NPPF to increase choice and provide a balanced mix of housing. However, the NPPG recommends evidence must be robust and I consider this is the only requirement, which can be drawn from the evidence.

78. The policy relating to "Type" includes references to the justification for the policy, which should be in the supporting text rather than in the policy itself.

79. The need to avoid over-development is more appropriate in the Design policy.

80. The reference to providing at least 2 car parking spaces for all dwellings lacks any evidence or reference to Highway Authority guidelines and is therefore not appropriate for inclusion in the Plan.

81. The NPPF definition of CIL needs to be included in the Glossary.

82. The section of the policy relating to "Indicative Quantity" is not policy guidance but rather a repeat of the Core Strategy policies and an estimate of potential development, which is already in the supporting text and including my modifications to it. This part of the policy as written should therefore be deleted.

83. The reference in H1-Location, to the need to allow clear views to historic buildings and open countryside is essentially design matters. I consider the need to respect the setting of listed buildings is adequately covered by Core Strategy policy 58, "Ensuring the conservation of the historic environment" and similarly the need to avoid overdevelopment and protect views through to the countryside is covered by the Design policy D1, as modified. The concept of "clear views" is rather vague and difficult to interpret in implementation of the policy.

RECOMMENDATION 3

Alter title to "Housing Development".

Introduce the following as opening paragraphs;

"The Wiltshire Core Strategy, adopted in 2015 provides a strategic direction for housing development for Wiltshire until 2026. It identifies Wootton Rivers as a "Small Village" on the basis it has a low level of services and facilities and few employment opportunities. It states development should be limited to that

needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

The Core Strategy does not support development outside the defined limits of a settlement unless it is endorsed by community-led plans such as a neighbourhood plan.

Core Policy 2 establishes that in small villages development will be restricted to “infill development” to meet local housing, employment and service needs provided it

- 1) Respects the existing character and form of settlement**
- 2) Does not elongate the village or impose development in sensitive landscape areas**
- 3) Does not consolidate an existing sporadic loose knit areas of development related to the settlement**

“Infill development” is defined as “the filling of a small gap within the village that is only large enough for not more than a few dwellings, generally only one dwelling. Exceptions to this approach will only be considered through the neighbourhood plan process or DPD’s”

Amend the 4th paragraph in section 4.1 by adding an extra sentence, as follows;

“However, a full housing needs survey is required to properly determine housing need. In the event a need is identified in the future then Core Strategy Policy 44 allows the provision of affordable housing on “rural exception” sites within or well related to the village.

At the end of the 5th paragraph in section 4.1 add the following extra sentence to the end;

“The evidence gathered so far from public consultation supports a limit on the size of dwellings to a maximum of 3 bedrooms.”

In the 6th paragraph in section 4.1 after CIL insert “ see glossary page 68”. Insert in glossary CIL- Community Infrastructure Levy: A levy allowing local authorities to raise funds from owners or developers of land undertaking new building projects in their area.

In the 7th paragraph in section 4.1 after “criteria”, include “some of which relate to design policy D1, including”

Add to the end of paragraph 4.2 1) add the following from the policy wording of the second paragraph of H2;

“As a broad guideline, the average number which parishioners considered acceptable (in our September-October 2015 survey, with 57 respondents) was

6 new dwellings between now and 2026.”

Delete the title 4.4 The Four Areas of Housing Policy” and policies H1 H2 and H3. Replace with the following;

“4.4 Policy H1 Housing Development

Any new development will be limited to “in-fill” as defined by Core Policy 2 in the Wiltshire Core Strategy. Development will only be acceptable if it is within the settlement boundary defined on map 3 on page 14.

Residential development shall consist of 3 bedroom units or less.

On the map, Figure 3, on page 14 delineate a settlement boundary based on the curtilages of properties shown between Little House and the Railway as shown on the submitted map. Include the Recreation Ground within the boundary”

Alter the title of the map to The Wootton Rivers Settlement Boundary”

D1- Design

84.I agree with the Council that the policy as written is over prescriptive and conflicts with the advice in the NPPF. The Plan area clearly has a strong locally distinctive architectural heritage, which needs to be preserved and enhanced. However, requiring the “same or very similar materials” and resisting “overtly modern equipment or building styles” could be interpreted as stifling innovation, which is contrary to NPPF paragraph 59, which states

“However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.”

85.The policy as expressed is confusing and, although there is reference to other design policy and guidance in Appendix B, the policy should make more explicit reference to the Core Strategy policies and the Conservation Area and Village Design Statements.

86.The requirement to submit a detailed character assessment for review by the parish council is excessive and not appropriate for inclusion in the policy. The requirements for planning application submissions are set out in the councils approved planning application validation criteria and relate to provision of adequate information to allow the proper processing of planning applications by the council. It is not possible to require further or separate provision of information for the parish council.

87. The policy should be reworded to provide an overview of those policies governing design and highlight extra requirements that which are distinctive to the Plan area. This will enable the Plan to conform to the core principles in the NPPF in paragraph 17 that plans should provide *“a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.”*

88. The Council has made some necessary suggestions regarding factual errors in Appendix B, which require correction.

89. Appendix C relating to “Unlisted and Unprotected Parish Features” identifies listed and non-listed buildings, which are of significance and should be afforded particular respect in considering future development proposals. This needs to find expression in the policy to have any impact. From my site visit I am satisfied that all the buildings and features identified merit extra status in planning terms.

90. The listed buildings and buildings in the conservation area have protection via existing Core Strategy and this Plan’s Design policy, as recommended for modification. However, further protection would be afforded to the identified “non-listed buildings” if there was reference to these in the policy.

91. The Council have pointed out that the correct terminology for these “non-listed” buildings is “non-designated heritage assets”, as referred to in paragraph 135 of the NPPF. The NPPF confirms that these buildings can have elevated status in planning decision-making.

92. The list contains some curtilage listed buildings which have “listed status” by association and therefore, extra protection which should be acknowledged by separating them in the list from the other buildings and features.

RECOMMENDATION 4

Delete the existing Policy D1 and replace with the following;

“

The design of new buildings, extensions and alterations to buildings shall take into account the following ;

- i) Cores Strategy policies 57 “Ensuring high quality design and place shaping’ and 58 “Ensuring the conservation of the historic environment”, and**
- ii) The Conservation Area Statement (CAS) produced by Wiltshire Council, and**
- iii) The Wootton Rivers Village Design Statement ”**

Development affecting the non-designated heritage assets and natural features identified in Appendix C and other assets of a similar nature not identified in the appendix C, will be protected and considered in relation to the scale of the harm resulting from the development and the significance of the

asset.

**In Appendix B Design Policy evidence delete the first paragraph.
In the second paragraph replace “Wootton Rivers” with “Wiltshire Council”.**

Amend the 6th bullet on page 32 as follows;

- **The extensive use of wheat straw thatch with plain flush ridges-today mainly as combed wheat reed thatch but also a few remaining examples of the long straw style which is traditional to the area.”**

**Include an extra paragraph at the end of section 5.3 as follows;
“Appendix C identifies, curtilage listed buildings extra non-designated heritage assets and natural features which it considers have heritage value, aesthetic contribution or biodiversity value, which should be recognized in planning decision-making.”**

In appendix C remove the term “non-listed buildings” and replace with “non-designated heritage asset ” where necessary.

In Appendix C create a separate list for curtilage listed buildings” and include a paragraph at the head of the list as follows; “The following buildings fall within the curtilage of listed buildings and therefore have formal status as curtilage listed buildings which receive similar scrutiny as listed buildings when considering development which affects them.”

NRD1: Non-Residential Development

93.The term non-residential development is rather broad and too vague upon which to base a policy. The policy is based on Core Strategy, policy 2 that relates to proposals to “provide employment, services and facilities” which circumscribes the type of “non-residential development” which may be appropriate in the village. I recommend that this reference is made explicit in the policy.

94.The terms “useful facilities”, “suitable employment” or “increasing traffic volume” require further clarification to allow the policy to be a worthwhile guide to acceptable development and avoid confusion in interpretation.

95.I have made recommendations, which give a more definite indication of the criteria, which will be applied to consideration of this type of development.

96.I have recommended modifications to the policy wording and included a cross-reference to Core Strategy policies in the policy in order that the reader has a comprehensive understanding of the policies and establish a practical framework for implementation of the policies as recommended in the NPPF core principles in paragraph 17.

RECOMMENDATION 5

Alter title of this chapter to “Development providing employment, services and facilities”.

In 6.1 insert as a new first paragraph;

“Core Strategy Core Policy 2 sets the “Delivery Strategy” for development and establishes that “some modest development may be appropriate at Small Villages, to respond to local needs and to contribute to the vitality of rural communities. The policy allows development provided it

- i) Respects the existing character and form of the settlement**
- ii) Does not elongate the village or impose development in sensitive landscape areas**
- iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.”**

This policy needs further clarification in this Plan”

Delete the policy in 6.4 and replace with the following;

“Development, including change of use of buildings, which provides employment, services and facilities will be supported within the settlement boundary as shown on the map on page 14 subject to;

- i) conformity with design policy D1, and**
- ii) it is of a scale appropriate to the village, and**
- iii) does not harm the living conditions of residents, and**
- iv) does not represent a hazard to highway or pedestrian safety.**

The change of use of buildings outside the settlement boundary for these uses may be acceptable provided the proposal conforms to Core Strategy Core Policy 48 “ Supporting Rural Life” or Core Policy 39 relating to Tourist Development.”

Policy S1- Streetscape

97. The informal nature of the streetscape is important in contributing to character of the conservation area. However the policy as drafted refers essentially to tree and highway works and the sensitive provision of utility services. These factors are important to retaining the character of the street scene but are largely outside of planning control, therefore not appropriate for inclusion as policy.

98. These are nevertheless important aspirations and matters, which the parish council can seek to influence. I suggest this policy be included as a Recommendation, alongside and in the same manner as communications C1, parish services PEB1 and traffic and transport TT1.

RECOMMENDATION 6

Transfer the section Policy S1-Streetscape to a Recommendation after section 12, relating to Traffic and Transport.

Alter the text as follows;

Wherever the word policy appears change to “recommendation”

Alter the title of 7.3 to “Intent”, add a further sentence to 7.3 as follows;

“The control of these matters is largely outside of planning control but the parish council will seek to engage with the community and statutory undertakers to protect the streetscape as indicated.”

Policy RGS1- Recreational Green Space

99.The policy identifies three areas as green space, which conform to the criteria specified in paragraph 77 in the NPPF. These are relatively small areas of land clearly valued by the community and easily accessible from the village.

100.The text of the policy should reflect the advice in paragraph of 78 of the NPPF that it should be consistent with green belt policy. The policy needs to refer to development generally not just change of use and acknowledge that in accordance with green belt policy, exceptionally there may be very special circumstances to allow development which is essential such as provision of utility services, when there are no other options.

101.Regarding the Council’s comments about a clearer definition of the boundaries on the map of green spaces on page 23, I consider it sufficient to simply show a green dot to represent the ‘Pink Horse Chestnut’ area.

RECOMMENDATION 7

**Delete the last sentence in the policy “No change of use will be permitted.”
Insert a further sentence as follows;**

“No development will be allowed in this areas unless it is ancillary to the function of the area as green space and does not affect its character and openness, unless very special circumstances can be demonstrated which produces a public benefit.”

The map on page 23 should show a green notation for the “Pink Horse Chestnut Tree.”

Policy PEB 1 – Physical Environment and Biodiversity

102.This policy is essentially about aspirations, which lie outside of the planning

process and should be included as a further Recommendation.

103.Improving views and signage relates to proactive action by the parish council. Applications for renewable energy can be considered within existing development plan policies and design policy in this plan. Recording, protecting and improving biodiversity relate to future actions and there is Core Strategy Core Policy 50 “Biodiversity and Geodiversity”, which protects and encourages biodiversity. Similarly protecting trees is embedded in Core Policies 50, “Biodiversity and Geodiversity” and 51 “Landscape” and the design policy D1, in this plan.

104. Maintenance of ditches again is an aspiration.

105. I recommend transferring this section to a Recommendation.

RECOMMENDATION 8

Alter this section to a Recommendation.

Delete any reference to policy and substitute with “recommendation”.

10.Recommendations

106. It would be helpful if the section on Recommendations is prefaced with a short introduction, which made it clear that these are aspirations and not planning policies.

107.I have not made any recommendations on these as they are outside the planning sphere and do not relate to ‘basic conditions’.

RECOMMENDATION 9

Insert a new title called ‘RECOMMENDATIONS’ and include the following as an introductory paragraph.

“ The following Recommendations relate to issues and aspirations on matters which are important to the maintenance of the high environmental quality and sustainability of the village but cannot be considered directly through the planning system as they do not relate to land use and dot require planning permission.”

SUMMARY

108.I have completed an independent examination of the Neighbourhood Development Plan.

109.The Parish Council has carried out an appropriate level of consultation and clearly shown how it has responded to the comments it has received.

110.I have taken into account the further comments received as part of the

consultation under Regulation 16 on the Neighbourhood Planning Regulations 2012.

111. I have recommended modifications to the policies in order to satisfy the basic conditions and to ensure that they provide a clear basis for decision-making in accordance with the national planning policy and guidance and local development plans policies.

112. Subject to these modifications, I am satisfied that the plan meets the basic conditions, as follows:

- a) has regard to national policies and advice contained in guidance issued by the Secretary of State,
- b) the making of the plan contributes to sustainable development,
- c) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority,
- d) the making of the plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements,
- e) the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012)

113. I am also satisfied that the Plan meets the procedural requirements of Schedule 4B of the Town and Country Planning Act 1990.

114. I am required to consider whether the referendum area should extend beyond the Neighbourhood Development Plan area and if it is to be extended, the nature of that extension.

115. There is no evidence to suggest that the referendum area should extend beyond the boundary of the plan area as it is defined.

116. I recommend that the Neighbourhood Development Plan should proceed to a referendum based on the neighbourhood area authorised by Wiltshire Council.

117. I am therefore pleased to recommend that this Neighbourhood Development Plan, as modified by my recommendations, should proceed to a referendum.

