

# **ASHTON KEYNES NEIGHBOURHOOD PLAN**

Ashton Keynes Neighbourhood Plan Examination,  
A Report to Wiltshire Council

by Independent Examiner, Nigel McGurk BSc(Hons) MCD MBA MRTPI

Nigel McGurk

Erimax Land, Planning and Communities

[erimaxltd.com](http://erimaxltd.com)

February 2017

**Contents:**

**1. Introduction**

**2. Basic Conditions and Development Plan Status**

**3. Background Documents and the Ashton Keynes Neighbourhood Area**

**4. Public Consultation**

**5. The Neighbourhood Plan: Introductory Section**

**6. The Neighbourhood Plan: Policies**

**7. The Neighbourhood Plan: Other Matters**

**8. Summary**

**9. Referendum**

## 1. Introduction

### The Neighbourhood Plan

**Where modifications are recommended, they are presented as bullet points and highlighted in bold print, with any proposed new wording in *italics*.**

This Report provides the findings of the examination into the Ashton Keynes Neighbourhood Plan (referred to as the Neighbourhood Plan).

Neighbourhood planning provides communities with the power to establish their own policies to shape future development in and around where they live and work.

*“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”*

(Paragraph 183, National Planning Policy Framework)

The Neighbourhood Plan was prepared by the Ashton Keynes Neighbourhood Plan Steering Group, made up of members of Ashton Keynes Parish Council and other members of the local community.

As set out in the opening chapter of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Ashton Keynes Parish Council is the *qualifying body*, ultimately responsible for the Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation with regards whether the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Wiltshire Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Ashton Keynes Neighbourhood Area.

## Role of the Independent Examiner

I was appointed by Wiltshire Council, with the consent of the qualifying body, to conduct an examination and provide this Report as an Independent Examiner. I am independent of the qualifying body and the local authority. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I possess appropriate qualifications and experience.

I am a chartered town planner and an experienced Independent Examiner of Neighbourhood Plans. I have extensive land, planning and development experience, gained across the public, private, partnership and community sectors.

As the Independent Examiner, I must make one of the following recommendations:

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;
- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Ashton Keynes Neighbourhood Area to which the Plan relates.

## Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The front cover of the Neighbourhood Plan clearly specifies that the document covers the plan period:

*“2015 – 2026.”*

I also note that Paragraphs 1.1.5, 1.2.4, 3.2.4.2 and 3.2.4.3 of the Neighbourhood Plan refer to the plan period.

Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in this regard.

## Public Hearing

According to the legislation, *when the Examiner considers it necessary* to ensure adequate examination of an issue, or to ensure that a person has a fair chance to put a case, then a public hearing must be held.

However, the legislation establishes that it is a general rule that neighbourhood plan examinations should be held without a public hearing – by written representations only.

Further to consideration of the information submitted, I confirmed to Wiltshire Council that I was satisfied that the Ashton Keynes Neighbourhood Plan could be examined without the need for a Public Hearing. In making this decision I note that the Neighbourhood Plan has emerged through robust consultation (see Public Consultation, later in this Report) and that, as a consequence, people have been provided with opportunities to have their say.

## **2. Basic Conditions and Development Plan Status**

### **Basic Conditions**

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*<sup>1</sup> following the Localism Act 2011. A neighbourhood plan meets the basic conditions if:

- 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.<sup>2</sup>

An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.<sup>3</sup>

In examining the Plan, I am also required, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);

---

<sup>1</sup> Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990.

<sup>2</sup> Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007.

<sup>3</sup> The Convention rights has the same meaning as in the Human Rights Act 1998.

- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the content of this Report, I am satisfied that these three points have been met.

In line with legislative requirements, a Basic Conditions Statement was submitted alongside the Neighbourhood Plan. This sets out how, in the qualifying body's opinion, the Neighbourhood Plan meets the basic conditions.



## European Convention on Human Rights (ECHR) Obligations

I am satisfied that the Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary.

Information has been submitted to demonstrate that people were provided with a range of opportunities to engage with plan-making in different places and at different times. Representations have been made to the Plan, some of which have resulted in changes to the Neighbourhood Plan and these are indicated in the Consultation Statement.

## European Union (EU) Obligations

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites.

Wiltshire Council issued a HRA screening determination in December 2015. This concluded that there would be no likely significant effects on European sites and that, consequently, a HRA would not be required. Wiltshire Council confirmed this opinion in a representation to the Regulation 16 consultation.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal<sup>4</sup>. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.

In this regard, national advice states:

*“Draft neighbourhood plan proposals should be assessed to determine whether the plan is likely to have significant environmental effects.”* (Planning Practice Guidance<sup>5</sup>).

This process is often referred to as a screening report, opinion, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

---

<sup>4</sup> Paragraph 026, Ref: 11-027-20150209, Planning Practice Guidance

<sup>5</sup> Paragraph 027, *ibid*

A Sustainability Appraisal Scoping Report was submitted alongside the Neighbourhood Plan. This Report identified likely significant effects and it was determined that a Strategic Environmental Assessment was necessary. Consequently, a Sustainability Appraisal of the Neighbourhood Plan, incorporating the requirements of the Strategic Environmental Assessment Regulations, was produced. This was submitted alongside the Neighbourhood Plan.

The Sustainability Appraisal submitted states that:

*“...the Submission version of the AKNP is likely to lead to significant positive effects”* with regards population, community and transport.

No significant adverse effects are identified.

The Scoping Report states that the statutory consultees, Natural England, Historic England and the Environment Agency, were consulted on the scope and detail of the Report. There is no indication that any of the statutory bodies objected to the Scoping Report or the Sustainability Appraisal.

No representations were received during the submission consultation from the statutory consultees. Given that they were invited to comment, the absence of any response suggests that Historic England, Natural England or the Environment Agency have no concerns with regards the Neighbourhood Plan – as they have a statutory duty to raise concerns if they have them.

This absence of response, whilst uncommon, emphasises the importance of the role and the responsibility of the Local Planning Authority, given that other parties may have objections to the environmental assessment and screening process. One such objection to the Neighbourhood Plan is considered later in this Report.

However, national guidance is explicit in establishing that the ultimate responsibility for determining whether a draft neighbourhood plan meets EU obligations lies with the local planning authority,

*“It is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a neighbourhood plan proposal submitted to it have been met in order for the proposal to progress. The local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations”* (Planning Practice Guidance<sup>6</sup>).

In undertaking the work that it has, Wiltshire Council has considered the Neighbourhood Plan’s compatibility with EU obligations. It has raised no objections or concerns in this regard and taking this and the above into account, I conclude that the Neighbourhood Plan meets the basic conditions in this regard.

---

<sup>6</sup> Paragraph 031, Reference: 11-031-20150209, Planning Practice Guidance

### **3. Background Documents and the Ashton Keynes Neighbourhood Area**

#### **Background Documents**

In undertaking this examination, I have considered various information in addition to the Ashton Keynes Neighbourhood Plan. This has included the following main documents:

- National Planning Policy Framework (the Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Plan Regulations (2012) (as amended)
- The Wiltshire Core Strategy (2015)
- Basic Conditions Statement
- Consultation Report (and Pre-Submission Report)
- Sustainability Appraisal and Scoping Report
- Conservation Area Statement
- Housing Site Consultation Report

Also:

- Representations received

In addition, I spent an unaccompanied day visiting the Ashton Keynes Neighbourhood Area.

## Ashton Keynes Neighbourhood Area

A plan showing the boundary of the Ashton Keynes Neighbourhood Area is provided on page 1 of the Neighbourhood Plan. This is a small plan which would appear clearer if it was larger, enabling it to better meet its purpose of identifying the Neighbourhood Area's boundaries.

I recommend:

- **Increase the size of the plan on page 1 of the Neighbourhood Plan, enabling boundaries to be identified more clearly**

The Neighbourhood Area covers the entirety of Ashton Keynes Parish. Wiltshire Council approved the designation of Ashton Keynes as a Neighbourhood Area on 14<sup>th</sup> November 2013.

This satisfied a requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G (1) of the Town and Country Planning Act 1990 (as amended).

## **4. Public Consultation**

### **Introduction**

As land use plans, the policies of neighbourhood plans form part of the basis for planning and development control decisions. Legislation requires the production of neighbourhood plans to be supported by public consultation.

Successful public consultation enables a neighbourhood plan to reflect the needs, views and priorities of the local community. It can create a sense of public ownership, help achieve consensus and provide the foundations for a 'Yes' vote at Referendum.

### **Ashton Keynes Neighbourhood Plan Consultation**

A Consultation Statement was submitted to Wiltshire Council alongside the Neighbourhood Plan. The information within it sets out who was consulted and how, together with the outcome of the consultation, as required by the neighbourhood planning *regulations*<sup>7</sup>.

Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for Ashton Keynes, having regard to Paragraph 183 of the Framework.

The Neighbourhood Plan was produced by a Steering Group made up of Parish Councillors and other local representatives.

In May 2013, the plan-making process was launched at a public drop-in session held over the course of two different days. The event was advertised by a leaflet and provided visitors with opportunities to consider posters, maps and documents related to the plan-making process. The event was visited by 140 people and resulted in a considerable number (105) of returned questionnaires.

A public exhibition was then held in April 2014, again advertised via a leaflet and held over the course of two different days. The exhibition introduced themes for comment, further to taking into account the responses to the first event. A questionnaire was distributed to each of the 130 visitors and once again, a considerable number of these (117) were completed and returned. This provided plan-makers with significant feedback.

---

<sup>7</sup>Neighbourhood Planning (General) Regulations 2012.

In addition to the above, an Amenities Consultation, a Local Business Survey and a Housing Consultation were carried out. The latter of these, undertaken in January 2015, comprised two days of exhibitions attended by 127 visitors. Feedback to this consultation helped to inform the site assessment process.

Pre-Submission consultation took place over an extended period between September and December 2015. Consultation was supported by two drop-in events, a leaflet, a letter to stakeholders and the provision of a feedback form. The events were attended by 139 people and issues raised were considered.

Evidence has been provided to demonstrate that the plan-making process was widely publicised. In addition to all of the above, a dedicated website was established in 2013 and this provided comprehensive access to all relevant Neighbourhood Plan information, including the minutes of meetings.

Also, the plan was publicised in the quarterly Parish newsletter, on the Parish Council website, in the local press, on Parish Notice Boards and via social media.

Taken together, the Consultation Report provides evidence to show that effective public consultation was central to the production of the Neighbourhood Plan. Community engagement was strongly encouraged throughout the plan-making process. Matters raised were duly considered and the reporting process was transparent.

Taking all of the above into account, I am satisfied that the consultation process was robust.

In objection to the Neighbourhood Plan, Partridge Homes has raised a concern relating to the pre-submission consultation, whereby the SEA screening report was not published:

*"...prior to Regulation 14 consultation."* (Partridge Homes, 14<sup>th</sup> November 2016)

However, there is no legislative requirement for plan-makers to publish an SEA screening report prior to Regulation 14 (pre-submission) consultation. Further, there is no substantive evidence to demonstrate that any party was treated unfairly or disadvantaged as a result of public consultation. Rather, the Consultation Statement demonstrates a sustained, pro-active approach to consultation, whereby information was presented in a transparent manner and comments were actively sought over numerous and extended periods of time.

## **5. The Neighbourhood Plan – Introductory Section**

The Basic Conditions require consideration of whether the Neighbourhood Plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies of the Local Plan.

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. This Chapter considers the Introductory Section of the Neighbourhood Plan.

The legislation behind Neighbourhood Planning underpins the power of communities to plan for themselves and it is important that it is interpreted clearly. To ensure that the Neighbourhood Plan is clear and properly reflects the legislation, I recommend:

- **Para 1.1.4, change to “*These policies have regard to national planning policy and advice, and are in general conformity with local strategic policy, as set out in Wiltshire’s adopted Core Strategy, including Core Policy 13 (Malmesbury Community Area Policy).*”**
- **Para 1.1.5, delete “*...Draft...*”**

The Neighbourhood Plan has no power to address the “*provision of school places.*” I recommend:

- **Paragraph 1.1.6, change to “*The provision of infrastructure has also been addressed and there are...*”**
- **Paragraph 1.1.7, change to “*In support of this Neighbourhood Plan, there...*”**
- **Delete Paragraph 1.1.8, which is out of date**

Section 1.2 provides a clear and succinct vision and no changes are recommended.

## **6. The Neighbourhood Plan – Neighbourhood Plan Policies**

The structure of the Policy section introduces unnecessary confusion and detracts from the clarity of the Neighbourhood Plan's Policies.

The introduction of Objectives, each with an Objective number appears to suggest that somehow the Objectives have policy-type status. They do not. Rather, the numbered Objectives appear highly confusing when set against each Policy and no indication is provided as to why, for example, it is relevant that say, Policy HS3 meets Objective HS1, HS2 and HS3, but not HS4 or HS5.

The approach is confusing and detracts from the clarity of the Neighbourhood Plan and some conflict with Planning Practice Guidance, which requires neighbourhood planning policies to be precise, concise, clear and unambiguous<sup>8</sup>.

Also, whilst it may have been helpful during the consultation stages to provide a number of references to the Framework and to the Wiltshire Core Strategy (Core Strategy) after each Policy, the inclusion of a short, limited and subjective list of Framework references and Core Strategy policies after each Policy serves to deflect attention away from the Neighbourhood Plan Policies themselves. It introduces unnecessary confusion and detracts from the clarity of the Neighbourhood Plan. If the Neighbourhood Plan is made, it forms part of the development plan. There is no requirement for each Policy to seek to justify its existence.

Taking the above into account, I recommend:

- **Page 3, delete Paragraph 2.1.3. If the Neighbourhood Plan is so confusing that it requires instructions in respect of how to read the Policies, then it is unlikely to be a very clearly presented document**
- **Delete the “Supports,” “NPPF Reference” and “Wiltshire Core Strategy reference” after each Policy**
- **Delete the numbering of Objectives, eg “Objective HS1, Objective HS2...”. Replace with a bullet point**
- **Page 4, fourth line, replace “...conformance...” with “...conformity...”**

---

<sup>8</sup> Ref: Planning Practice Guidance 41-041020140306.



## Housing Site Allocations

### **Policy HSP1: Site Allocations**

The Wiltshire Core Strategy (the Core Strategy) was adopted in 2015. Like the Neighbourhood Plan, the Core Strategy covers the planning period up to 2026.

Ashton Keynes is defined in the Core Strategy as a “*Large Village*,” thus comprising a settlement with a limited range of employment, services and facilities, where development is largely restricted to that needed to help meet housing need and improve employment opportunities, services and facilities.

Core Policy 13 of the Core Strategy identifies a local housing requirement for the Malmesbury Community Area, within which Ashton Keynes is located, of approximately 1,395 homes. Of these, around 510 new homes are to be identified outside the “*Market Town*” (as defined by the Core Strategy) of Malmesbury.

However, as the Core Strategy covers the period 2006-2026, many of these homes have already been accounted for. A “*remainder to be identified*” figure, discounting completions or commitments already accounted for, was published by Wiltshire Council in an updated Housing Land Supply Statement in November 2016. This identified a “*remainder*” figure of 86 homes for the Community Area.

Much of the Neighbourhood Plan plan-making process pre-dated November 2016 and consequently the “*remainder*” figure used in calculating a proportional housing requirement for the Neighbourhood Area is the larger figure, taken from the previous year’s Housing Land Supply Statement (2015). This was 116 homes for the Community Area. The resulting requirement of 11 homes for Ashton Keynes also takes account of the existence of a Market Town, four other Large Villages and several small villages elsewhere in the Community Area.

A site for 11 new homes is allocated in the Neighbourhood Plan.

Further to the above, during the plan-making process, an appeal relating to the development of 18 new homes in Ashton Keynes was allowed. In effect, together with the site for 11 homes, at least 29 homes are therefore likely to come forward in the Neighbourhood Area during the lifetime of the Neighbourhood Plan.

In the above regard, Wiltshire Council states:

*“...the draft AKNP seeks to allocate land for the delivery of 29 new dwellings which is considered to be an acceptable amount in the context of the community area and will allow the community to respond to development opportunities in Ashton Keynes as well as provide a range of house types and tenures, including some affordable homes.”* (Wiltshire Council, Representation to Neighbourhood Plan, 14<sup>th</sup> November 2016)

Whilst I note that several objections to the Neighbourhood Plan would like it to allocate more land for residential development, the Neighbourhood Plan does not seek to plan for less housing than that required by the strategic policies of the adopted Core Strategy and as above, the position of Wiltshire Council in respect of the Neighbourhood Plan’s approach to housing land is clearly supportive.

With reference to representations concerning *“the former Cotswold Community site,”* the fact that the Neighbourhood Plan does not include a specific policy relating to this site within the Neighbourhood Area does not mean that it fails to meet the basic conditions.

As above, the Neighbourhood Plan does not plan for less housing than that required by the relevant policies of the adopted development plan and further to the recommendations below, it does not place a cap on housing numbers or seek to prevent sustainable development from coming forward. Consequently, it meets the basic conditions in this regard.

Whilst the agents for the Cotswold Community state that *“having special regard to the desirability of preserving listed buildings and their setting”* is a basic condition, it is not. Such a requirement relates to Neighbourhood Development Orders, which are different to, and do not comprise, neighbourhood plans.

Ashton Keynes Parish Council clearly gave serious thought to the allocation of the Cotswold Community site. Ultimately, it voted not to allocate the site. As the Qualifying Body responsible for the production of the Neighbourhood Plan, Ashton Keynes Parish Council was entitled to make this decision. Plan-making can often be a difficult and contentious process, especially where the allocation of land for development is concerned and I note that the Neighbourhood Plan and the documents submitted alongside it demonstrate that consideration of the allocation of land was undertaken diligently and in a transparent manner by plan-makers.

Another representation, in relation to the “*Dairy Farm and Bungalow*” site, states that the land allocation process should have treated that site differently to the way that it did; and that the Neighbourhood Plan should take into account a recent appeal decision. With regards this latter point, a Neighbourhood Plan can only take into account information readily available at the time when it was prepared. As above, the Neighbourhood Plan meets the basic conditions in respect of not providing for less development than that required by the strategic policies of the development plan and not seeking to place a cap on, or to limit sustainable development from coming forward.

The land allocation process was undertaken by plan-makers in the public arena. Indeed, the process formed an important part of what has been found to have comprised a robust approach to public consultation. The consideration of land allocations was supported by open and transparent site assessments. The fact that these were not carried out in a way that an objector would like them to have been does not mean that they were invalid; and any errors that might have been contained within assessments were open to consultation and to comment.

Site assessment can, by its very nature, involve subjective matters. Not everyone will agree on everything. The Ashton Keynes site assessment process was not a secret project, but was a consultation-driven exercise, carried out by the community for the community, with the added, ongoing scrutiny of public consultation.

Neighbourhood planning is different to District-wide local planning and in respect of the evidence base for neighbourhood plans, Planning Practice Guidance is at pains to point out that:

*“...there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken.”* (Reference ID: 41-040-20160211)

The Neighbourhood Plan emerged through consultation and is supported by proportionate evidence that was open to scrutiny. The Qualifying Body has provided evidence to demonstrate that comments were actively sought, duly considered and where it was regarded as appropriate, taken into account.

Ultimately, in shaping and directing sustainable development in their area, the community has allocated land for housing. This has also meant that there are specific areas of land that are not allocated for housing.

In respect of determining what was, or was not considered to comprise an appropriate allocation, Ashton Keynes Parish Council has, as the Qualifying Body, discretion in respect of seeking to allocate, or not to allocate, land for development within the Neighbourhood Area. From consideration of the information submitted, it is evident that the Qualifying Body has made its decisions further to taking account of proportionate evidence that has been robustly consulted upon.

In this regard, I note that plan-makers were entitled to remove a possible allocation from an earlier draft of the plan without replacing it with an alternative site. In respect of housing, subject to the recommendations below, the Neighbourhood Plan does not promote less development than set out in the Local Plan or undermine its strategic policies. It has regard to Paragraph 184 of the Framework.

Policy HSP1 states that it will support the development of 18 dwellings at a site at Wheatley's Farm. However, this site has recently received planning permission for 18 dwellings. Consequently, the Neighbourhood Plan has been overtaken by events – it is not the role of neighbourhood plans to allocate land for development where planning permission for such development already exists - and I address this in the recommendations below.

The Policy also refers to a "*Maximum Number of Homes.*" Such an approach is unduly prescriptive and could prevent the most efficient and appropriate use being made of a development site. Furthermore, development that is sustainable should go ahead without delay, as per the Ministerial Foreword to the National Planning Policy Framework (the Framework). Placing a cap on development could prevent sustainable development from coming forward. I also note that the provision of a "*maximum*" figure could be at odds with Paragraph 3.2.2.1 in the Neighbourhood Plan, which supports prioritising the development of smaller homes.

Paragraph 3.3.1.1 refers to the "*Village Settlement Boundary.*" The plan on page 1, does include a reference to the settlement boundary, as defined in the Core Strategy, but this boundary is almost wholly illegible to the naked eye and inappropriate for inclusion as the sole plan of the Village Settlement Boundary in the Neighbourhood Plan.

Taking the above into account, I recommend:

- **Policy HSP1, delete and replace with "*The development of around 11 homes at AB Carter Haulage, Happy Land, will be supported.*"**
- **Provide a new plan showing the "*Village Settlement Boundary.*" Unlike the plan on Page 1, this should clearly show the boundary of the settlement against an appropriate Ordnance Survey base. The Key should reference the Core Strategy, from which the Boundary is taken.**
- **Para 3.3.1.2, penultimate line, change to "*...in general conformity...*"**
- **Para 3.3.1.4, penultimate line, change to "*...as the Parish Council considers that its designation would not be in general conformity with the Wiltshire...*"**
- **Para 3.3.1.6, change to "*...18 new homes. Taking this site, together with the site allocated in Policy HSP1, it is noted that there is land for at least 29 new homes to come forward over the plan period.*" (delete rest of Para)**

## **Policy HSP2: AB Carter Haulage**

The opening Paragraph of Policy HSP2 is background information and does not comprise land use planning policy.

As above, use of the word “*maximum*” conflicts with national policy.

Criterion c) requires screening “*where considered appropriate*” but provides no indication of what this might be. Consequently, it fails to provide a decision maker with a clear indication of how to react to a development proposal, having regard to Paragraph 154 of the Framework.

Subject to taking the above into account, Policy HSP2 is a supportive planning Policy, that provides for sustainable development.

I recommend:

- **Policy HSP2, move first Para of Policy to the supporting text**
- **Second Para, delete “....for a maximum of...”**
- **Criterion c) delete “...and the provision of additional screening where considered appropriate.”**

### **Policy HSP3: Wheatley Farm**

As set out above, the Neighbourhood Plan has been overtaken by events. Land at Wheatley Farm already has planning permission. Notwithstanding this point, I note the following:

- The majority of Policy HSP3 is general information, not a land use planning policy;
- Criterion 1) is a general statement of intent and not a land use planning policy;
- Criterion 2) is not required. It is impossible (and unnecessary) for a Neighbourhood Plan to state all of the things that it will not do;
- Criterion 3) has been overtaken by events.

I recommend:

- **Delete Policy HSP3 and supporting plan**

The “*Reasoned Justification*” does not relate to Policy HSP1 (or the deleted HSP2), neither of which set out requirements for Starter Homes, family homes with adequate gardens or shared green space, or homes for older people.

I recommend:

- **Delete Paragraph 3.3.2.1 (and title)**

It is recommended earlier in this Report that the various references following on from Paragraph 3.3.2.1 should be deleted

## **Policy HSP4: Additional Housing Developments**

Generally, Policy HSP4 is a positive Policy, supportive of new residential development within the Settlement Boundary.

Criterion a) requires development to be “*complementary*” to existing development. This term is not defined and could, as set out, impose an onerous requirement upon development, without clearly indicating how it can be achieved. Further, the approach does not provide a decision maker with a clear indication of how to react to a development proposal. This is addressed in the recommendations below.

Also, re: Criterion a), It is possible that development could result in some loss of existing residential amenity, but that, on balance, the benefits of the development outweigh any harm. Preventing development on the basis of any “*loss of amenity*” could therefore place a barrier in the way of sustainable development coming forward, contrary to national policy.

The phrase “*does not require unsuitable access*” is unclear and no indication is provided of what a “*significant*” overlooking impact might be, as opposed to an overlooking impact. Consequently, Criterion b) is imprecise. This is contrary to Planning Practice Guidance, which requires planning policies to be precise and concise<sup>9</sup>. The Criterion is also repetitive, as the previous requirement provides for residential amenity.

Criterion c) relies on a document not under the control of the Neighbourhood Plan.

No indication is provided of which gardens in the Neighbourhood Area “*have the potential*” for loss of amenity. This is a sweeping comment and does not provide a decision maker with a clear indication of how to react to a development proposal. Furthermore, Criterion d) repeats the requirements of Criterion a). Also, the reference to “*any visual intrusion*” has the potential to place a significant hurdle in the way of any development at all, thus failing to contribute to the achievement of sustainable development.

I recommend:

- **Policy HSP4, Criterion a), change to “*...form is in keeping with surrounding properties and respects residential amenity.*”**
- **Criterion b) change to “*provides safe and suitable access.*”**
- **Delete Criteria c) and d)**

---

<sup>9</sup> Ref: Planning Practice Guidance 41-041020140306.

## **Policy HSP5: Mix of housing types and tenure**

Policy HSP5 is vague and imprecise. It is reliant on terms such as “...consider...should normally ...is encouraged...are encouraged...maximise the potential for...” No indication is provided of how developers will be encouraged to do something, or what would the consequences be if, for example, they did not give consideration to housing needs. The Policy does not provide a decision maker with a clear indication of how to respond to a development proposal.

However, taking the justification and evidence base into account, I note that the general intention of Policy HSP5 – providing for a mix of housing types and tenures - has regard to Paragraph 50 of the Framework, which seeks the delivery of a wide choice of high quality homes.

Taking the above into account, I recommend:

**Policy HSP5, change to “*The provision of a wide range of housing types, tenures and sizes on the allocated site will be supported. Residential development proposals should take local housing needs into account.*”**



## Policy HSP6: Affordable Homes

The first part of Policy HSP6 is reliant upon a Policy not under the control of the Neighbourhood Plan. It is not the role of neighbourhood plans to simply repeat existing development plan policies.

Criterion 2) of Policy HSP6 could have unforeseen circumstances. It would provide unfettered support for affordable housing across the Neighbourhood Area, so long as any such development met the needs of people with “*local connections*.” Such an approach could result in support for non-sustainable forms of development within the Neighbourhood Area and there is no substantive evidence to the contrary.

It is not clear why an Affordable Housing Mix statement must be submitted with every planning application. This imposes a new requirement and adds a burden to the planning application process and it makes little, if any, sense for there to be such a requirement for proposals for residential schemes that do not require affordable housing – which includes most proposals for up to ten dwellings. The Policy fails to have regard to Paragraph 193 of the Framework, which states that:

*“Local planning authorities should publish a list of their information requirements for applications, which should be proportionate to the nature and scale of development proposals and reviewed on a frequent basis. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.”*

The final part of Policy HSP6 seeks to place a requirement upon another body and this is not within the control of the Neighbourhood Plan.

Taking all of the above into account, Policy HSP6 does not meet the basic conditions. I recommend:

- **Delete Policy HSP6**
- **Delete Paragraph 3.6.1.8, which reads as though it is a Policy, but is not.**

## Policy HSP7: Affordable Housing and Inclusive Development

Chapter 7 of the Framework, “*Ensuring good design*,” requires planning policies to aim to ensure that developments function well, add to the overall quality of the area and establish a strong sense of place. Integration with the existing community can form an important part of this.

Policy HSP7 seeks to provide for the integration of affordable housing and to create what it refers to as an “*inclusive development*.” Generally, the intentions of Policy HSP7 have regard to the Framework. However, as worded, the Policy also appears to apply to residential development in general and as a consequence, is unduly onerous. For example, there is no indication of how say, a single new dwelling in a rural part of the Neighbourhood Area can “*ensure*” that it is well integrated with the Village.

Further, if a new development is only providing a small number of affordable homes, it may be unviable, or impractical, not to locate them “*in one area*.” It could also be that the management of affordable homes means that it is appropriate for them to be located within close proximity to one another. There is no evidence to demonstrate that such things would not apply in Ashton Keynes.

The Policy goes on to require that all housing must “*ensure*” that there are short and direct routes for pedestrians and cyclists connecting to Village facilities; and to provide new facilities to share with adjacent areas. These requirements place an additional burden on all residential development without any evidence to demonstrate that they would be viable in all cases. According to the Framework:

*“Plans should be deliverable. Therefore, the...scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.”* (Paragraph 173)

Taking the above into account, I recommend:

- **Policy HSP7, change to “*New housing in the Village should be well integrated. It should be appropriate in terms of scale, character and location; and affordable housing should be integrated and generally indistinguishable from open market housing.*”**
- **Delete Paragraph 3.6.1.9, which reads as though it is a Policy, which it is not.**

## **Policy HSP8: Housing for Older People**

In supporting the delivery of a wide choice of high quality homes, Paragraph 50 of the Framework supports planning for a mix of housing, to meet market trends and the needs of different groups, including older people.

The first sentence of Policy HSP8 requires all developers to demonstrate how their proposals respond to the needs of an ageing population. However, it is unclear why every residential development, including every development of a single dwelling, should need to do this. There is no substantive evidence to justify such an approach, or to demonstrate that it has regard to national policy or is in general conformity with local strategic policy.

The second sentence of Policy HSP8 is a sweeping statement that could result in unforeseen consequences. It suggests unfettered support for any development, so long as it addresses the local need for older persons housing. This could result in support for an inappropriate development that happened to include a small number of houses for older people. The recommendations below include “tighter” wording in this regard.

Also, the Policy includes references more suited to background information, and is confusingly worded.

I recommend:

- **Policy HSP8, change to “*The development of new homes to address the local need for older persons housing will be supported. These might include new homes designed to be adaptable to change over time.*” (delete rest of Policy)**
- **Add new supporting text, “*The Parish Council particularly supports the provision of single storey dwellings or other house types suitable for the elderly. Evidence of local need includes Wiltshire Council’s housing register and local needs surveys. The Parish Council supports the Lifetime Homes principle.*”**
- **Paragraph 3.7.2.2, change to “...and seeks to promote the availability of housing stock suitable for older people.”**

Paragraphs 3.8.2 to 3.8.4 of the Neighbourhood Plan are worded as though they comprise a Policy requirement. This is not the case.

I recommend:

- **Delete Paras 3.8.2 to 3.8.4, inclusive**
- **Para 3.8.5, change to “In Ashton Keynes, examples of good design *can* include:”**

**Policy INP1: Flood risk mitigation in new developments**

The opening part of Policy INP1 requires all development proposals to include consideration of flood risks. This goes well beyond local or national planning policy requirements. No evidence is provided to justify the requirement for every development proposal to “*include consideration of existing and potential flood risks within the local environment*” regardless of its nature or location. This part of the Policy conflicts with Paragraphs 173 and 193 of the Framework.

The Policy goes on to limit “*new paved areas...to the minimum necessary.*” As no indication is provided with regards what the minimum necessary for a new paved area might be, this part of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.

Policy INP1 goes on to require Sustainable Drainage Systems (SuDS) to be utilised “*wherever possible.*” It may be *possible* to utilise SuDS in many circumstances, but this is not the same as being relevant, viable and necessary. National policy prioritises the use of SuDS in appropriate circumstances (Paragraph 103).

It is not the role of the Neighbourhood Plan to enforce planning conditions, as referred to in the supporting text.

Taking the above into account, I recommend:

- **Delete Policy INP1 and replace with “*Development should not increase flood risk. The development of Sustainable Drainage Systems to address flood risk is supported.*”**
- **Para 4.3.1.2, delete “..., by enforcing planning conditions and...”**

## **Policy INP2: Road and Pedestrian Safety**

The Framework requires the provision of safe suitable access to development (Paragraph 32) and the creation of safe and accessible environments (Paragraph 58).

The first part of Policy INP2 seeks to prevent development that harms highway safety and has regard to national policy.

However, as worded, the second part of the Policy appears to suggest that some types of highway safety are more important than others. This comprises unnecessary wording that is not supported by any substantive evidence and as such, it raises the risk of reducing the ability of Policy INP2 to properly address matters of highway safety.

Paragraph 4.4.1.3 makes an incorrect reference to Policy INP2, which does not address the removal of road safety hazards.

I recommend:

- **Policy INP2, delete “..., particularly where they involve...and junctions.”**
- **Para 4.4.1.3, delete “..., and by removing...wherever possible.”**

### **Policy INP3: Rural Health Service Enhancement**

As worded, the opening sentence of Policy INP3 supports any kind of development that relates to and contributes to improvements in locally based health services. This could result in unforeseen circumstances, whereby development, of any type or scale, would be supported, so long as it “relates” and “contributes” to local health services. This could result in non-sustainable forms of development coming forward and there is no evidence to demonstrate that this would not be the case. Taken to its extreme, by way of an example, the Policy, as worded, might support the development of a nuclear waste processing plant so long as it also provided a new doctor’s surgery.

Similarly, criterion b) of the Policy supports the development of any type of (undefined) “amenities,” so long as the proposal provides some space for GP services.

Subject to addressing the above, Policy INP3 seeks to encourage the provision of space for GP services. This has regard to Paragraph 28 of the Framework, which promotes the development of community services.

I recommend:

- **Policy INP3, delete and replace with “*The development of locally based health services will be supported. This could include the expansion of the Village Hall to provide space for a General Practitioner.*”**

## Policy INP4: Communications infrastructure service improvement

Paragraph 42 of the Framework establishes that advanced, high quality communications infrastructure is essential for sustainable economic growth.

In a similar way to previous Policies, as worded, the beginning of Policy INP4 affords sweeping support for development proposals so long as there is a contribution to improvements in mobile phone coverage. This could result in support for non-sustainable forms of development and there is no evidence to the contrary.

Criterion a) supports the siting of a mobile phone mast in “*an appropriate location*” but does not provide any indication of where this might be. It also refers to “*appropriate consultation,*” but again provides no further clarity. Consequently, this part of the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.

Criterion b) refers to a document not under the control of the Neighbourhood Plan and comprises general background information, albeit in a confusing manner. No indication is provided in terms of how “*adopting the guidelines*” of another document not forming part of the Neighbourhood Plan will necessarily minimise the impact of the siting of a mobile phone mast.

That part of the Policy that encourages the sharing of mobile phone masts has regard to Paragraph 43 of the Framework, which requires the provision of masts to be kept to a minimum consistent with the efficient operation of the network.

Taking the above into account, I recommend:

- **Policy INP4, delete and replace with “*Where new sites for the provision of high quality communications infrastructure are required, proposals must demonstrate that equipment has been sympathetically designed and camouflaged where appropriate. Wherever possible, mobile phone service providers should share a mobile phone mast, unless it can be demonstrated that this is not viable.*”**



## Amenities Policies

### **Policy AMP1: Village Centre Amenities**

Policy AMP1 is confusingly worded. It suggests that Map-AMP1 shows development proposals for new or improved amenities. It does not. It goes on to refer to the running of the Village Shop, which is not a land use planning matter. No indication is provided of “*a more appropriately located premises*” for a village shop.

However, in general, Policy AMP1 has regard to Paragraph 28 of the Framework, which promotes the retention and development of community services.

Paragraph 5.3.1.3 reads as though it is a Policy, which it is not.

In the interests of clarity and precision, I recommend:

- **Policy AMP1, delete and change to “*The development of new or improved community facilities at the Village Main Hall (see plan below), will be supported. This may include re-development to create a Community Hub. The retention of the Village Shop (see plan below), or its replacement with a shop no smaller or less convenient, will be supported.*”**
- **Delete Para 5.3.1.3**

## **Policy AMP2: Holy Cross Church**

Policy AMP2 refers to zones which are not defined in the Neighbourhood Plan.

As set out, the Policy would support the development of a car park for the Church, but not any other form of development. However, no evidence is provided to demonstrate that a new car park would necessarily conserve the Church and its setting in a manner appropriate to its significance, whilst other forms of development would fail to do so.

Consequently, the Policy could prevent development that is sustainable from coming forward, or could afford support to a non-sustainable form of development. There is no substantive evidence to demonstrate that it contributes to the achievement of sustainable development. I note that the absence of an objection to a Policy is not the same thing as it meeting the basic conditions.

I recommend:

- **Delete Policy AMP2**
- **Delete Map-AMP2**
- **Delete the second sentence of Para 5.3.2.2**

I note that the recommendations above do not prevent a detailed planning application coming forward in respect of a car park for the Church.

### **Policy AMP3: Village School**

National policy states that:

*“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on, unless...”* it is surplus to requirements, it would be replaced by something better, or the development is for sports and recreation (Paragraph 74, the Framework).

In seeking to safeguard the school playing fields, the first part of Policy AMP3 has regard to this; and to the requirements for good design, set out in Chapter 7 of the Framework.

However, no evidence is provided to demonstrate that the second part of the Policy has regard to the requirements of Paragraph 74 of the Framework. In this regard, Paragraph 5.3.2.4 attempts to draw a link between the school playing field and general open spaces, but does not provide any evidence to demonstrate that the loss of a school playing field, or part of it, is appropriate due to the existence of open space elsewhere.

I recommend:

- **Policy AMP3, delete Criterion b)**
- **Delete Paragraph 5.3.2.4**

## **Policy AMP4: Open Spaces**

This Policy does not designate any open space – nor does it designate Local Green Space. Rather, it refers to four open spaces that are protected “*under Wiltshire Open Space policy.*” I note earlier that it is not the role of the Neighbourhood Plan to simply repeat existing policy.

Neither national nor local planning policy seeks to protect the setting of open spaces. No evidence is provided to justify Policy AMP4 in this respect. Also, no indication is provided of how “*equivalent community benefit*” is to be measured, who by and on what basis, or of what the current measurement of community benefit comprises. Consequently, this part of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.

Taking the above into account, I recommend:

- **Policy AMP4, change opening sentence to “*Map-AMP4 identifies the following open spaces:*”**
- **Final paragraph, change to “*...character, accessibility or appearance, general quality or amenity value will be resisted, unless equivalent or better replacement open space is provided elsewhere.*”**

## **Policy AMP5: Parking**

Policy AMP5 states that the retention of existing parking facilities for public use will be supported. It is therefore unnecessarily repetitive and confusing for the Policy to go on to state that various car parks “*will be retained...will remain;*” or that car park P1 will be “*retained as a public car park;*” but if a development takes place, then it should “*be retained for public use.*” Such repetition detracts from the clarity of the Policy.

Criterion c) is confusing. In effect, it supports the small-scale expansion of car park P2, but requires that such expansion protects the land it expands onto. No indication of how this will be achieved is provided. In this regard, criterion c) conflicts with Policy AMP4. The criterion also refers to “*Green Space*” but no such designation exists in the Neighbourhood Plan.

Criterion e) is also confusing. It supports expansion to “*alleviate peak attendance overflow parking*” without providing any detail as to what this means in land use terms. It is noted that no substantive evidence relating to why the permanent expansion of a car park to cater for a single event is justified.

Criterion f) simply provides support for the unlimited expansion of car park P4, without any evidence to demonstrate what this would entail and why it would be appropriate.

Criterion g) seeks to allocate land for the provision of a car park to support the local school and has regard to Paragraph 72 of the Framework which gives great weight to the expansion or alteration of schools.

Taking the above into account, I recommend:

- **Delete Policy AMP5 and replace with “*The retention and improvement of existing car parks will be supported. The provision of a new car park at P5 on Map-AMP5 to provide for staff and school drop-off/pick-up parking will be supported.*”**
- **Delete expansion areas on Map-AMP5. Retain “Potential car park P5”**
- **Delete Paragraphs 5.5.2.2 and 5.5.2.3**

**Policy ENP1: Protection of biodiversity and wildlife sites**

National policy requires the planning system to minimise impacts on biodiversity and provide net gains in biodiversity where possible (Framework, Paragraph 109).

Just about any development “*could have*” some kind of impact on biodiversity. Consequently, as worded, Policy ENP1 effectively requires all development proposals to “*be in accordance*” with the EU Habitats Directive, the Wildlife and Countryside Act, NPPF Paragraph 118 and Core Strategy Core Policy 50.

This imposes an unduly onerous requirement on prospective applicants and it fails to provide a decision maker with a clear indication of how to react to a development proposal, as it provides no indication of the circumstances of when, say, a development might possibly have some kind of indirect impact on biodiversity.

Furthermore, Paragraph 193 requires planning applications to be supported by information that:

*“...is relevant, necessary and material to the application in question.”*

Policy ENP1 fails to have regard to this.

Further to the above, it is not the role of neighbourhood planning policies to simply require actions in accordance with Acts, Plans and Policies that already exist.

Taking the above into account, I recommend:

- **Policy ENP1, delete and replace with “*Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.*”**
- **Delete last sentence of Para 6.3.2.1 (Objective references are recommended for deletion and the Policy does not support the Framework)**

## **Policy ENP2: Environmental infrastructure and accessibility**

Policy ENP has regard to Paragraph 75 of the Framework, which states:

*“Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”*

The Policy meets the basic conditions and no changes are recommended.

### **Policy ENP3: Water based protection and improvement**

Policy ENP3 refers to development proposals “...with the potential to...” or that “...could cause...” something. Consequently, the first part of the Policy effectively withdraws support from development on the basis of something that is not known. It could well be, for example, that a development proposal has the potential to cause contamination, but that controls can be put in place, or the development be designed to prevent contamination from occurring.

As set out, and in the absence of substantive evidence to the contrary, Policy ENP3 could prevent sustainable development from coming forward, and thus fails to contribute to the achievement of sustainable development.

No indication is provided as to why sites outside a Source Protection Zone require a contamination risk assessment. Furthermore, Criterion 1) of the Policy is in direct conflict with the Policy’s opening sentence, as the need to provide contamination mitigation measures demonstrate that a development could cause contamination. Also, no indication is provided of what such an assessment must comprise, who it would be submitted to, or who would measure it’s “success” and on what basis. The Policy is not in general conformity with Core Strategy Core Policy 68, which does not require the provision of a contamination risk assessment.

National policy sets out a Sequential Test to steer new development to areas with the lowest probability of flooding (Chapter 10, “Meeting the challenge of climate change, flooding and coastal change).” Policy ENP3 fails to have regard to national policy. Further, neither national nor local strategic policy seeks to prevent residential development in areas “identified as Flood Storage Zones.”

No indication is provided of what a “small scale leisure or wildlife oriented design” comprises. Criterion 3) of the Policy fails to provide a decision maker with a clear indication of how to react to a development proposal.

Policy ENP3 does not meet the basic conditions. It is unclear what the Policy is trying to achieve. It is also noted that Policy INP1, elsewhere in the Neighbourhood Plan addresses Flood Risk.

I recommend:

**Delete Policy ENP3**

**Delete Paragraphs 6.5.1.1 to 6.5.2.1 inclusive. Delete Map-ENP3**



**Policy ENP4: Enhancing the landscape character of the Parish and retaining the character of the village including the tranquillity of its setting**

As above, the Framework promotes good design. In addition, Core Strategy Core Policy 51 promotes development that protects, conserves and where possible, enhances landscape character.

The first part of Policy ENP4 seeks to protect and where possible, enhance landscape character. It has regard to national policy and is in general conformity with the Core Strategy. The Policy refers to development “*within the remit of the Neighbourhood Plan*” – all development in the Neighbourhood Area needs to take the development plan into account. The Neighbourhood Plan, if made, would form part of the development plan.

No indication of how a development can increase “*enjoyment,*” or how this would be measured, is provided by Policy ENP4 or the supporting text. Goodness knows we all need at least some joy in life, but whilst increasing or enhancing accessibility does have regard to Paragraph 75 of the Framework, sadly, a requirement to increase enjoyment does not.

I recommend:

- **Policy ENP4, delete “...(within the remit of the Neighbourhood Plan)...”**
- **Policy ENP4, delete end of last paragraph “...and enjoyment...countryside.”**

## Historic Conservation Policies

### **Policy HCP1: Local character**

There is no need for the Policy to state that it has regard to national and local policies that already exist. A Neighbourhood Plan must meet the basic conditions if it is to be made.

It is unclear why the Policy only requires new build residential and commercial development, and not other forms of development, to be in harmony with its surroundings. As set out, Policy HCP1 runs the risk of failing to conserve heritage assets in a manner appropriate to their significance.

Criterion b) of Policy HCP1 refers to respecting the current footprint of the Ashton Fields site. No indication is provided as to how, or why this is necessary, and consequently, this part of the Policy is imprecise. It is unclear why the Policy seeks to preserve the “*historic context*” of Listed Buildings at Ashton Fields, but does not seek to preserve historic context in relation to any other heritage assets in the Neighbourhood Area. Also, neither the Policy nor the supporting text provide any definition of what this “*historic context*” comprises and the Policy does not therefore provide a decision maker with a clear indication of how to react to a development proposal.

It is unclear how commercial signage – which by its very nature is designed for visual impact – can “*minimise visual impact,*” or why it should need to do so. The Policy provides is imprecise in this regard and again, fails to provide a decision maker with a clear indication of how to react to a development proposal.

It is not clear why street furniture needs to be kept to the minimum necessary to provide for the safety of road users. Street furniture takes many kinds of shapes and forms, and serves numerous different purposes. No clarity or background information is provided in this respect and I find that this part of the Policy may serve to prevent sustainable development from coming forward. Further, no indication is provided of the circumstances when finger posts would be preferable to placards. The two forms of development can be for entirely different purposes. This part of the Policy fails to provide a decision maker with clarity.

It is unclear why the Policy seeks to prevent the development of pavements and kerbs. Such development can form an essential part of necessary highway infrastructure and is rarely developed for other purposes. No further detail is provided in the Neighbourhood Plan and consequently, this part of the Policy may prevent sustainable development from going ahead.

There is no substantive evidence to demonstrate that the Neighbourhood Plan can enforce covenants, or planning conditions. Criterion f) is beyond the control of the Neighbourhood Plan.

Criterion g) comprises an aspiration of the Parish Council and is not an implementable land use planning policy.

Taking the above into account, I recommend:

- **Policy HCP1, delete Criteria b) to g) inclusive**
- **Last sentence of Policy HCP1, change to “...appropriate to *its* surroundings...”**

The Maps provided on page 38 are not especially clear. They would be more informative if they were reproduced at a scale to enable the individual buildings referred to to be identified. I recommend:

- **Reproduce the Maps on page 38 so that the information provided is clearly legible**

## Economy Policies

### **Policy ECP1: Employment land**

Paragraph 28 of the Framework supports economic growth and to some degree, Policy ECP1 has regard to this.

However, as set out, the Policy ECP1 contradicts itself. It states that existing employment land will be protected *and* supports a change of use of employment land to other uses. This is confusing and fails to provide a decision maker with a clear indication of how to react to a development proposal.

To add to the confusion, the Policy protects existing employment land where it is well suited to “*community facilities.*”

The Policy also states that existing employment land will be enhanced, but provides no indication of how the Neighbourhood Plan will achieve this.

No indication is provided of what the “*benefits for the local community*” of employment land comprise. Consequently, it is not clear how it can be demonstrated that these undefined benefits can be replaced with equal or greater benefits. This part of the Policy is imprecise.

The final part of the Policy requires compliance with a Policy not controlled by the Neighbourhood Plan.

Taking the above into account, I recommend:

- **Policy ECP1, delete and re-word as “*Where relevant evidence (retain reference 18 here) is provided to demonstrate that the use of employment land solely for employment is no longer viable, mixed use development will be supported.*”**

## **Policy ECP2: Mixed Use Development**

Policy ECP2 is vague and imprecise.

It supports mixed use development “*incorporating small businesses which encourage live-work opportunities.*” No evidence is provided to demonstrate that any such businesses exist.

The Policy supports such development on “*appropriate sites*” and indicates that these would comprise any site with potential road access and that are close to existing services and facilities. This could apply to much of the Neighbourhood Area and have unforeseen circumstances resulting in support for unsustainable forms of development.

In the above regard, I am mindful that no definition of “*close to*” is provided. Any part of the Neighbourhood Area is relatively close to Ashton Keynes village. Some parts are relatively close to other facilities and services outside the Neighbourhood Area. Consequently, Policy ECP2 might support mixed use development on fields with “*potential road access*” across much, if not all, of the Neighbourhood Area.

Policy ECP2 does not meet the basic conditions. I recommend:

- **Delete Policy ECP2**
- **Delete Paragraphs 8.4.1.1 to 8.4.2.1 inclusive**

### **Policy ECP3: Use of former Minerals Extraction and Manufacturing Sites**

National policy supports sustainable rural tourism and leisure development in rural areas (Paragraph 28, the Framework).

Policy ECP3 is a negatively worded Policy, which states that the development of sports, recreation, leisure developments and/or holiday homes on former mineral extraction sites will not be supported, unless a series of criteria are met. This negative approach is not in general conformity with Core Strategy Core Policy 54, which presents a positive and supportive Policy, to encourage leisure and recreation proposals within the Cotswold Water Park.

The negative approach of Policy ECP3 also fails to have regard to the clear and supportive policy context provided by Paragraph 28 of the Framework. I recommend that the Policy is re-framed, having regard to this positive framework for sustainable development.

The Policy seeks to justify the negative approach to the provision of holiday homes through a simple reference to the existence of “*substantial amount of holiday accommodation.*” In this regard, there is no substantive evidence to justify the Neighbourhood Plan’s departure from national policy support for rural tourism and leisure development – for example, the provision of evidence to demonstrate that such development could not comprise sustainable development. Consequently, as worded, I am unable to conclude that this part of Policy ECP3 contributes to the achievement of sustainable development.

Taking the above into account, I recommend:

- **Delete first part of Policy ECP3 and replace with “*Proposals for sports, leisure and/or small scale recreational development on former minerals extraction sites within the Cotswold Water Park will be supported where they:*” (retain Criteria a) to f)**
- **Delete last sentence “2. Proposals...supported.”**
- **Delete Para 8.5.2.1**

#### **Policy ECP4: Recreation and Tourism**

Policy ECP4 is a supportive Policy that has regard to Paragraph 28 of the Framework, which states:

*“...neighbourhood plans should...support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.”*

No changes are recommended.

## **7. The Neighbourhood Plan: Other Matters**

It is not clear how the periodical review of Neighbourhood Plan will “*ensure that it takes into account possible changes in national planning policy or to the Wiltshire Council Development Plan.*” A revised Neighbourhood Plan would be required to undergo the relevant statutory requirements, including public consultation.

Whilst the rest of the Monitoring and Review section is clear, I recommend:

- **Delete the first sentence of Paragraph 10.2**

The recommendations made in this Report will have a subsequent impact on page and paragraph numbering, as well as the Contents pages.

I recommend:

- **Update the Contents pages, and page, paragraph and Policy numbering.**



## **8. Summary**

Taking all of the above into account, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

Subject to these modifications, I confirm that:

- 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 of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

Taking the above into account, I find that the Ashton Keynes Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.

## **9. Referendum**

I recommend to Wiltshire Council that, subject to the modifications proposed, the **Ashton Keynes Neighbourhood Plan should proceed to a Referendum.**

### **Referendum Area**

I am required to consider whether the Referendum Area should be extended beyond the Ashton Keynes Neighbourhood Area.

I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

Consequently, I recommend that the Plan should proceed to a Referendum based on the Ashton Keynes Neighbourhood Area approved by Wiltshire Council on 14<sup>th</sup> November 2013.

**Nigel McGurk, February 2017**  
**Erimax – Land, Planning and Communities**

[www.erimaxltd.com](http://www.erimaxltd.com)