

BRADFORD ON AVON NEIGHBOURHOOD PLAN

Bradford on Avon Neighbourhood Plan Examination,
A Report to Wiltshire Council

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Introduction

The Neighbourhood Plan

- 1 Where modifications are recommended, they are presented as bullet points and highlighted in **bold print**, with any proposed new wording in *italics*.
- 2 This Report provides the findings of the examination into the Bradford on Avon Neighbourhood Plan (referred to as the Neighbourhood Plan).
- 3 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)
- 4 The Neighbourhood Plan was prepared by the Bradford on Avon Neighbourhood Plan Working Group, on behalf of Bradford on Avon Town Council.
- 5 As set out on page 1 of the Basic Conditions Statement, submitted alongside the Neighbourhood Plan, Bradford on Avon Town 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).
- 6 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 Bradford on Avon Neighbourhood Area.

Role of the Independent Examiner

- 7 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.
- 8 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.
- 9 As the Independent Examiner, I must make one of the following recommendations:
 - that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
 - that the Neighbourhood Plan, as modified, should proceed to Referendum;
 - that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
- 10 If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether the Referendum Area should extend beyond the Bradford on Avon Neighbourhood Area to which the Plan relates.

Neighbourhood Plan Period

- 11 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 period:

"2013 to 2026."

- 12 In addition, the opening line of the Foreword states that the Neighbourhood Plan:

- 13 *"...covers the period to 2026."*

- 14 Furthermore, page 1 of the Basic Conditions Statement submitted alongside the Neighbourhood Plan confirms that the:

"...plan period runs from 2013 to 2026 to align with the Wiltshire Core Strategy prepared by Wiltshire Council and adopted January 2015."

- 15 Taking the above into account, the Neighbourhood Plan satisfies the relevant requirement in respect of specifying the plan period.

Public Hearing

- 16 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.
- 17 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.
- 18 Further to consideration of the information submitted, I confirmed to Wiltshire Council that I was satisfied that the Bradford on Avon Neighbourhood Plan could be examined without the need for a Public Hearing. In making this decision I was mindful that the Neighbourhood Plan has emerged through robust consultation (see *Public Consultation*, later in this Report) and that people have been provided with significant and appropriate opportunities to have their say.

2. Basic Conditions and Development Plan Status

Basic Conditions

- 19 It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*¹ 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.²
 - An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.³
- 20 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;

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

² 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.

³ The Convention rights has the same meaning as in the Human Rights Act 1998.

- 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);
- 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.

- 21 Subject to the content of this Report, I am satisfied that these three points have been met.
- 22 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

- 23 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.
- 24 In the above regard, I note that 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 and the Consultation Statement submitted alongside the Neighbourhood Plan provides a summary of responses and shows the outcome of comments.

European Union (EU) Obligations

- 25 There is no legal requirement for a neighbourhood plan to have a sustainability appraisal⁴. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a Strategic Environmental Assessment.
- 26 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 Guidance⁵)
- 27 It goes on to state⁶ that the draft plan:
- “...must be assessed (screened) at an early stage of the plan’s preparation...”*
- 28 This process is often referred to as a screening report, determination, statement or assessment. If the screening report identifies likely significant effects, then an environmental report must be prepared.

⁴ Planning Practice Guidance Paragraph 072, Reference ID: 41-072-20140306 and 11-026-20140306.

⁵ Planning Practice Guidance Paragraph 027, Reference ID: 11-027-20150209.

⁶ Planning Practice Guidance Paragraph 028, Reference ID: 11-028-20150209.

29 Wiltshire Council has confirmed that:

“Natural England, Environment Agency and Historic England, as statutory consultation bodies under Regulation 9 of the SEA Regulations, were consulted by Wiltshire Council on an SEA screening determination in Autumn 2015.”

30 This screening determination went on to conclude that a Strategic Environmental Assessment (SEA) was necessary.

31 A Sustainability Appraisal, incorporating the requirements of the SEA Regulations, was submitted alongside the Neighbourhood Plan. This was consulted on alongside Neighbourhood Plan consultations and indicates how the SEA process informed plan making.

32 The Sustainability Appraisal concludes:

“...that implementation of the plan is likely to lead to significant positive effects in relation to Biodiversity and Green Spaces, the Historic Environment, Community Wellbeing, and Economy and Enterprise with a neutral effect in relation to Housing, and Traffic and Transport.”

33 A Habitats Regulations Assessment (HRA) Screening exercise has also been carried out and this concluded that, subject to changes subsequently made, the Neighbourhood Plan would not have an adverse effect upon the integrity of the Bath and Bradford on Avon Bats Special Area of Conservation (SAC), either alone or in-combination with other plans and projects.

34 No objections have been received from the statutory bodies in respect of European obligations. In addition, national guidance establishes 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 Guidance⁷).

⁷ Planning Practice Guidance Reference ID: 11-031-20150209,

- 35 With specific regard to the HRA, Wiltshire Council is satisfied that:
- 36 *“...the plan adequately accommodates the recommended changes in the Council’s Habitat Regulations Screening Assessment.”*
- 37 Wiltshire Council has raised no objections or concerns with regards European obligations. Taking this and the above into account, I conclude that the Neighbourhood Plan meets the basic conditions in respect of meeting European obligations.

3. Background Documents and the Bradford on Avon Neighbourhood Area

Background Documents

38 In undertaking this examination, I have considered various information in addition to the Bradford on Avon Neighbourhood Plan. This has included (but is not limited to) 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)
- Wiltshire Core Strategy (2015)
- West Wiltshire District Plan (2004) (Saved Policies)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Appraisal
- Habitats Regulations Assessment Screening

Also:

- Representations received

39 In addition, I spent an unaccompanied day visiting the Bradford on Avon Neighbourhood Area.

Bradford on Avon Neighbourhood Area

- 40 Bradford on Avon Neighbourhood Area coincides with the Parish boundary of Bradford on Avon.
- 41 Whilst a plan is provided on page 3 of the Neighbourhood Plan, I note that its reproduction results in a somewhat vague and “fuzzy” plan. In addition, the electronic version of the plan is little clearer. This is an issue with other plans in the document and is a significant issue, as both words and locations presented on plans appear illegible. To some considerable degree, this detracts from the value of their inclusion in the Neighbourhood Plan.
- 42 For clarity, I recommend:
- **Reproduce each of the plans in the Neighbourhood Plan to ensure that all wording is clear and legible; and that relevant boundaries can be clearly identified**
- 43 Wiltshire Council approved the designation of Bradford on Avon as a Neighbourhood Area on 18 October 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

- 44 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.
- 45 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.

Bradford on Avon Neighbourhood Plan Consultation

- 46 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*⁸.
- 47 Taking the information provided into account, there is evidence to demonstrate that the Neighbourhood Plan comprises a "*shared vision*" for the Bradford on Avon Neighbourhood Area, having regard to Paragraph 183 of the Framework.
- 48 The Bradford on Avon Neighbourhood Plan Steering Group (later changed to the Working Group) was formed at the end of 2012. It included a wide range of people during the plan-making period and was supported by an Advisory Group, which included the members of local Residents Groups.
- 49 A "Consultation Roadshow" was held in March 2013. This explained the purpose of the plan and initiated public debates on objectives for the Neighbourhood Area. The Roadshow was held on several separate occasions, in different venues. A large number of responses were received and these were collated and informed plan-making.

⁸Neighbourhood Planning (General) Regulations 2012.

- 50 A second consultation took place in May and June 2014, where work in progress was exhibited over the course of a month. Written comments received were recorded by topic and taken into account. A Housing Needs Survey was then undertaken. Notably, during 2014 and 2015, engagement also took place with younger people, both of primary and secondary school age, enabling the views of people not always involved in neighbourhood planning to be taken into account.
- 51 A third public consultation, involving the presentation of policies and proposals, took place during March 2015, from which more than 750 individual comments were collected.
- 52 Comments from all of the consultations held helped to inform the production of the draft plan, published in May 2016. The draft plan then underwent consultation, during May/June 2016 and more than 450 responses were received and considered.
- 53 Evidence has been provided to demonstrate that the plan-making process was widely publicised via leaflets, talks and meetings, press releases, through social media and via the publication of relevant material online.
- 54 The Consultation Report provides evidence to show that the Neighbourhood Plan was supported by public consultation. Community engagement was encouraged throughout the plan-making process. Matters raised were considered and the reporting process was transparent.
- 55 Taking all of the above into account, I am satisfied that the consultation process was robust.
- 56 An objection has been received expressing concern that the Working Group was small, unrepresentative and did not provide the public with an opportunity to rank housing allocations. The objection goes on to state that the Neighbourhood Plan is not sound.
- 57 Soundness is not a test for a Neighbourhood Plans - the basic conditions are set out earlier in this Report. Evidence has been provided to demonstrate that public consultation was open and transparent and that there were plentiful opportunities for people to engage with the plan-making process. The Neighbourhood Plan does not seek to allocate housing land and there is no requirement for it to do so.

5. The Neighbourhood Plan – Introductory Section

- 58 The Foreword retains a reference to the draft plan and I recommend:
- **Page 1, Para 4, delete “...draft...”**
- 59 A recommendation is made earlier in this Report in respect of the clarity of plans in the Neighbourhood Plan. There is a national planning policy presumption in favour of sustainable development and Green Belt policy does not presume against development that is appropriate to the Green Belt. I recommend:
- **Page 4, Para 7, delete “The general presumption is...settlement boundary.”**
- 60 No reason is provided for the assertion that all development must take account of a wide range of things including, for example, school capacity. Matters such as the capacity of local schools will not be relevant for many forms of development requiring planning permission. A similar sentence is then repeated in the Introduction on page 9. I recommend:
- **Page 8, Para 3, change to “*Some development proposals will need to take into account matters such as the capacity of...*”**
 - **Page 9, Para 1, delete “All development proposals need to take...in the town centre.”**
- 61 Wiltshire Council has confirmed that, in general terms, the indicative housing requirement for Bradford on Avon, as expressed in Core Policy 7 of the Wiltshire Core Strategy, has been met. This is confirmed in Wiltshire Council's Housing Land Supply Statement 2016. It is therefore potentially confusing for the Neighbourhood Plan to refer to a “*remaining requirement*.” I make a recommendation in this regard below, to provide for clarity, whilst allowing for the fact that housing targets are indicative that there is an assumption in favour of sustainable development.
- 62 The Neighbourhood Plan does not allocate land for development and there is no requirement for it to do so. In respect of housing land, as above, Wiltshire Council is satisfied that the housing requirement has been met. The Policies of the Neighbourhood Plan provide for sustainable housing growth over and above this requirement.

- 63 Taking all of the above into account, I recommend:
- **Page 9, Para 2, change to “*The Policies of the Neighbourhood Plan provide for sustainable housing growth over and above the indicative requirement in Wiltshire Core Strategy Core Policy 7.*”**
- 64 The Introduction closes with an important and helpful reference to the need to read the Neighbourhood Plan’s Policies as a whole. This negates the need for unnecessary and potentially cumbersome cross-references within Policies.
- 65 The Policy section of the Neighbourhood Plan includes a number of sections entitled “*Achieved by.*” These refer to matters outside the control of the Neighbourhood Plan. Consequently, the inclusion of “*Achieved by*” sections introduces unnecessary confusion. I also note that the monitoring and implementation of the Neighbourhood Plan is considered elsewhere.
- 66 In addition to the above, the inclusion of “*Relevant strategic policies*” in the Policy section is also unnecessary. A made Neighbourhood Plan will already have been examined against the basic conditions and the inclusion of a small sample of Core Strategy policies adds little more to the Neighbourhood Plan than a potential source of confusion. I recommend:
- **Delete all “*Achieved by*” sections in the Neighbourhood Plan**
 - **Delete all references in the Neighbourhood Plan to “*Relevant strategic policies.*”**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Development Policies

Policy DP1 – Regeneration and Infill Development

- 67 Paragraph 17 of the National Planning Policy Framework (the Framework) sets out the “*Core planning principles*,” one of which is to:

“...encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;”

- 68 Generally, Policy DP1 supports the reuse of brownfield land and has regard to national policy. However, as worded, the Policy is imprecise and introduces unnecessary confusion. In this regard, Planning Practice Guidance⁹ states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 69 The Policy limits the re-use of brownfield land to that which delivers jobs, community benefits and affordable housing, as well as “*improve(s) the self-containment of the town.*” No evidence is provided to demonstrate that such an onerous requirement has regard to national policy, or is in general conformity with local strategic policy. There is nothing to suggest that it would be viable or deliverable for the redevelopment of a brownfield site to achieve all of these things. Consequently, the approach set out fails to have regard to Paragraph 173 of the Framework, which requires careful attention to viability and costs in plan-making.

⁹ Paragraph: 042 Reference ID: 41-042-20140306

- 70 The Policy refers to “*unused sites*” and “*underused sites*” without any definitions as to what these might comprise. It is unclear, for example, who will decide whether a site is underused and on what basis. In this respect, the Policy 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. Notwithstanding this, the Policy title does refer to “*Infill Development*” and I make a recommendation in this regard, as part of the recommendations below, taking account of the fact that the detailed treatment of infill development is addressed in Policy H1, later in the Neighbourhood Plan.
- 71 The supporting text to Policy DP1 fails to reflect the Policy. The Policy does not seek to establish the types of use for brownfield land, whereas the supporting text refers to prioritising non-residential use.
- **Re-word Policy DP1 “*The re-use or redevelopment of previously developed sites and the development of infill sites will be supported.*”**
 - **Delete supporting text and replace with “*The Policy seeks to make the most effective use of previously developed land.*”**
- 72 In the above regard, I note that Paragraph 89 of the Framework establishes that limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, is not necessarily inappropriate in Green Belt.

Policy DP2 – Proposed Development

- 73 Policy DP2 has been overtaken by events. It is not the role of forward planning to seek to plan for things that have already been granted planning permission.
- 74 The site referred to in Policy DP2 has already been considered by Wiltshire Council and subsequently, planning permission has been granted. There is no substantive evidence to demonstrate that it would be viable, deliverable or appropriate for the development permitted to be required to meet the various criteria of Policy DP2.
- 75 I recommend:
- **Delete Policy DP2, supporting text and plan on page 12**

Green Belt

- 76 The Green Belt section of the Neighbourhood Plan, on page 13, does not include any Policies. However, it includes two unsubstantiated assertions.
- 77 Whilst it is the fundamental purpose of Green Belt to preserve openness, it is not the case that “*in all cases*” the preservation of openness is a requirement. It may be, for example, that some harm to openness could be acceptable, on the basis that it is outweighed by other significant benefits arising from a development proposal. National Green Belt policy, established in Chapter 9 of the Framework, provides for such flexibility and in so doing, provides for sustainable development.
- 78 Also, it is not the role of Green Belt to “*make a positive contribution to the aims of the NP.*” Notwithstanding this, the Neighbourhood Plan provides no indication of how such a requirement might be controlled, who by or on what basis.
- 79 Taking all of the above into account, I recommend:
- **Page 13, Para 2, delete last sentences “In all such cases...”**
 - **Delete Para 4 “The Western...”**

Conservation and Design

Policy BE1

80 Good design is recognised by the Framework as comprising:

“a key aspect of sustainable development...indivisible from good planning.”
(Paragraph 56)

81 In addition, national policy requires good design to contribute positively to making places better for people (Chapter 7, The Framework). Paragraph 58 of the Framework goes on to require development to:

“...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;”

82 Further to the above, Core Policy 57 (Ensuring High Quality Design and Places Shaping), sets out a requirement for a high standard of design in all developments.

83 The intention of Policy BE1, to promote good design, has regard to national policy and is in general conformity with the Core Strategy. However, the opening sentence of the Policy is imprecise – it requires all development to be of a high standard. No indication of how standards will be measured, or who by and on what basis, is provided. In addition, it is not clear what these standards might relate to.

84 Paragraph 173 of the Framework, referred to earlier in this Report, establishes that plans should be deliverable and should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. However, Policy BE1 requires all development to demonstrate that it satisfies a long list of factors, despite all of the requirements not being relevant to all forms of development.

- 85 It is not clear when there will be a need to relate to "*the original design concept*" or why. No indication is provided of how it will be possible for all development to protect and enhance views. No indication is provided of what views, where, or when (views can change). It is not clear why it is necessary to demonstrate how the scale and density of all development has been determined. No indication of who will determine whether an architectural feature is an "*add-on*" or on what basis the determination will be made, is provided. It is not clear how it should be demonstrated that the design of a building relates to the use that it contains, or why, in all cases, this might be a relevant factor. Buildings can change use over time and national and local planning policy provides for this.
- 86 In the absence of any definition, or example, it is not clear what "*making a positive contribution to the public realm by function*" means, or why this should be a requirement for all development. Further, it is not clear why all new space created must have "*a genuine use*" and who will be the arbiter of "*genuine uses*" and on what basis.
- 87 No evidence has been provided to demonstrate that either national or local strategic policy prevents "*gated developments*;" or that that gated developments cannot comprise sustainable development; and no evidence or justification is provided for the inclusion of such an approach in Policy BE1. Further, the phrase "*will not be permitted*" runs the risk of pre-determining the planning application process.
- 88 Conservation Area Assessments are occasionally updated and there is scope for the Policy to reflect this – rather than require development to take account of an Assessment that may no longer be up to date.
- 89 The paragraph of supporting text below Policy BE1 is worded as though it comprises a Policy, which it does not.
- 90 Taking all of the above into account, it is clear that, whilst the intent Policy BE1 meets the basic conditions, its detailed wording does not. I recommend:
- **Re-word Policy BE1 "*Development should reinforce local distinctiveness and help to create a sense of place. All development should relate to its site and wider setting. Materials used should relate to their surroundings and where appropriate, development should make a positive contribution to the public realm. Development within a Conservation Area, or its setting should take account of the relevant Conservation Area Character Assessment.*"**
 - **Delete the Para of supporting text below Policy BE1**

Policy BE2

- 91 Policy BE2 seeks to provide for good design and in this way, contributes to the achievement of sustainable development.
- 92 It is not clear why the Policy refers to all development proposals, and then adds "*extensions and alterations.*" It would be much clearer and more precise if the introductory line simply referred to development requiring planning permission.
- 93 As with Policy BE1, all of the requirements set out in the Policy will not be relevant to some forms of development. It is not clear who will judge whether a development is "*specifically designed*" to complement its context, on what basis, or why it should need to do so. This form of wording does not provide a decision maker with a clear indication of how to react to a development proposal.
- 94 No list of important landscape features or views has been provided in the Policy and it is therefore not clear what landscape features or views must be retained. It is not clear how all development can contribute to a safe and attractive environment, why it should need to do so, or who is the arbiter of what is and what is not "*attractive*" and on what basis.
- 95 There is no national or local strategic requirement for all development to use traditional or vernacular building materials to preserve and enhance historic character and this part of Policy BE2 lacks justification. It is not clear what a "*high standard*" of energy efficiency comprises, or how all development can meet such.
- 96 Whilst it generally relates to wider issues, the Policy goes on to hone down into a matter of detail, in respect of the treatment of bin storage and this element has regard to Chapter 7 of the Framework, "*Requiring good design.*"
- 97 I recommend:

Re-word Policy BE2 to read "*Development requiring planning permission should make efficient use of land and integrate with its surroundings by respecting the overall character of the area (guidance is provided in GS Topic Paper Appendix 18 in this regard). Development should conserve or enhance heritage assets. Bin storage should be screened from view.*"

Policy BE3

- 98 Policy BE3 sets out an onerous requirement for every planning application to be accompanied by a three dimensional visual impact assessment. Such a requirement would be over and above the mandatory documents required for a planning application to be valid.
- 99 It is not clear how Wiltshire Council could enforce the requirements of Policy BE3 in respect of the validation of a planning application and no information is provided in the Neighbourhood Plan in this regard.
- 100 No indication of what views, where, "*contribute to the intrinsic character*" of all Conservation Areas and the AONB within the Neighbourhood Area. Any number of views might make some kind of positive contribution. consequently, it is not clear what views must be retained or enhanced, or who will determine this and on what basis. In making the recommendation below I note that national and local policy affords clear and significant protection to heritage assets and to Areas of Outstanding Natural Beauty.
- 101 Policy BE3 does not meet the basic conditions. I recommend:
- **Delete Policy BE3**
 - **Delete supporting text below Policy BE3**

Policy BE4

102 Policy BE4 runs the risk of pre-determining the planning application process by suggesting that works to Listed Buildings will be acceptable so long as they follow guidelines provided in an Appendix to the Neighbourhood Plan.

103 Chapter 12 of the Framework, "*Conserving and enhancing the historic environment*" provides a clear policy approach to the protection of heritage assets. This provides for a balanced consideration of a planning application, whereby heritage assets are protected in a manner appropriate to their significance, and that any harm arising is considered against the possible benefits of development. This provides for individual proposals to be assessed on their merits. Policy BE4 does not provide for this but lacks detail and fails to contribute to the achievement of sustainable development.

104 As above, in making the recommendation below, I note that national and local planning policy recognise heritage assets as irreplaceable and afford them significant protection.

105 I recommend:

- **Delete Policy BE4**
- **Delete supporting text (which reads as though it comprises a Policy, which it does not)**

Policy BE5

106 No indication of how the Neighbourhood Plan will “encourage” proposals to improve the energy efficiency of historic buildings is provided. It is therefore unclear how Policy BE5 is deliverable, having regard to Paragraph 173 of the Framework.

107 However, the aspirations of the Policy are aimed at contributing to the achievement of sustainable development. I therefore recommend:

- **Delete Policy BE5**
- **Replace with a “Community Action. The Town Council will seek to work with third parties to encourage up-grades to historic buildings to improve their energy efficiency.”**
- **Retain supporting text below the Community Action, replacing “This policy” with “This Community Action is not a land use planning policy, but sets out a key local aspiration. It is based on evidence produced by Historic England and others which states that...”**
- **Do not colour the Community Action green, or give it any numbering (it is not a Policy, so should not appear as one).**

Policy BE6

108 There is no national or local strategic policy requirement for all signs and advertisements to enhance their surroundings. This is an onerous requirement and no substantive evidence is provided to justify the conflict with national and local planning policy.

109 In addition, no evidence is provided to demonstrate that fascias using modern materials or internally illuminated signs will necessarily, in all circumstances, fail to conserve Conservation Areas. The planning process provides for an application for development to be considered on its merits. Without evidence to demonstrate to the contrary, I am unable to conclude otherwise than Policy BE6 may prevent sustainable development from coming forward.

110 I recommend:

- **Delete Policy BE6 and supporting text**

Policy BE7

111 Policy BE7 refers to “*an unlisted traditional building.*” The Neighbourhood Plan does not provide a list of such buildings and provides no definition, or criteria relating to such. The Policy is therefore imprecise and does not provide a decision maker with a clear indication of how to react to a development proposal.

112 The Policy goes on to refer to assessments “*being deemed to indicate*” that a building is of local interest. No indication of who might deem this or on what basis an assessment will itself be assessed. Again, the Policy is imprecise and unclear. It does not meet the basic conditions.

113 I recommend:

- **Delete Policy BE7**

- **Retain supporting text (which comprises a wider summary of the section)**

Housing for All

Policy H1

114 Policy H1 is a positive land use planning Policy that builds on the earlier development Policy (DP1) in the Neighbourhood Plan and provides for new opportunities for sustainable growth. Its criteria provide for clarity and precision and meets the basic conditions.

115 The Housing Needs Survey referred to in Policy H1 simply provides evidence of a situation at a certain point in time. It will not necessarily be relevant throughout the plan period. Furthermore, the Housing Needs Survey does not provide a clear approach as to what kind of houses must be provided on what kind of development site. It is therefore unclear how it relates directly to the provisions of Policy H1.

116 I recommend:

- **Policy H1, delete final bullet point**
- **Delete Para 3 of the introductory text "Additional housing numbers..."**

Policy H2

117 Whilst Policy H2 supports the use of floors above shops for housing, it sets out a list of criteria that need to be met. This fails to have regard to the fact that many such uses may comprise permitted development.

118 Whilst it may be beneficial, it is not clear why a residential use above a shop must retain or enhance the viability of the shop below. No indication of how this would be assessed or managed is provided.

119 The supporting text does not relate to the Policy.

120 For clarity, I recommend:

- **Re-word Policy H2 “*Within the town centre, residential uses above shops requiring planning permission will be supported where:* (delete first bullet point and retain final three bullet points)”**
- **Delete supporting text below Policy H2**

Policy H3

- 121 The first part of Policy H3 simply requires development to meet standards already established and not controlled by the Neighbourhood Plan. This is unnecessary.
- 122 The Policy then goes on to conflict directly with the standards referred to. As worded, it supports new build or conversion schemes in the town centre regardless of the provision of car parking. Whilst the confused wording may be seeking to suggest that development in the town centre will be supported where it provides car parking anywhere that is "*reasonably accessible*," such an approach is vague and reliant on not adding to unspecified problems. It fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 123 The Policy is not in general conformity with the strategic policies of the development plan and does not meet the basic conditions.
- 124 I recommend:
- **Delete Policy H3**

Policy H4

- 125 Policy H4 seeks to require all housing development to be subject to the provisions of a document that does not form part of, and is not controlled by, the Neighbourhood Plan.
- 126 Building for Life 12 simply provides good guidance for housing developers. It is not a statutory requirement for development.
- 127 The “*Reasons for these policies*” section does not fully relate to the preceding Policies. Whilst I also note that the “*Achieved by*” section is potentially misleading – as it may not necessarily be the case that the Policy is achieved in the manner set out – I recommend the removal of all “*Achieved by*” sections earlier in this Report.
- 128 I recommend:
- **Delete Policy H4 and replace with “*Community Action. The Town Council strongly recommends that developers take full account of Building for Life 12, or subsequent versions thereof and will seek to encourage the use of this guidance document, to help enhance the positive benefits of new development.*”**
 - **Delete “Reasons for these policies” section on page 18**

Economy and Enterprise

Policy E1

129 As worded, the Policy simply supports the provision of new retail or business floorspace "*across the plan area.*" Such a broad approach runs the risk of supporting development regardless of constraints.

130 Policy E1 is not in general conformity with Wiltshire Core Strategy Core Policy 34 ("*Additional employment land*"), which steers new employment to land within or adjacent to settlements and even then, applies a series of further requirements.

131 Further to the above, Policy E1 provides support to the conversion of any former agricultural building to commercial and manufacturing use, subject only to it being compatible with "*surrounding long-term land use activities.*" This could result in support for unsustainable forms of development in the Green Belt, AONB or open countryside and there is no substantive evidence to the contrary.

132 The supporting text below Policy E1 does not relate to the Policy.

133 I recommend:

- **Replace Policy E1 with "*Sustainable business and employment development within or adjacent to Bradford on Avon will be supported.*"**
- **Delete supporting text below Policy E1**

Policy E2

134 Amongst other things, Chapter 8 of the Framework, "*Promoting healthy communities,*" requires positive planning for the provision of recreational and cultural facilities. Policy E2 comprises a positive land use planning Policy that has regard to this.

135 Whilst the final line of the Policy refers to "*the town*" and the supporting text refers to events in Bradford on Avon, it is not explicitly clear that the Policy relates to the urban area and this is addressed below. Further, no indication of what "*the overall infrastructure of the town*" comprises and therefore it is not clear how development can contribute to this. This element of the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.

136 I recommend:

- **Policy E2, add "...tourist facilities *within the town will be supported...they are sited.*" (delete last eight words of Policy)**

Policy E3

137 No substantive evidence is provided to demonstrate that Policy E3 is a deliverable and viable land use planning Policy, having regard to Paragraph 173 of the Framework. Rather it sets out a local aspiration for a masterplan to be "*sought*" at some stage in the future. The Policy does not meet the basic conditions.

138 In recognition of this local aspiration, I recommend:

- **Delete Policy E3**
- **Replace with a "*Community Action: The Town Council will seek to work with others to encourage masterplanned development in Areas of Opportunity identified in Chapter 4 of this Plan.*"**
- **Retain supporting text (place below the Community Action)**

Policy E4

- 139 Policy E4 conflicts with the Neighbourhood Plan's very clear objective of redressing "*the imbalance between living and working*" and regaining and retaining Bradford on Avon's position as a "*working town*." It also conflicts with the supporting text below the Policy, which outlines a need to encourage additional employment space and minimise the loss of employment land.
- 140 The Policy permits the change of use of any land or buildings on employment sites regardless of the new use, subject only to meeting vague and subjective criteria. In this regard, I note that Wiltshire Council has expressed concerns that "*it would be easy for an applicant to demonstrate compliance*" with the Policy. This could result in support for inappropriate development, to the harm of the provision of employment land, contrary to the stated Objectives of the Neighbourhood Plan.
- 141 The Policy fails to have regard to Chapter 1 of the Framework, "*Building a strong, competitive economy*," which requires planning to encourage economic growth and meet the needs of business. The Policy does not set out a clear economic vision and strategy to positively and proactively encourage sustainable economic growth, as per Paragraph 21 of the Framework. Further, the Policy is not in general conformity with Wiltshire Core Strategy Core Policy 35 ("*Existing employment sites*"), which generally seeks to safeguard employment land to protect existing or generate more employment.
- 142 The "*Achieved by*" section suggests that the Neighbourhood Plan is allocating employment land, which it is not. This is confusing.
- 143 I recommend:
- **Delete Policy E4**
 - **As per earlier recommendation, delete all "*Achieved by*" sections**

Green Spaces and Biodiversity

Policy GS1

- 144 As considered below, Policy GS1 is unclear and there is no evidence to demonstrate that it has regard to national policy or is in general conformity with local strategic policy. In addition, the Policy is likely to serve to place an obstacle in the way of sustainable development coming forward. Policy GS1 does not meet the basic conditions.
- 145 “Green spaces within the urban and rural settings of the town” are undefined, save for them including the AONB and Conservation Areas (and there is no evidence to demonstrate that the whole of the AONB and Conservation Areas comprise green space). This is an imprecise basis on which to found a land use planning policy and as such, it fails to provide a decision maker with a clear indication of how to react to a development proposal.
- 146 Further to the above, national policy establishes a presumption in favour of sustainable development – this is “a golden thread running through both plan-making and decision taking” (Paragraph 14, the Framework). Contrary to this, Policy GS1 effectively seeks to establish a presumption against development across an albeit partly undefined, swathe of the Neighbourhood Area.
- 147 The Policy goes on to establish a list of Policy requirements far more onerous than national or local strategic policies to protect Green Belt, Conservation Areas and Areas of Outstanding Natural Beauty. No justification is provided for such a significant departure from existing policy.
- 148 I recommend:
- **Delete Policy GS1 and supporting text below the Policy**
 - **Having regard to the wider Objectives of the Neighbourhood Plan, introduce a “Community Action. The following are important features of the Neighbourhood Area and the Town Council will seek to encourage developers to take them into account:” (provide the list of bullet points here)**

Policy GS2

149 The first part of Policy GS2 relates to biodiversity. National policy promotes "*net gains in biodiversity where possible.*" Subject to taking account of the fact that it might not always be possible, or relevant, for a development to enhance biodiversity, Policy GS2 has regard to this.

150 The second part of the Policy is imprecise. No indication is provided of precisely what "*the grain of the landscape and townscape*" comprises and it is not clear why all development must protect and enhance undefined public and private green spaces and landscape features. This is an onerous requirement that goes beyond national or local strategic policy without any justification.

151 I recommend:

- **Re-word Policy GS2 "*The Neighbourhood Plan strongly supports the enhancement of Bradford on Avon's biodiversity. Development will be expected to provide net gains in biodiversity where possible.*" (delete rest of Policy)**
- **Change first line of supporting text to "*...for biodiversity, where possible.*"**

Policy GS3

152 Policy GS3 seeks to prevent harm to protected species and generally meets the basic conditions.

153 For clarity, I recommend:

- **Change Policy GS3 to “*Development within the Neighbourhood Area* that affects known or potential bat habitats should...Guidance Document.” (delete rest of Policy which comprises unnecessary repetition)**
- **Lines 3, 4 and 7 of supporting text, change to “...*habitats*...”**

Policy GS4

154 Policy GS4 is reliant on a vague and indicative-only “*map*” of green corridors. There is no substantive evidence to demonstrate that all of the land indicated as “*green corridors*” is open, or that it will be deliverable, viable or even possible in all circumstances to enhance biodiversity, landscape amenity and other (undefined) benefits.

155 Policy GS4 is imprecise, unduly onerous, unsupported by substantive evidence and fails to provide a decision maker with a clear indication of how to react to a development proposal. It does not meet the basic conditions.

156 I recommend:

- **Delete Policy GS4, Map 4 and supporting text**

Policy GS5

157 Local communities can identify areas of green space of particular importance to them for special protection. Paragraph 76 of the Framework states that:

“By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances.”

158 Consequently, Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. A Local Green Space designation therefore provides protection that is comparable to that for Green Belt land.

159 National policy establishes that:

“The Local Green Space designation will not be appropriate for most green areas or open space.” (Paragraph 77)

160 Thus, when identifying Local Green Space, plan-makers should demonstrate that the requirements for its designation are met in full. These requirements are that the green space is in reasonably close proximity to the community it serves; it is demonstrably special to a local community and holds a particular local significance; and it is local in character and is not an extensive tract of land. Furthermore, identifying Local Green Space must be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.

161 Policy GS5 refers to Map 5. There is no Map 5 in the Neighbourhood Plan, but there is a Map 5.1 and Map 5.2. Map 5.1 is not relevant to the Policy. Map 5.2 is so difficult to read that it is inappropriate for inclusion as it fails to clearly identify the boundaries of each of the areas of Local Green Space designated in Policy GS5.

162 During the course of the examination, I requested copies of the plans used to support consultation on the designation of Local Green Space to be provided on the Wiltshire Council website. This was done and this information was supplemented by the provision of a Legend identifying each area of Local Green Space on the supporting plan. I recommend below that the information provided should form part of the Neighbourhood Plan.

- 163 Policy GS5 seeks to designate seven areas of Local Green Space. Evidence has been provided, in the form of *“Topic Paper Appendix 16: Local Green Space Designation Assessment and Proposals”* that each Local Green Space meets the requirements of the Framework. This evidence demonstrates that each of the sites meets the tests set out in the Framework. I also note earlier in this Report that the Neighbourhood Plan has emerged through a robust consultation process – the sites have been identified by the local community, tested against the Framework and found to be demonstrably special.
- 164 In the above regard, I note that what may be demonstrably special to one person, may not be to somebody else. However, the Framework's tests are clear and the evidence referred to above appears reasonable.
- 165 Whilst Wiltshire Council has expressed a concern that Poulton Field is covered by saved Policy R10 in the West Wiltshire District Local Plan (1st Alteration), a Local Green Space designation allows for development in exceptional circumstances and it may be that recreational development in a recreational area comprises an exceptional circumstance. I also note, as an aside, that the Saved policy pre-dates the Framework.
- 166 Further to other comments received during consultation, I note that there is no requirement for a Local Green Space to provide for public access.
- 167 Policy GS5 is not worded as a land use planning policy, but simply refers to another document. I address this in the recommendations below.
- 168 The supporting text to Policy GS5 is worded as though it comprises a land use planning policy, which it does not. As an aside, this text appears to seek to create a completely new designation without regard to national policy.
- 169 I recommend:
- **Re-word Policy GS5 *“The sites listed below and shown on the accompanying plan are designated as Local Green Space, where development is ruled out other than in exceptional circumstances. (provide list of bullet points here)”***
 - **Delete Map 5.1 and Map 5.2. Provide replacement plan of Local Green Space (only) and accompanying Legend, as submitted during the examination period**
 - **Delete the supporting text below Policy GS5 *“Areas of land...or development proposals.”***

Policy GS6

170 It is not clear why, or how, all development proposals should be required to improve provision, quality and access to public open space. This is an onerous requirement that fails to have regard to Paragraph 173 of the Framework.

171 In general terms, Policy GS6 appears to promote the enhancement of public rights of way. This has regard to Paragraph 75 of the Framework, which states that:

“Planning policies should protect and enhance public rights of way and access.”

172 The supporting text reads as though it comprises a Policy, which it does not. The final sentence of *“Reasons for these policies”* also reads as though it comprises a Policy, which it does not. Having regard to this and the above, and for clarity, I recommend:

- **Re-word Policy GS6 *“The following will be supported: enhanced access to green space, allotments and the countryside; the protection and improvement of existing public rights of way, especially where this provides for mobility impaired people; the provision of new public rights of way and/or permissive routes; enhancement of biodiversity, landscape character and the recreational value of open spaces in the town.”***
- **Delete supporting text underneath Policy GS6**
- **Delete last sentence of *“Reasons for these policies”***

Community Wellbeing

Policy C1

173 In general terms, Policy C1 has regard to Paragraph 70 of the Framework, which requires positive planning for community facilities; and is in general conformity with Wiltshire Core Strategy Core Policy 49 (*"Protection of rural services and community facilities"*).

174 The Policy is reliant on information not contained within the Neighbourhood Plan, but appended to it and this is addressed in the recommendations below.

175 I recommend:

- **Change first bullet point of Policy C1 to "*...no longer needed or viable (guidance is provided in Appendix 6 in this regard).*"**

Policy C2

176 Policy C2 is a positive land use planning policy that has regard to Chapter 8 of the Framework, "*Promoting healthy communities.*" It meets the basic conditions.

177 For clarity, I recommend:

- **Change first bullet point of Policy C2 to "*...environment or comprise development inappropriate to Green Belt.*"**

Policy C3

178 Policy C3 is not a land use planning policy but sets out a local aspiration.

179 I recommend:

- **Delete Policy C3 and replace with “*Community Action. The Town Council supports the creation of a Campus of Public Services in the town centre and will seek to work with third parties in order to achieve this.*”**

Policy C4

180 Policy C4 is worded in a way that could result in support for inappropriate forms of development, or result in unforeseen circumstances. As set out, the Policy could, for example, support the development of an animal waste incinerator so long as it included provision of new allotments.

181 In addition, the Policy does not indicate how the provision of new allotments will be encouraged.

182 However, the general intention of the Policy is to provide for new allotments in a Neighbourhood Area where the provision of such "*is oversubscribed.*" Provision for new allotments has regard to the national policy aim of "*creating healthy, inclusive communities*" as set out in Paragraph 69 of the Framework.

183 Taking the above into account, I recommend:

- **Re-word Policy C4 "*The provision of new allotments to meet local needs will be supported.*"**

Traffic and Transport

Policy T1

184 Policy T1 sets out a broad requirement for all development to include provision to enhance and extend the pedestrian network and provision for cyclists. No evidence is provided to demonstrate that such a requirement would be viable or deliverable in all circumstances.

185 In this regard, I note previously in this Report that national policy supports the enhancement of the public rights of way network. Furthermore, Chapter 4 of the Framework, "*Promoting sustainable transport,*" encourages cycling.

186 Taking the above into account, I recommend:

- **Re-word Policy T1 "*Enhancement and/or extension of the public rights of way network, especially provision for cyclists, will be supported.*"**

Policy T2

187 The start of Policy T2 is vague. No indication of how all development proposals should encourage alternatives to the car, nor why it would be necessary or viable to do so, is provided.

188 The second part of Policy T2 is imprecise. No indication is provided of existing severe traffic problems. Furthermore, the Policy is less clear and informative than existing national planning policy, set out in Paragraph 32 of the Framework, which states:

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”

189 I recommend:

- **Delete Policy T2**

Policy T3

190 The first part of Policy T3 sets out an onerous requirement for all development to “*enhance provision*” for pedestrians. No evidence of viability or deliverability is provided. Furthermore, no indication of when it will be “*appropriate*” (or why and who will determine this) to enlarge pavements or pedestrian spaces is provided, rendering the Policy imprecise to the point where fails to provide a decision maker with a clear indication of how to react to a development proposal.

191 In a similar way to Policy C4, considered earlier, the second part of the Policy could result in support for inappropriate forms of development and there is nothing to demonstrate that this would not be the case.

192 I recommend:

- **Delete Policy T3 and supporting text**
- **Delete the top line of page 34, which refers to Policy T3**

Policy T4

193 Policy T4 seeks to provide for sufficient parking in the right place, without necessarily encouraging people to drive. It achieves this in a manner which is in general conformity with Wiltshire Core Strategy Core Policy 64 ("*Demand management*"), which itself promotes the efficient and effective management of car parking.

194 No changes recommended.

Climate Change

195 This section does not include any Policies. The final paragraph reads as though it comprises a Policy, but it does not.

196 I recommend:

- **Page 35, Para 3, change to “*The Town Council will seek to encourage changes that seek to reduce flood...floodplain. The Town Council will seek to encourage the delivery of sustainable drainage systems (SUDS) through the planning process and will encourage the retro-fitting of SUDS where practical.*”**

Areas of Opportunity

197 This section does not contain any Policies, although part of it is written as though it does.

198 I recommend:

- **Page 36, delete from Para 2 “Piecemeal development...” to the end of the third bullet point “...or masterplan.”**
- **Page 38, following Para 1, change to “In relation to this area of opportunity, *the Town Council will look to support:*”**
- **Delete first Para below bullet points on Page 38 (“Given the contribution...within the town.”)**

How the Neighbourhood Plan will be Implemented

199 This section does not include any Policies. However, whilst there is no restriction on how the Town Council might choose to monitor the impact of the Neighbourhood Plan, it is not the role of the Neighbourhood Plan to set out how the Local Planning Authority should monitor the development plan.

200 In addition to the above, part of this section has been overtaken by events.

201 I recommend:

- **With the exception of the CIL paragraph and bullet points at the bottom of page 39, delete the content of pages 39 and 40 and replace with *"The Town Council will seek to monitor the impact of the Policies of the Neighbourhood Plan to determine its effectiveness."***

7. The Neighbourhood Plan: Other Matters

202 For clarity, I recommend:

- **Appendix 7, delete first sentence and replace with “*The Town Council will seek to encourage the following improvements to green spaces:*”**

203 The recommendations made in this Report will have a subsequent impact on Policy, page, figure and paragraph numbering.

204 I recommend:

- **Update the Policy, page, figure and paragraph numbering, taking account of the recommendations contained in this Report.**

8. Summary

205 Having regard to all of the above, a number of modifications are recommended in order to enable the Neighbourhood Plan to meet the basic conditions.

206 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.

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

9. Referendum

208 I recommend to Wiltshire Council that, subject to the modifications proposed, **the Bradford on Avon Neighbourhood Plan should proceed to a Referendum.**

Referendum Area

209 I am required to consider whether the Referendum Area should be extended beyond the Bradford on Avon Neighbourhood Area.

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

211 Consequently, I recommend that the Plan should proceed to a Referendum based on the Bradford on Avon Neighbourhood Area approved by Wiltshire Council on 18 October 2013.

Nigel McGurk, June 2017
Erimax – Land, Planning and Communities

