

Broad Chalke Neighbourhood Plan 2019- 2026

Submission Version

A Report to Wiltshire Council on the Examination of the Broad Chalke Neighbourhood Plan

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Executive Summary

My examination has concluded that the Broad Chalke Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Elaborate on the Development Strategy and define within the policy what is meant by small and infill development within the settlement boundary.
- Encouraging reference to compliance with design policies through the use of Design and Access Statements.
- Listing all non-designated heritage assets within the parish and setting out tests on how they should be considered with in a development management context.
- Removing reference to Views 8 and 9 which are distant views from unspecified viewpoints.
- Removing reference to the identification of sites with potential for future allocation.
- Proposing the Site 5 should be for a maximum of three units and should be subject to requirement to link that development with a mechanism to ensure the delivery of site for low-cost local needs housing on Site 4.

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning was introduced by the Localism Act 2011, and it allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Wiltshire Core Strategy. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been undertaken under the supervision of Broad Chalke Parish Council. A Neighbourhood Planning Group was appointed to undertake the plan's preparations on behalf of the Parish Council.
3. This report is the outcome of my examination of the Submission Version of the Broad Chalke Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by Wiltshire Council.

The Examiner's Role

4. I was appointed by Wiltshire Council in January 2021, with the agreement of Broad Chalke Parish Council to conduct this examination.
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 42 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Wiltshire Council and Broad Chalke Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the designated Broad Chalke Neighbourhood Plan area.

8. In examining the Plan, the Independent Examiner is expected to address the following questions
- Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 - namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body?
9. I am able to confirm that the Plan does only relate to the development and use of land, covering the area designated by Wiltshire Council, for the Broad Chalke Parish Neighbourhood Plan, on 5th November 2014.
10. I can also confirm that it does specify the period over which the plan has effect, namely the period from 2019 up to 2026.
11. I can confirm that the plan does not contain policies dealing with any “excluded development”.
12. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
13. I am satisfied that Broad Chalke Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case. In this case I am satisfied that a public hearing was not required.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I carried out an unaccompanied visit to Broad Chalke on Friday 5th March 2021. I approached the village from the west along High Lane before parking up and orientating myself by the Queens Head and visiting the Community Hub, before driving out to New Town where I saw the new school and the 2 housing allocation sites, then driving east through to Stoke Farthings before returning to the village and seeing the Church. I then drove through Mount Sorrell following the course of the chalk stream out to the next village of Bowerchalke. On my return I turned left down Marsh Hill to see the watercress beds by The Marsh before re- entering the village and spending more time exploring some of the lanes and cul de sacs and then I drove out of Broad Chalke on the Howegare Road up to Knowle Hill. Overall, I must have spent nearly two hours in the parish and I was also able to

fully appreciate the relationship between the village in the valley and the views from the surrounding high ground. I also enjoyed the evident charm of the local architecture and the unspoilt nature of the village.

17. Following my site visits, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Wiltshire Council, entitled Initial Comments of the Independent Examiner, dated 8th March 2020. I received responses from Wiltshire Council and the Parish Council on 1st April 2021. There were a small number of matters that I sought additional clarification from the Parish Council which I set out in my document Further Comments of the Independent Examiner which I issued on 7th April and which was responded to on 12th April. All these responses have been placed on the respective websites.

The Consultation Process

18. Prior to the setting up of a Neighbourhood Planning Group in November 2014, the prospect of preparing a neighbourhood plan had been raised at a village meeting in 2012, which was behind the deliberations as to whether the community should create a Village Hub and also as a response to the findings of a village questionnaire which produced over 200 responses.
19. Actual work on the neighbourhood plan started in 2015 and drew upon the work previously carried out by the then Salisbury District Council, which had in 2009 prepared the Broad Chalke Conservation Area Environmental Assessment and Management Plan and separately a Site Assessment Report which was to underpin the eventual site allocations made in the plan. This early work also looked at local housing needs and also conservation issues.
20. Work in 2015 on affordable housing needs in the Parish led to the setting up of a Community Land Trust and in 2016, a housing needs survey was distributed around the Parish.
21. In 2017, an initial draft of the plan was circulated and consulted upon, which is referred to in the Consultation Statement, as a draft Regulation 14 submission and this was launched at 2 village meetings. This was not a formal consultation as the statutory consultees were not consulted but there was a 10-week local consultation, which ran from 8th July 2018 until 20th September 2018 and there were 2 drop-in sessions. This consultation produced 25 written responses.
22. Further changes were made to the plan as a result of this first consultation and a second, this time a formal Regulation 14 consultation took place between 1st February to 15th March 2020. This consultation produced 13 responses. These are fully set out in Appendix C4, which both records the comments made and the resultant changes made to the plan as a result of consultation responses.
23. I am satisfied that the Neighbourhood Planning Group has actively sought the views of local residents and other stakeholders and their input has helped shape the plan.

Regulation 16 Consultation

24. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 10-week period, between 16th December 2020 and 24th February 2021. This consultation was organised by Wiltshire Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 Consultation.
25. In total, 6 responses were received, from Wiltshire Council, Highways England, Environment Agency, Wessex Water, Canal and River Trust and Historic England.
26. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

27. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
28. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
 - Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
 - Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

33. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the adopted Wiltshire Core Strategy, the saved policies of the Salisbury District Local Plan and the Wiltshire Housing Site Allocations Plan which was adopted on 25th February 2020.
34. Core Policy 1 sets out a Settlement Strategy which identifies “Large Villages” as “settlements with a limited range of employment, services and facilities”. Broad Chalke is identified in Core Policy 33 as being a “Large Village” within the Wilton Community Area.
35. Core Policy 2 states that for large villages with defined limits of development, there will be a presumption in favour of sustainable development. Outside of the limits

of development, development will not be permitted and the limits may only be altered through the identification of sites for development in inter alia neighbourhood plans.

36. Core Policy 44 deals with Rural Exception sites and sets strict criteria where they would be acceptable. But the policy recognises that a proportion of market housing may be required as a cross subsidy.
37. Core Policy 48 deals with Supporting Rural Life and covers the areas outside the defined limits of Large Villages and this only allows new housing if required for agricultural or forestry or other persons employed in business essential to the countryside.
38. Other relevant policies are Core Policy 49: Protection of Rural Services and Community Facilities, Core Policy 50: Biodiversity and Geodiversity, Core Policy 51: Landscape, and Core Policy 52: Green Infrastructure and Core Policy 57: Ensuring High Quality Design and Place Shaping as well as Core Policy 58- Ensuring the Conservation of the Historic Environment.
39. I am satisfied that the plan as a whole is in general conformity with the strategic policies in the Wiltshire Core Strategy.

Compliance with European and Human Rights Legislation

40. Wiltshire Council originally issued a Screening Opinion, in a report dated May 2018 that concluded that a full strategic environmental assessment, as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required. That was based on an earlier draft of the neighbourhood plan. In May 2020, it issued that a revised Screening Report that concluded that an SEA would be required. That assessment was prepared by AECOM and was published in October 2020. It looked at 13 potential housing sites as well as different options for the level of housing in the parish. The conclusion of the assessment was that the plan would result in significant positive effects in terms of the Population and Community SEA theme, and Health and Wellbeing themes. It will also have positive effects in terms of landscape and historic environment themes and biodiversity and climate change themes.
41. The Council, as competent authority, in March 2020 screened the plan under the Conservation of Habitat and Species Regulations. This report also considered the neighbourhood plan in terms of the impact on any Natura 2000 sites and it concluded that the plan had the potential to have a significant environmental effect upon the River Avon Special Area of Conservation and an Appropriate Assessment would be required. That Assessment was carried out by Wiltshire Council and concluded that the neighbourhood plan will have no adverse effects on the River Avon SAC, either alone or in combination with other plans or projects.
42. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

43. I must firstly congratulate Broad Chalke Parish Council and the Neighbourhood Planning Group on the quality of the submission documents and the extensive use of photographs and maps. As a document I find that it is fit for purpose.
44. I would also wish to commend the fact that this is a really distinctive, locally focussed neighbourhood plan. It concentrates on addressing only a limited number of issues, but these are clearly important to this rural community, which is set in glorious countryside.
45. In particular it is refreshing to see a Parish Council take such a positive approach to new housing, both within the settlement boundary and also through the plan's two allocation sites. It has also taken practical measures to address local housing needs. It is clear that the neighbourhood plan is just one element of a wider agenda to deliver much needed local social housing, which the Parish Council has sought to quantify and take action to address issues of affordability.
46. However, it should be appreciated that the neighbourhood plan document's primary role is to provide a framework against which planning applications can be determined. Whilst reference to land negotiations and agreement between landowners and the Parish Council provide the background to the planning policies, these are of only passing relevance, in the context of the development plan, and in the context of the regulatory aspects of development management.
47. It is important to appreciate that the plan will be implemented not just by the Parish Council, but also by planning officers, planning committee members and planning inspectors. I have had to recommend some changes to address issues as to how a decisionmaker will be able to use the policies in the plan.
48. I am satisfied that plan's policies to protect the landscape, the built environment and especially the conservation area, the natural environment, the support it gives for local employment and community facilities, as well as the setting of high design standards including welcoming innovative design work, yet at the same time delivering local needs housing in an area of outstanding natural beauty, will be effective. I am pleased to conclude that the plan as a whole is broadly consistent with Secretary of State policy, as set out in the NPPF and the NPPG and I am satisfied that taken together the policies will deliver upon the three strands of sustainable development namely social, economic and environmental and set out in the framework.
49. The plan has addressed the level of overall housing needs based on the results of the housing needs survey and its site allocation was based on objective assessment of alternative locations.
50. The plan has had a long gestation period, being first considered eight years ago, but it is clear that much of the energy in the village has had to be directed to securing the Community Hub, setting up the Community Land Trust and other physical improvements on the land including the new footpath. This has resulted in this neighbourhood plan only having a short time frame, with only five years to run until 2026, which coincides with the timeframe of the Wiltshire Core Strategy.

51. I am sure that, now the Parish Council has reached the final stages of this first plan, it will continue to take advantage of the opportunities that neighbourhood planning presents and it will also respond to any changes in the strategic planning framework which results from a new local plan. I have noted that the Parish Council has already committed to a review of the plan and has stated that it will, in the next round, address issues such as whether to confer local green space status on the area's important open spaces.
52. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the text. These changes are likely as a result of my recommendations, in order that the plan will still read as a coherent planning document. There has been a range of very helpful suggestions on improvements to the supporting text put forward by Wiltshire Council in its Regulation 16 consultation, but I am not able to make recommendations which do not relate to meeting the basic conditions test as set out in the legislation. I would urge the Parish Council and Wiltshire planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations.

The Neighbourhood Development Plan Policies

Planning Policy 1A – Development Strategy for Broad Chalke

53. The first paragraph of the policy refers to Figure 4 as *illustrating* the Development Strategy for Broad Chalke. I am not certain that a decision maker would be able to ascertain, based only on what is illustrated on that plan, what the neighbourhood plan's development strategy is. Whilst I would accept that the map sets out geographical extent of the settlement boundaries and the conservation areas, the sites of wildlife and heritage interest and it identifies what the community perceives are the important green spaces, I do not consider that the map actually sets out what the planning strategy for the parish is, which is more clearly and explicitly set out in paragraph 1.3, namely that the plan seeks to "protect and conserve Broad Chalke's special built and natural environment, safeguard its community facilities and employment, managing small infill developments within the settlement's settlement boundaries and allocate two new sites for housing to meet local needs."
54. I recognise the value in the plan being explicit and setting out its Development Strategy and I will incorporate the plan's own wording into the policy and refer to it as being illustrated in Figure 4.
55. I sought clarification from the Parish Council as to what it considers would constitute "small" development, which the strategy supports within the defined settlement boundary, but does not give guidance to decision makers as to what the scale of development it is envisaging. The response referred to "minor" development which it said would imply development of less than nine homes. In fact, the nationally recognised threshold for "major" development is 10 units or

more, so to be consistent, I will recommend the definition of “small” development should be nine units or less. I will adopt the suggested definition of infill as suggested by the Parish Council which comes from paragraph 4.34 of the Core Strategy.

56. As the whole of the plan area falls within the Cranbourne Chase and West Wiltshire Downs AONB, I do not consider that a proposal within the parish, can strictly affect the *setting* of the AONB, which implies the wider area within which the AONB is set. I will also be recommending that proposals should protect or enhance the landscape quality of the AONB
57. Wiltshire Council questioned whether there should be a limit on the total number of new homes to be permitted in the parish over the plan period. This was raised with the Parish Council, who in its response to the paragraph 7 question of my Initial Comments document, confirmed that it did not wish to impose a limit on the amount of development taking place in the neighbourhood area over the plan period. As there is no local plan cap on the amount of development within the Wilton Community Area and there is no reason why, so long as the development is consistent with other policies e.g. lies with the settlement boundary, any limit should be imposed, against the community’s wishes.
58. In order to be consistent with my recommendation in Policy 3A, I will clarify the requirement to “conserve and enhance any affected *designated* heritage assets as different policy requirements relate to non - designated heritage assets.

Recommendations

Replace the first paragraph with “Development which protects and conserves Broad Chalke’s special built and natural environment, safeguards its community facilities and employment and which enables the village to meet its local housing needs, either through appropriate development within the settlement boundaries or on the allocated sites, as illustrated in Figure 4, will be supported”

In the second paragraph, replace “small” with “minor development of up to 9 units and after “infill development”, insert “comprising the filling of a small gap which is only large enough for not more than a few dwellings”

In the third bullet replace “protects” with “conserves” and “setting of the AONB” with “landscape of the Cranbourne Chase and West Wiltshire Downs AONB”

In the final bullet, replace “protects” with “conserves” and before “heritage” insert “designated”

Planning Policy 2A- Important Green Spaces

59. The Parish Council has not chosen to designate these six open spaces as local green spaces (LGS) which would have accorded them the highest level of protection within the NPPF. The reason quoted, is that the Parish Council did not have sufficient evidence to justify that designation and it would be likely to revisit the question of LGS designation when the plan is reviewed. Instead, the plan proposes that these spaces be described as “important green spaces” and sets out a policy requirement that they should remain open and any development

should be ancillary to the function of the green spaces and should not adversely affect the character and openness.

60. I have no other comments to make on this policy in terms of the basic conditions as they are all spaces which are of importance to the community.

Planning Policy 2B – Ecology

61. The submission version refers to development not affecting sites of biodiversity. In my Initial Comments, I enquired whether there were any other sites of biodiversity beyond those shown, as the policy referred to sites of biodiversity “including those shown on Figure 6”. The Parish Council referred me to the fact that the whole parish is within the River Avon Special Area of Conservation (SAC), which itself is a site of biodiversity interest. It has provided a revised map which includes that notation, and accordingly I can treat the map as a comprehensive record of the parish’s sites of biodiversity value, so that the policy can now refer to the sites “as shown in Figure 6”.

62. The final paragraph of the policy refers to “all development (*with certain exceptions*) must make provision for delivering at least 10% net biodiversity gain”. However, the policy does not set out how that 10% gain is to be measured. The Parish Council’s response has referred me to Natural England’s Biodiversity Matrix and I now can recommend that reference to the Matrix be included in the policy, so there is no ambiguity as to how the 10% net gain is to be measured.

63. The Parish Council has agreed that reference to “(with certain exceptions)” be deleted from the policy.

Recommendations

Insert Revised Figure 6 showing River Avon SAC

In the first paragraph, delete “including those”

In the second paragraph, delete “nationally”

At the end of the third paragraph, insert “as calculated using Natural England’s Biodiversity Matrix”

Planning Policy 2C – Addressing and Adapting to Climate Change

64. The Secretary of State in a Written Ministerial Statement to the House of Commons dated 25th March 2015 states that “neighbourhood plan should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings”. Whilst neighbourhood plan policies can support or encourage high standards of energy efficiency and sustainable construction, they cannot “require” or “expect” measures, such as renewable energy technology. Such measures can be required in a Local Plan. I understand the Core Policy 41 of the Wiltshire Core Strategy requires major developments to submitted a Sustainable Energy Strategy. I will therefore be recommending that “expect” be changed to “encouraged”.

65. The policy refers to a Wiltshire Design Guidance “Creating Places” which is referring to an adopted Supplementary Design Document which was approved in April 2006. I will make that clear in my recommendation.

66. I have no other comments to make in the remaining aspects of this policy.

Recommendations

In the second paragraph, second sentence replace "expected" with "encouraged" and insert "energy" after "renewable".

Replace "Design Guidance" with "adopted Supplementary Design Guidance produced in 2006".

Planning Policy 3A – Heritage Assets

67. The policy covers all local heritage assets and the assets which are shown in Figure 7 and Figure 8 which are all designated heritage assets. Whilst not shown on the maps, the policy appears also to cover non designated heritage assets. The policy tests which cover designated and non-designated heritage assets are different, and so to avoid conflict with Secretary of State policy as set out in the NPPF, I will clarify that the first paragraph of the policy, as submitted, covers only designated heritage assets and then deal separately with non-designated heritage assets within the policy.

68. Again, the requirement should, as pointed out by Wiltshire Council, be to "conserve and enhance" not "protect and enhance".

69. The plan refers to a number of "undesignated heritage assets" which the Parish Council has confirmed are expected to have the same status as "non-designated heritage assets" as used in the NPPF. I will recommend that these are set out explicitly in the policy and be referred to as "non-designated heritage assets". I also propose to include within what is a development plan document, those that have been previously identified as "local buildings of the distinction" in Appendix 4 of the Conservation Area Appraisal and Management Report. I will set up the policy expectations for such buildings in the form that reflects the Secretary of State approach for non-designated heritage assets. In its response to the Further Comments document, the Parish Council has listed the buildings which it is proposing should be added to the list of non-designated heritage assets by the neighbourhood plan.

Recommendations

In the first sentence of the first paragraph replace "protect" with "conserve" and after "enhance" insert "designated"

Add a third paragraph "The following buildings are designated as non-designated heritage assets, where the consideration of any development proposal will be expected to balance the scale of any harm or loss against the significance of the heritage asset:"

Bulls Lane:

- ***Hill Cottage,***
- ***Cosy Cottage***
- ***Hill House***
- ***Downs House***
- ***The Old Coach House***

The Causeway

- **1,2, The Causeway**
- **Corner House**

Chalke Pyt Road

- **Converted Barns, stables, Chalke Pyt Farm,**
- **Unconverted cart shed and further stables, Chalke Pyt Farm,**
- **Chalke Pyt Bungalow**

High Lane

- **College House,**
- **Hydon House**
- **The Manse**
- **Meadow House**
- **1-3 Meadow View**
- **Sidney Villas**
- **Anthony's Ground**

Knapp Hill

- **Maud's College**
- **Sunny Cottage**
- **The Willows**

Little London

- **The Cottage**
- **Girards**
- **Rose Bower (and cottage south of it)**

Mount Sorrel

- **Mount Sorrel (Farmhouse), SP5 5HQ**
- **Mouse Hill Cottage**
- **The Plough**
- **Farm Group south of The Plough**

North Street

- **Old Rafters**
- **Phoenix Cottage**
- **Sun Cottage**
- **Charella**
- **Attached house to the north of Charella**

New Town

- **1,2,3-6 Manor Farm Cottages,**
- **Thyme Cottage**
- **Sunnyside**

South Street

- **1,2 The Old School**
- **Brook House & Old Surgery**
- **The Barn House**
- **Cleeve House**

- **Clock Cottage**
- **The Cottage**
- **Hillside**
- **Longbourne**
- **Lorenzo**
- **The Malthouse**
- **Michelham Cottage**
- **Outbuilding to r/o Pengelly House**
- **Pengally House**
- **Penlan**
- **Village Hall**
- **Yew Tree Cottage (south side)**

Tank Lane

- **Goose Green Cottage**
- **Tank Cottage**

The Marsh

- **The Marsh”**

Policy 3B – Design and Character

70. A neighbourhood plan policy cannot dictate what documents need to accompany a planning application. That is a matter that is covered by the Town and Country Planning (Development Management Procedures) Order 2015 and which is set out by Wiltshire Council in its Local Validation Checklist.
71. The second paragraph of the policy requires all planning applications to submit a statement to justify how it meets the plan’s objectives. In the case of development within a Conservation Area, that information can be set out in a Design and Access Statement, which applicants are required to submit and which it would be appropriate to cover the matters, set out in the first sentence of the second paragraph of the policy, but there is no requirement to provide a Design and Access Statement for development outside the conservation area, other than on major schemes. I will amend the wording that minor development, outside of the conservation area, is “*encouraged*” to submit such a statement.
72. In terms of the six requirements in the last part of the policy, I will be recommending the removal of reference to net gain in biodiversity in e), as this will be merely duplicating requirements already set out in Policy 2B. Secretary of State policy is to avoid policy duplication.

Recommendations

In the second paragraph, replace “should be submitted with” with “which are required to submit a Design and Access Statement are expected to include”

At the end of the second paragraph, insert the following sentence, “Other applications are encouraged to submit such a statement”

In e. delete all text after “natural features”

Planning Policy 3C- Landscape and Views

73. I had asked for clarification on the position over a number of key viewpoints shown in Figure 10, as these should only be a material planning consideration if the viewpoint is a public vantage point. In my Initial Comments document, I indicated my concern that reference to “distant views” in a particular direction would be difficult to assess. Specific viewpoints were identified in the Parish Council’s response and in my Further Comments document I sought clarification as to whether there was public access to the shown Viewpoints 8 and 9. I was told that they were not. The Parish Council referred to the fact that the views were taken directly from the Townscape Map in the Conservation Area Appraisal and Management Plan. This refers to the distant views from multiple (unspecified) points within the village up to the overlooking ridges and are not specific viewpoints. I was urged to recommend their retention within the plan.
74. The key issue is differentiating the importance of a view *from* somewhere rather than a view *of* somewhere. In the case of viewpoints 8 and 9 these are intended to be views of the surrounding ridgelines from various but unspecified points in the village.
75. The Conservation Appraisal and Management Plan is a statement describing special characteristics of the conservation area and clearly views from the conservation area out to the surrounding downlands are part of the “special rural character and charm of the settlement”. However, Conservation Area Appraisals are not intended to be development plan documents, they are part of the evidence base for the neighbourhood plan and do not set the policy in the same way that a local plan or a neighbourhood plan does. The issue is that the neighbourhood plan is required to be clear and unambiguous so it can be used to determine a planning application, “consistently and with confidence”. It should be clear when the policy is to be invoked.
76. In the case of viewpoints 1 to 7, I am satisfied that the decisionmaker, whether it be a planning officer or a planning inspector, could assess whether specific, valued public views are affected by a proposed development. The issue with Views 8 and 9 is that there will be many possible locations where views of these features will be experienced, some from the public realm and some which are private viewpoints, and an applicant or decision maker would not know whether the impact on that view should be a material consideration.
77. I consider that the protection of the downlands landscape is not necessarily achieved through a key view policy, rather that protection can be delivered by landscape protection policies, both incorporated in the first paragraph of this policy and in particular Wiltshire Core Strategy Policy 51, which could prevent development on the higher valley sides, which would adversely impact on the important relationship between the village in the river valley and the high ground on either side. I will be recommending that Viewpoint 8 and 9 be removed from Figure 10 as the protection of these by a key view policy would not in my view meet the basic conditions, in terms of having regard to Secretary of State policy.

Recommendations

Delete reference to View 8 and 9 from the policy and Figure 10

Under Key Views, replace “nine” with “seven” and omit “noted in the Broad Chalke Conservation Area Appraisal (2009) and”

In the next paragraph replace “nine” with “seven”

Planning Policy 4A - Site Allocation Site 4

78. The site off the Knighton Road lies outside of the settlement boundary and according I am treating in the same way as a rural exception site, as provided by paragraph 77 of the NPPF which supports opportunities to “provide affordable housing to meet local needs” I am satisfied that the restrictions imposed by the first bullet point of the policy will deliver that requirement.
79. It is clear that there is a clear linkage between the two allocation sites and the plan’s supporting text explains the rationale for putting forward the two allocation sites, Sites 4 and 5 together, as the sites are in the same ownership and there is reference in the document to the landowner donating Site 4 for the affordable housing, subject to “an offset agreement for which the heads of terms agreement has already been drawn up”.
80. I have not been provided with a copy of the offset agreement nor the option agreement, nor would I expect to, at the stage of a neighbourhood plan, as these are essentially private contractual matters between the Parish Council / Community Land Trust and the landowner. I am satisfied that the policy is robust as it is enabling local needs housing to be delivered on land which would ordinarily not be allocated for residential development, in line with the existing national policy in the NPPF and also Core Strategy Policy 44, which refers to the need for a proactive approach to the provision of affordable housing being taken, in consultation with parish councils. I am satisfied that the location of this site will be suitable, being well related to the existing pattern of development in this part of the village. Reference in the final paragraph to the intention of the development to be developed by the Broad Chalke Community Land Trust is not a statement of policy which can be used to determine a planning application. This can be moved to the supporting text
81. The approach being taken in Broad Chalke is somewhat unusual, in that it is seeking to separate the affordable housing from the market housing which is being provided on Site 5. The usual approach is to ensure the development is tenure blind, with the objective of, as the Secretary of State states, “creating mixed and balanced communities”. However, in this case, I am satisfied that the proposal has the support of the Parish Council and the village’s Community Land Trust which is party to the joint development proposal, and as it refers to, in paragraph 4.318 this solution avoids “the complications of management arrangements”. I therefore intend to leave this rather unusual arrangement to be a matter of local determination.
82. Wiltshire Council has suggested that reference to “around six units” should be changed to a “maximum of six units”. In this instance, as the proposal is specifically to address local housing need, I do not consider that is necessary as the scale of development will depend on the size and form of the units being

delivered. For example, if the local need is for large family houses, the number of units that could be accommodated, will be less than if the community's need was for one and two bed apartments. I will, however, be recommending that the policy should reference the extent of the site area to be that shown for the allocation in Figure 4 and 13.

83. I will recommend the omission of the reference to the 10% net gain in biodiversity, as it is already a requirement of another policy in the neighbourhood plan and it is unnecessary duplication.

Recommendations

In the first paragraph, after "supported" insert "on the site identified in Figures 4 and 13"

Remove the fifth bullet point.

Move the last paragraph to the supporting text.

Amend Figure 4 and 13 to remove reference to "Potential for future allocation"

Planning Policy 4B – Site Allocation Site 5

84. This allocation is part of the negotiated package which seeks to deliver the local needs affordable housing on Site 4. This development has been suggested will in part also meet the identified needs for local market housing, although that could be achieved by development within the settlement boundary.
85. The issue that I raised in my Initial Comment's document is that there is no planning policy impediment within the policy being put forward which would prevent the granting and implementation of the market housing on this site under the current policy, without the delivery of the Site 4 homes. The approach being taken by the Parish Council is that this is a matter that will be dealt with by way of private contract arrangements between the landowner and Broad Chalke Parish Council /CLT. These matters are outside the scope of planning powers and relies upon non planning measures to ensure the two developments go forward in parallel. These linkage issues do not necessarily arise when the enabling market housing takes place on the same site as the affordable housing.
86. Wiltshire Council's response to my question in the Initial Comments document refers to the use of Section 106 agreements to secure the linkage between the two sites. I believe that this is an essential requirement to enable the intention is the policy to be fulfilled and I will be recommending the introduction of an additional bullet point to cover this eventuality. I appreciate that this may be seen as a necessary requirement, but any private contractual agreements cannot be used to prevent the submission of a planning application on Site 5 which could sanction market housing outside the settlement boundary which may be difficult to resist as the neighbourhood plan allocates the site for purely market housing.
87. In this instance, I am minded to agree with the comments made by Wiltshire Council, that in the interest of clarity, the policy should refer to the provision of a *maximum* of three market houses as these are likely to speculative development which according to paragraph 4.27 will be offered for sale or rent on the open market. The stated intention of the landowner to offer them to local people, so

long as their offer is as good as any other, would not in my view differentiate these houses from any other form of market housing in planning policy terms.

88. Again, the extent of the allocation should be that shown in Figure 4/14.
89. The plan does indicate the land adjacent to the two allocation sites have the “potential for future allocation”. Bearing in mind the limited timeframe of the plan which is only to 2026 – which is only 5 years away and the allocation sites are intending to meet the current level of demand for affordable housing in the village, I do not consider that the development plan should be offering the prospect of potential future allocations which could be used by an applicant to support the planning application on such land without the benefit of the full considerations that the plan led system would expect.
90. The Parish Council in its response to my Initial Comments refers, to the fact that there is an option agreement on that land and that the proposal is “future proofing” the plan. In my view, the correct approach would be, if the evidence came forward requiring more local needs housing development, then the neighbourhood plan should be reviewed, under the arrangements already described in Chapter 7 – Plan Review. Alternatively, the plan could have proposed a policy which could have delivered a two-phase allocation, where the release of the second phase would only be triggered when there is evidence of future housing need. However, in view of the short timeframe of the plan, that would be unnecessary. As the sites fall outside the settlement boundary and are essentially treated like exception sites, I will be recommending that the notion of the “potential future allocations” be removed. It is not possible for a development plan to seek to pre-empt a future development plan and the decisions that it needs to take at that time, in terms of allocations which will need to be based on circumstances then ascertaining.
91. In terms of the detailed requirements, I will again recommend that the 10% net biodiversity gain be removed, as it is duplication. In my experience, any development next to a school can “avoid” conflicts, I consider that the aspiration should be to “minimise conflicts”.

Recommendations

In the first paragraph, replace “around” with “a maximum of” and after “supported” insert “on the site identified in Figures 4 and 14”

Insert a new bullet point

- “be accompanied by a planning obligation that will ensure the transfer of the land necessary to facilitate the delivery of the affordable housing as proposed by Policy 4A takes place to the satisfaction of the Local Planning Authority, prior to the commencement of development in this site”***

In the third bullet point replace “avoid” with “minimise”

Delete the sixth bullet

Amend Figure 4 and 14 to remove reference to “Potential for future allocation”

Planning Policy 5A – Local Facilities

92. I have no comments to make on this policy.

Planning Policy 5B – Local Employment

93. This policy under the sub heading “Encouraging new Businesses” only refers to tourism. Paragraph 83a) of the NPPF states the planning policies should enable “the sustainable growth and expansion of all types of businesses in rural areas and the development and diversification of agricultural and other land-based rural business as well as sustainable rural tourism”. I consider that the policy should cover all rural businesses, but in the light of the aspirations of the parish the wording can refer to “especially tourism”.

94. Wiltshire Council is concerned that the policy offering support for residential extensions to facilitate homeworking could have an adverse impact on listed houses. I will recommend the inclusion of a caveat to reflect that as a separate criterion.

Recommendations

In the first paragraph, under the heading “Encouraging new Businesses”, before “tourism”, insert “new rural businesses especially”

At the end of Homeworking insert “and the development does not adversely impact on the significance of any designated heritage assets”

The Referendum Area

95. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Broad Chalke Neighbourhood Plan as designated by Wiltshire Council on 5th November is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended

Summary

96. I congratulate Broad Chalke Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Parish Council can be proud of the final document. It is a plan that concentrates on a limited range of issues that are clearly important to the local community. The plan will, in conjunction with the Wiltshire Core Strategy, provide a sound basis for determining planning applications in Broad Chalke Parish into the future.

97. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

98. I am therefore delighted to recommend to Wiltshire Council that the Broad Chalke Neighbourhood Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
23rd April 2021