

Wiltshire Council

**Burbage Neighbourhood  
Development Plan  
2017 - 2026**

**Independent Examiner's Report**

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19 March 2018

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## Summary

I have been appointed as the independent examiner of the Burbage Neighbourhood Development Plan.

The Plan area is rural in character and nestles in the North Wessex Downs Area of Outstanding Natural Beauty (AONB). As well as the village of Burbage there are a number of hamlets. The northern edge of the Parish crosses into the Savernake Estate which includes the ancient Savernake Forest. There are two Conservation Areas and a number of listed buildings.

Given that the whole of the Parish and Plan area falls within the North Wessex Downs Area of Outstanding Natural Beauty, the Plan has been written to reflect that context. It aims to balance development with infrastructure and takes its lead from the Core Strategy in seeking to improve self-containment between jobs and homes. As a result it allocates one site for housing development and one site for employment uses as well as designating two Local Green Spaces and seeking a high quality of development.

During the course of the examination I asked for further information about a number of issues. I am grateful to both bodies for their attention to this and for enabling the examination to run smoothly.

I have recommended a series of modifications which by and large are to help ensure that the Plan is a workable document that provides a practical framework for decision making. There may of course be a need for other minor consequential amendments to be made such as renumbering of paragraphs and so on as a result of these modifications.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wiltshire Council that the Burbage Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
19 March 2018



## 1.0 Introduction

- 1.01 This is the report of the independent examiner into the Burbage Neighbourhood Development Plan (the Plan).
- 1.02 The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.
- 1.03 I have been appointed by Wiltshire Council (WC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).
- 1.04 I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over twenty-five years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

- 2.01 The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).
- 2.02 The examiner is required to check<sup>1</sup> whether the neighbourhood plan:
- Has been prepared and submitted for examination by a qualifying body
  - Has been prepared for an area that has been properly designated for such plan preparation
  - Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
  - Its policies relate to the development and use of land for a designated neighbourhood area.

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<sup>1</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

2.03 The basic conditions<sup>2</sup> are:

- 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
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

2.04 Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and is:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site<sup>3</sup> or a European offshore marine site<sup>4</sup> either alone or in combination with other plans or projects.

2.05 I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>5</sup>

2.06 The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

2.07 If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

2.08 If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case

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<sup>2</sup> Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

<sup>3</sup> As defined in the Conservation of Habitats and Species Regulations 2012

<sup>4</sup> As defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

<sup>5</sup> The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

### **3.0 Neighbourhood plan preparation and the examination process**

- 3.01 A Consultation Statement has been submitted.
- 3.02 Work began on the Plan in June 2014. An initial survey delivered to all households and businesses in the Parish was followed up by an online questionnaire. Meetings were held with those harder to reach groups. Businesses were involved and invited to a lunch. The local free newspaper has included various articles. A dedicated page has also been set up on the Parish Council website.
- 3.03 Initially the Plan had a 'high growth high benefit' strategy. Pre-submission (Regulation 14) consultation took place between 1 October - 12 November 2016. It should be noted that the Consultation Statement indicates that the pre-submission started on 3 October, but in response to a query on this, it has been confirmed that the consultation period began on 1 October and that the date given in the Consultation Statement is an error.
- 3.04 The consultation was promoted using banners and in the Parish magazine, on the Parish Council website and three public meetings were held. It became apparent that the overall level of growth proposed was not supported by the community. As a result, the Plan was changed significantly.
- 3.05 It was felt that a further round of consultation was necessary in order to, in the words of the Consultation Statement, restore confidence in the process, confirm the democratic nature of the process and to ensure that the community's views had been understood and were reflected in the revised version. This period of consultation was held for three weeks between 19 January – 9 February 2017. Leaflets to every household advertised the second round of consultation and a public meeting was held during this period. I consider this was a sensible way forward given the outcome of the formal pre-submission period.
- 3.06 I consider there has been satisfactory engagement with the community throughout the process.
- 3.07 Submission (Regulation 16) consultation was carried out between 31 August – 12 October 2017. The Regulation 16 stage attracted 11 representations from different people or organisations. I have taken all the representations received into account.
- 3.08 I have set out my remit earlier in this report. It is useful to bear in mind that the

examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>6</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>7</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

3.09 Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

3.10 PPG<sup>8</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>9</sup>

3.11 I sought clarification on a number of matters from the Parish Council and WC in writing and my list of initial questions is attached to this report as Appendix 2. I then, somewhat unusually, sought further clarifications on a number of issues and that list of further queries is attached as Appendix 3.

3.12 I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

3.13 I made an unaccompanied site visit to the neighbourhood plan area on 10 February 2018.

## 4.0 Compliance with matters other than the basic conditions

4.01 I now check the various matters set out in section 2.0 of this report.

### Qualifying body

4.02 Burbage Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

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<sup>6</sup> PPG para 055 ref id 41-055-20180222

<sup>7</sup> *Ibid*

<sup>8</sup> *Ibid* para 056 ref id 41-056-20180222

<sup>9</sup> *Ibid*

### **Plan area**

- 4.03 The Plan area was approved by Wiltshire Council on 14 July 2014 (and, having received confirmation from WC, not 19 May 2014 as the Basic Conditions Statement and the WC representation indicates). The Plan area is coterminous with the Parish administrative boundary. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with the necessary requirements. The Plan area is shown on page 5 of the Plan.

### **Plan period**

- 4.04 The Plan covers the period 2017– 2026. This is clearly stated on the Plan’s front cover and has been confirmed in a response to my query. However, on page 5 of the Plan the date is given as 2016 and so this should be updated in the interests of consistency.

- **Change “2016” in paragraph 1.0 on page 5 of the Plan to “2017”**

### **Excluded development**

- 4.05 The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

### **Development and use of land**

- 4.06 Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community’s priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>10</sup> Subject to any such recommendations, this requirement can be satisfactorily met.

## **5.0 The basic conditions**

### **Regard to national policy and advice**

- 5.01 The main document that sets out national planning policy is the National Planning Policy Framework (NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will

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<sup>10</sup> PPG para 004 ref id 41-004-20170728



mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.<sup>11</sup>

- 5.02 The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.<sup>12</sup>
- 5.03 The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.<sup>13</sup>
- 5.04 On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [planningguidance.communities.gov.uk](http://planningguidance.communities.gov.uk) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.
- 5.05 PPG indicates that a policy should be clear and unambiguous<sup>14</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.<sup>15</sup>
- 5.06 PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>16</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>17</sup>
- 5.07 Whilst this has formed part of my own assessment, the Basic Conditions Statement (BCS) sets out how the Plan has responded to national policy and guidance through a simple table and commentary on how the Plan's policies align with the NPPF and PPG.

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<sup>11</sup> NPPF paras 14, 16

<sup>12</sup> *Ibid* para 184

<sup>13</sup> *Ibid* para 17

<sup>14</sup> PPG para 041 ref id 41-041-20140306

<sup>15</sup> *Ibid*

<sup>16</sup> *Ibid* para 040 ref id 41-040-20160211

<sup>17</sup> *Ibid*

### **Contribute to the achievement of sustainable development**

- 5.08 A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole<sup>18</sup> constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.<sup>19</sup>
- 5.09 Whilst this has formed part of my own assessment, the BCS contains a section that explains how the Plan aligns with each of the three components of sustainable development outlined in the NPPF.

### **General conformity with the strategic policies in the development plan**

- 5.10 The development plan relevant to this examination includes the Wiltshire Core Strategy Development Plan Document (CS) and the saved and retained policies of the Kennet District Local Plan 2011 (KLP) identified in Appendix D of the CS. The CS was adopted on 20 January 2015 and the KLP was adopted on 30 April 2004.
- 5.11 The CS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy. It identifies 18 Community Areas and the Parish of Burbage falls within the Pewsey Community Area.
- 5.12 Core Policy 1 of the CS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland. Burbage is identified as a 'Large Village' where development is limited to that needed to help meet the housing needs of settlements and improve housing opportunities, services and facilities.
- 5.13 Core Policy 18 explains that approximately 600 homes will be needed in the Pewsey Community Area. Any development will need, amongst other things, to conserve the landscape of the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and, where possible, enhance its locally distinctive characteristics. Any development with the potential to increase recreational pressure on the Salisbury Plain Special Protection Area (SPA) will need to contribute towards the Stone Curlew Management Strategy designed to avoid adverse effects on the integrity of the stone curlew population as a designated feature.
- 5.14 The indicative requirement for 2006 - 2026 of 600 houses has now been met through completions 2006 – 2017 and developable commitments 2017 – 2026. As at April 2017, the indicative residual requirement was therefore zero. Whilst some representations rightly point this out, the overall housing requirement

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<sup>18</sup> NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

<sup>19</sup> *Ibid* para 7

figure in the CS is a minimum and the area strategy figures indicative. The CS is clear that Plans should not be constrained by the housing requirements in the CS and that additional growth may be appropriate and consistent with the settlement strategy. The tenor of the CS is to enable community-led proposals to come forward.

- 5.15 The BCS outlines the CS strategic objectives alongside the relevant Plan policy with a short commentary. Whilst it would have been useful for the BCS to be more comprehensive in its coverage by adding a commentary and addressing other policies in other documents, this has formed part of my own assessment.

### ***Emerging planning policy***

- 5.16 WC has also published the draft Wiltshire Housing Site Allocations Plan, along with accompanying evidence reports, for formal consultation. The purpose of this document is to support the delivery of new housing set out in the CS through the revision, where necessary, of settlement boundaries and site allocations. The consultation ran from 14 July – 22 September 2017. WC is now considering the comments received before submitting the draft to the Secretary of State for examination later this year.
- 5.17 WC is also reviewing the CS. An initial consultation identified the issues the review should address and ran from 7 November – 19 December 2017. Comments received are currently being considered.

### **European Union Obligations**

- 5.18 A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).
- 5.19 PPG indicates that it is the responsibility of local planning authorities to ensure that the Plan is compatible with EU obligations (including obligations under the Strategic Environmental Assessment Directive) when it takes the decision on a) whether the Plan should proceed to referendum and b) whether or not to make the Plan.<sup>20</sup>

### ***Strategic Environmental Assessment***

- 5.20 Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental

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<sup>20</sup> PPG para 031 ref id 11-031-20150209

considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

- 5.21 A Screening Decision dated 14 April 2014 and updated in September of that year confirmed that a SEA would be required. This was because the Plan was likely to allocate sites and the Plan area falls within the North Wessex Downs AONB. In response to my query on this, WC has confirmed that the Plan area does not fall within any designated or proposed European sites. However, the Plan area is within an outer (4 – 15km) zone of the Salisbury Plain Special Protection Area (SPA).
- 5.22 It was decided to undertake a Sustainability Appraisal (SA) incorporating SEA. An undated Scoping Report has been submitted. This identifies other relevant policies, plans and programmes, sustainability issues and problems and develops the framework. Consultation was carried out with the statutory bodies on the original scoping report dated November 2014. Following responses from the Environment Agency, Natural England and Historic England, the report was amended.
- 5.23 An Environmental Report dated June 2017 has been submitted. This explains that the pre-submission plan was subject to SA. As a result of SA work, a number of suggestions were made to improve the Plan and these changes were taken forward in the Regulation 14 draft Plan. The draft Environmental Report and Site Selection Report were consulted upon at the pre-submission stage.
- 5.24 The process was redone in a proportionate way following changes to the draft Plan after the Regulation 14 period of consultation, but no further changes were made as a result of the SA process at this stage. The Environmental Report of June 2017 was published for consultation alongside the submission version of the Plan.
- 5.25 The Environmental Report<sup>21</sup> confirms that WC will monitor the outcomes from the Plan's policies annually and the Parish Council will produce a local monitoring report every three years.<sup>22</sup>
- 5.26 The submission version of the Plan differs from the draft Plan revised after the pre-submission consultation, but only in minor ways mainly to correct errors and as detailed in the Consultation Statement.<sup>23</sup> This can be picked up by WC when it (re)assesses any modifications to the Plan in relation to EU obligations when it takes the decision on whether the Plan should proceed to referendum.
- 5.27 Overall the Environmental Report is a comprehensive document that has dealt

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<sup>21</sup> Environmental Report page 113

<sup>22</sup> In line with Regulation 17 of the Environmental Assessment of Plans and Programmes Regulations 2004

<sup>23</sup> Consultation Statement page 42 onwards

with the issues appropriately for the content and level of detail in the Plan. This is in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.<sup>24</sup> In my view, it has been prepared in accordance with Regulation 12 of the Regulations. Therefore EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

- 5.28 Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is also of relevance to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>25</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.
- 5.29 A Screening Decision of 21 September 2016 found the Plan would not have likely significant effect on any European sites alone or in combination with other plans and concluded that a full HRA would not be needed. The Screening Decision related to the pre-submission version of the Plan.
- 5.30 Given the nature, characteristics and distances of the European sites and the nature and contents of the Plan which now promotes less development than that screened, I consider the earlier screening can still be relied upon. I therefore consider that a full HRA is not required and that the further basic condition set out in Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) is complied with.

### ***European Convention on Human Rights (ECHR)***

- 5.31 Whilst the BCS does not address this issue, there is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.
- 5.32 PPG<sup>26</sup> confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

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<sup>24</sup> PPG para 030 ref id 11-030-20150209

<sup>25</sup> *Ibid* para 047 ref id 11-047-20150209

<sup>26</sup> *Ibid* para 031 ref id 11-031-20150209

## 6.0 Detailed comments on the Plan and its policies

- 6.01 In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.
- 6.02 The Plan is well presented with a helpful contents page and ‘green boxes’ which highlight critical information. It includes a glossary of terms. It is easy to read and use. Policies are clearly discernible. Photographs are interspersed throughout the document giving it a distinctive flavour.

### 1.0 Introduction

- 6.03 This section offers a short, but informative introduction to the Plan.

### 2.0 Area Covered by Plan

- 6.04 The Plan covers the whole of the Parish and this is shown clearly on page 5 of the Plan.

### 3.0 Executive Summary

- 6.05 As well as explaining the background to the Plan’s evolution, this section outlines the main elements of the Plan.
- 6.06 Non-planning actions called “community aims” are also set out in this section. There is a useful explanation of the difference between the planning and non-planning elements of the Plan and the five aims are clearly differentiated and articulated.
- 6.07 Whilst monitoring is not currently a requirement for neighbourhood plans, I regard it as good practice and welcome that monitoring of the Plan will take place.

### 4.0 Evidence Base

- 6.08 This section explains the background to the Plan’s evolution and introduces the supporting documentation.

## 5.0 Planning Policy Context

6.09 A summary of the more relevant planning policy documents is found in this section.

## 6.0 Physical, Social and Economic Contexts

6.10 A wealth of information about the Parish and its characteristics is given in this part of the Plan. The information is presented simply and comprehensively and sets the scene well.

6.11 Reference is made to Burbage falling within the River Avon Special Area of Conservation (SAC) and the Salisbury Plain SAC. In response to a query, this statement is incorrect and so should be deleted from the Plan.

6.12 There is also a typographical error to correct in the interests of accuracy in this section.

- **Delete paragraph 6.14 on page 17 of the Plan and replace with:**  
***“Although Burbage does not fall within any European sites, the Parish does fall within an outer zone of the Salisbury Plain Special Protection Area in relation to recreational pressure from development.”***
- **Change the reference to “Appendix 3” in paragraph 6.24 on page 19 of the Plan to “Appendix 2”**

## 7.0 Vision of the Plan

6.13 The detailed vision states:

“Burbage will continue to flourish as a living, working village. Future developmental growth will be in keeping with Burbage’s position in the settlement hierarchy of the Wiltshire Core Strategy as a ‘Large Village’.

Housing development will continue to slowly grow the village in a moderate manner, but, whenever possible, this will be matched by appropriate local employment opportunities to improve the self-containment of the village and reduce the need for out-commuting as far as is possible.

The vitality of the village will be enhanced by the provision of new infrastructure including if possible an extended doctors’ surgery and better facilities for recreation and young people. Parking and road safety will be improved as will sustainable transport such as the foot and cycle path network.

The BNDP intends to ensure that the local community has a powerful voice in

managing future change in the village and in particular a greater say in where, how, what and when development occurs.”

6.14 The vision is clearly articulated.

## 8.0 Main Objectives of the Plan

6.15 The vision is underpinned by eight objectives or aims that policy will address. All are simply and clearly articulated and relate to the development and use of land.

## 9.0 Policies of the Plan

### Policy 1 – Development Strategy

6.16 The explanatory text to this policy explains that modest growth is supported. The Plan recognises that Burbage has been identified as a ‘Large Village’ in the CS and that some residential and employment development is necessary to maintain the viability of local businesses and the vitality of the area. Whilst directing most growth to Burbage, the importance of some development outside the village is recognised.

6.17 The policy is in four parts. It was not clear to me whether the first three elements only related to Burbage village although it seemed reasonable to assume this was the case. This has now been confirmed in response to my query on this. In the interests of clarity, modifications are recommended to avoid any such doubt and provide the clarity sought by national policy and guidance.

6.18 The Plan has not taken the opportunity to review the settlement boundary or limits of development for Burbage. Settlement boundary reviews are being carried out by WC as part of its work on the draft Housing Site Allocations Plan and the boundary for Burbage is proposed to change (in some areas it is retracted, in others extended).

6.19 In response to my query, it has been confirmed that it is the existing limits of development boundary that the Plan should use, as any revised boundary has not yet been confirmed. I agree that this is the most appropriate way forward at the present time. However, the boundary is not clearly shown on any map within the Plan document and so this should be remedied through the inclusion of a map. This will, somewhat unfortunately, mean that this element of the Plan is likely to be superseded when the Housing Site Allocations Plan is adopted and for this reason, an early review of the Plan may be of benefit. Alternatively, it may be possible for the draft Housing Site Allocations Plan to retain the existing boundary so that both plans align with each other.



- 6.20 The first criterion supports small-scale infill developments and modest schemes of up to 10 houses within the settlement boundary. It indicates that any schemes over this number will need to comply with CS Core Policies 1, 2 and 18. A modification is suggested to make the policy clearer in respect of the first element, but it is not clear to me what sort of need an applicant would have to demonstrate in order to comply with this element of the policy or the relevance of the direct references to CS Core Policies 1, 2, or 18. Therefore these references should be deleted.
- 6.21 Criterion ii. supports mixed-use developments of housing, retail and employment uses where the impact is acceptable to encourage employment opportunities alongside housing development to enable more opportunities and encourage the Parish to be self-contained.
- 6.22 Criterion iii. requires developments of “greater than five units” i.e. six or more, to provide some one and two bedroom units aimed at first time buyers.
- 6.23 Finally the policy supports the conversion or extension of existing buildings in the smaller settlements and hamlets as well as new buildings for small-scale employment uses where landscape and transport impacts are acceptable. The final sentence of the policy requires a travel plan to demonstrate how reducing the need to travel and encourage sustainable modes of travel have been considered. This is to be welcomed in principle, but could be unduly onerous on small businesses. A modification is therefore recommended to make this requirement more flexible and proportionate.
- 6.24 Subject to these modifications, the policy will take account of national policy and guidance, reflect the CS and in particular be a local expression of Core Policies 2, 48 and 51 and will help to achieve sustainable development.
- **Add a sentence at the start of the policy which reads: “*Within the settlement boundary of Burbage village as shown on Policies Map [X], the following three criteria apply:*”**
  - **Insert a policies map (Map X) into the Plan to sit alongside Policy 1 that clearly shows the settlement boundary (as it currently exists) for Burbage**
  - **Amend criterion i. so that it reads: “*Apart from the site allocation in this Plan, most future housing need is expected to be met through small-scale or infill schemes of up to 10 units.*”**
  - **Add a sentence before criterion iv. that reads: “*The following criterion applies throughout the Plan area:*”**
  - **Change the start of the last sentence in criterion iv. to read: “*A proportionate travel plan...*”**

## Policy 2 – Housing (General)

- 6.25 Policy 2 is in three parts. In response to a query, it has been confirmed that this policy would only apply to sites within the settlement boundary of Burbage. This then needs to be clarified and a modification recommended to address this.
- 6.26 The first part is similar to part of Policy 1 in requiring developments to provide smaller units. However, this policy refers to developments of five or more units whereas Policy 1 specified six or more units and therefore this provision contradicts Policy 1. As a result it should be deleted. In addition this criterion requires at least one unit. In theory this could result in a scheme of say 30 houses providing one small(er) unit to accord with this part of the policy; I feel sure this is not what was intended.
- 6.27 The second element of the policy supports retirement housing.
- 6.28 The third element requires schemes of more than 25 homes to provide at least one market or affordable home that is accessible or facilitates care at home. WC point out that this element should apply to market housing only as on affordable housing schemes of 10 units or more, WC usually require 10% to be provided to an adapted specification in accordance with CS Core Policies 45 and 46 (although there is no mention of this in either policy). This element reflects work carried out as part of the SA and the Housing Needs Survey and is not at odds with the provisions of the CS. However, I consider that there may be some confusion generated between market and affordable housing and so in the interests of clarity, a modification is made to address this.
- 6.29 This policy takes account of the NPPF in trying to deliver a wide choice of high quality homes. It generally conforms to CS Core Policy 45 which provides the basis for considering dwelling type, density and mix of housing and Core Policy 46 which seeks to meet the needs of vulnerable and older people. As a result it seeks to achieve sustainable development. Subject to the recommended modifications, it will meet the basic conditions.
- **Add a sentence at the start of the policy that reads: “*Within the settlement boundary of Burbage as shown on Policies Map [X], the following criteria will apply:*”**
  - **Delete criterion i. in its entirety and renumber the remaining criteria**
  - **Change criterion iii. to read: “*Developments of more than 25 homes should include provision of at least one market dwelling specifically designed for disabled access or to facilitate care at home.*”**

### Policy 3 – Housing (Site) Grafton Road

- 6.30 This policy seeks to allocate a site of about 1.6 hectares for up to 30 houses of mixed size and type subject to satisfactory highway, screening and landscape matters.
- 6.31 SEA requires reasonable alternatives to be assessed. A site selection process has been undertaken and is detailed in the Site Selection Report. Natural England considered that landscape should form an important consideration in any such assessment because of the Parish's location in the AONB which washes over the Parish. This means that any site selected will be in the AONB. In addition to the Site Selection Report undertaken by a planning consultant and work carried out in connection to the SA, the sites have been subject to various rounds of public consultation. Only one, Grafton Road, has received public support. Therefore in these particular circumstances it is reasonable, in my view, that an assessment of the landscape impact on the AONB of the selected site should be undertaken. NE confirmed in an email of 10 March 2017 that if this is the only site to receive community support this will be sufficient.<sup>27</sup> A landscape assessment has duly been carried out independently and is attached to the Plan at Appendix 4 and the policy also references it.
- 6.32 Turning now to the detail of the policy wording, a modification is made to clarify that the policy allocates the site. The site is indicated on a policy map on page 33 of the Plan. It would be helpful to refer to this map within the policy itself.
- 6.33 In addition, the imposition of an upper limit on numbers is not acceptable as neighbourhood plans cannot cap development as this would not allow for the flexibility the NPPF seeks in responding to changing conditions or necessarily ensure the best use of land. The CS also makes it clear that the requirement for the Community Area is indicative. Through proper planning and high quality design it may be the case that few or more houses could be satisfactorily accommodated on the site. A modification to remove the upper limit is therefore made.
- 6.34 I saw at my site visit that the site is immediately adjacent to St Dunstons Court, a site that has recently been developed for housing. In fact some construction work was still taking place at the time of my site visit. The site is well defined and enclosed although views into it are gained from the road along its southern boundary. Given the development at St Dunstan's Court, it is a site suitable for development.
- 6.35 In determining proposals in AONBs, great weight will be given to conserving landscape and scenic beauty in accordance with the NPPF.<sup>28</sup> Proposals need to demonstrate they have taken account of the objectives, policies and actions in

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<sup>27</sup> Consultation Statement page 49

<sup>28</sup> NPPF paras 115 and 116

management plans. Amongst other things, CS Core Policy 51 requires development to protect, conserve and where possible enhance landscape character.

- 6.36 The supporting text to the policy sets out a number of design principles based on the Landscape Appraisal which include access, layout, design, density, materials, height and landscaping. I consider that in the interests of proper planning and achieving sustainable development, reference should be made to a master planning process and the design principles in Appendix 4 and therefore a modification is made to ensure this occurs.
- 6.37 It is also anticipated that any scheme will contribute to enhancing the doctor's surgery facility and this is covered by Policy 4 which refers to developer contributions.
- 6.38 In addition, the representation from WC points out that the site is adjacent to a listed building. I consider it would be appropriate to acknowledge this as an issue within the policy in the interests of achieving sustainable development.
- 6.39 I note that the supporting text on page 30 of the Plan makes reference to a Mineral Resource Zone. In response to my query on this, it has been confirmed that the site is not a designated Mineral Resource Zone and therefore the reference can be retained as is.
- **Change the first sentence of the policy to read: “*Land at Grafton Road as shown on the map on page 33 of the Plan is allocated for a housing development of approximately 30 homes of mixed use and type subject to:*”**
  - **Add a new paragraph at the end of the policy that reads: “*The site will be subject to a detailed masterplanning process to make the best use of the site whilst respecting its location and context in the village as well as its location close to designated heritage assets and to comply with the design principles outlined in the Landscape Appraisal in Appendix 4 of the Plan.*”**

#### Policy 4 – Developer Contributions

- 6.40 Policy 4 refers to developer contributions. It seeks such contributions in accordance with CS Policy Core Policy 3 and WC's Revised Planning Obligations Supplementary Planning Document (SPD). Planning obligations can be sought for affordable housing and site-specific requirements. WC also introduced the Community Infrastructure Levy (CIL) from 18 May 2015. It is important that the distinction between CIL and developer contributions, more commonly and generically referred to as planning obligations, is clear. From its wording and the

supporting text it seems to me that Policy 4 essentially seeks to set out the infrastructure priorities for the local community from funding. These are the improvement of the doctor's surgery facility, to improve leisure, recreation and sporting facilities, to enhance sustainable transport including the provision of a footpath along the High Street and to plant new trees and landscaping.

- 6.41 It is appropriate for the Plan to address infrastructure needs alongside development to ensure that the Parish can grow in a sustainable way and to set out local priorities. The supporting text recognises the balance between ensuring that development is sustainable and viability of development.
- 6.42 Therefore to avoid any potential confusion and to add clarity so that the policy provides a practical framework for decision-making in line with national policy and guidance, a number of modifications are recommended. Subject to these modifications, the policy will meet the basic conditions and add detail to CS Core Policy 3.
- **Change the title of Policy 4 to “Local Infrastructure Priorities”**
  - **Change the first sentence of the policy to read: “Infrastructure requirements will be sought in accordance with Wiltshire Core Strategy Core Policy 3 and the Wiltshire Planning Obligations SPD and charged through the Community Infrastructure Levy. Local priorities for infrastructure needs and improvements are:” [retain criterion i. to iv.]**

## **Policy 5 – Economy: Business, Employment and Tourism – Generic Policies**

- 6.43 Again this policy has three elements to it. The first supports small workshops and studios throughout the Plan area subject to amenity and transport considerations.
- 6.44 The second part supports tourism-related businesses throughout the Plan area.
- 6.45 The third supports farm diversification including through the conversion of farm buildings for non-residential uses subject to impacts on the openness and scenic quality of the AONB.
- 6.46 Although the supporting text indicates that the matters covered by the policy may already be permitted by the CS, CS Core Policy 34 only supports employment developments that are within or adjacent to Large Villages and CS Core Policy 39 permits tourism development in or close to Large Villages and in exceptional circumstances away from Large Villages subject to a number of criteria. As Policy 5 permits such development anywhere in the Plan area, it differs to the relevant CS Policies. CS Core Policy 48 deals with conversion and reuse of rural buildings.

- 6.47 However, national policy supports economic growth in rural areas to support job creation and prosperity. The sustainable growth and expansion of all types of businesses through the conversion of existing buildings and new buildings is supported in the NPPF alongside farm diversification and rural tourism.<sup>29</sup> In addition, there is clear community support for more local employment opportunities in the Parish which is justified well.
- 6.48 I consider that, with modification, the first two elements of the policy provide a distinct local approach that will not undermine the general principle of the CS policies given the rationale for the policy. The third criterion should better reflect the CS policy. The wording of the modifications are based on the criteria used in the CS policies.
- 6.49 Subject to the modifications recommended below, the policy will meet the basic conditions.

- **Reword criterion i. to read:**

***“Small workshops and studios will be encouraged throughout the Plan area subject to meeting all of the following criteria:***

- ***the size, scale and design of any new building is appropriate for its location and would not detract from the character or appearance of the landscape***
- ***the development and proposed use would not detract from residential amenity***
- ***the development is supported by adequate infrastructure***
- ***it would not generate significant traffic and***
- ***demonstrate that account has been taken of the AONB Management Plan.”***

- **Reword criterion ii. to read:**

***“Tourism related businesses will be supported throughout the Plan area subject to meeting all of the following criteria:***

- ***Wherever possible, the use should be located in existing buildings***
- ***The scale, design and use of the proposal is compatible with its landscape setting and would not detract from the character or appearance of the landscape***
- ***It would not be detrimental to residential amenity***
- ***The development is served by adequate access and infrastructure***
- ***The site has reasonable access to local services and a local employment base.”***

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<sup>29</sup> NPPF para 28

- **Reword criterion iii. to read:**

**“Farm diversification involving conversion of existing *rural* buildings or *their* extension for non-residential use will be permitted in the Parish outside the LoD subject to *compliance with all of the following criteria:***

- ***the buildings are structurally sound and capable of conversion without major rebuilding***
- ***the use would not detract from the character or appearance of the landscape or surrounding area or on the AONB***
- ***it would not be detrimental to residential amenity***
- ***the building is served by adequate access and infrastructure.”***

- **Change the second sentence of the “NB” on page 35 of the Plan to read: “The matters the policy covers may already be *partially* permitted by policies in the WCS, but this policy goes beyond WCS policies whilst being in general conformity with them.”**

## **Policy 6 – Economy, Business and Tourism Sites**

- 6.50 A key theme of the Plan is to increase employment opportunities locally and to balance housing with employment.
- 6.51 Policy 6 supports employment at Harepath Farm subject to four criteria. Harepath Farm is an existing employment site of some 1.1 hectares and received conditional consent for B1, B2 and B8 uses in the late 1990s as well as a later consent for one of the buildings to be used as A1.
- 6.52 CS Core Policy 34 supports additional employment land within or adjacent to settlements and whilst this site is not within or adjacent to Burbage, it is well established and close to the edge of the settlement and alongside a main road. There are also few other opportunities within or adjacent to the settlement. Given the site’s current use, location and relationship to the settlement, I consider this policy is in general conformity with CS Core Policy 34.
- 6.53 The site is shown on a Location Map on page 37 of the Plan. At my site visit, I was concerned that a residential property is adjacent to the existing employment site and would be between the proposed new area of employment land. In response to my query, I have been informed that it is in the same ownership and assured that the Steering Group have consulted the owner throughout.
- 6.54 I also noted that the area shown on the Location Map seemed to include highways land. Again, in response to a query the Steering Group has reviewed the extent of the land included and propose a smaller site. I agree this would be more logical and that the Location Map on page 37 should be revised in

accordance with the suggestion put to me in response to this query on 15 February.

- 6.55 I also consider it would be prudent to cross refer to the map in the policy so it is clear which site it refers to in the interests of providing the practical framework for decision-making required by national policy and guidance.
- 6.56 The four criteria are simply presented, but cover habitat and landscaping, the design of any such scheme, the uses which will be acceptable (Use Classes B1 and B2) and access.
- 6.57 Two of the criteria require further thought. Use of renewable or low carbon in the design is sought. This is to be generally encouraged and reflects CS Core Policy 41, but given the location of the site within the AONB, safeguards are needed to ensure that no adverse impacts result. There is little information in the supporting text about what is expected. As a result this criterion is reworded to be more flexible and to include appropriate safeguards to take account of national policy and guidance and to help ensure sustainable development can be achieved.
- 6.58 The third criterion is employment uses falling within Use Classes B1 and B2. WC rightly point out that various changes to other uses are permitted either on a permanent or temporary basis. On balance given that the policy applies to Harepath Farm which is in employment use, the risk of the policy not achieving its intended outcomes is, I think, small, but the Parish Council should be alert to this situation.
- 6.59 The policy wording refers to “Employment will be acceptable...”, but presumably this is meant to be employment generating uses. In order for the policy to be a practical framework for decision-making, a modification is made to address this.
- 6.60 There is a reference to CS Core Policy 38 on page 36 of the Plan which is not relevant. In the interests of accuracy, it should be deleted.
- **Replace the Location Map on page 37 of the Plan with a higher resolution reproduction of the revised location indicated in Appendix 1 attached to the responses dated 15 February 2018 to my queries**
  - **Change the start of the policy to read: “*Employment-generating uses will be acceptable at Harepath Farm (expansion of existing facility) shown on the accompanying Location Map on page XX of the Plan subject to:*”**
  - **Change the second criterion to: “*the use of renewable and low carbon energy in the design is encouraged subject to the impact on the AONB*”**
  - **Delete reference to Core Strategy Core Policy 38 on page 36 of the Plan**



## Policy 7 Local Green Spaces

- 6.61 Two Local Green Spaces (LGS) are proposed by this policy.
- 6.62 The NPPF explains that LGSs are green areas of particular importance to local communities.<sup>30</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances. Identifying such areas should be consistent with local planning of sustainable development and complement investment.
- 6.63 The NPPF makes it clear that this designation will not be appropriate for most green areas or open space. Further guidance about LGSs is given in PPG.
- 6.64 The two proposed areas are Barn Meadow and Red Lion Field. Both areas are shown on the Site Map on page 39 of the Plan. I visited both areas on my site visit.
- 6.65 **Barn Meadow** is a flat, open grassed recreation ground with a play area and pitches/goal posts. It has well defined boundaries and is situated in amongst housing development. It is close to the village hall and its car park. It is used for village events.
- 6.66 **Red Lion Field** is a sports field which includes tennis courts and picnic seats. It is close to the community it serves and is local in character.
- 6.67 In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily.
- 6.68 Turning now to the policy itself, the policy refers to “Green Space” and to avoid any potential for confusion I consider it would wise to refer to the spaces as “Local Green Space”.
- 6.69 It would also be prudent to refer to the Site Map within the policy itself in the interests of providing the practical framework required by national policy and guidance.
- 6.70 The policy then sets out what development will and will not be accepted. The NPPF is clear that the policy for managing development in a Local Green Space should be consistent with policy for Green Belts.<sup>31</sup> No doubt for this reason, the supporting text at paragraph 9.46 on page 40 of the Plan therefore refers to paragraph 89 of PPG which should be the NPPF. The NPPF also sets out other forms of development that are not inappropriate in the Green Belt. The reference to paragraph 89 and the wording in Policy 7 is, to my mind, too simplistic and does not take sufficient account of the NPPF. Therefore in order to address this concern, a modification is suggested to both the policy and the

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<sup>30</sup> NPPF paras 76, 77 and 78

<sup>31</sup> *Ibid* para 78

supporting text.

6.71 Subject to the modifications below, the policy will meet the basic conditions.

- **Change the first sentence of the policy to read: “The following *areas as shown on the accompanying Local Green Spaces – Site Map on page XX of the Plan* are formally designated as *Local Green Spaces* and will remain as open spaces, retaining their existing recreational uses.” [retain existing a. and b.]**
- **Delete the last paragraph of the policy in its entirety and replace it with: “*Development within the Local Green Spaces will be consistent with policy for managing development within Green Belts.*”**
- **Change the reference to “Green Space” in the supporting text at paragraph 9.46 to “*Local Green Space*”**
- **Change the reference to “Planning Policy Guidance (PPG)” in paragraph 9.46 to “*the National Planning Policy Framework (NPPF)*”**
- **Add a reference or insert paragraph 90 of the NPPF at the end of paragraph 9.46 on page 40 of the Plan or add a new paragraph to this effect**

## Policy 8 - Transport

6.72 This policy is in two parts. The first part seeks to enhance the existing footpath and cycleway networks. It requires developers to show how a scheme links into the existing networks and to take any opportunity to connect to the network either on-site where that opportunity exists or through off-site provision as part of Policy 4. I have recommended modifications to Policy 4 and as a result this part of Policy 8 also requires modification to ensure it makes sense now Policy 4 has changed.

6.73 The second part relates to the provision of parking for schemes within Burbage village requiring satisfactory on-site provision to avoid on-street parking, but accepting a contribution to public parking where sites cannot physically provide satisfactory parking. To avoid confusion around parking standards, planning obligations and CIL and to ensure that the policy does not become a ‘back door’ way for applicants not to provide on-site parking, modifications are suggested.

6.74 The supporting text explains that the community wishes to tackle issues of road congestion and parking, through traffic and the lack of a continuous footpath along the High Street as well as encourage more walking and cycling and making the village more attractive to visitors.

6.75 Subject to the enhanced clarity through the suggested modifications, the policy takes account of the NPPF which promotes sustainable transport, reflects CS Core Policies 60, 61, 62 and 64 and will help to achieve sustainable development.

- **Delete the words “...and may be sought under the Developer Contributions Policy” from criterion i. and replace with “through appropriate planning obligations.”**

- **Change criterion ii. so that it reads:**

**“New housing or housing development within the *settlement boundary* will be required to demonstrate that sufficient parking is provided *in line with WC’s policies and standards* within the scheme to prevent the need for residents to park on the street. *Where, due to site constraints or in the interests of high quality design, satisfactory parking cannot be physically provided on site, contributions toward identified and suitable public parking facilities elsewhere in the village may be acceptable through planning obligations.* These additional facilities will be designed and located to reduce congestion, facilitate retail businesses and access to services (including public transport).”**

## Policy 9 - Heritage

6.76 Although the policy is titled “Heritage” it in fact only refers to the Conservation Area. Some representations make the point that there are two Conservation Areas within the Parish; Burbage and Eastcourt. Whilst the opportunity to deal more widely with other heritage assets is not taken, it should be made clear that the policy applies to both Conservation Areas.

6.77 A Conservation Area Character Appraisal and Management Proposal for Burbage was produced in 2008. In response to a query, I am informed that a Conservation Area Character Appraisal and Management Proposals for Eastcourt was produced in 2008. There are no plans to update either document, but they are regarded as current. Given the policy is intended to apply to both Conservation Areas, reference should be made to both documents.

6.78 The supporting text to the policy explains that the village essentially consists of a number of character areas which reflect its development over a number of years. It is clear that the community wish to ensure that new development both enhances and contributes to the character of those areas. This in principle is to be welcomed.

6.79 Firstly, the policy seeks to ensure that any development within the Conservation Area(s) takes account of the guidance in the Character Appraisal document(s). Although the documents are some years old, they are still relevant. As a

reference point this is useful and will assist applicants. The supporting text to the policy explains the rationale for this.

- 6.80 However, the policy then seeks to ensure that new development “must add positively to rather than detract from the character of the Conservation Area...”. This does not reflect the statutory duty contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 that in considering whether to grant planning permission for development in relation to any buildings or other land in a conservation area that any decision maker shall pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.81 The conservation or enhancement of the historic environment is reflected in the NPPF. One of the core planning principles in the NPPF is that heritage assets should be conserved in a manner appropriate to their significance.<sup>32</sup>
- 6.82 There are two important legal principles in relation to the statutory duty. These are that a neutral effect of preserving the conservation area i.e. a development that leaves the character or appearance unharmed is acceptable and that the effect on the conservation area as a whole should be considered in reaching any decision.
- 6.83 Therefore to require that new development must add positively to the character of the Conservation Area does not accord with the relevant legislation and legal principles. The paragraph then refers to a viability assessment where there is disagreement and it was unclear to me what the intention of this might be.
- 6.84 For these reasons, the second part of the policy should be deleted.
- 6.85 The last element of the policy refers to the AONB and views in and out towards the AONB requiring development to protect or enhance these views. This seems to relate more to the AONB than to the Conservation Area, the focus of this policy. There is however no information about these views or their location or any mention of the views in the supporting text. As a result this part of the policy is without explanation or justification and does not provide the clarity required by national policy and guidance. Consequentially this element of the policy should be deleted.
- 6.86 Subject to these modifications, the policy will take account of national policy and guidance, take its lead from CS Core Policies 57 and 58 and will help to achieve sustainable development.
- **Change the first paragraph of the policy to read: “*Within the Burbage and Eastcourt Conservation Areas, any development proposals must demonstrate how the guidance contained in the Burbage Conservation Area Character Appraisal and Management Proposal, February 2008 or***

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<sup>32</sup> NPPF para 17

*in the Eastcourt Conservation Area Character Appraisal and Management Proposal, February 2008, or any subsequent updates to these documents, has been taken into account.”*

- Delete the second and third paragraphs of the policy
- Add references to the Eastcourt Conservation Area Character Appraisal and Management Proposal, February 2008 to the supporting text and evidence base at paragraphs 9.53 and 9.54 on page 43 of the Plan and the justification in paragraph 9.55 on page 44 of the Plan

## 10.0 Non-planning actions are:

6.87 This section deals with community actions that are not related to development and use of land issues but nevertheless have been identified through the neighbourhood planning process. The section makes a clear distinction.

## 11.0 Monitoring

6.88 Whilst monitoring is not a formal requirement for neighbourhood plans I regard it as good practice for monitoring to occur and so this section is to be welcomed.

## Appendices

6.89 Appendix 1 lists the sources of information for the Plan and its policies.

6.90 Appendix 2 contains the Housing Needs Survey carried out in 2014. This could be a standalone separate document if desired.

6.91 Appendix 3 shows the AONB.

6.92 Appendix 4 is the Grafton Road Landscape Assessment referred to in Policy 3.

6.93 Appendix 5 is a flood risk map. It will be important to ensure that users of the Plan seek the most up to date information available as this information may change throughout the lifetime of the Plan. For this reason I suggest that a sentence directing users of the Plan to the most up to date information is added to ensure that the Plan provides a practical framework for decision-making as required by national policy and guidance.

- Add to Appendix 5 a sentence that reads: *“The information in this appendix is correct at the time of writing the Plan. Up to date information should be sought from the local planning authority, the*

***Parish Council or other relevant organisation such as the Environment Agency.”***

## **7.0 Conclusions and recommendations**

- 7.01 I am satisfied that the Burbage Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.
- 7.02 I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Burbage Neighbourhood Development Plan can proceed to a referendum.
- 7.03 Following on from that, I am required to consider whether the referendum area should be extended beyond the Burbage Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Burbage Neighbourhood Plan area as approved by Wiltshire Council on 14 July 2014.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
19 March 2018

## **Appendix 1**

### **List of key documents specific to this examination**

Burbage Neighbourhood Development Plan Submission Draft June 2017 and its appendices including the Parish Housing Needs Survey Report February 2014

Basic Conditions Statement dated June 2017

Consultation Statement Final Submission Draft June 2017

Sustainability Appraisal Scoping Report Final

Sustainability Appraisal Environmental Report Submission Final Draft June 2017

Site Selection Report to Regulation 14 Consultation Stage

Kennet District Local Plan adopted April 2004

Wiltshire Core Strategy adopted 20 January 2015

Revised Wiltshire Planning Obligations SPD October 2016

Wiltshire Housing Site Allocations Plan Pre-submission draft plan June 2017

Wiltshire Housing Site Allocations Plan Pre-submission draft plan Community Area Topic Paper – Pewsey June 2017

Burbage Conservation Area Character Appraisal and Management Proposals February 2008

Eastcourt Conservation Area Character Appraisal and Management Proposals February 2008

Various documents referred to in the Plan at Appendix 1.

**List ends**

## Appendix 2

### Questions of clarification to WC and the Parish Council

#### Burbage Neighbourhood Plan Examination

#### Questions of clarification from the Examiner to the Parish Council and WC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please confirm the date of the Plan area designation (as the date differs between the date in paperwork on WC's website and information in the Basic Conditions Statement).
2. Please confirm the dates of the pre-submission (Regulation 14) consultation period which must be a minimum of six weeks.
3. Please confirm the start and end dates of the Plan (as there is a discrepancy between dates given in the Plan).
4. Please provide a full copy of the email received from Natural England shown on page 49 of the Consultation Statement (so I can see the entire email and its date etc.)
5. Please confirm whether the Plan area a) falls within any European site(s) and if so which one(s) and b) if the Plan area does not fall within an European site, whether it falls within any zones or within proximity of any European site(s) and if so which one(s).
6. Please confirm the date of the Strategic Environmental Assessment Scoping Report.
7. Were the Site Selection Report and Draft Environmental Report consulted upon alongside the draft Plan at pre-submission stage (Regulation 14)?
8. Is the submission (Regulation 16) version of the Plan the same as the version of the Plan revised after the Regulation 14 stage and consulted upon for three weeks?
9. Please confirm the date of the Habitats Screening Decision, b) the version of the draft Plan the screening related to and c) whether any consultation was carried out on the Screening Decision and if so, please provide details.
10. As I understand it, the Plan does not review the Limits of Development (LoD) for Burbage. However, settlement boundary reviews are been carried out by WC and this review potentially alters Burbage's settlement boundary (in some places extending it and in others tightening it), but does not include the St Dunstan's site



which, I understand, now has planning permission. Please advise me of a) the latest position in relation to the settlement boundary reviews and any implications for this Plan (including in relation to the proposed site allocation subject of Policy 3) and b) the latest position with regard to the Housing Site Allocations Plan.

11. Policy 1 refers to small scale infilling and schemes of up to 10 units as well as larger schemes. There is no reference to any settlement boundary (the LoD) and criterion iv. refers to other settlements (presumably other than Burbage). Was the intention that the first three criteria only relate to Burbage's settlement boundary (the LoD) or to the whole Plan area?
12. In relation to Policy 2, was the intention that the policy applies to the whole Plan area or only to sites within Burbage's settlement boundary (the LoD)?
13. The LoD is referred to in Policy 5 (criterion iii.) and Policy 8. The LoD is shown on various plans in the Plan, but is it the intention that it is the existing LoD that the Plan will use or the proposed LoD in the Housing Site Allocations Plan? This also relates to question 10.
14. The proposed site allocation on Grafton Road subject of Policy 3 seems to be designated as a Mineral Resource Zone. Is this correct and if so, please explain any implications arising from this designation in relation to the proposed site allocation or developing the site.
15. Please confirm the authorised use(s) of the Harepath Farm site subject of Policy 6 i.e. what Use Classes.
16. Are either of the two proposed Local Green Spaces referred to in Policy 7 within a Conservation Area? If so, please provide details.
17. In relation to Policy 9 (Heritage), a number of representations make reference to another Conservation Area (CA) called Eastcourt. Please could the Parish Council confirm what the intention of Policy 9 is i.e. is it intended to exclude the Eastcourt CA or is this a drafting error (as the Eastcourt CA is not specifically mentioned as I assume the Burbage CA references do not, in fact, relate to both CAs)?
18. Please could a map(s) of the Burbage CA and the Eastcourt CA be provided to me.
19. Does WC have any plans to update the Burbage Conservation Area Character Appraisal and Management Proposal of February 2008? I see this document is not included on WC's website so is it still current? Is there a similar document for the Eastcourt CA?
20. Policy 9 refers to "views in and out" but these are not indicated on a plan within the Plan document itself. Are the views indicated anywhere i.e. in another supporting document perhaps? Or is it a more general reference?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.  
Ann Skippers  
15 January 2018

## Appendix 3

### Further questions of clarification to WC and the Parish Council

#### Burbage Neighbourhood Plan Examination

#### Further questions of clarification from the Examiner to the Parish Council and WC

I am grateful to both Councils for their assistance in answering a series of questions sent on 15 January 2018. Following the responses and my site visit, some additional queries have arisen. Once again, I would be most grateful if both Councils could kindly assist me as appropriate in answering the following questions.

21. An earlier question asked for confirmation of the date of the Plan's area designation. I have been told that the area was designated on 19 May 2014 and have been sent a document which indicates this. However, there is another document (on WC's website) that indicates the date as 14 July 2014. A discrepancy and puzzle therefore remains and the designation date is still unclear to me as is why two documents with different dates are in circulation.
22. Question 6 asked what the authorised use of Harepath Farm (subject to Policy 6) was. I can see in hindsight, how my question may have caused confusion. I was seeking confirmation of the authorised use classes of the existing Harepath Farm complex.
23. My site visit revealed that the site identified on page 37 of the Plan as a proposed employment site (Harepath Farm) appears to be adjacent to a residential property; is this correct? Has any assessment been made of the effects on this residential property or is the property connected with the proposed allocation?
24. The proposed employment site indicated on the map on page 37 of the Plan seems to include land that may potentially be highway land? It includes a number of trees and highway signage. Is the proposed site accurately indicated on this map? If not, please provide an amended map at a larger scale.
25. The two proposed Local Green Spaces shown on the map on page 39 of the Plan seem to include buildings. Is this the intention? If not, please could more detailed, accurate plans of each proposed Local Green Space be provided?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks.

Ann Skippers

12 February 2018