

COMPTON BASSETT NEIGHBOURHOOD PLAN

Compton Bassett Neighbourhood Plan Examination,
A Report to Wiltshire Council

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Contents:

- 1. Introduction**
- 2. Basic Conditions and Development Plan Status**
- 3. Background Documents and Compton Bassett Neighbourhood Area**
- 4. Public Consultation**
- 5. The Neighbourhood Plan: Introductory Section**
- 6. The Neighbourhood Plan: Policies**
- 7. The Neighbourhood Plan – Other Matters**
- 8. Summary**
- 9. Referendum**

1. Introduction

The Neighbourhood Plan

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

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

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.”
(Paragraph 183, National Planning Policy Framework)

Compton Bassett Parish Council is the *qualifying body*¹ responsible for the production of this Neighbourhood Plan. This is in line with the aims and purposes of neighbourhood planning, as set out in the Localism Act (2011), the National Planning Policy Framework (2012) and Planning Practice Guidance (2014).

This Examiner’s Report provides a recommendation as to whether or not the Neighbourhood Plan should go forward to a Referendum. Were it to go to Referendum and achieve more than 50% of votes in favour, then the Plan would be *made* by Wiltshire Council. The Neighbourhood Plan would then be used to determine planning applications and guide planning decisions in the Compton Bassett Neighbourhood Area.

Role of the Independent Examiner

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

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

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

- a) that the Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements;
- b) that the Neighbourhood Plan, as modified, should proceed to Referendum;

¹The qualifying body is responsible for the production of the Plan.

- c) that the Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.

If recommending that the Neighbourhood Plan should go forward to Referendum, I must then consider whether or not the Referendum Area should extend beyond the Compton Bassett Neighbourhood Area to which the Plan relates.

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

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act (PCPA) 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 PCPA (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one Neighbourhood Area);
- the Neighbourhood Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.

Subject to the contents of this Report, I am satisfied that all of the above points have been met.

Neighbourhood Plan Period

A neighbourhood plan must specify the period during which it is to have effect. The title page of the Neighbourhood Plan states that it covers the period 2015-2030. The plan period is also referred to in the heading of each page of the Neighbourhood Plan, as well as in the Executive Summary on page 2.

Taking the above into account, I confirm that the Neighbourhood Plan satisfies the relevant requirement with regards to specifying the plan period.

Public Hearing

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

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

Further to consideration of the written representations submitted, I confirmed to Wiltshire Council that I was satisfied that the Compton Bassett Neighbourhood Plan could be examined without the need for a Public Hearing.

2. Basic Conditions and Development Plan Status

Basic Conditions

It is the role of the Independent Examiner to consider whether a neighbourhood plan meets the “basic conditions.” These were *set out in law*² following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the Neighbourhood Plan against all of the basic conditions above.

Pages 288 and 289 of the Basic Conditions Statement, prepared by Compton Bassett Parish Council and submitted to Wiltshire Council, sets out the basic conditions in full.

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

European Convention on Human Rights (ECHR) Obligations

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

European Union (EU) Obligations

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal³. However, in some limited circumstances, where a neighbourhood plan is likely to have significant environmental effects, it may require a strategic environmental assessment. Consequently, it is good practice to assess neighbourhood plan proposals to determine whether the plan is likely to have significant environmental effects. This process is referred to as a “screening” assessment. If the screening assessment identifies likely significant effects, then an environmental report must be prepared.

The Basic Conditions Statement confirms that Wiltshire Council undertook a screening assessment. The screening assessment considered whether or not the contents of the Neighbourhood Plan required a Strategic Environmental Assessment and concluded that the Neighbourhood Plan is likely to have significant environmental effects and that consequently, a full Strategic Environmental Assessment (SEA) was required.

The submitted material states that Compton Bassett Parish Council “*had already viewed the production of an SEA as good practice*” whether or not it was a requirement. A Sustainability Assessment, incorporating the legal requirements set out by the EU Strategic Environmental Assessment Directive, has been produced.

The Environment Agency, English Heritage (now, with regards to planning matters, Historic England), the Environment Agency and Natural England were all consulted and the Neighbourhood Plan was “*revised and clarified*” further to comments from the statutory bodies.

A Habitats Regulations Assessment (HRA) is required if the implementation of the Neighbourhood Plan may lead to likely negative significant effects on protected European sites. The Basic Conditions Statement confirms that there are no European sites within the Neighbourhood Area and the nearest site, Pewsey Downs Special Area of Conservation (SAC), within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), is not within 5km of the Neighbourhood Area and is only just within 15km of it. There is no substantive evidence to demonstrate that the Neighbourhood Plan would have any likely effects on European sites.

³ Paragraph 026, Planning Practice Guidance 2014.

National planning guidance establishes that the ultimate responsibility of determining whether or not a draft neighbourhood plan meets EU obligations is placed on the local authority,

“the local planning authority must decide whether the draft neighbourhood plan is compatible with EU regulations.” (Planning Practice Guidance 11-031)

With regards this latter point, Wiltshire Council has not raised any outstanding concerns, or any suggestion that the Neighbourhood Plan is anything other than compatible with EU regulations.

Taking all of the above into account, I am satisfied that the Neighbourhood Plan is compatible with EU obligations.

3. Background Documents and Compton Bassett Neighbourhood Area

Background Documents

In undertaking this examination, I have considered various information, in addition to the Compton Bassett Neighbourhood Plan. This has included:

- National Planning Policy Framework (The Framework) (2012)
- Planning Practice Guidance (2014)
- Town and Country Planning Act 1990 (as amended)
- The Localism Act (2011)
- The Neighbourhood Planning Regulations (2012)
- Wiltshire Core Strategy Development Plan Document (2015) (Core Strategy)
- Basic Conditions Statement
- Consultation Statement
- Sustainability Assessment
- Compton Bassett Design Statement
- Compton Bassett Equality Impact Assessment

Also:

- Representations received during the publicity period

In addition, I spent an unaccompanied day visiting the Compton Bassett Neighbourhood Area.

Compton Bassett Neighbourhood Area

A plan showing the boundary of the Compton Bassett Neighbourhood Area is provided on page 7 of the Neighbourhood Plan.

Further to an application made by Compton Bassett Parish Council, Wiltshire Council approved the designation of Compton Bassett as a Neighbourhood Area on 5 November 2014.

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

4. Public Consultation

Introduction

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

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

Compton Bassett Neighbourhood Plan Consultation

Compton Bassett Parish Council submitted a Consultation Statement to Wiltshire Council. Further to consideration, I can confirm that this sets out who was consulted and how, together with the outcome of the consultation. In this regard, the Consultation Statement meets the requirements of the neighbourhood planning *regulations*⁴.

Following the decision to produce a Neighbourhood Plan in July 2013, Compton Bassett Parish Council established a Neighbourhood Plan Steering Group and initial meetings were held together with local residents to create, disseminate and consider the results of a questionnaire delivered to all dwellings in Compton Bassett. A public meeting, to discuss the questionnaire results, was held in December 2013 and attended by around 50 local residents.

Further to production of a draft plan, Wiltshire Council's comments were considered and a re-draft was produced in May 2014. This was submitted to Wiltshire Council for comments and was re-drafted further to a response in June 2014. The re-draft was presented and made available to the local community, with public copies available in the local pub and from Benson Village Hall, as well as from Compton Bassett Parish Council.

Around 50 local residents attended a meeting to discuss the draft plan in July 2014. Whilst the Consultation Statement refers to the announcement of a minimum 6 week consultation period on 8th July 2014, the plan was re-drafted at the end of July and another draft version of the plan was submitted to Wiltshire Council on the 7th August 2014.

Further re-drafts of the plan were undertaken and public meetings were held during 2014 and the first part of 2015. I note that, during this time, there were various

⁴Neighbourhood Planning (General) Regulations 2012.

issues between Compton Bassett Parish Council and Wiltshire Council, information pertaining to which has been provided within the Consultation Statement.

The pre-submission draft of the plan underwent public consultation during April and May 2015.

The consultation process was publicised via public notices and through the Parish Council website. Copies of relevant material were made available, both electronically and at publicly accessible venues within Compton Bassett.

Taking all of the above into account, the Consultation Statement presents an audit trail to demonstrate that, through public consultation, views were sought and duly considered. There is no substantive evidence to demonstrate that anyone who wanted to contribute to, or comment upon, the Neighbourhood Plan, was prevented from doing so. Rather, there is plentiful evidence to demonstrate that consultation was carried out in a manner whereby people were provided with a fair chance to have their say.

I am satisfied that the consultation process met relevant legislative requirements.

One representation to the Neighbourhood Plan has referred to not being "*included in the consultation.*" However, as above, there is no evidence before me to demonstrate that anyone was excluded from contributing to, or commenting on, the Neighbourhood Plan. The document underwent various stages of public consultation and consultation was publicised.

5. The Neighbourhood Plan – Introductory Section

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

The policies of the Neighbourhood Plan are considered against the basic conditions in Chapter 6 of this Examiner’s Report. I have also considered the Introductory Section of the Neighbourhood Plan and make recommendations below which are aimed at making it a clear and user-friendly document.

The Neighbourhood Plan is generally well presented. It has an attractive title page, a clear Executive Summary and the list of Contents is limited to one page. There are many interesting and informative photographs throughout the document and thought has been given to the provision of plans.

I would, however, note that the most important part of the Neighbourhood Plan – its Policies – occasionally appear hidden and from a presentational perspective, come across as being less significant than the Objectives, which they are not.

As submitted, the Neighbourhood Plan has several Appendices and the whole “package” of documents amounts to nearly 400 pages. Whilst there is no limit on the size of a neighbourhood plan – a plan could be 1 page or 1,000 pages long - I note that a significant portion of the submitted material comprises Appendices. For clarity, Appendices do not form part of the Neighbourhood Plan. As Appendices, they are exactly that – subsidiary matter appended to a document. No matter the content of the Appendices, they do not form part of the Neighbourhood Plan itself, but comprise background information.

I recommend:

- **Place Policies within a text box and/or in bold print, to ensure that they stand out from the surrounding text**
- **Delete the list of Appendices in the Contents section. For clarity, subject to the implementation of other recommendations in this Report, the Neighbourhood Plan ends at page 66**
- **Page 2, add a comma on the sixth line, after “...Community,...”**
- **Page 2, last line of third paragraph, change to “...together *with local assets that are* highly valued...”**
- **Page 2, delete last part of sixth paragraph, “...in combination with...Statement.”**

Please see comments on Policy 1, below, with regards the fourth bullet point above. With regards the last bullet point above, the Neighbourhood Plan, if made, would have a completely different planning policy status to that of the Compton Bassett Design Statement. This matter is considered in more detail later in this Report.

The Introduction provides interesting background information. However, its description of how the Neighbourhood Plan would form part of the development plan becomes somewhat confused and contradictory. I recommend:

- **Page 4, delete bullet point 6**
- **Page 4, replace “adopted” in bullet point 3 with “made”**

A series of notes are provided at the bottom of page 4. These relate to the Appendices submitted with the Neighbourhood Plan. I recommend:

- **Page 4, add new sentence after the bullet points, “*This Plan was supported by a suite of documents, covering a wide range of topics in considerable detail. These documents can be found on the Parish Council’s website and include:*”**
- **Retain each of the seven “notes” in a list of bullet points, but delete the introductory words “Note 1...Note 2...Note 3 etc” as well as those at the end of each note, “...is given in Appendix 1...is given in Appendix 2” etc. This part of the Neighbourhood Plan will then simply comprise a list of relevant information.**

The Objectives form a significant part of this Neighbourhood Plan. Whilst they include references to matters that are well beyond the scope of land use planning, this does not necessarily invalidate them as local objectives for inclusion in the Neighbourhood Plan. However, for clarity, I recommend:

- **Page 5, below “Compton Bassett Neighbourhood Plan Objectives” add the following, “*The Objectives for Compton Bassett Neighbourhood Area are set out below. These include both land use planning matters – which are addressed by the Policies of this Plan – as well as wider matters of concern to the local community, that the Parish Council will seek to address.*”**

Taking the above into account, the list of Objectives can remain the same, other than the first and last one, for reasons provided/as recommended under Policy 1 and Policy 11, below.

The Compton Bassett Parish section comprises interesting and distinctive background information, supplemented by the provision of excellent photographs and plans, relating to the Neighbourhood Area. I recommend:

- **Delete the last sentence of paragraph 8 on page 6**
- **Delete last sentence of paragraph 19 on page 10**

6. The Neighbourhood Plan – Neighbourhood Plan Policies

Policy 1

The first part of this section refers to “Assets of Community Value” that have “*been nominated*” as suitable for inclusion in Wiltshire Council’s list of assets of community value. However, there is no indication that the nomination has resulted in their actual designation as Assets of Community Value by Wiltshire Council. Given this, it is more appropriate to simply refer to local assets that are highly valued.

In the above regard, I note that the designation of Assets of Community Value is an entirely separate process to neighbourhood planning. Neighbourhood Plans, themselves, cannot undertake designation and if something has not been designated as an Asset of Community Value, then it isn’t an Asset of Community Value and should not be treated as such.

Policy 1 is worded positively and generally, it seeks to support development that respects local character and maintains/improves local assets. The Framework supports the retention of community facilities in villages (Paragraph 28) and the promotion of healthy communities (Chapter 8). In addition, both the Framework and the strategic policies of the Core Strategy protect local character.

However, the Policy seeks to establish that support for development will only be forthcoming if it is “*fully compliant*” with the Compton Bassett Design Statement. The Compton Bassett Design Statement is not an adopted planning document. It has not undergone a rigorous examination process. As noted above, it does not form part of the Neighbourhood Plan, but was appended to it.

I have given some consideration to the Compton Bassett Design Statement. Generally, it provides helpful guidance aimed at protecting local character and encouraging good design. As such, it provides a useful reference document.

However, of the thirty “policies” contained within it, a number simply set out wide-ranging aspirations and do not comprise land use planning policies. In addition, it is unclear how many of the “policies” can be implemented, or, for example, how, or whether, they take viability into account. Furthermore, there is a lack of a detailed evidence base to substantiate some of the aims contained within the Compton Bassett Design Statement.

Notwithstanding the above, it is the purpose of this Report to examine the Neighbourhood Plan against the Basic Conditions. It is not the purpose of this Report to include a detailed examination of an Appendix of the Neighbourhood Plan. Whilst the Compton Bassett Design Statement comprises a useful reference point, it is not a robust land use planning policy document that has been adopted further to examination and its “policies” hold little if any weight.

All of the Neighbourhood Plan's Policies refer to the Compton Bassett Design Statement. However, the Neighbourhood Plan does not provide a vehicle to adopt, or to give material planning weight to, the policies of other documents.

In making my recommendations below, I am mindful that policies within the Core Strategy, most notably Core Policy 57, support high quality design and protect local character. Furthermore, this approach is fully reflective of national policy, which recognises good design as a key aspect of sustainable development, indivisible from good planning. Consequently, national and local policy provides strong support for good design and affords significant protection to the local environment.

Taking all of the above into account, I recommend:

- **Change the title of Objective 1 to “*Maintain and Improve Highly Valued Local Assets.*” Also change the wording of Objective 1 on the list on page 5 to reflect this.**
- **Change Paragraph 30 to “*Compton Bassett includes a number of local assets that are highly valued by the community. These include:*”**
- **Re-word Policy 1, “*Development must respect local character. The maintenance and/or improvement of local assets highly valued by the local community will be supported.*”**

Policy 2

The supporting text to Policy 2 sets out issues of great importance to the local community. Some of these, such as emergency services response times, the provision of fire hydrants and the provision of public telephone boxes, are outside the powers of land use planning policies within the Neighbourhood Plan.

Other issues, including the provision of a high quality communications infrastructure, can appropriately form part of land use planning policy.

As worded, the first part of Policy 2 is somewhat vague. It would require all development to identify “*impact on infrastructure, services and facilities.*” This is a very wide-ranging requirement. There is no detail, for example, to set out what an “*impact on facilities*” might comprise. Furthermore, it is unclear why say a proposal for a household extension would need to not only assess its possible impact on such a wide range of things, but also demonstrate how any possible impact would be addressed. This is an unduly onerous requirement and there is nothing to demonstrate that it is an approach that is in general conformity with the strategic policies of the Core Strategy, or that it has regard to national policy and advice.

The second part of Policy 2 is generally a positive policy that supports development that maintains or improves local services. However, its requirement for development proposals to be fully compliant with the Compton Bassett Design Statement suggests that that document is an adopted planning policy document with material planning weight, which it is not.

Taking all of the above into account, I recommend:

- ***Re-word Policy 2, “The improvement of local infrastructure and facilities that benefit the community will be supported. In particular, support will be given for the development of telecommunications and high speed broadband, subject to installations being the minimum required for efficient operation of the network. Existing structures should be used in the first instance and where new sites are justified, equipment should be designed to respect local character.”***

The above approach takes full account of the supporting text provided in the Neighbourhood Plan and has regard to Chapter 5 of the Framework, “*Supporting high quality communications infrastructure.*”

Policy 3

The supporting text to Policy 3 sets out local community concerns with particular regard to matters of highway safety. The Framework supports the provision of safe, accessible environments (Paragraph 58). It also states that

“Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.” (Paragraph 32)

Policy 3, as worded, seeks to cover a variety of issues. It results in an unwieldy approach that places undue requirements on all forms of development. For example, no justification is provided for the requirement for, say a household extension or a small scale development within the Conservation Area, to assess potential impact of traffic generation on dog walkers. No indication is provided as to how such a potential impact might be assessed, why it would need to be assessed, or what would happen if it wasn't assessed.

No indication is provided as to what an *“unacceptable highway danger”* is. Consequently, the Policy fails to provide decision makers with a clear indication of how to react to a development proposal and does not meet the Basic Conditions.

Taking the above into account, I recommend:

- **Re-word Policy 3, *“Development that will result in severe impacts on highway safety will not be permitted.”* For clarity, this change replaces the whole of Policy 3.**

Policy 4

National policy requires the planning system to contribute to and enhance the natural and local environment. Chapter 11 of the Framework impacts on biodiversity to be minimised and promotes the provision of net gains in biodiversity where possible. Core Policy 50, within the Core Strategy reflects national policy and establishes a clear, supportive policy approach to biodiversity enhancement and the protection of important and sensitive habitats.

The supporting text to Policy 4 sets out, in some considerable detail, the biodiversity of the Neighbourhood Area and in general, by seeking to protect and enrich the habitats and biodiversity of Compton Bassett, Policy 4 has regard to national policy and is in general conformity with the strategic policies of the local development plan.

For clarity, taking previous comments into account and to avoid unforeseen circumstances, I recommend:

- ***Change wording of Policy 4, “The protection and where possible, enrichment of the habitats and biodiversity of Compton Bassett will be supported.”***

Subject to the above, Policy 4 contributes to the achievement of sustainable development and meets the Basic Conditions.

Policy 5

National policy recognises that planning has a key role to play in helping to shape places to secure radical reductions in greenhouse gas emissions and provide resilience to the impacts of climate change. It supports the delivery of renewable and low carbon energy and associated infrastructure.

In addition to the above, the Core Strategy, in Core Policy 42, establishes a supportive framework for the appropriate development of standalone renewable energy installations.

Policy 5 seeks to encourage recycling, renewable energy and the minimisation of carbon production. It sets out a positive approach to the appropriate provision of renewable energy. Consequently, it has regard to national policy and is in general conformity with the Core Strategy.

Within the supporting text, there is a reference to the impact of the local landfill site on “air quality,” but this is not supported by the provision of any substantive evidence, for example in the form of detailed air quality reports. In this regard, I find that Paragraph 85 introduces subjective commentary. I make recommendations below in this regard.

Paragraph 87 reads as though it is a Policy, which it is not and again, I make recommendations to address this below.

Taking all of the above into account, I recommend

- **End the first sentence of Policy 5 “...within the Parish.” (delete the rest of the sentence)**
- **Add the following to the third line of the second paragraph of Policy 5 after “...Conservation Area; and where they have an acceptable impact on the following: visual amenity...”**
- **Change the second sentence in Paragraph 85 to “However, as a landfill site, it does occasionally raise amenity issues relating to smells and windblown material.”**
- **Delete Paragraph 87 and replace with “The Parish Council generally supports standalone renewable energy schemes utilising solar panels, subject to local character considerations.”**

Policy 6

Policy 6 does not provide any clarity on how development proposals should “*minimise the environmental impact of climate change on water resources and flood risk.*” No evidence is provided to demonstrate that it is possible for development proposals to achieve this, what would happen if they don’t do this, or why such a requirement is relevant to all development proposals. Furthermore, climate change is not defined, which makes it difficult, if not impossible, for prospective developers to demonstrate how they will minimise its environmental impact.

Notwithstanding all of the above, Policy 6 is significantly less detailed than national policy (with particular reference to Chapter 10 of the Framework, “*Meeting the challenge of climate change, flooding and coastal change*”) and Core Strategy Core Policies 67 and 68, in respect of flood risk and water resources. Consequently, it provides less clarity than that which already exists. It does not provide decision makers with a clear indication of how to respond to a development proposal and it fails to meet the basic conditions.

I recommend:

- **Delete Policy 6**

I note that Objective 6 sets out the Parish Council’s objectives with regards water resources and flood risk. No changes to the supporting text are proposed.

Policy 7

As noted above, together, the Framework and the Core Strategy protect local character. In addition, national policy recognises heritage assets as being irreplaceable and seeks to conserve them in a manner appropriate to their significance, and Core Policy 58 of the Core Strategy seeks to ensure the appropriate conservation of the historic environment.

Policy 7 has regard to national policy and is in general conformity with the Core Strategy.

Paragraph 97 of the supporting text reads as though it were a Policy, which it is not. To address this, I recommend a modification below.

I recommend:

- **End Policy 7 “...rights of way.” (delete rest of Policy)**
- **Change wording of Paragraph 97 to “*The Parish Council aspires to ensure that development is sensitive to all heritage assets and will look to the Compton Bassett Design Statement for guidance. In so doing, the Parish Council is particularly conscious of:*” (bullet points a-h, to follow)**

Policy 8

Broadband connectivity is addressed earlier in the Neighbourhood Plan. Much of Paragraphs 100 to 114 simply repeats previous information, or adds unnecessary detail. The repetition of information is unnecessary and detracts from the content of the Neighbourhood Plan. Furthermore, there is no need for two Policies to cover the same issue. As well as being unnecessary, such an approach can result in confusion. This is addressed below.

The rest of the supporting text relates to business development and no changes are proposed.

The Framework supports economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development (Paragraph 28). In supporting development that strengthens local economic activity, the first part of Policy 8 has regard to this.

The second part of Policy 8 however – “*conversion of existing buildings...will be supported*” is vague. No indication is provided of what buildings will be converted to what use. This may result in support for inappropriate development – for example the conversion of a house in a residential street to a factory.

In making my recommendations below, I am also mindful that permitted development rights already allow for some types of conversion to take place without planning permission.

The second part of Policy 8 goes on to support the small scale expansion of existing employment premises, having regard to national policy. As noted above, the final part of Policy 8 has already been addressed earlier in the Neighbourhood Plan.

Taking all of the above into account, I recommend:

- **Policy 8, end line two “will be supported.” (delete the rest of the sentence)**
- **Re-word second sentence, “*The small scale expansion of existing employment premises will be supported.*”**
- **Delete third sentence of Policy 8**
- **Delete Paragraphs 100 to 114, including “Broadband Connectivity” heading**

Policy 9

Core Policy 8 of the Core Strategy defines Compton Bassett as a Small Village, with a low level of services and facilities, and few employment opportunities. Core Policy 2 limits development in Small Villages to infill within the existing built up area. Such development is supported where it seeks to meet housing needs or provide employment, services and facilities, subject to respecting the existing character and form of the settlement, amongst other things.

The supporting text to Policy 9 states, in Paragraph 124, that Compton Bassett can be expected to provide around 7 additional houses during the plan period and Policy 9 identifies land, at Briar Leaze, for the development of up to 7 affordable homes. The supporting text refers to the point that, as a later addition to the village, the area makes less of a contribution to the Conservation Area and is partly screened by trees, so can thus accommodate some degree of change, without harm to settlement character, better than any other part of Compton Bassett.

In reaching the figure it has, the Neighbourhood Plan includes an assessment that considers a number of matters, including the Core Strategy, population and land area. The approach taken appears reasonable and it has emerged through the consultation process. Also in this regard, I am mindful that it is Wiltshire Council's view that *"the quanta of 7 dwellings and its location would be in general conformity with the Core Strategy."*

The area identified at Briar Leaze comprises land containing twenty homes, of which fourteen comprise affordable homes. Like the rest of Compton Bassett, the density of housing is relatively low. Houses have considerably sized gardens to the front and rear and in addition, there is plentiful open space, in the form of public open space and land used for parking, amongst other things.

Within the area identified in the Neighbourhood Plan, it appears that there is some scope for the provision of up to 7 more dwellings without harming the existing character and form of the settlement and there is no substantive evidence to the contrary. In this way, Policy 9 is in general conformity with the Core Strategy.

Representations have been made in objection to Policy 9. The objector aspires to redevelop Briar Leaze to create a development of 50 homes in total, being 30 more than currently exist.

With particular regard to Core Policies 2 and 8, a development of such scale and potential density would appear likely to conflict with the requirement to respect the existing character and form of the settlement. In addition, it would introduce a large number of new dwellings into a settlement where residential development is restricted, due to the low level of services and facilities, and few employment opportunities. There is no evidence to demonstrate that, were the Neighbourhood Plan to provide for such a large development, it would be in general conformity with the Core Strategy.

The supporting text establishes that Policy 9 would be in general conformity with Core Strategy Core Policy 44, which supports the development of sites, for 10 affordable dwellings or fewer. However, this is an “exceptions” Policy. Core Policy 2 allows for infill development within the existing built area and supports development that meets housing needs, so long as it respects local character. Consequently, the development of land at Briar Leaze for housing would be in general conformity with Core Policy 2. It would not need to come forward as an exception to normal policies, as per Core Policy 44.

Taking all of the above into account, the general approach of providing for up to 7 dwellings at Briar Leaze is in general conformity with the Core Strategy. As such, Policy 9 provides for sustainable growth, having regard to national policy and it contributes to the achievement of sustainable development.

In considering the above, I note that Paragraphs 133 to 139 and Paragraph 142 are entirely unnecessary. They simply seek to justify not providing for a different kind of development to that set out in Policy 9. Paragraphs 143 to 150 are worded as though they comprise Policies, which they do not. Furthermore, a Ministerial Statement⁵ published on 25 March 2015 states that “...neighbourhood plans should not set...any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.” Paragraph 151, including the bullet points that follow it, is also worded as though it is a Policy, which it is not.

The second sentence of Policy 9 is a statement rather than a land use policy. The third sentence effectively creates an “anything goes” scenario, whereby any individual development, including undefined conversions or housing extensions, will be allowed, subject only to consideration of a non-adopted document that holds little if any material planning weight. This goes well beyond national and local policy, which safeguards local character and residential amenity from inappropriate conversions and extensions, amongst other things.

Wiltshire Council has suggested that, as worded, and taking into account the plans and photographs in the supporting text, there is uncertainty over the intention of Policy 9, as to whether it supports infill development of up to 7 dwellings, or whether it supports the redevelopment of the site, including the existing 20 homes, for up to 27 dwellings. I take this into account in making my recommendations below.

I recommend:

- **Re-word the first sentence of Policy 9, “*The development of up to 7 new dwellings within the area shown on the plan labelled “Briar Leaze – general location for new residential development” will be supported, subject to it respecting local character and residential amenity.*”**

⁵ House of Commons: Written Statement (HCWS488)

- Create a new Ordnance Survey based plan, with a clear line around the area within which the new dwellings may be built. Label this plan "*Briar Leaze – general location for new residential development*"
- Delete the rest of Policy 9 and Paragraphs 133-139, 142 and 143-151

Policy 10

Policy 10 states that it is supportive of proposals that protect the rural landscape, the AONB, visual amenity, local green space and air quality. It comprises a very general, wide-ranging Policy and generally, it does not provide any more detail or information specific to the Neighbourhood Area than does national policy or the strategic policies of the Core Strategy.

Further to the above, no clarity is provided with regards how a development proposal might “*protect*” the rural landscape and the AONB. The Framework and the Core Strategy already protect local character and afford significant protection to Areas of Outstanding Natural Beauty. Whilst a policy that seeks to prevent harm to such features would have regard to national policy and be in general conformity with the Core Strategy, Policy 10, in supporting development proposals that *protect* such features, does not provide potential applicants with clarity and nor does it provide decision makers with a clear indication of how to respond to a development proposal. I take this point into account in making recommendations below.

The Policy refers to “*visual amenity.*” In considering this, the supporting text suggests that it applies only to “*AONB and those parts of the village which are in close proximity*” to it. The Neighbourhood Plan goes on to state that *visual amenity* is impaired by existing features, but does not provide any reason, or Policy link, for this. As such, this part of the supporting text comprises a somewhat subjective commentary, rather than providing any clarity for prospective applicants and decision makers.

Further to the above, it is not clear why the supporting text refers to areas “*in close proximity*” to the AONB. Surely visual amenity relates to what can be seen from and in the context of the AONB rather than to physical proximity. Consequently, this reference adds to the lack of clarity.

The supporting text states that views of the AONB should be protected. Notwithstanding that Paragraph 158 is worded as though it were a Policy, but is not, the provision of five photographs showing “*views*” does not amount to a detailed visual assessment. It does not provide prospective applicants with any clarity with regards which views, from where, require protection. Paragraphs 153 to 155 are also worded as though they are Policies, but they are not.

Policy 10 goes on to state that it supports proposals that protect “*local green space.*” However, there is no Local Green Space designation in the Neighbourhood Plan.

The Framework enables local communities to identify, for special protection, green areas of particular importance to them. Paragraph 76 states that

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

Local Green Space is a restrictive and significant policy designation. The Framework requires the managing of development within Local Green Space to be consistent with policy for Green Belts. Effectively, Local Green Spaces, once designated, provide protection that is comparable to that for Green Belt land. Notably, the Framework is explicit in stating that

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

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

Policy 10 does not designate any Local Green Space. Nowhere does the supporting text demonstrate that the tests in the Framework have been followed. Rather, it sets out a rather confusing couple of paragraphs relating to an undefined *“Green Infrastructure network.”* Some of this text is worded as though it comprises a Policy, which it does not. It also includes some photographs of local spaces, buildings, a War Memorial and a pond.

Altogether, the information included under the heading *“Protection of Local Green Space”* appears as a confused jumble of ideas. It does not relate well to the content of Policy 10 and it adds little to the content of the Neighbourhood Plan.

Policy 10 also refers to *“air quality.”* The supporting text alleges that an existing development *“does make a negative contribution to air quality.”* It is not clear why the Neighbourhood Plan refers to something that already exists, rather than to future development. I also note that, in so doing, it fails to provide clear, detailed evidence to substantiate the claims made.

Paragraph 166 provides somewhat subjective commentary on the existing landfill site and a plan is included showing that prevailing south westerly winds blow towards Compton Bassett from the direction of the landfill. It is not clear why this information is directly relevant to Policy 10.

Further to the above, no indication is provided as to what existing air quality comprises, or how development proposals will be assessed and who will assess them, or what air quality levels need to be achieved. The Policy provides insufficient detail in this respect.

Taking the above into account, I recommend:

- **Delete Paragraphs 153 to 155 inclusive**
- **Delete from Paragraph 158 to Paragraph 167 inclusive. For the avoidance of doubt, this includes all photographs, plans and headings**
- **Re-word Policy 10 *“Development should conserve the landscape and scenic beauty in the AONB.”***

Policy 11

Policy 11 states that development that protects “*land and soil resources*” will be supported. No indication is provided as to what such development might entail, or what the specific land soil resources that require protection comprise. Consequently, the Policy does not provide decision makers with a clear indication of how to respond to a development proposal.

Further to the above, there is no evidence that Policy 11 has regard to national policy and advice, or is in general conformity with the Core Strategy. Whilst the Basic Conditions Statement submitted alongside the Neighbourhood Plan refers to Paragraph 143 of the Framework and the supporting text refers to mining and landfill, no specific Policy is proposed or justified with regards to mining, quarrying or landfill.

Rather, the Policy simply sets out a vague reference to supporting development that protects land and soil resources. Without detailed justification and evidence to support Policy 11, I find that its approach may provide a barrier to sustainable development from coming forward and there is nothing before me to demonstrate that this is not the case.

With regards the above, I note that the supporting text refers to the presence of Grade 2 and Grade 3 agricultural land. However, such land is not protected simply for its own sake. National policy states that

“where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.” (Paragraph 112)

Taking the above into account, I recommend:

- **Delete Policy 11**
- **Delete Paragraphs 168 to 178**
- **Delete Objective 11 from the Neighbourhood Plan, including any earlier references**

7. Neighbourhood Plan – Other Matters

Pages 53 and 54 simply repeat information already provided. This is unnecessary and detracts from the clarity of the Neighbourhood Plan. I recommend:

- **Delete pages 53 and 54, as well as reference to Objective/Policy 11 on page 55**

Paragraphs 180 to 185 provide information largely referred to elsewhere in the Neighbourhood Plan. The Paragraphs appear to be aimed at justifying the content of the Neighbourhood Plan. This is unnecessary and doesn't add anything in the way of clarity or essential information. I recommend:

- **Delete Paragraphs 180 to 185**

Whilst part of Paragraph 186 provides interesting background information, bullet points d, e and f comprise unnecessary detail. I recommend:

- **Paragraph 186, delete bullet points d, e and f**

In general, pages 57 and 58 include a brief and relevant summary of the Consultation process and draw a link between the process and the content of the Neighbourhood Plan. I recommend:

- **Delete the last sentence of Paragraph 187 and “(Appendix 3)” in paragraph 188**

Whilst the basic information regarding Monitoring is helpful and informative, it becomes very detailed and the inclusion of a six page long “*Sustainability Assessment Framework*” detracts severely from the Neighbourhood Plan. It is considerably lengthier than the Policy sections and draws attention to itself, despite having no Policy status. It is sufficient to simply refer to the fact that the Parish Council will carry out monitoring. I recommend:

- **End Paragraph 197 “...Parish Council.” Delete the rest of the Paragraph and delete the table on pages 59 to 65.**

There is no need to list Reference documents. In any case, I note that the list includes incorrect information, for example “Wiltshire Core Strategy 2016.” I recommend:

- **Delete page 66**

8. Summary

I have recommended a number of modifications further to consideration of the Compton Bassett Neighbourhood Plan against the basic conditions.

Subject to these modifications, the Compton Basset Neighbourhood Plan

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- does not breach, and is compatible with European Union obligations and the European Convention of Human Rights.

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

9. Referendum

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

Referendum Area

Neighbourhood Plan Area - I am required to consider whether the Referendum Area should be extended beyond the Compton Bassett Neighbourhood Area. I consider the Neighbourhood Area to be appropriate and there is no substantive evidence to demonstrate that this is not the case.

I recommend that the Plan should proceed to a Referendum based on the Compton Bassett Neighbourhood Area as approved by Wiltshire Council on 5 November 2014.

Nigel McGurk, November 2015
Erimax – Land, Planning and Communities

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