

Devizes Area Neighbourhood Plan

Submission Version

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Report to Wiltshire County Council on the Independent Examination of the draft Devizes Neighbourhood Plan

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Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal finding in this report is that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 I make 11 recommendations for modifications to the plan. They primarily relate to detailed wording of the policies in section 2 of the plan, H1-3, T1 and ESD1. The recommended modifications are largely intended to ensure that the policies in the plan provide a clear context for the taking of decisions on planning applications, as required in the NPPF and PPG.

0.4 The most significant recommendations relate to the definition of the 'Settlement Boundary Framework' (limits of development) in policy H1 (recommendation 4) to ensure general conformity with the approach envisaged in Core Policy 2 of the Core Strategy and an associated recommendation (3) to combine plans 2 and 6 to make a Policies Map. There is also a significant amendment to policy H2 to provide clear criteria for the determination of applications for housing development and to ensure sustainable development. Policy H3 is amended to remove unnecessary text for policy purposes and to clarify wording with three sites deleted for reasons given in the report. Other policies are also recommended for modification to clarify the means to implementation.

Introduction

Appointment

1.1 I have been appointed by Wiltshire Council, acting as the Local Planning Authority, under the provisions of the Localism Act 2011, to carry out an independent examination of the draft (or proposed) Devizes Area Neighbourhood Plan. The proposed plan, dated July 2014, was submitted to the Local Planning Authority on 11 September 2014 and consulted upon the plan between 29 September and 22 December 2014 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 2 March 2015, which included copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central Government. I am independent of the three parish councils making up the Devizes Neighbourhood Area and of the Local Planning Authority. I have no land interests in any part of the plan area.

My rôle as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the Localism Act and in the 2012 Regulations, as amended. As an examiner I must consider whether the plan meets what are called 'the basic conditions'. In summary, these require me to:-

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Consider whether the making of the plan contributes to the achievement of sustainable development;
- Consider whether the plan is in general conformity with the strategic policies contained in the development plan for the area;

- Ensure that the plan does not breach, and is otherwise compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and that the plan is compatible with Convention rights, within the meaning of the Human Rights Act 1998.
- Check that the 'prescribed matters' have been complied with in connection with the proposal for the order (in other words, that the procedural requirements of the 2012 Regulations have been met)

1.4 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'.

1.5 The qualifying body submitted a Basic Conditions Statement which I have taken it into account in my examination. Nevertheless, my initial appraisal of the plan raised a number of questions as to the justification for detailed aspects of policy implementation, especially in terms of the general conformity of the plan with the Wiltshire Core Strategy which was adopted only in January 2015, after the close of the consultation on the proposed Neighbourhood Plan. There were also some issues with regard to consistency of the plan with the National Planning Policy Framework ('the NPPF') and Planning Policy Guidance (PPG). Therefore, before deciding whether a hearing might be required, I decided to put my questions and points for clarification in writing to the Devizes Area Neighbourhood Steering Group (DANSG). This was to give the plan makers an opportunity to provide further information on the issues I had identified which were derived in part from the representations made. Wiltshire Council forwarded my questions to the DANSG by e-mail on 24 March and their responses were received on 27 March. After my consideration of those responses I considered it necessary to obtain further clarification from the DANSG with a final response being received on 29 April 2015. I have requested that my questions and the DANSG's responses be put on the Council's web site for all to see.

1.6 The written responses from the DANSG have assisted me in reaching an understanding of some of the reasoning behind the policies in the plan. They certainly underline the strength of community feeling in Devizes on certain issues. The responses have satisfied me that I have the necessary information to be able to proceed with the examination by the written procedure without the need for a hearing.

1.7 I am required by legislation that my report on the draft plan should contain one of the following recommendations:-

- a) the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors of which there are several. Where these do not relate directly to a basic condition I have set them out in tabulated form at the end of this report, for ease of reference.

Preparation of the plan and pre-submission consultation process

2.1 The plan area is the three parishes of Devizes Town, Bishops Cannings and Roundway. After consultation, formal designation by Wiltshire Council of the three parishes as one Neighbourhood Area took place on 27th September 2013. The Qualifying Body is the Devizes Town Council which has worked jointly with the other two parish councils. The plan does not relate to mineral extraction or waste development nor to nationally significant infrastructure ('excluded development'). However, section 38B(1)(a) of the Town and Country Planning Act 1990, as amended¹, states a neighbourhood development plan 'must specify the period for which it is to have effect'. It is stated on page 4 of the Basic Conditions Statement

¹ Amended by section 7 in Part 2 of Schedule 9 to the Localism Act 2011

that the plan period is 'from adoption to 2026' to align it with the Wiltshire Core Strategy. There is no such statement in the submitted plan itself and so it does not comply with s38B(1)(a). The start date for plans is usually that for which the evidence base has been prepared which appears to be 2013 but it would be sufficient to say, as it does in paragraph 1.3 of the Core Strategy, 'the period up to 2026'. I recommend that those words be inserted in paragraph 1.2 of the plan text to meet the statutory requirement. Consideration might also be given to putting '2026' on the front cover.

Recommendation 1

In the second line of paragraph 1.2, after 'Area' insert 'in the period up to 2026'.

2.2. Work on the plan started in 2013 following the formation of the DANSG, with terms of reference agreed in November 2012. There were representatives from all three parishes on the DANSG which oversaw the work of a Project Team. Professional advice has been given by the URS Consultancy who undertook a Sustainability Appraisal incorporating a Strategic Environmental Assessment.

2.3 As required by legislation, the DANSG have submitted a Consultation Statement which sets out in considerable detail the process of public engagement from the initial exhibitions and consultations on alternative sites in May 2013, through to an initial draft in January 2014 and the formal pre-submission (Regulation 14) consultation which took place through the whole of April and until 12 May 2014. It identifies 6 'steps' in the consultation process up to, and including, Regulation 14 and a further two prior to submission. In this respect, the statement goes beyond the requirements of Regulation 15.

2.4 The contents of the Consultation Statement are listed under Regulation 15(2). The Statement summarises the issues and concerns raised in the Regulation 14 consultation on pages 19 and 20 and gives details of how they were considered. The regulatory requirement is met.

2.5 An issue has been raised in a representation in respect of the adequacy of the pre-submission procedures including the availability of support documents and

queries about the authority and terms of reference for the DANSG. Although the protracted correspondence with the town council does reveal a number of errors in dates and inconsistencies in minutes it is clear from the Consultation Statement that the proposed plan was formally agreed by the qualifying body for submission. The requirements of Regulation 14 were met including the inspection period of exactly 6 weeks.

2.6 My attention has been drawn to the fact that during the Regulation 16 consultation period, following submission, that Plan 6 which is listed in the plan itself as an appendix was not available on the 'Devizesareaplan.org' web site. Instead there is a link to the Site Allocations Matrix. However, it is the local planning authority and not the qualifying body which is responsible for publicity post-submission. Plan 6 was available through their web site and available for inspection at the Devizes library in paper copy. The Sustainability Appraisal initially made available was that produced for the April 2014 draft plan, however a revised version was produced to support the submitted plan and the Regulation 16 consultation extended to ensure adequate publicity. That is satisfactory procedurally.

2.7 It is clear from the Consultation Statement that a wide range of consultation techniques have been employed by the DANSG including public meetings, a web site, press and media coverage, newsletters and interviews, even using what is described as a 'pop-up gazebo' in the street on market days. Despite that, there are still those representors who suggest that the consultation procedures were inadequate and/or that the DANSG was unrepresentative and have sought to impose views not shared by the majority. I find these criticisms to be unjustified. Short of direct mailing to every household the approach adopted has been proportionate with an adequate opportunity to make views known.

2.8 In conclusion on this section, although there have been certain errors in documentation, the consultation procedures have not been so lacking as to fail to comply with the Regulatory requirements. The basic condition is met.

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with.

3.2 I then turn to the extent to which the plan meets the basic conditions. Wiltshire Council have indicated that, in their opinion, the plan proposal is in general conformity with the strategic policies of the Wiltshire Core Strategy (Local Plan). I discuss this in more detail below.

3.3 The requirement to consider whether the plan contributes to the achievement of sustainable development is fundamental to all planning assessments. Indeed, it is stated in paragraph 6 of the National Planning Policy Framework ('the NPPF') that the purpose of planning is to help achieve sustainable development and that paragraphs 18 to 219 in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice. Thus achieving sustainable development is closely allied with the regard which should be paid to national policies and guidance, the latter now found in Planning Practice Guidance ('PPG'). I will consider the policies of the plan in the context of both the NPPF and the PPG.

The Human Rights Act and EU Obligations

3.4 There are no representations which suggest that the plan may in any respect contravene the requirements of the Human Rights Act. In the absence of evidence to the contrary I have no reason to conclude that the plan is other than fully compatible with Convention Rights.

3.5 EU Regulations require plans and programmes to be subject to Strategic Environmental Assessment (SEA). A screening determination is required to be consulted upon as to whether the plan is likely to have significant environmental effects². Wiltshire Council determined that an SEA of the plan was required. URS consultants prepared a full Sustainability Appraisal (SA) also to meet the SEA

² Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations, 2004

requirement. There is an analysis in Appendix 1 of the SEA requirements. Although it is suggested in a representation that the SA was prepared too late to have made any realistic input to the plan-making process, it was available to inform the pre-submission draft and was, perhaps somewhat belatedly, updated in September 2014 in relation to the submission plan. It tests alternative policies against a wide range of social, economic and environmental objectives and evaluates two main options, option 1 for housing needs to be met on fewer larger sites and option 2, the preferred option, to provide more smaller sites. Those alternatives are implicit within the early public consultation on the full range of sites identified in the SHLAA. I am, therefore, satisfied that requirements of the EU SEA Directive have been met.

3.6 In a similar vein the plan-making body must consider the provisions of the Habitats Regulations³. In section 7.2.1. of the SA it is stated that the closest European site is the Salisbury Plain Special Protection Area which extends to within 6 km. of the south-east of Devizes. Advice from Natural England is that 15 km. should be used as a guideline distance for assessing effects, however no screening opinion had been prepared prior to submission either by the qualifying body or Wiltshire Council as to whether the proposals in the plan would result in 'significant environmental effects' such as to require an Appropriate Assessment in accordance with the Regulations. I, therefore, requested that such an opinion should be sought before I could conclude my examination. I received a screening opinion from Wiltshire Council on 30 April 2015. It states that the plan proposals would have no significant environmental effects on the Natura 2000 network alone or in combination and that an Appropriate Assessment is not required.

3.7 On that basis, I am satisfied that the submitted plan meets EU environmental obligations and does not breach Convention Rights.

³ The Conservation of Habitats and Species Regulations, 2010 ('the Habitats Regulations')

General conformity with the strategic policies of the Development Plan for the Area.

3.8 The plan was prepared taking account of the statutory provisions in the 'saved' policies of the Kennet Local Plan. However, the Wiltshire Core Strategy was adopted in January 2015 and, together with the remaining saved policies, now makes up the 'local plan'. Wiltshire Council have stated that they consider the DANP to be in general conformity with the relevant strategic policies of the Core Strategy and hence to meet the basic condition in that regard.

General approach (policies H1-H3)

3.9 As stated in the second paragraph of the Executive Summary on page 5 of the plan, it deals 'primarily' with housing related issues and the immediate impact on infrastructure from the development of new housing. It contains policies dealing with education, transport and environment, sustainability and design but it is stated that the plan 'will continue to be developed' to cover transport, open space and employment. There is criticism in representations of this partial approach, in particular how sustainability factors can properly be assessed in the absence of a consideration of the spatial distribution of employment development. However, the Sustainability Appraisal upholds the preferred option and the plan will operate alongside the Wiltshire Core Strategy in which policy 12 provides for employment growth in the town.

3.10 Devizes is identified in Core Strategy Policy 1 as a market town, the second level within the settlement strategy, which '*have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities.*' As discussed below, the quantum of housing (as part of the East Wiltshire Housing Market Area) and employment development is set in Policy 2 together with Area Strategy Policy 12. The Neighbourhood Plan very specifically seeks to prioritise the development of previously developed land and limits the development of green field sites which is entirely in line with Core Policy 2. In that regard it is in full conformity with Core Policy 2.

Quantum of housing provision

3.10 The Core Strategy identifies a Devizes Community Area which is larger than the Neighbourhood Area. The 'indicative' housing provision for the Community Area 2006-26, as given in Table 1⁴ of the Core Strategy is 2500 dwellings of which 2010 are to be in Devizes town. The 'small village' of Bishops Cannings also lies within the Neighbourhood Area but the plan makes no proposals for development there. The 'infill' policy in CS Core Policy 2 will, therefore, apply.

3.11 The table in paragraph 7.8 of the plan shows the number of housing completions since the base date of 2006 as 1311, 2006-11, but the same figure is given as 2006-13 in policy H3. That is an unnecessary duplication and it is the kind of material which is more appropriate for the plan text. Furthermore, it does not tally with the figure in Table 5.6 of the adopted Core Strategy. It would seem that Table 5.6 represents the correct position as at 31 March 2014. The figure for 'specific permitted sites' is also significantly different in Table 5.6. It is important that the correct statistical basis for housing provision is used and the base date is clear because it is against that base that the adequacy of the housing provision needs to be judged. The housing statistics in the DANP need to be amended for consistency and to ensure that the plan is as up-to-date as required by paragraph 17 of the NPPF.

Recommendation 2.

Amend and update all references to housing numbers in the plan, in paragraphs 7.4, 7.9, 7.10 and policy H3 to reflect the latest (April 2014 base date) housing land availability data and to be fully consistent with the figures in the adopted Wiltshire Core Strategy.

3.12 The allocations made in NP policy H3 provide for the erection of 455 dwellings which is well in excess of the 333 dwellings (not 412) needed to meet the Core Strategy 'indicative' requirement to 2026. In that respect the plan, as submitted, would provide a margin of 36% above that requirement which should be adequate to allow for non-implementation, although I do recommend the deletion of certain sites.

⁴ Page 29

The policy usefully identifies those sites considered most likely to contribute to the five-year supply and is not a phasing policy, as such.

The revision to the 'defined limits of development' (settlement framework boundary)

3.13 In many ways this has proved to be the most controversial aspect of this Neighbourhood Plan. There is a number of representations which question the robustness of the approach taken and I have raised questions in writing as a result. I needed to be clear as to the intentions behind the quite significant change proposed to the Devizes settlement framework boundary.

3.14 The term for the settlement boundary used in the Kennet Local Plan is the 'limits of development' and that is the term used in CS policies 1 and 2. The term 'core settlement framework' is not found in the statutory development plan. The development limits were shown in orange on the Policies Map inset to the Kennet Local Plan with a list of policies to which it related given in the key. It is not the same as the 'landscape settings' boundary to which policy NR10 applied, which was shown in dark blue and was more extensive. That policy has not been saved and so the reference to it in paragraph 7.4 of the DANP is incorrect.

3.15 All of the policies which relate or related to the limits of development have either not been saved, and so lapsed in 2007, or they are listed in Appendix D of the adopted Core Strategy as having been superseded by policies in that document. Of those, it is Kennet Local Plan saved policy NR6, superseded by CS Core Policies 1 and 2 which provides the up-to-date policy context for the limits of development. It is stated in paragraph 4.13 of the Core Strategy, under the heading 'Core Policy 1: Settlement strategy', that the existing settlement boundary 'will be carried into this strategy and retained'. It is also stated that it is the prerogative of the community to review settlement boundaries through a neighbourhood plan. However, there is nothing in Core Policy 1 itself about settlement boundaries, that comes within Core Policy 2 wherein there are three important provisions as set out below:-

Sites for development in line with the Area Strategies will be defined ... by supporting communities to identify sites through neighbourhood planning.

Within the limits of development, as defined on the policies map, there is a presumption in favour of sustainable development at the ... Market Towns ...

... development will not be permitted outside the limits of development, as defined on the policies map. The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans.

3.16 Section 4 on page 16 of the plan sets out in some detail the approach taken to the definition of a settlement boundary for Devizes and it is to be read with paragraph 7.4 'limits of development'. Policy H1 then refers to the Settlement Framework Boundary but states that the Boundary 'defines the limits within which sustainable development should take place'. From this it appears that the settlement boundary and the limits of development are one and the same thing. However, the picture is confused by the use of the word 'urban core' in section 4 to refer to the 1600 m., 20 minute, walking circle drawn from the Market Cross but 'core settlement framework' in Policy H1 referring to the Kennet Local Plan, i.e. the existing 'limits of development'. It is also stated that the core area will be 'enhanced' by adding the land within the 1600 m. circle.

3.17 The Core Strategy clearly provides the freedom for the limits of development to be re-defined in neighbourhood plans. However, it has to be recognised that the implication of including land within the limit is that under Core Strategy Policy 2 there will be 'a presumption in favour of sustainable development'. The conventional approach to the drawing of settlement boundaries is that land within the settlement boundary, which is not otherwise shown on the policies map as subject to a policy which would restrict development, would gain permission for development subject to detailed considerations such as access, visual impact, amenity etc. That is in addition to land which might be specifically allocated for a use, such as residential development. The boundary is usually tightly drawn around the existing developed area and any peripheral allocations.

3.18 If the limits of development were to be re-drawn to follow the circumference of the 1600 m. circle where it extends outside the existing boundary it would take no account of local topography, permanent defining features such as roads or landscape features which have presented a policy constraint to development. The full circle also encompasses parts of the parishes of Rowde and Potterne (coloured blue on plans two and six) which lie outside of the Neighbourhood Area and are,

consequently, excluded. The resultant boundary would be illogical and include quite large swathes of open countryside, especially to the west and north of the town. It would not be defined 'through the identification of sites for development' as specified in CS policy 2 and, therefore, would not be in general conformity with that aspect of the plan.

3.19 The lack of clear definition of the boundary on the ground would also mean it would be difficult to implement Core Strategy policy 2, contrary to paragraph 154 in the NPPF. Despite the reference to 'sustainable' development it would be difficult to resist proposals within the enhanced limits of development. For these reasons, I do not consider that the plan be likely to achieve the objectives of sustainable development and would, consequently, fail to meet the basic conditions.

3.20 As a result I have sought clarification from the DANSG as to their precise intentions with regard to the redefined settlement framework boundary as it is called in the plan. I understand that the purpose of the drawing the circle was primarily to operate as an 'area of search' related to the objectives of the plan and to assist in the prioritisation of housing sites for allocation. In that context, it has a useful role. There is criticism that the approach is overly simplistic in that it has a narrow objective of prioritising sites within walking distance of the town centre and ignores the fact that the main employment area, and the strategic employment site (CS Policy 12) are to the north-east of the town. However, the approach has clearly found favour within the community and is entirely compatible with the plan's vision and objectives to focus on regeneration and reducing the need to travel by private car. 1600 m. (roughly a mile) is a reasonable distance, much longer would be less likely to achieve the plan objectives.

3.21 I am satisfied that the drawing of revised limits of development to include the selected housing allocations within the 'settlement framework boundary' but not to include any unallocated land (called 'white land' in planner speak) unless it represents logical 'rounding off' or 'infill' would be fully compatible with the objectives of the plan, in general conformity with the Core Strategy and clearer for the purpose of implementing neighbourhood plan policies. Such an approach would meet the basic conditions. I consider the detailed implications of this and recommendations for revised policy wording in the following paragraphs of this report.

The achievement of sustainable development and consistency with Government policy and guidance

General considerations

3.22 Basic condition (d) is that the plan should contribute to the achievement of sustainable development. The basic conditions statement refers to the consistency of the plan with the twelve Core Planning Principles set out in paragraph 17 of the NPPF. Subject to the revised approach to defining the settlement boundary discussed above, the approach taken in the DANP broadly aligns with those principles..

3.23 As indicated in paragraph 1.3 above a further factor for my consideration is whether the plan 'has regard' to national policies and advice contained in guidance issued by the Secretary for State. Apart from policies and advice relating to specific topics, such as housing supply, this includes general advice on the nature and content of development plans of which neighbourhood plans form part. For example, it is stated in the first bullet point of paragraph 17 in the NPPF that plans should be kept up-to-date. If the plan were not up-to-date it would be inconsistent with that aspect of Government policy and, therefore, I am able to make recommendations for updating so that the basic condition is met. In some instances I am able to make only a generally worded recommendation to this effect but Wiltshire Council have a degree of scope to agree the precise nature of modifications⁵ following receipt of my report.

3.24 There are also some aspects of policy which require modification to ensure full consistency and for clarity. The definition of a Neighbourhood Plan in legislation is that is 'a plan which sets out policies in relation to the development and use of land'⁶ Related to that, in paragraph 183 of the NPPF it is stated policies may be set through neighbourhood plans 'to determine decisions on planning applications'. National Planning Practice Guidance (PPG) in paragraph 43 of the section on Neighbourhood Planning states that the policies in the plan should be clear and unambiguous. The plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should

⁵ Sections 12(5) and 12(6) of Schedule 4B to the Town and Country Planning Act 1990

⁶ Section 38A(2) of the Town and Country Planning Act (as amended)

be concise, precise and supported by appropriate evidence. For this reason policies should be distinct and clearly distinguishable from other sections of the plan.

3.25 The chosen layout is to put policies H1-3, E1, T1 and ESD1 within text boxes. However, there is far more within the boxes by way of introductory text and justification for what, in each case, is headed as 'Strategic Policy Intent'. For H1-3 and E1 there is then a sub-heading with the italicised heading *Policy Detail* but even some of the points below that sub-heading are not true land use policies to be used as a basis for taking planning decisions. For example, in policy H1, the first two bullet points are explanations of how the revised settlement boundary has been drawn up. Those would be better placed in the introductory section. The terminology needs to be clarified by avoiding the reference to a 'core' area which does not fit the description given in Chapter 4. It needs to include the fact that the settlement boundary equates to the 'limits of development' for the purpose of Core Strategy Policy 2. As that policy already restricts development beyond the limits there is nothing to gain by repeating it in the neighbourhood plan. The use of the word 'significant' without qualification or definition is imprecise. I recommend re-wording and putting the true policy in emboldened text to satisfy the guidance mentioned above and so meet the basic condition. I also recommend, for clarity, that Maps 2 and 6 be combined as a form of Proposals (or Policies) Map to show the new limits of development (settlement boundary) and the site allocations under Policy H3. It need not show the Rowde and Potterne parish boundaries.

Recommendation 3.

Combine the information on maps 2 and 6 to form a 'Policies Map' to show both the revised limits of development (settlement boundary) and the proposed housing allocations with an appropriate key. Amend the lists on contents page 3 and page 47 accordingly.

Recommendation 4.

Modify policy H1 as follows:-

Delete the sub-heading 'Policy Detail' and move the first two bullet points to the introductory section deleting the reference to a 'core area'. Put the land use policy elements in bold text, re-worded as follows:-

- **The Settlement Framework Boundary is shown on the Policies Map. It equates with the ‘limits of development’ for the purposes of Core Strategy Policy 2 and is drawn to enclose the housing allocations listed in policy H3.**
- **Development will be graduated from the town centre towards the edge of the settlement framework boundary with higher densities towards the centre and lower densities around the urban fringe.**

The site selection process (Prioritisation Matrix)

3.26 It is argued that the approach taken to site selection in the plan, scoring a number of factors in the ‘Site Prioritisation Matrix’, is overly-simplistic and omits certain important sustainability factors. The matrix takes no account of such factors as agricultural land quality, landscape impact and distance to key employment sites which are identified in the SA. As a result, the matrix produces some surprising results but the whole approach seeks to minimise the distance of new development from the town centre (Market Cross) and reduce the need to travel, at least to the town centre, by private car. The emphasis given in the matrix to these factors, including distance to the nearest school, derives strongly from community priorities resulting from consultation and there is a very clear weighting in terms of community preference. That is an important part of the neighbourhood plan process and the concept that local communities should be given an opportunity to determine the form development should take. It takes into account a range of sustainability factors if not all of the conventional ones.

3.27 One factor which has proved somewhat controversial is the restriction on the size of developments, to ‘clusters of no more than 65 dwellings’ as stated in policy H2. The matrix uses a criterion of 40 dwellings but the difference does not appear critical. Also, that factor is only one of the many and does not attract any particular weighting although, as it happens, the largest site selected (545) is for 64 dwellings. The only rationale for this choice appears to be community preference. It may well be the case that larger developments are better able to deliver wider community benefits but the CIL ‘tariff’ based regime and the opportunities provided to pool resources from smaller sites to deliver such benefits makes the site size less critical. Delivery remains an important factor, however, as discussed below.

3.28 Although the need for more affordable housing in the town is recognised in the plan at paragraphs 5.9 and 7.3 there is no reference to this in any policy. There is, therefore, reliance on the chosen sites bringing forward the 30% contribution required under the Core Strategy policy. However, viability issues arise on smaller sites and the Government has recently changed policy so that it is no longer possible for the local planning authority to require the provision of affordable housing on sites for fewer than 10 dwellings in towns. It means there will be 9 fewer affordable houses on the 4 sites identified in policy H3 of between 5 and 9 dwellings. This factor has not been taken into account in the site preferences. However, given the community views on other disadvantages which would result from larger developments on more peripheral sites it is unlikely to have affected the outcome.

3.29 Any selection process is always open to criticism but I regard the approach taken as a basis for the allocations in Policy H3 of this plan to be as robust as might reasonably be expected. The SHLAA has been used as a basis for initial site identification. It would be unreasonable to expect sites to be evaluated, or indeed consulted upon, by sub-dividing sites to give different scores.

3.30 Representations do, however, raise issues with certain individual sites. These are:-

a. SHLAA No. 532 Land of Hillworth Road. The land is Grade 1 agricultural and part of the landscape setting of the town. However, a development of 47 dwellings would not be 'significant' in the terms of paragraph 112 of the NPPF. The site has benefits in terms of access to local facilities and open space. The site is 16th in the prioritisation matrix and obtained a community preference rating of 36%.

Landscape impact is to be considered under the provisions of DANP Policy H2. The allocation does not infringe any basic condition.

b. SHLAA No. 1085 Former Dunkirk Hill Farm site. This site is 18th in order of priority in the matrix. It is part of a tract of undeveloped land on the west side of the A342 with only a low density ribbon of housing on the east side. A development of 14 dwellings on this site as indicated in policy H3 would appear as an isolated pocket. If the limits of development under policy H1 (and CS Core Policy 2) were to be re-drawn around it, it would include additional land to the south within the settlement boundary where development would be difficult to resist. The result would be an

extension of development into the countryside and would be difficult to assimilate without significantly changing the character and appearance of the area. It would not be sustainable development and, therefore, the allocation does not meet the basic conditions and should be deleted from the plan.

c. SHLAA No. 13. Builder Centre, Hopton. This site is in existing employment use. There is no evidence that it is surplus to requirements and, therefore, to re-develop the site for residential use would be contrary to CS Core Policy 35 quite apart from legitimate concerns relating to the suitability of such a use in the middle of a business park. It is acknowledged in the plan that further work is required to assess employment requirements in the town. Until there is certainty as to the future need for employment sites to release an established employment site would be premature. The lack of conformity with CS requirements means that the basic condition is not met unless this allocation is removed.

d. SHLAA No. 545. Devizes Town Football Club, Nursted Road. The re-development of this sports facility would appear to be contrary to the second bullet point in policy ESD1. Unless there was enhanced provision elsewhere such development would be inconsistent with paragraph 74 of the NPPF as well as CS Core Policy 52. The existence of an option to purchase an alternative site is not sufficient evidence of compliance with these policies. As the DANSG acknowledge that the plan will need to be further developed to set policy for open space provision in the town, in the absence of clear evidence that this site will be surplus to requirements it is premature to allocate it for housing. Inconsistency with national policy means that the allocation fails to meet the basic conditions and should be deleted.

3.31 I do not consider that any other amendments are required to the allocations made under policy H3. Those mentioned above would result in a reduction in the total allocations from 236 to 222 in the first 5 year period and from 219 to 142 in the remainder of the plan period, total 364. Although that is a significant reduction it still provides a margin of almost 10% against the Core Strategy requirement of 333 (see paragraph 3.12 above).

3.32 The necessary modifications to the tables in policy H3 are covered in recommendations 2 and 5 in this report.

Deliverability

3.33 Some consideration has been given to the deliverability of the chosen sites. It is a significant factor in terms of Government policy. There have been discussions with local landowners and builders who confirm the suitability of the sites derived from the SHLAA. Some sites initially preferred at Webb's Lane have been excluded owing to proximity to sewage treatment works. Nevertheless, there is recognition in policy H3 of the need for flexibility to allow sites other than those listed in that policy to be brought forward 'if they can demonstrate deliverability ahead of planning consent being sought for any of the initially preferred sites'.

3.34 I have questioned the mechanism for doing this. It would only be possible to 'replace' allocated sites through a review of the plan should plan monitoring indicate that sites are not being developed at the expected rate. There would be implications for the five-year supply of land across the HMA and Wiltshire as a whole. The DANSG have emphasised that the plan is not anti-development and that they envisage that others sites would be brought forward provided that they meet all plan policies, not just H2. This would be in accordance with the priority order in the site allocations matrix. However, any plan review would also need to re-visit that matrix. There is also the possibility that site allocations, and indeed, the limits of development might be reviewed by Wiltshire Council through the forthcoming Site Allocations Development Plan Document.

3.35 In the meantime, to accord with the positive approach to development required in the NPPF and to ensure that any development which takes place is truly sustainable, both on allocated sites and on any unidentified ('windfall') sites within the revised limits of development, there is a need for an over-arching criteria-based land use policy for housing development. Moreover, bearing in mind that the Core Strategy housing requirements are only indicative and in the light of Government policy for housing provision, such a policy should not seek to prevent additional sites which meet all of the necessary criteria for sustainability from being approved even if there is no apparent shortfall in deliverable land supply.

3.36 A re-wording of Policy H2 is all that is required to achieve this, removing the reference from Policy H3, to set a clear context for decision making. As they stand some of the criteria in Policy H2 read more as principles to guide the selection of

sites rather than to provide a basis for the determination of planning applications and re-wording is required. Strict policy wording, such as 'will' or 'must', is unduly prescriptive and 'would' or 'should' is more closely in line with the positive stance required under the NPPF. The revised policy might also cover the relevant aspects of policy E1.

Recommendation 5.

Modify policy H2 as follows:-

Delete the sub-heading 'Policy Detail' and all text thereunder to be replaced by a new policy statement, in bold text, as follows:-

All proposals for residential development, on the allocated sites listed under policy H3 and on any other sites within the limits of development shown on the Policies Map, should ensure that the development would be truly sustainable. In particular, such proposals should meet the provisions of all the policies in this plan and should:-

- **be limited to clusters of no more than 65 dwellings;**
- **demonstrate that access to health, education, retail and leisure facilities has been designed in such a way as to minimise dependence on the private car;**
- **be designed so as to be related to the character of the surrounding area;**
- **wherever practicable, contribute to the regeneration of the built environment in those areas of the settlement that would benefit;**
- **enhance the public realm and connect to the green infrastructure of the settlement thus contributing to its development.**

Recommendation 6.

Modify policy H3 as follows:-

Update all statistics (see Recommendation 2).

Delete the sub-heading 'Policy Detail' and move all supporting text thereunder to the introductory section.

Delete the references to ‘preferred sites’ before both site list tables but include a statement in the introductory section to the effect that the ten sites in the first table are considered capable of delivery in the period 2014-2019 and the eight sites in the second table are capable of delivery in the period 2019-2026.

Insert the following emboldened policy text before the first such table:-

Land is allocated for residential development on the following sites, as shown on the Policies Map:-

Insert both tables but delete the following entries:-

1085 Former Dunkirk Hill Farm site

13 Builder Centre, Hopton

545 Devizes Town FC, Nursteed Road

Delete all text below the tables above the ‘Reasonable Alternatives’ box.

Chapter 8. Policy E1 – Access to Education.

3.37 I recognise the emphasis which is given in the plan to ensuring that new housing development is spread across the town, within all school catchment areas. It is an important factor in the choice of preferred sites for allocation to minimise the distance between those sites and existing schools so as to encourage walking to school. Such an approach is clearly consistent with Core Strategy Policy 60 and to promote a healthy lifestyle in line with the NPPF. It is stated that there is limited spare capacity across all schools in the town, although the table on page 31 suggests that there is spare capacity at the Southbroom schools. Also, the objective for policy E1 is that ‘new development will reflect the ability of schools to cope with growth’ but it is not clear how the choice of preferred sites actually relates to that capacity in individual schools.

3.38 In view of this I asked for a statement from Wiltshire Education Authority. It clarifies the schools admission policies and states that there is capacity to expand Trinity school by 105 spaces and that initial investigations suggest that there might not be capacity for expansion at Bishops Cannings, Nursteed and Southbroom

Infants. The policy to 'spread the burden' appears not to take account of such capacity issues.

3.39 As I indicate above, it is clear from the NPPF and the PPG that the main purpose of the policies in a neighbourhood plan should be to provide a context for the determination of planning applications for development and to be clear and unambiguous in that regard. The first bullet point under the heading 'policy detail' in policy E1 does not meet that requirement. Decisions on the distribution of development may be taken as part of the plan-making process, as they have in this plan aided by the 'site prioritisation matrix', but there would be no practical means by which a local planning authority, through the development management process, could ration the grant of permissions between school catchments. Therefore, as it stands, the first bullet point is of little practical value as a policy criterion and does not meet the basic condition of consistency with national policy and guidance.

3.40 However, in response to my written question (10 b.) on this point the DANSG have responded that some revision may be needed 'to measure it against school capacities which may be more tangible'. I agree that would more closely reflect the Educational Objective for this policy. It would be possible, in the consideration of a planning application, for the capacity available at the nearest primary school, or any feasible expansion of that school, to be taken into account and the policy needs to be expressed in those terms. However, it has to be recognised that, with the operation of parental choice and the Education Authority's policy of offering places in other schools, should a place not be available at the nearest school to a site it would be difficult for the local planning authority to refuse permission for development solely on the basis of the capacity of that school. Capacity in the wider catchment would also need to be taken into account. The three plans (numbered 3, 4 and 5) showing the school catchment areas should be referenced in the policy for clarity of interpretation.

3.41 The second bullet point has the potential to provide a basis for decision-making. However, it overlaps with the second criterion in policy H2 which I have recommended for some re-wording (see Recommendation 5 above). It also relates to the third bullet point in policy T1. It need not be repeated here.

Recommendation 7.

Modify the policy ‘E1 – Strategic Policy Intent – Education’ by the deletion of the second bulleted criterion under the heading ‘Policy Detail’. Retain the first bullet point as the policy, in emboldened text, but modified to state:-

Applications for residential development should include an assessment of the effect of the proposal on the capacity of the primary school in which catchment the site is located, as indicated in map 3, 4 or 5 attached to this plan. The capacity of the school and the potential for any expansion will be taken into account in the determination of the application.

Chapter 9. ‘Getting around’.

3.42 In paragraph 3.24 above I have drawn attention to the definition of a neighbourhood plan in legislation. Planning Policy Guidance, at paragraph 41-004, contains the following statement:-

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. 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. For example, set out in a companion document or annex.

3.43 The whole of section 4 in the NPPF is about promoting sustainable transport primarily in the context of the development and use of land. However, much of the text on pages 33 to 38 of the DANP relates to wider transport objectives drawn from Transport Strategy for Devizes. Although it is appropriate for a neighbourhood plan to identify the infrastructure required to support development and might include road proposals if there is adequate and robust evidence to support it, this plan does not seek to do that.

3.44 The text in Chapter 9 goes well beyond the scope of what is needed to support and justify plan policy T1. It is in the nature of a statement of ‘wider community aspirations’ relating to transport although it reasonably identifies problems being experienced, such as high air pollution in certain parts of the town.

There is little doubt that this justifies the approach taken through Policy T1 in seeking to provide opportunities for the use of sustainable transport modes.

3.45 I am not in a position to provide a re-written text for Chapter 9 but it needs to focus more succinctly on land use issues and those matters which can be influenced through decisions by the local planning authority on individual planning applications. With some editing, the introductory text in paragraphs 9.1 and 9.2 might remain by way of background but paragraph 9.3 is too long and includes unnecessary material. Within it, part a., on safe cycling and walking routes, is a valid land use issue and relates to the third bullet point in policy T1, although there must be doubts as to how individual smaller developments might achieve the aim of the policy and what is the delivery mechanism. In future the scope for pooling s106 obligations will be limited. Development plan policy cannot directly influence the way CIL money is spent.

3.46 There is nothing in part b) of paragraph 9.3 'Improving Public Transport' which has anything to do with the development and use of land and it does not justify the second bullet point in Policy T1. Part c) overlaps to a degree with the previous parts and appears to relate to employment development which is not within the scope of this plan. Travel Plans are most unlikely to be justified for developments as small as 65 dwellings. The whole of part d) is to do with parking policy which is not a land-use issue. In accordance with PPG 41-004 (see above) that should be in an annex.

3.47 It appears that the section on a 'Traffic Strategy for Future Development' should be headed paragraph 9.4 but again, part a) is largely aspirational and not clearly related to policy. The penultimate paragraph on footpath and cycleway segregation is written as policy but there is no analysis of feasibility (the same applies to the third bullet point in Policy T1). Part b) on employment areas is not obviously related to the policies in the plan and should be omitted, including the reference to Lydeway which is outside the Neighbourhood Area. Part c) relates to the fourth bullet point in Policy T1 but is written more as an expansion of policy rather than as a justification for it. It is not obvious to what policy part d) on Green Infrastructure is intended to relate.

3.48 As the whole section does not clearly relate to land-use matters and is largely aspirational, so that the plan complies with government guidance most should be included in an annex and only the introductory paragraphs and those parts of

paragraphs 9.3 and 9.4 which directly support policy T1 should remain in the body of the plan.

Recommendation 8.

Modify the plan by deleting parts b), c) and d) of paragraph 9.3 and parts a) and b) of paragraph 9.4 and moving the text to an annex or appendix making clear that it does not contain policy which is intended to be part of the statutory development plan.

Policy T1 – Getting Around

3.49 The impact of traffic on the quality of life in Devizes, especially on the A361, as the result of its effect on air quality and congestion in the town, is justifiably a matter of major concern in the community. Policy T1 seeks to minimise and mitigate the impact of any additional traffic generated by new development although that is also an objective for the choice of sites to be allocated for development through the plan. The emphasis given to facilitating the use of sustainable transport modes is fully consistent with the NPPF and reflects CS Core Strategy Policies 60-62.

3.50 However, as stated in the plan under ‘Policy Context’ the wording in CS Policy 62 is that there should be appropriate mitigating measures ‘to offset any adverse impact on the transport network’. In a statement submitted, at my request, by Wiltshire Council (Sustainable Transport) it is stated that such mitigating measures ‘would need to be appropriate and reasonable in relation to the proposal concerned.’

3.51 As the preferred sites are relatively small and policy H2 limits new residential developments to no more than 65 dwellings the effect on the local highway network of an individual proposal may be somewhat limited. To state, in the introductory section of the policy, that the impact of new development should be mitigated ‘to provide a free flow of traffic through the town at peak commuter times’ is likely to go well beyond what might reasonably be required by way of mitigation related to the development itself. Furthermore, the suggestion made by the DANSG in response to my written question 13 that ‘developers will need to show what measures they plan to employ to ensure there is no increase in traffic congestion’ would also be a disproportionate response. Within the plan period to 2026, wider traffic management

and congestion relief measures are to be implemented in accordance with the Devizes Transport Strategy⁷ in order to enable additional development to take place.

3.52 At the time of writing, Wiltshire Council have received the examiner's report into their draft Community Infrastructure Levy (CIL) charging schedule and a draft 'Regulation 123' list has been published for consultation. There is, therefore, a reasonable expectation that CIL charges might commence shortly. In any event, Regulation 123 of the CIL Regulations 2010 (as amended) limits 'pooled' contributions through s106 obligations to no more than five across the whole local planning authority area. The scope for financial contributions for 'facilitating improvements to congested sections', as stated in the first bullet point of policy T1 would, therefore, appear to be very limited indeed. The same applies to the making of contributions towards improvements to the town's public transport network. Such provisions would be most unlikely to meet the tests for planning obligations set out below and should be deleted for that reason. The objectives are likely to be achieved through CIL.

3.53 The provisions of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations, which are repeated in paragraph 204 of the NPPF, are that any s106 obligation has to be:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

However, Regulation 123 does allow some flexibility in distinguishing between a 'project' and a 'type of infrastructure'.

3.54 For policy T1 to be fully consistent with Government policy and guidance it will need to be modified to make it less prescriptive, including replacing the word 'must' by 'should' and including wording which reflects the tests quoted above.

3.55 It is a laudable objective to ensure that developments are 'within 5 minutes walk of a bus stop' but such a requirement might not always be possible or reasonable. I am informed that this is intended to refer only to the 'entrance' to a

⁷ Wiltshire Council and Mott McDonald, September 2012

development. The policy requires clarification for the purposes of interpretation by a decision-taker with a proviso of 'wherever possible', otherwise the effect might be to prevent much needed development. Similar qualification is needed for the provision of off-road cycleways and footways because of the limited scope for such measures on smaller sites.

3.56 I have sought clarification of the fourth bullet point in policy T1 and I am informed that a 'residential road' is 'one that gives access wholly or mainly to domestic homes' and that a 'through road' is 'one that links two locations of the town and can be used as an alternative route'. Such definitions are important to qualify the policy and should be included in the plan text. For local bus networks to penetrate residential areas and minimise walking to bus stops it may very well be desirable for buses to pass along sections of road which are not open to other vehicles apart, perhaps, for emergency purposes. Cycles often share pedestrian link routes and would appear to be fully consistent with the third bullet point in the policy. A qualification is needed in the policy to make it clear that it is through access by private and service vehicles which is the concern.

Recommendation 9.

Delete the whole of the text under the heading 'T1 Strategic Policy Intent – Getting Around' and replace it with the following (in bold text):-

Applications for residential development should include an assessment of the effect of the proposal on the local transport network, in particular any impact on the A361 arterial route. Such an assessment shall demonstrate how any adverse impact on the network might be successfully be mitigated.

In order to facilitate the use of sustainable transport modes, the nearest point from a new housing development to a bus stop should be within a 5 minute walk of that stop and, wherever possible, walkways suitable for children and the less mobile, should be provided "off road" with safe, segregated cycle routes linked, where it exists, to the town's cycle network.

Wherever possible, residential roads should not be through roads open to private and service vehicles.

Recommendation 10.

Include definitions for the terms ‘residential road’ and ‘through road’ within the plan text associated with policy T1.

Chapter 10. Policy ESD1 - Environment & Sustainability

3.57 A requirement for development to cause ‘no harm’ is absolute. However, there may be a degree of harm which, when all material considerations are taken into account, may be acceptable. To be consistent with the long-standing balanced approach to planning decisions the qualification ‘significant’ is required. Also, a similar point arises on this policy as for policy T1 with regard to the overly-prescriptive and inflexible use of the word ‘must’ rather than ‘should’.

3.58 The second bullet point is that all open spaces must be protected from development which also relates to the third bullet requiring open space provision or contributions to the enhancement of ‘existing adjoining’ open spaces. There is no reference to CS Core Policy 52 or to Wiltshire’s Open Space Standards. Furthermore, the policy is not fully reflective of NPPF paragraph 74 which would permit the loss of open space in limited circumstances.

3.59 It is explained that this is an interim position pending further work on open spaces which will become an addendum to the neighbourhood plan. However, there is no clear or robust justification for such a stance related to local circumstances. There is also an inconsistency in that the Devizes Town Football Club’s ground on Nursted Road is proposed in policy H3 as a housing site, albeit for development later in the plan period. As this aspect of the policy is not consistent with national policy it does not meet the basic condition. National and Core Strategy policies are adequate to safeguard open spaces until such time as the further work has been undertaken. The second bullet point should be deleted.

3.60 Until the further work on open space provision is completed there would appear to be no justification for departure from the Wiltshire Open Space standards.

It is, perhaps, implicit in the third bullet point that those would apply but it needs to be explicit. The new restriction on the use of s106 obligations may also cause difficulty in the implementation of the second part of this bullet point. Also, there may not be an adjoining open space. The requirement has to be qualified.

3.61 The fifth bullet point is a duplication of that in policy T1 and is unnecessary here.

3.62 The penultimate bullet point does not make grammatical sense and it has been agreed that it should read 'preserve or enhance' rather than harm to be consistent with national policy and legislation.

3.63 The Wiltshire Landscape Character Assessment is not a planning policy document in its own right. A cross-reference to it in the manner of the last bullet point means that the plan is not self-contained and it is unclear as to what is required of the decision-taker. Neither is it clear how this relates to CS Core Policy 52 (green infrastructure) nor to the Wiltshire Green Infrastructure Strategy. It is CS Core Policy 51 which relates to landscape character. As this is also stated to be a form of interim policy, without further detail I consider that it would be more appropriate for the reference to landscape character assessment to be made in bullet point 6 and the final provision deleted.

Recommendation 11.

In the introductory paragraph to policy ESD1, first line, insert the word 'significant' between 'no' and 'harm';

Replace the word 'must' by 'should' in all bulleted policy provisions;

Delete the second, fifth and ninth bulleted policy provisions;

In the third bulleted policy provision insert, after 'within the site', the words 'in accordance with the Wiltshire Open Space standards' and delete all after the word 'developers' and insert 'should make a proportional contribution, subject to viability considerations, to the enhancement of any nearby open space requiring such treatment;

In the sixth bulleted policy provision insert after ‘countryside’ in the third line, the words ‘consistent with the Wiltshire Landscape Character Assessment’;

In the eighth bulleted policy provision replace ‘cause not harm’ by ‘should preserve or enhance’.

Section 3. Chapter 11. Housing Site Allocation Policies

3.64 The status of this section of the plan is unclear. It is stated to contain policies but it is apparent from reading that it is intended, for the most part, although not entirely, as a support to the site selection process. It is a reproduction of the introductory section to the site allocation matrix. It has been clarified that the section headed ‘Site Allocation Policies’ is intended as an extension of the ‘Policy Principles’ above and not intended to be policies in their own right. To avoid confusion, this may be an appendix to section 3. I recommend that course of action.

Recommendation 12.

Amend the heading for section 3, on the flysheet, and for Chapter 11 to read ‘Policy Principles’ and move the section headed ‘Site Allocation Policies’ to an appendix. This will also need to be reflected by an amendment to the contents pages and in paragraph 1.11.

Correction of errors

3.65 In the course of my examination of the plan I have noticed a number of errors, omissions or inconsistencies within the text of the plan. Others are mentioned in representations. As I am empowered to recommend corrections these are set out in the table below, in plan order.

Page/para. No.	Original text	Comment or revised text
p3. Contents	12. Reference Documents	Not part of section 3. Question need to include in final document.
p3. Contents	Plans numbers/names.	Correct plan titles. See

	Incorrect titles	recommendation 3.
p4. Foreward	Ref. to SA is for consultation draft	Update for final plan
p5. Para. 6, line 4	'very a low'	Should read 'a very low'
p6. Para. 1.1	2012 "Localism Act"	Localism Act, 2011
p6. Para. 1.3	Relates to consultation plan	Delete or update
p6. Para. 1.4	Statement of Consultation	Not required for final plan.
p7. Para. 1.6	412 houses	See recommendation 2.
p7. Para. 1.10	Bulleted issues	Needs revision to reflect the more limited issues dealt with in the submitted plan.
p7. Paras. 1.11 and 12	Section 3	Amend to reflect recommendation 11.
p7. Para 1.13	Small print – See Plan One	Add word 'Area' to title
p9. Para. 2.3	Housing numbers	See recommendation 2. Correct figure for Community Area is 2500 dwellings
p.13. Para. 3.1 (5)	Emerging Wiltshire Core Strategy	Core Strategy now adopted. Check accuracy of statement.
p19. First para.	DCAP 2011	Meaning? Define.
p21. Para 6.4	A new primary school	No reference in policy to

		this.
p23. Para 7.1	2011 DCAP Consultation Survey	As p19 above.
p24. Para. 7.4	Policy NR10	The limits of development do not derive from this policy which has not been 'saved'
	Housing figures	See recommendation 2.
p24. Para. 7.6	Code for Sustainable Homes	Update para. to reflect adopted CS and Ministerial Statement of 25 March 2015.
p25. Para. 7.8-7.10	Housing figures	See recommendation 2.
p25. Para. 7.9	11 sites	10 in policy H3.
p25. Para. 7.10	20 sites	18 in policy H3.

Recommendation 13.

That the errors, omissions and inconsistencies listed in the above table should be corrected as indicated

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.1 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

Overall Recommendation 1

I recommend that the modifications specified in section 3 of this report be made to the draft Devizes Neighbourhood Plan and that the draft plan as modified be submitted to a referendum.

4.2 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.3 There have been no representations seeking an extension of the referendum area. However, the approach taken in identifying revised limits of development for Devizes identifies parts of the parishes of Rowde and Potterne as lying within the 1600 m. circle from Devizes Market Cross. Although necessarily excluded from limits because they lie outside the neighbourhood area the close proximity of the land in question to Devizes suggests to me that those living there would have a close interest in the neighbourhood plan and ought to have say in the referendum. It would not be realistic to restrict the referendum area to those parts of the two parishes within the 1600 m. circle and so I recommend an extension to the referendum area to include the whole of the parishes of Rowde and Potterne, both villages lying within a few miles of Devizes, somewhat closer to the Market Cross than Bishops Cannings.

Overall Recommendation 2.

The area for the referendum be extended beyond the neighbourhood plan area to include the parishes of Potterne and Rowde.

Signed:

John R Mattocks

JOHN R MATTOCKS BSc DipTP MRTPI FRGS

5 May 2015

ANNEX A

Commonly used abbreviations in this report.

CIL	-	Community Infrastructure Levy
CS	-	Core Strategy
DANP	-	Devizes Area Neighbourhood Plan
DANSG	-	Devizes Area Neighbourhood Steering Group
HMA	-	Housing Market Area
NPPF	-	National Planning Policy Framework
PPG	-	Planning Policy Guidance
SA	-	Sustainability Appraisal
SEA	-	Strategic Environmental Assessment
SHLAA	-	Strategic Housing Land Availability Assessment