

Wiltshire Council

**Lyneham and Bradenstoke
Neighbourhood Development
Plan 2020 to 2030**

Independent Examiner's Report

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18 June 2021

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Summary

I have been appointed as the independent examiner of the Lyneham and Bradenstoke Neighbourhood Development Plan.

The Parish consists of the large village of Lyneham, the village of Bradenstoke, the hamlets of Preston and Thickthorne, a small community of Woodside and the estates of MoD Lyneham. The Parish is located about four miles southwest of Royal Wootton Bassett and 11 miles southwest of Swindon. There is a population of about 8, 600 including those living and working at MoD Lyneham.

There is a rich history including that of MoD Lyneham which was formally RAF Lyneham opened in 1940 and operational for over 70 years when the Station was moved to RAF Brize Norton. MoD Lyneham is now home to the Royal Electrical and Mechanical Engineers (REME).

The Parish is served by Churches, Library, Village Halls, a primary school and numerous shops and other services. It is well connected with links to Swindon, Calne and Chippenham.

The Plan is presented well and is underpinned by a set of strategic aims. There are no site allocations, but seven policies covering a variety of topics ranging from the designation of Local Green Spaces to design and medical facilities.

It has been necessary to recommend some modifications. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance.

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

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

Ann Skippers MRTPI
Ann Skippers Planning
18 June 2021



1.0 Introduction

This is the report of the independent examiner into the Lyneham and Bradenstoke Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wiltshire Council (WC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

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

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

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

This explains that after the designation of the Plan area, a Steering Group was established. Two drop-in events were held in March 2017 to promote the Plan, encourage engagement and to scope the Plan. A dedicated website was set up. A Communication Plan was developed.

A survey was sent out to the community and stakeholders in Spring 2018. It was publicised via the local press, posters, Twitter, Facebook, emails and direct contacts as well as an event. Having analysed the results, options and a framework document were developed. Regular updates were posted on the website and via social media.

Work on the draft Plan continued throughout 2019.

Pre-submission (Regulation 14) consultation took place between 29 June – 31 August 2020, allowing for longer than the minimum six week period due to the pandemic. This stage was publicised through a leaflet drop, website, social media and press releases.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 7 January – 4 March 2021. This extended period allowed for sufficient time in the light of the pandemic. As well as online consultation, copies of the Plan and its accompanying documents were available through the post on request.

The Regulation 16 stage resulted in eight representations. I have considered all of the representations and taken them into account in preparing my report.

4.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

I sought clarification on two matters; these are shown in Appendix 2. The publicly available responses received via email have enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners titled *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners*. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on some of the representations and I have taken these into account.

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

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

I am very grateful to everyone for ensuring that the examination has run smoothly.

⁸ PPG para 056 ref id 41-056-20180222

⁹ Ibid

5.0 Compliance with matters other than the basic conditions

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

Qualifying body

Lyneham and Bradenstoke Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. WC approved the designation of the area on 6 December 2016. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 3 of the Plan. I consider that the plan which shows the Plan area could be clearer.

- **Change the map of the Plan area to ensure the boundaries of the Plan area are clearly defined**

Plan period

The Plan period is 2020 – 2030. This is clearly stated in the Plan itself. The Plan's end date of 2030 is supported by WC.

Excluded development

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

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but should be clearly identifiable.¹⁰

¹⁰ PPG para 004 ref id 41-004-20190509

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹¹

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹² They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹³

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁴

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁵

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁶

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

¹¹ NPPF para 13

¹² Ibid para 28

¹³ Ibid

¹⁴ Ibid para 29

¹⁵ Ibid para 31

¹⁶ Ibid para 16

PPG indicates that a policy should be clear and unambiguous¹⁷ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁸

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁹ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance alongside conformity with relevant development plan policies.²¹

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²² This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²³ The objectives are economic, social and environmental.²⁴

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁵

General conformity with the strategic policies in the development plan

The development plan relevant to this examination consists of a number of different documents;

- the Wiltshire Housing Site Allocations Plan (WHSAP) adopted on 25 February 2020
- the Wiltshire Core Strategy Development Plan Document (WCS) adopted on 20 January 2015

¹⁷ PPG para 041 ref id 41-041-20140306

¹⁸ Ibid

¹⁹ PPG para 040 ref id 41-040-20160211

²⁰ Ibid

²¹ Basic Conditions Statement Table 1 page 7

²² NPPF para 7

²³ Ibid para 8

²⁴ Ibid

²⁵ Ibid para 9

- the saved and retained policies of the North Wiltshire Local Plan 2011 (NWLP) adopted in June 2006 and as identified in Appendix D of the CS

The WCS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy. It identifies 20 Community Areas and the Parish falls within the Royal Wootton Bassett and Cricklade Community Area.

Core Policy 1 of the WCS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland. Lyneham is identified as a 'Large Village' defined as settlements with a limited range of employment, services and facilities. Bradenstoke is identified as a 'Small Village' where there is a low level of services and facilities and few employment opportunities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

Core Policy 2 sets out the delivery strategy; within the limits of development, there is a presumption in favour of sustainable development in Large Villages. Development at Small Villages is limited to infill within the existing built area and is supported where it meets the housing needs of settlements or provides employment, services and facilities subject to three criteria. In summary, the three are i) respect the existing character and form, ii) does not elongate or impose development in sensitive landscape areas and iii) does not consolidate an existing sporadic loose knit area of development related to the settlement.

WC confirm that the housing requirements for the WCS plan period to 2026 have been met. However the Plan period is to 2030. I discuss this further below.

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

WCS Core Policy 19 sets out the strategy for the Royal Wootton Bassett and Cricklade Community Area.

The purpose of the WHSAP is to support the delivery of new housing set out in the WCS through the revision, where necessary, of settlement boundaries and site allocations. The WHSAP does not propose any allocations within the Plan area. However, the WHSAP has updated the settlement boundary for Lyneham, a designated 'Large Village'. Bradenstoke is designated a 'Small Village' without a settlement boundary.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan relates to relevant WCS policies.²⁶

Emerging planning policy – the Wiltshire Local Plan Review 2016 - 2036

In Autumn 2017, WC began a review of their Local Plan, working jointly with Swindon Borough Council. In WC's case this includes a review of the WCS. This work is not yet at an advanced stage.

The Local Plan Review will set out housing requirements. At the present time, an indicative requirement of 80 dwellings at Lyneham is put forward for the period to 2036. However, WC confirm that taking account of completions and extant planning permissions, this figure has also been met whilst recognising this requirement may change in the future.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁷ advises that the reasoning and evidence informing the Local Plan Review may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore, Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the Local Plan Review and the adopted development plan with appropriate regard to national policy and guidance.²⁸

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG²⁹ confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is WC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

²⁶ Basic Conditions Statement Table 1 page 7

²⁷ PPG para 009 ref id 41-009-20190509

²⁸ Ibid

²⁹ Ibid para 031 ref id 11-031-20150209

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination. Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.

The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated May 2020 has been prepared by WC and refers to the pre-submission version of the Plan. It concludes that the Plan does not require a SEA.

Consultation with the three statutory bodies was undertaken and the Environment Agency (EA), Natural England (NE) and Historic England (HE) agreed with the conclusions.

Therefore WC concludes that the Plan does not require a SEA. WC has confirmed that there have been no significant changes to the Plan between pre-submission and submission versions of the Plan to warrant a rescreening.³⁰

I have treated the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³¹

Turning now to HRA, the Plan was screened in August 2020. This concluded that the Plan would not result in any likely significant effects on any European sites either alone or in combination with other plans and projects.

³⁰ WC representation to Regulation 16 consultation

³¹ PPG para 028 ref id 11-028-20150209

During the course of the Regulation 16 consultation period, the HRA was updated to consider the submission version of the Plan. This is referred to in WC's representation at the Regulation 16 submission stage. The conclusion was confirmed.

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the HRA Screening and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

I have also considered whether further public consultation should be carried out on the latest available HRA undertaken during the Regulation 16 consultation period. In this I am guided by WC as the responsible body. WC does not consider the need to undertake any further consultation because the conclusions on both the previous and more recent HRA screening are the same.³²

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³³ In undertaking work on SEA and HRA, WC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.³⁴ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions in detail. As a reminder, where modifications are recommended they appear in **bold text**; where specific changes to the wording of the policies or new wording is suggested these modifications appear in ***bold italics***.

³² PPG para 028 ref id 11-028-20150209

³³ Ibid para 031 ref id 11-031-20150209

³⁴ Basic Conditions Statement page 4

The Plan is well presented. It has helpful contents and a list of figures pages at the start of the Plan.

Glossary

The inclusion of a glossary is welcome. However, there are some definitions which I consider would benefit from greater clarity and accuracy in relation to those commonly used in planning including the NPPF. The definitions I put forward are either taken from the NPPF or the WCS. There is also a duplication. Therefore a number of modifications are put forward.

- **Change the definition of “Brownfield Development” to “*See previously developed land*”**
- **Change the definition of ‘Green Space’ to “*amenity and natural green spaces including informal recreation spaces, green spaces in and around housing, domestic gardens and village greens, woodlands, urban forestry, scrub, grasslands (eg downlands, commons and meadows), wetlands, open and running water, wastelands and derelict open land and rock areas (eg cliffs, quarries and pits).*”**
- **Delete the entry for “Greenfield development”**
- **Change “Open Space defined” to “*Open Space*” and modify the definition to read: “*All open space of public value, including not just land, but also areas of water which offer important opportunities for sport and recreation and can act as a visual amenity.*”**
- **Delete the first sentence which begins “Previously development land...” under the definition for “Previously Developed/Brownfield Land and Sites”**
- **Delete the first sentence which begins “A culture of car dependency...” from the definition of “Sustainable Travel”**
- **Delete the last sentence of the definition of “Wiltshire Core Strategy” which begins “The WCS replaces...”**

Foreword

No comments.

1. Introduction

This is a helpful introduction that sets the scene for the Plan, both in terms of how it has evolved and the planning policy context.

There are two modifications; one is made in the interests of accuracy as the WHSAP was adopted in February not March 2020, the other is made as some natural updating is needed as time has passed.

- **Change “March 2020” at the bottom of page 1 of the Plan to “February 2020”**
- **Under the bullet point “Emerging Plans” on page 2 amend the text to read: “Wiltshire Local Plan Review (Early stages – Regulation 18 consultation carried out Autumn 2017 and Winter 2021)”**

2. The Parish of Lyneham and Bradenstoke

This section of the Plan sets the scene for the Parish and contains much useful and interesting information.

3. Objectives

Whilst there is no specific or overarching vision for the area, there are a number of detailed objectives. These are based on the engagement carried out with the local community.

The objectives are articulated well and relate to the development and use of land.

4. Strategic Aims

This section outlines a number of strategic aims focused around four topic areas which then form the basis for the planning policy section of the Plan. The four topic areas are housing; business, employment and services; leisure, recreation and open space and getting around.

All of the strategic aims are articulated well and relate to the development and use of land. However, two aims give some cause for concern as it is overly restrictive and does not take account into the stance of the NPPF or the WCS. A modification is therefore made.

- **Change the wording in bullet point one under “Housing Strategic Aims” and bullet point two under “Business, Employment and Services Strategic Aims” to read: “Greenfield development is to be discouraged unless *it can be demonstrated that the development would be for a recognised exception or for a specific need that benefits the local community.*”**

5. Housing

The topic section begins with the housing strategic aims and objectives. However, whilst the housing strategic aims are the same as the previous section, the objectives differ from those set out in the objectives section. In themselves, they are clear and appropriate. Given this, I suggest a new title is given to this part of the section in the interests of clarity.

The Plan explains that the WCS does not allocate any housing development to the Parish, but recognises there will be growth and seeks to ensure that any development will meet local needs.

- **Change the title for sub heading 5.2 from “Housing Objectives” to “Housing goals”**

Policy 1: Small Scale Residential Development

This policy supports housing developments of up to, and including, 10 dwellings subject to other policies and sets out the local priorities for the type of housing supported. This includes housing for older people, smaller units, sheltered units and family housing.

WC point out in their representation that this policy will not especially support the provision of affordable housing; a need for which has been identified through the Housing Needs Survey carried out. However, committed sites would appear to address the scale of the currently identified need according to WC and given that affordable housing can be provided on sites where 10 or more homes are proposed,³⁵ the threshold used would still apply.

However as another representation points out, the policy as currently worded supports housing of up to ten units anywhere in the Plan area. This clearly would not accord with national or WC policy. I have taken the policy to mean the villages of Lyneham and Bradenstoke, but it is apparent that the current wording does not have clarity and could be open to interpretation.

³⁵ NPPF para 63 and glossary definition of major development

In addition, WC point out in their representation that the policy currently treats Lyneham and Bradenstoke the same in planning policy terms. In the WCS, Lyneham is identified as a 'Large Village' and has a defined settlement boundary. This settlement boundary has been updated through the WHSAP and no further changes are proposed by this Plan. In contrast, Bradenstoke is identified as a 'Small Village' in the WCS and does not have an identified settlement boundary.

In the 'Large Villages', there is a presumption in favour of sustainable development. In the 'Small Villages', development is limited to infill within the existing built up area where it meets a local need and subject to detailed criteria set out in WCS Core Policy 2. Outside the defined limits of development, or the settlement boundary, Core Policy 2 does not permit development except in line with other policies in the WCS.

It is therefore necessary to recommend some changes to the policy to ensure it takes account of the NPPF and in particular is in general conformity with the WCS's settlement strategy and delivery strategy set out in Core Policies 1, 2 and 19 as well as helping to achieve sustainable development.

It would also be useful, in the interests of clarity, to add some supporting text to ensure this is set out.

A representation also suggests that Bradenstoke should have a defined settlement boundary; at present only Lyneham has a settlement boundary which is shown on Figure 2 in the Plan. Whilst there may be merit to considering this suggestion in a future review of the Plan, there is no compulsion for the Plan to define such a boundary for Bradenstoke. Indeed to do so would be out of kilter with the approach taken by WC and its recently adopted WHSAP as settlement boundaries are not defined for Small Villages. The settlement boundary for Lyneham is the same as that in the WHSAP which updated it recently and is a recently adopted document.

With these modifications, the policy will take account of the NPPF's objective of boosting the supply of housing and establishing local housing need.³⁶ It is a local reflection of the WCS's vision to have stronger and more resilient communities, its objectives and in particular WCS Core Policies 1, 2, 19, 45 and 46 and will help to achieve sustainable development. It will therefore meet the basic conditions.

- **Add the words "*the villages of*" before "...Lyneham and Bradenstoke..." in the first sentence of the policy**
- **Add two new paragraphs after the first paragraph under section 5.3 heading on page 15 of the Plan that read:**

"In the WCS, Lyneham is identified as a 'Large Village' and has a defined settlement boundary. This settlement boundary has been updated recently through the WHSAP and no further changes are proposed by this Plan.

³⁶ NPPF paras 59, 60 and 61

Bradenstoke is identified as a 'Small Village' in the WCS and does not have an identified settlement boundary.

In the 'Large Villages', there is a presumption in favour of sustainable development. In the 'Small Villages', development is limited to infill within the existing built up area where it meets a local need and subject to detailed criteria set out in WCS Core Policy 2."

Policy 2: Design

A high quality of design for all new development is sought by Policy 2. It sets out what this means in practice for the Plan area; firstly development that is in keeping with existing style, scale and materials. Secondly, materials which reflect existing materials and which are sustainable and fit for purpose. Lastly, walking and cycling connections between Lyneham and Bradenstoke are to be improved wherever possible.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.³⁷

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.³⁸ It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.³⁹

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁴⁰

In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from national policy and guidance and WCS Core Policies 41, 57 and 58 in particular. It will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are recommended.

³⁷ NPPF para 124

³⁸ Ibid para 125

³⁹ Ibid para 126

⁴⁰ Ibid para 127

6. Business, Employment and Services

As in the previous section, the objectives set out in paragraph 6.2 differ from those set out in section 3.2. a similar modification is therefore recommended in the interests of clarity.

In addition, WC point out an apparent contradiction in the supporting text. The Parish Council have helpfully suggested a modification and in the interests of clarity, this is recommended below.

- **Change the title for sub heading 6.2 from “Business, Employment and Services Objectives” to “Business, Employment and Services goals”**
- **Add at the end of the third paragraph under the sub heading 6.3.1 Business on page 18 of the Plan “*within a 5 – 10 mile radius which aspiring businesses could use.*”**

Policy 3: Brownfield Employment Development

The Plan explains that given the presence of the Ministry of Defence (MoD) in the area, businesses are heavily dependent on MoD personnel to be sustainable. The local community support business-led development recognising the importance of providing local employment and contributing to the local economy.

As a result, Policy 3 supports the reuse of previously developed land and the conversion of buildings for retail or employment uses subject to a number of criteria. These include the effect on nearby occupiers, highways and the provision of parking. It particularly encourages small scale incubator units and office accommodation.

The NPPF is clear that planning policies should help create the conditions in which business can thrive.⁴¹ Significant weight is placed on the need to support economic growth. In rural areas, the NPPF states that the sustainable growth and expansion of all types of business should be enabled including through conversion of existing buildings and well-designed new buildings.⁴² It also recognises the needs of rural areas may differ. This is a particular case in point given the presence of the MoD.

The NPPF encourages the use of previously developed land.⁴³ It also seeks to ensure that the most effective use of land is made and this might include using brownfield land and supporting the development of under-utilised land or buildings.⁴⁴

⁴¹ NPPF para 80

⁴² Ibid para 83

⁴³ Ibid para 84

⁴⁴ Ibid paras 117, 118

WCS Core Policy 34 supports rural based businesses within or adjacent to Large and Small Villages for both existing and new businesses subject to a number of criteria. Core Policy 48 supports rural life including through the conversion and reuse of rural buildings.

WC have requested a change to the wording of one of the criteria to ensure that the NPPF is taken into account. The NPPF indicates that development should only be rejected on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts would be severe.⁴⁵

The third criterion refers to parking. A modification is made in the interests of clarity.

With these modifications, the policy will take account of the NPPF, be in general conformity with the WCS and Core Policies 34 and 48 in particular and help to achieve sustainable development. It will therefore meet the basic conditions.

- **Change the bullet points in the policy to read:**
 - ***“No unacceptable effects on the amenity of surrounding or nearby occupiers;***
 - ***No unacceptable impact on highway safety or severe cumulative adverse highways impacts; and***
 - ***Satisfactory provision of employees and visitor parking and delivery arrangements based on the location and accessibility of the, and type of, development”***

Policy 4: Social and Medical Facilities

Policy 4 supports the development of accessible social, leisure and medical facilities. Preference is given to the development of previously developed land and the conversion of existing buildings. Finally, the third element of the policy encourages partnership working.

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁴⁶ It also states that policies should guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.⁴⁷

The social objective of sustainable development also specifically refers to support for healthy communities and the provision of accessible services that reflect the needs of communities and support communities' health wellbeing.⁴⁸

⁴⁵ NPPF para 109

⁴⁶ Ibid para 83

⁴⁷ Ibid para 92

⁴⁸ Ibid para 8

WCS Core Policy 49 protects community services and facilities.

The last element of the policy is an aspiration rather than a development and use of land policy. This then should be moved to a community aspiration section of the Plan. With this modification, the policy will meet the basic conditions. In particular, it will take account of the NPPF, be in general conformity with the WCS and especially Core Policy 49 and help to achieve sustainable development.

- **Delete the third paragraph of the policy from the policy and make it into a separate community aspiration or place into the supporting text**

7. Leisure, Recreation and Open Space

As before, the objectives set out in paragraph 7.2 differ from those set out in section 3.2. A similar modification is therefore recommended in the interests of clarity.

- **Change the title for sub heading 7.2 from “Leisure, Recreation and Open Space Objectives” to “Leisure, Recreation and Open Space *goals*”**

Policy 5: Sports Facilities

This short policy supports the provision of sports facilities subject to satisfactory access and parking. It also states that.

One of the key elements from engagement with the local community was the provision of a variety of leisure and recreational facilities. The NPPF is clear that policies should enable and support healthy lifestyles⁴⁹ and provide the social, recreational and cultural facilities the community needs.⁵⁰

WC has suggested additional supporting text to refer to the relevant parts of the NPPF and WCS Core Policies 61 and 64. In the interests of clarity, a modification along these lines is made.

The policy also states that developer contributions to such facilities will be sought. Planning obligations should only be sought where they meet the statutory tests⁵¹ which are also set out in the NPPF.⁵² The tests are 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.

⁴⁹ NPPF para 91

⁵⁰ Ibid para 92

⁵¹ Regulation 122 Community Infrastructure Levy Regulations 2010 as amended by CIL (Amendment) (England) (No 2) Regulations 2019

⁵² NPPF para 204

As drafted, the policy indicates that contributions will be sought from all development. This is not in line with national policy. A modification is therefore made to this element of the policy.

With these modifications, the policy will meet the basic conditions in that it will take account of national policy and guidance, be in general conformity with the relevant strategic policies and help to achieve sustainable development.

- **Change the second paragraph of the policy to read: “Developer contributions toward such facilities *may* be sought *where necessary to enable development to proceed.*”**
- **Add a new paragraph to page 22 of the Plan that reads: “*It is important to ensure that sufficient parking is provided at any new sports facilities and that safe access to the site is gained. These issues are covered in the NPPF at paragraphs 105 and 108 and WCS Core Policies 61 and 64 should be considered.*”**

Policy 6: Local Green Spaces

This policy seeks to designate eight areas of Local Green Space (LGS) and two areas as “locally important space” in line with WCS Core Policy 52. This was puzzling to me, as Core Policy 52 does not refer to locally important space. I could not find this terminology anywhere in the WCS. The policy is also titled “Local Green Spaces”.

Therefore I queried this and have been informed that at an earlier stage of the Plan making process, it was suggested that LGSs were separated out from the “locally important spaces” into separate policies. However, this does not seem to have happened.

As it stands, I consider the policy is confusing by referring to both LGSs and “locally important spaces”. This is borne out by one representation referring to eight proposed LGSs and another to 10 proposed LGSs. It is therefore not clear whether the two “locally important spaces” were intended for designation as LGSs as well or only as “locally important spaces”. Therefore whether or not the two “locally important spaces” meet the criteria for LGS designation is immaterial at this point in time; the draft Plan is not clear in its intention. I am therefore left with little option but to delete these spaces from Policy 6 as it is not clear whether the draft Plan sought to designate these spaces as LGSs or as something else. Given this, other parties may have wished to comment or to comment differently and have not been given such an opportunity.

I have also considered whether the two spaces; the Memorial Garden, Lyneham and the allotments at Bradenstoke could be designated as “locally important spaces” given the wording of draft Policy 6. I see no reason why this could not be the case. I could therefore recommend a new and separate policy on “locally important spaces”.

However, it is not clear to me what such a designation might involve, particularly given WCS Core Policy 52 does not use this terminology.

Therefore at this juncture, I see no option for me but to recommend deletion of the Memorial Garden, Lyneham and the allotments at Bradenstoke. It would of course be open for an early review of the Plan to seek to designate these two spaces as LGS or indeed to develop a policy on locally important spaces.

So I now turn to the eight spaces which are clearly proposed as LGSs. The location of each of the spaces is shown on Figure 10. Each individual space is then identified on a photograph base in the Plan with an explanation of why the space meets the criteria. Whilst this has been sufficient for the purposes of examination, in the interests of clarity and to ensure the Plan can be readily used as a development management document, each retained space should be shown on an Ordnance Survey map base. A modification is made to this effect.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵³

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁵⁴ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁵⁵ The NPPF sets out three criteria for green spaces.⁵⁶ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and holds a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG. I saw each of the proposed spaces at my site visit.

The Green, Lyneham comprises a series of linked green spaces which include grass verges, grassed areas and treed areas bordering the main road through the village. Some of the trees are protected by Tree Preservation Order. These areas make an important contribution to the character and appearance of the village and its setting. I saw at my visit these are central to the village and make an important contribution to its character. Some areas are small, others larger with seating.

Recreation Field at Pound Close, Lyneham is a childrens playground valued for its recreational value and as a meeting place. It is a well-defined, fenced area.

Webbs Court Green Space, Lyneham is a green space providing open space within the village and particularly for the residents of the local area and providing a setting for this development. I saw at my visit this is an important open space in an otherwise relatively densely developed area. It is bordered by a stream.

⁵³ NPPF para 99

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid para 100

Bakers Field Green Space, Lyneham is a green space providing open space within the village and for the residents of Bakers Field as well as providing a setting for this development. I saw at my visit that the area shown in the photograph did not appear to be correct. A modification is made to address this.

Lancaster Square Green Space, Lyneham this area provides green space and parking for the local area. It is important for recreation for the local area. The area is mainly laid to grass with trees and I saw at my visit it is important for the setting of this housing development as well as being used for recreation.

Victoria Drive Green Space, Lyneham is a large area of green space next to a housing development and is valued for its recreational amenities. I saw at my visit that there is a well-used footpath along one boundary and appeared to be a popular place for meeting friends. The area is mainly grassed with trees and seats. It is readily distinguishable from the countryside beyond.

Recreation Field, Bradenstoke is valued for its recreational amenities which include a childrens play area and a football pitch. The area is self contained and well defined.

Dog Walking Field, Bradenstoke adjoining the recreation field, this field is valued for recreational purposes. I saw this was a well-maintained area with picnic benches and popular with walkers. Although it is the furthest area of proposed LGS from residential development, it is still, in my view, close to the local community it serves and readily within walking distance of houses.

Some of the proposed spaces are also covered by other designations. PPG is clear that different types of designation are intended to achieve different purposes.⁵⁷ A representation has pointed out that some areas of The Green, Lyneham is variously highway land or common land. However, I consider that the LGS designation demonstrates the value, the local community places on these areas and that therefore an additional benefit is gained by identifying these areas as LGS.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. All are demonstrably important to the local community, all are capable of enduring beyond the Plan period, all meet the criteria in paragraph 100 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the proposed LGSs are referred to and cross-referenced to Figure 10, but I consider should be referenced to the OS Map I have suggested is produced for each space.

The next elements of the policy set out what development might be permitted. This needs to take account of and be consistent with the NPPF which explains the

⁵⁷ PPG para 011 ref id 37-011-20140306

management of development in LGSs should be consistent with that in the Green Belt.⁵⁸ Therefore the policy needs modification to ensure that it takes account of national policy and is clear. A modification is also made to the supporting text to reflect this.

With these modifications, the policy and its supporting text will meet the basic conditions.

- **Delete the paragraph in the policy that begins “The following are locally important spaces, protected in accordance with Core Policy 52...” and remove 6. The Memorial Garden, Lyneham and 10. Allotments at Bradenstoke from the Plan**
- **Modify the boundary of Bakers Field Green Space, Lyneham by showing only the grassed area to the roadside corner which is fenced off**
- **Map all eight LGSs on a Ordnance Survey base Map**
- **Add the words “and as shown on Maps X to Y” after “...(Figure 10)...” in the first sentence of the policy**
- **Delete the third paragraph of the policy that begins “Opportunities will be sought...”**
- **Change the last paragraph of the policy to read: “*Development in the Local Green Spaces will be consistent with national policy for Green Belts.*”**
- **Consequential amendments will be needed**

8. Getting Around

As before, the objectives set out in paragraph 8.2 differ from those set out in section 3.2. A similar modification is therefore recommended in the interests of clarity.

- **Change the title for sub heading 8.2 from “Getting Around Objectives” to “Getting Around *goals*”**

Policy 7: Safe and Sustainable Travel

This is a short policy that encourages walking and cycling through new development including, where appropriate, provision for safe pedestrian road crossings and new footpaths and cycle ways.

⁵⁸ NPPF para 101

A representation suggests the policy should protect the existing rights of way network as well and puts forward revised wording. This is in line with my own consideration of this policy. A modification is therefore recommended in the interests of taking account of the NPPF's stance on sustainable transport, in particular the promotion of walking and cycling⁵⁹ and its provision⁶⁰ and being more precise.

With this modification, the policy will meet the basic conditions. It will take account of the NPPF's promotion of sustainable transport,⁶¹ be in general conformity with WCS Core Policy 60 in particular and help to achieve sustainable development.

- **Change the policy to read:**

“Existing footpaths and cycleways will be protected. The design of new development should encourage walking and cycling and take every available opportunity to improve and enhance the existing network through the provision of new footpaths and cycleways and connections to the existing network. This should include the provision of safe pedestrian crossings in suitable and appropriate locations.”

9. Summary

This end section sets out the purpose of the Plan and the intention to review the Plan. Whilst it is not mandatory to review neighbourhood plans at the present time, I welcome this intention as a point of good practice. Given the emerging Local Plan Review and a recent Rural Housing Needs Survey, this will also ensure that the Plan is kept up to date.

8.0 Conclusions and recommendations

I am satisfied that the Lyneham and Bradenstoke Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Lyneham and Bradenstoke Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend

⁵⁹ NPPF para 102

⁶⁰ Ibid para 104

⁶¹ Ibid paras 102, 104

the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Lyneham and Bradenstoke Neighbourhood Development Plan should proceed to a referendum based on the Lyneham and Bradenstoke Neighbourhood Plan area as approved by Wiltshire Council on 6 December 2016.

Ann Skippers MRTPI

Ann Skippers Planning

18 June 2021

Appendix 1 List of key documents specific to this examination

Lyneham and Bradenstoke Neighbourhood Development Plan 2020 to 2030 (Submission version)

Statement of Basic Conditions November 2020

Strategic Environmental Assessment Screening Determination May 2020 (WC)

Habitats Regulation Assessment V2 28.08.2020 (WC)

Habitats Regulation Assessment undated, but WC representation states February 2021 (WC)

Consultation Statement November 2020 including Appendices 1, 2, 3,4a, 4b, 4c and 4d

Sustainability Appraisal November 2020

Wiltshire Core Strategy adopted 20 January 2015

Wiltshire Housing Site Allocations Plan adopted February 2020

North Wiltshire Local Plan 2011 adopted in June 2006

Other information on <https://www.lynehambradenstokenp.co.uk/>

List ends

Appendix 2 Queries from the examiner

Email 1 26 May 2021

“I visited the Plan area yesterday and one query has cropped up as a result.

In looking at the Bakers Field Green Space, it looks from the photograph that a larger area of perhaps private garden has been included? It looked on the ground as if the space might just be the front half of the space which is fenced and on the corner?

Could you please check and let me know? If it is supposed to be the smaller area that can be readily dealt with through a modification. If it is the area shown in the photograph, I will need confirmation of whether it is in private ownership etc. as it didn't look as if the “back half” was anything but trees and a private area and was fenced off separately to the green area at the front.”

Email 2 1 June 2021

“Sorry another issue has arisen; on Policy 6 two spaces are proposed to be designated as locally important spaces rather than Local Green Spaces.

I can't find any reference to this type of space in the Core Strategy policy or the CS referred to in the policy? What is the background to this and what type of protection is sought for these spaces?”