

Wiltshire Council

**North Bradley
Neighbourhood Plan 2018-2026**

Independent Examiner's Report

By Ann Skippers MRTPI FRSA AoU

2 December 2019

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Summary

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

North Bradley lies between the towns of Trowbridge, the County town, and Westbury. The Parish is elongated, running on a northeast/southwest axis. The part of the Parish nearest Trowbridge is more built up in nature with the rest of the Parish consisting of farmland.

The Plan is presented well and is supported by a number of background documents. It has been produced whilst Wiltshire Council has progressed a Housing Site Allocations Plan which proposes site allocations in and around Trowbridge, three of which fall or partly fall within the Parish area.

The Plan does not seek to repeat higher tier policies, but to add a local layer of detail to them. Containing seven policies, the Plan seeks to designate a Landscape Setting Gap and four areas of Local Green Space, a housing site and other policies to address housing need, encourages a burial ground, considers the effect on bats and sets out local infrastructure priorities. It is evident that the Plan has been based on a good understanding of the local area.

It has been necessary to recommend some modifications; these have included some deletion and reworking of policies to ensure the Plan provides a clear and practical framework for decision-making and is flexible and not overly prescriptive.

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 North Bradley 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
2 December 2019



1.0 Introduction

This is the report of the independent examiner into the North Bradley 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 have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

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 spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

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, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

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

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² 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 check³ 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.⁴

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.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ 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.

Work began on the Plan in 2016. After initial research, a leaflet was produced and distributed to every household inviting residents to attend drop in events and meetings. Harder to reach and specific groups including a Ladies Group, Social Group for over 50s and primary school pupils were targeted. Local businesses were contacted. A questionnaire was handed out at the meetings resulting in a respective response rate of about 37%.

A Housing Needs Survey took place in Autumn 2017 with a response rate of 34%.

Consultation was carried out on a draft Site Selection Report in March/April 2018. This took the form of a questionnaire delivered to all households. A letter was sent to landowners and developers. The engagement was advertised on the Parish website and the Parish newsletter. Two drop in events were held.

The Parish Council has confirmed that pre-submission (Regulation 14) consultation took place between 21 January – 10 March 2019. A leaflet with a synopsis of the Plan was produced and delivered to all households. Posters were placed around the Parish. Both the leaflet and poster were available on the Parish Council website alongside all the Plan documents. An article was placed in the Wiltshire Times. Local businesses, statutory bodies, landowners and developers were contacted. Three drop in events were held.

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

Submission (Regulation 16) consultation was carried out between 5 August – 17 September 2019.

The Regulation 16 stage resulted in 20 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 earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁵ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other

⁵ PPG para 055 ref id 41-055-20180222

material considerations.⁶ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations make comments on the proposed housing sites in the emerging Housing Site Allocations Plan. These sites are a separate matter from the Plan. Others seek to promote different or additional sites for development. Some make constructive suggestions for further issues to be included in the Plan and I feel sure that the Parish Council will wish to consider these in any future review of the Plan.

PPG⁷ 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.⁸

After reviewing all the documentation and the representations made, I decided a hearing was not necessary.

Last year NPIERS published 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 sent comments and I have taken these into account.

I made an unaccompanied site visit to familiarise myself with the Plan area on 25 October 2019.

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

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

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 carried out and the Plan's presentation made consistent.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid para 056 ref id 41-056-20180222

⁸ 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

North Bradley 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 4 January 2017. 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 clearly shown on page 5 of the Plan.

Plan period

The Plan period is 2018 – 2026 to align with that of the CS. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. Although some representations query the extent of the period, I consider this requirement to be satisfactorily met. I also note WC does not raise any objections to it.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

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 actions dealing with non-land use matters should be clearly identifiable.⁹

In this instance, community aspirations have been included in a separate section of the Plan which I consider to be an appropriate approach for this particular Plan.

⁹ PPG para 004 ref id 41-004-20170728

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

Paragraph 214 in Annex 1 of that document explains that:

“The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.”

Footnote 69 explains that for neighbourhood plans “submission” means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

This Plan was submitted after 24 January 2019. It is therefore clear that it is the NPPF published in 2019 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2019 unless otherwise stated.

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.¹⁰

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹¹ 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 and set out other development management policies.¹²

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.¹³

¹⁰ NPPF para 13

¹¹ Ibid para 28

¹² Ibid

¹³ Ibid para 29

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.¹⁴ Policies should also 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.¹⁵

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.

PPG indicates that a policy should be clear and unambiguous¹⁶ 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.¹⁷

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁸ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁹

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.

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.²⁰ 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.²¹ The objectives are economic, social and environmental.²²

¹⁴ NPPF para 31

¹⁵ Ibid para 16

¹⁶ PPG para 041 ref id 41-041-20140306

¹⁷ Ibid

¹⁸ Ibid para 040 ref id 41-040-20160211

¹⁹ Ibid

²⁰ NPPF para 7

²¹ Ibid para 8

²² Ibid

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.²³

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan meets this basic condition.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the Wiltshire Core Strategy Development Plan Document (CS) and the saved and retained policies of the West Wiltshire District Plan First Alteration (WWDP) identified in Appendix D of the CS. The CS was adopted on 20 January 2015 and the WWDP was adopted in June 2004. I could not see any policies of a strategic nature in the WWDP and none have been drawn to my attention in the Basic Conditions Statement. WC also confirm that none are strategic. I will therefore focus on the CS.

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

Core Policy 1 of the CS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland. North Bradley is identified as a 'Large Village' defined as settlements with a limited range of employment, services and facilities.

Yarnbrook as identified as a 'Small Village' where there is a low level of services and facilities and few employment opportunities.

In both Large and Small Villages, development is 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; at Large Villages, within the limits of development, there is a presumption in favour of sustainable development. Outside the limits of development, development may be permitted in certain circumstances outlined in the development plan. Limits of development can be altered through subsequent development plan documents including neighbourhood plans. 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

²³ NPPF para 9

landscape areas and iii) does not consolidate an existing sporadic loose knit area of development related to the settlement.

Core Policy 29 explains that 25 hectares of new employment land and approximately 7,000 homes will be needed in the Trowbridge Community Area. Some 5,860 dwellings will be delivered at Trowbridge including 2,600 dwellings through a strategic site known as Ashton Park Urban extension which partly falls within the Plan area. A further 950 homes will be developed once secondary school provision is in place and the effects on protected bat species and their habitats have been assessed. North Bradley falls within the Trowbridge Community Area Remainder where The CS indicates some 165 homes will be provided. The residual requirement in the Remainder Area is zero.

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

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan relates to CS objectives.

Emerging planning policy

WC's website explains that there are a number of plans in preparation. In July 2018, WC submitted the draft Wiltshire Housing Site Allocations Plan (WHSAP), along with a schedule of proposed changes for examination.

The purpose of the WHSAP is to support the delivery of new housing set out in the CS through the revision, where necessary, of settlement boundaries and site allocations.

Following the close of the hearing sessions, the Inspector wrote to WC. In response a schedule of Further Main Modifications (FMM) was prepared and consultation carried out which ended on 25 October 2019. Some of the FMM relate to proposed sites within or partly within the Plan area.

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 CS. This work is at a relatively early stage.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁴ advises that the reasoning and evidence informing the emerging Local Plan 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 emerging Local

²⁴ PPG para 009 ref id 41-009-20190509

Plan and the adopted development plan with appropriate regard to national policy and guidance.²⁵

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

PPG²⁶ confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

An Environmental Report (ER) dated July 2019 has been submitted.

The ER confirms that a Scoping Report dated September 2018 was prepared and sent to the statutory consultees. Responses were received from Natural England and the Environment Agency.

The ER concludes “Overall it is considered that the NBNP takes a proactive approach to delivering new development whilst protecting key aspects of the natural and built environment...”.²⁷ It was published for consultation alongside the submission version of the Plan.

WC will monitor the outcomes from the Plan’s policies annually.

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms

²⁵ PPG para 009 ref id 41-009-20190509

²⁶ Ibid para 031 ref id 11-031-20150209

²⁷ ER Non Technical Summary

the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.²⁸ In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is relevant to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁹ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Final Screening Draft dated April 2019 has been submitted. This explains that the majority of the Plan area lies within a 6.4km zone of the Salisbury Plain Special Area of Conservation (SAC) and Special Protection Area (SPA) where the majority of visitors to the plain are expected to live. In addition, most of the Plan area lies within the high and medium risk zones for bats associated with the Bath and Bradford on Avon Bats SAC.

The Screening Draft therefore screens the Plan in relation to the Salisbury Plain SPA and the Bath and Bradford on Avon Bats SAC. This resulted in five policies with the potential to give rise to significant effects and therefore appropriate assessment (AA) was carried out.

The AA concludes in relation to both the Bath and Bradford on Avon Bats SAC and the Salisbury Plain SPA that the Plan will not have any adverse effects either alone or in combination with other plans and projects.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that the prescribed basic condition is complied with.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights. There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

²⁸ PPG para 030 ref id 11-030-20150209

²⁹ Ibid para 047 ref id 11-047-20150209

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***.

The Plan is presented clearly and contains seven policies. There is a contents page and a glossary at the start of the Plan. Both are helpful. It may be useful however to update the reference to the NPPF to reflect the latest version which the remainder of the Plan refers to; this is a minor editing matter.

- **Update the reference to the NPPF on page 3 of the Plan to “February 2019”**

1.0 Introduction

This is a helpful introduction that sets the scene for the Plan and its accompanying documents.

2.0 Area Covered by the Plan and Timescale

This section refers to the rationale for the Plan area and confirms the time period covered by the Plan (2018 to 2026).

3.0 Evidence Base

This section explains that a “Planning Scoping Report” has been produced to support the Plan and details some of the research undertaken. It refers to Appendix 1 which lists some of the documents reviewed as part of the Plan production process. It also refers to other documents and how they relate to the Plan. Finally, it sets out how the Plan is laid out with each policy supported by a “context”, “references”, “evidence base” and “justification” sections.

4.0 Planning Policy Context

This section sets out the planning policy context for the Parish.

WC has pointed out some inaccuracies with this section. In the interests of accuracy and clarity, a number of modifications are therefore made.

- **Change paragraph 4.10 on page 8 of the Plan to read:**

“The housing needs of Trowbridge are addressed through the Core Strategy including the major urban extension at Ashton Park. The Core Strategy identified about 165 additional dwellings being required in the Trowbridge Community Area, outside of Trowbridge. However, the most recent Housing Land Supply Statement shows an indicative remaining requirement for Trowbridge of 2, 008 dwellings; the WHSAP is bringing forward six allocations at Trowbridge for approximately 1, 050 dwellings. Three of the proposed sites fall, at least partly, within North Bradley Parish.”

- **Delete paragraphs 4.11 and 4.12 on page 8**
- **Consequential amendments will be needed**

5.0 What is North Bradley like?

This section sets out the key issues and challenges and opportunities for the Parish. It does so in a useful way, referring to other evidence and supporting documents as appropriate.

6.0 Scoping Research, Community Engagement; Development of Vision, Objectives and Policy

This section explains how the policies in the Plan were developed.

It also contains the vision which is:

“By 2026 North Bradley will have retained its landscape setting, including its physical separation from Trowbridge and its own distinct rural character. Local wildlife will have been protected and will be thriving.

The Parish will have secured benefits from development, including the Ashton Park Strategic Site and the Elm Grove Farm site proposed in the Housing Sites Allocations DPD, in terms of provision of new and upgraded infrastructure. New sites will have become integrated and functioning parts of the Parish.

Necessary housing will have been provided and local facilities, including pubs and shops and recreational and open space will have been preserved or added. The Parish will be cleaner and, where possible, provide a better habitat for

nature. There will be an improved and better maintained transport network including foot and cycle paths and speeding vehicles will have been reduced and pedestrian safety improved.”

Whilst the vision is quite long, it is detailed and covers planning and other more aspirational issues. It refers to the Ashton Park site which was allocated in the CS and Elm Grove Farm which is a proposed site in the emerging WHSAP. I do not consider it appropriate at this point in time to refer to an emerging site as this might change. A modification is made to address this concern.

The vision is underpinned by seven objectives. These are detailed and read well. The Plan refers to the vision and the objectives as “draft”. Given the advanced stage the Plan has reached, the final version should not include this.

This part of the Plan includes a section that shows how an issue of importance to the community has transformed into policy and how this relates to the Plan’s objectives. Additionally reference is made to community action ideas which form part of a later section in the Plan.

Both elements have been useful to show how the Plan has evolved and the thought process behind it, but I consider that at this stage of the Plan making process, such information could potentially be confusing if retained in the main body of the finalised version of the Plan and add unnecessarily to it. Therefore in the interests of clarity, I recommend these elements be removed.

- **Delete the words “...the Elm Grove Farm site proposed in the Housing Sites Allocations DPD...” from the second paragraph of the vision and replace with *“and other development sites which may come forward”***
- **Delete the word “Draft” from the heading above the vision box on page 17 and from the heading above the objectives box on page 18**
- **Delete sections 6.9 and 6.10 of the Plan, including the tables**

7.0 Site Selection

This section details the site selection process.

8.0 Policies of the Plan

A Comprehensive Policy Map is to be found on page 25 of the Plan. This is a useful addition.

The section on page 26 of the Plan is headed “Policy 1: North Bradley Landscape Gap and Housing Sites in the Wiltshire Housing Site Allocations Plan (HSAP)”. The policy itself appears on page 29 clearly shown in a coloured box. The preceding pages are supporting text. For the avoidance of any doubt, I suggest the heading is changed. This applies to the other three policies as well. This modification is not repeated later in this report.

- **Change the headings for each policy section by deleting the words “Policy 1”, “Policy 2”, “Policy 3”, “Policy 4”, “Policy 5”, “Policy 6” and “Policy 7” from pages 26, 31, 33, 36, 39, 42 and 44 respectively**
- **Refer to the Wiltshire Housing Site Allocations Plan as WHSAP when using the abbreviation throughout the document**

Policy 1: Landscape Setting Gap and WHSAP Housing Sites

The supporting text to the policy explains that the purpose of the policy is to establish a landscape gap between North Bradley and Trowbridge. The Plan recognises that WC have identified a number of strategic sites in the emerging Housing Site Allocations Plan (WHSAP), three of which fall in or partly within the Plan area (Sites H2.1, H2.2 and H2.6).

The Plan states that it cannot undermine the strategic policies and reluctantly accepts the principle of the three sites in the emerging WHSAP. However, in relation to Site H2.2, the Plan explains that the Parish Council has agreed with WC that Site H2.2 should be reduced in size and development focused to the east and north to leave a landscape gap between the site and Trowbridge.

The policy itself refers to the three sites; H2.1, H2.2 and H2.6 indicating they are accepted subject to the reduction in numbers on Site H2.2 and the layout of the site focusing development to the north and east of the site and a landscape buffer being created. Both the indicative areas for development and the buffer are shown on the Comprehensive Policy Map.

I do not consider it appropriate for this policy to seek to establish the principle of development on these sites, the amount of development or the preferred areas for development and the buffer. This is because the WHSAP is an emerging plan and may change even though it has reached its latter stages towards adoption.

In addition, and arguably more important, these are emerging strategic sites. Both the NPPF and PPG are clear that a neighbourhood plan should support the delivery of strategic policies and should shape and direct development that is outside of those policies.³⁰

³⁰ NPPF para 13 and PPG para 004 ref id 41-004-20190509

Whilst the work carried out by the Parish Council on these sites is noted and these comments are in no way intended to weaken the agreed position with WC on any of these sites, it is not appropriate for this Plan to seek to confirm or direct the acceptability of development. To do so would necessitate, in my view, the actual allocation of the sites with all of the preparatory work and supporting documentation such as SEA and HRA that that requires not to mention the duplication that would be involved.

I note that the Further Main Modifications on Site H2.2 reflect the agreed position in any case.

In my view, it is the role of the examination into the WHSAP to determine the acceptability or otherwise of the emerging strategic sites and any alternatives put forward. This element of the policy should therefore be deleted.

The second paragraph of the policy seeks to designate a landscape gap between North Bradley and Trowbridge. This is clearly shown on the Comprehensive Policy Map rather than the “diagram below” referred to in the policy and so a modification is made to address this anomaly. The policy restricts development to that which accords with the CS and seeks maintenance and enhancement of the area for biodiversity and recreation. It therefore does not preclude development per se.

The designation of a landscape gap is supported by an independently prepared Landscape and Visual Setting Analysis. This Analysis in fact supports a larger gap than is designated by the policy, but I consider the policy takes a sensible approach to the designated area. A modification is made to the supporting text to clarify this.

In relation to the areas designated in the policy, the Analysis indicates that the two areas identified are “essential to retain” because of one area’s “proximity to Trowbridge”,³¹ and the other area’s “separation and landscape setting function and to protect the rural character of this landscape”.³²

I saw at my site visit the sensitivity of this area and its character which was distinct from the built up area of North Bradley village and the function it plays in separating the local identities and distinctiveness of North Bradley and Trowbridge.

I note that the CS recognises that the villages surrounding Trowbridge including North Bradley, have “separate and distinct identities as villages”.³³ It continues “open countryside should be maintained to protect the character and identify of these villages as separate communities”.³⁴ It explains that local communities may wish to consider this matter through neighbourhood planning.³⁵

³¹ Landscape and Visual Setting Analysis page 27

³² Ibid

³³ Core Strategy para 5.150 on page 180

³⁴ Ibid

³⁵ Ibid

In my view, the proposed designation is made logically. Whilst some modification is recommended to ensure the policy reads clearly in relation to the designation, with these modifications it will take account of national policy and guidance, be in general conformity with the CS, particularly Core Policies 29, 50 and 51 and help to achieve sustainable development.

Moving on, WC points out that the FMM to the WHSAP contain changes to the Sites H2.1, H2.2 and H2.6. The relevant paragraphs should be updated to reflect the latest position if retained.

Finally, there is a typo in paragraph 8.10 on page 27; “sink” should be “since”.

- **Change the title of the policy to “Landscape Setting Gap”**
- **Delete the first paragraph of the policy**
- **Reword the second paragraph of the policy to read:**

“The area shown on the Comprehensive Policy Map is designated as the North Bradley Landscape Setting Gap. The purpose of the designation is to protect the landscape setting of North Bradley village (the open spaces between the village and Trowbridge). This area will be maintained and where possible also enhanced for biodiversity and recreation. No development will be permitted in the North Bradley Landscape Setting Gap unless it is in accordance with policies in the development plan.”
- **Reword the third paragraph of the policy to read: “Where development is permitted, it must ensure that the functions, openness and landscape value of the Landscape Setting Gap is not harmed.”**
- **Add a new paragraph that reads: “Existing facilities for informal recreation and sustainable transport must be preserved or enhanced. Any development must result in a net gain for biodiversity.”**
- **Delete the coloured notation from Site H2.2 on the Comprehensive Policy Map (this is the pinkish colour notated as “Indicative Main Development Areas” on the key which will also need amending as a result of these changes) and the words “Woodland buffer strip forms green edge to east” from the Map**
- **Change the notation on the Comprehensive Policy Map to “Extent of North Bradley Landscape Setting Gap’**
- **Update paragraphs 8.9, 8.10 and 8.11 on pages 27 and 28 of the Plan as necessary and including the typo in paragraph 8.10 (“sink” should be “since”) if appropriate**

- **Delete the words “...and taken forward by the NDP” from paragraph 8.13 on page 28 of the Plan**

Policy 2: Housing

The Plan explains that it seeks to meet local housing needs and a Housing Needs Survey was undertaken to help with this. The Housing Needs Survey showed little need for affordable housing, but it was recognised that the delivery of affordable housing is important and that other forms of housing such as self build could be encouraged. This aligns with the NPPF’s objective of boosting the supply of housing and establishing local housing need.³⁶

Policy 2 therefore supports small scale housing schemes and infill schemes in the settlement boundary of North Bradley which is shown on the Comprehensive Policy Map. It particularly encourages self build, eco-homes, homes suitable for older people and affordable homes.

Whilst the policy is clearly written, there is some repetition and reference to the CS and other policies. This is unnecessary as all proposals will be assessed against any relevant policies. In addition some of the language used takes a negative position rather than a positive stance. Finally, some of the criteria are not justified; for instance it is not clear to me why self build should be restricted to single units. Therefore some modifications are made to ensure the policy takes a positive stance and provides a practical framework for decision-making.

Furthermore paragraph 8.25 on page 31 of the Plan refers to a landscape gap between Site H2.2 and Trowbridge. As explained in my discussion of Policy 1, this is not part of the proposed policy and so should be deleted in the interests of consistency. There is also a typo in the second bullet point of the same paragraph to correct.

Paragraph 8.26 refers to data on self build, but it is not clear to me where these figures have been sourced from. Therefore they should be deleted.

Subject to these modifications, the policy reflects the advice in the NPPF and PPG,³⁷ is a local reflection of the CS’s vision to have stronger and more resilient communities, its objectives and in particular CS Core Policies 1, 2, 29, 43 and 45 and will help to achieve sustainable development.

- **Delete “...in accordance with policies of the Wiltshire Core Strategy...” from the first paragraph of the policy**

³⁶ NPPF paras 59, 60 and 61

³⁷ PPG para 100 ref id 41-100-20190509

- Change the phrase “...that will not detract from the present rural village character or setting” in the first paragraph to “...that will *conserve the rural character and setting of the village*”
- Delete “...single units of”; “...main...” and “...and compliance with other policies of the plan.” from criterion a.
- Delete “...subject to compliance with other policies of the Neighbourhood Plan...” and “...policies of the Wiltshire Core Strategy.” from criterion b.
- Delete “subject to compliance with the Wiltshire Core Strategy and other policies of the NDP.” from criterion c.
- Delete the words “...and a landscape gap between that site and Trowbridge...” from the first bullet point in paragraph 8.25 on page 31 of the Plan and correct typo “sure” to “*ensure*” in the second bullet point
- Delete the sentence that begins “In 2010, around 13, 800 self-build...” from paragraph 8.26 on page 32 of the Plan

Policy 3: Housing Site

The Plan recognises the position of the emerging WHSAP which although at the latter stages of production could still change. In this scenario, the relatively short time period of the Plan to 2026, its commitment to monitoring and willingness to allocate a site is not inappropriate given the most recent position on housing land supply. I note WC has not objected to the strategy put forward in the Plan.

This policy seeks to allocate a site for approximately 25 homes (eight affordable) at 54 Woodmarsh. The site is shown on the Comprehensive Policy Map and on a diagram on page 35 of the Plan. It lies adjacent to Site H2.2 in the WHSAP, but should not compromise the delivery of development on that site.

A site selection and assessment process has been undertaken as well as specific community consultation on sites in addition to the pre-submission and submission consultation. Both have influenced the choice of sites and it seems to me from the process followed that other sites would also be potentially suitable for development had they gained stronger community support. The Plan confirms the site chosen is available.

The criteria based policy covers the main issues concerned with the satisfactory development of the site and reflects CS Core Policy 57 at the local level. It is clearly worded. WC requests that additional wording is incorporated to reflect the sensitivity of the site and I agree.

With this modification, the policy will meet the basic conditions; it will particularly help to contribute to housing supply and help to achieve sustainable development.

- **Add the words “including the Baptist Burial Ground to the north east” at the end of criterion vi. of the policy**

Policy 4 Local Green Space

Four Local Green Spaces are designated by this policy. They are all shown on the Comprehensive Policy Map and on a map on page 38 of the Plan.

The NPPF explains that LGSs are areas of particular importance to local communities.³⁸ The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF makes it clear that LGSs should be capable of enduring beyond the Plan period. Further guidance about LGSs is given in PPG.

I visited the proposed areas at my visit.

The Peace Memorial Hall Playing Field is an area of grass next to the Hall which is centrally located in the village. It is used for community events.

Pine Walk/Oak Drive Recreation Area is an area of grass with trees and seating and forms an integral part of the character of the residential area in which it is located. The area links to footpaths.

The Allotments is a smaller space on the edge of the village but well related to it. They are well used.

Trowbridge Town FC Football Field is a multi pitch area valued for its recreation.

In my view, the proposed LGS meets the criteria in the NPPF satisfactorily as all are in close proximity to the community served, hold a particular local significance and are demonstrably special, are local in character and are not extensive tracts of land.

The NPPF explains that policies for managing development within a LGS should be consistent with those for Green Belts. In turn the NPPF explains³⁹ that inappropriate development is harmful and should not be approved except in very special circumstances. It goes on to indicate what inappropriate development is and exceptions to that. The policy recognises this, but also seeks to enhance existing

³⁸ NPPF paras 99, 100 and 101

³⁹ Ibid paras 143 - 147

recreational facilities. Given the nature and primary purposes for the designation of these particular areas, I consider this to be appropriate.

There are some modifications to ensure the policy is consistently worded, refers to the latest NPPF and is clear. With these modifications, the policy will meet the basic conditions.

I also consider that at this stage of the plan making process, it is not necessary or helpful to include the candidates for this designation. This might cause confusion and is part of the background work on the Plan rather than forming part of the document now at its latter stages of drafting.

- **Change “...policy map...” in the first sentence of the policy to “*Local Green Spaces Policy Map*”**
- **Delete “...in accordance with paragraphs 76, 77 and 78 and the NPPF (“The Framework”)” from the policy**
- **Add a title to the map on page 38 of the Plan to read “*Local Green Spaces Policy Map*”**
- **Change “Policies” in paragraph 8.42 to “*Policy*”**
- **Delete paragraph 8.41 and the table on page 37 of the Plan**
- **Update the NPPF paragraph references in paragraph 8.43 of the Plan to “*paragraphs 99, 100 and 101*”**

Policy 5: Bat Conservation Policy

The Plan area falls within the Bath and Bradford on Avon Bats SAC. WC has published a Trowbridge Bat Mitigation Strategy Supplementary Planning Document Draft February 2019 (TBMS) which is being progressed alongside the WHSAP. Policy 5 seeks to ensure that any development within the Plan area addresses the impact on bats from development through compliance with the TBMS which is recognised as guidance in the policy.

The policy reflects the NPPF’s stance on the protection and enhancement of biodiversity.⁴⁰

The policy is clearly worded, but has no title. Subject to this modification, the policy will meet the basic conditions; in particular it will be in general conformity with CS Core Policy 50.

⁴⁰ NPPF paras 174 and 175

- **Add a title to the policy that reads: “*Bat Conservation*”**

Policy 6: Infrastructure Priorities

Policy 6 sets out the community’s priorities for infrastructure through developer contributions.

As well as referring generally to all housing and employment proposals, it specifically refers to Ashton Park and Elm Grove Farm. These are proposed strategic housing sites.

It is not appropriate for the policy in this Plan to do anything other than set out a list of local infrastructure needs to ensure that the Parish can grow in a sustainable way and to set out local priorities. To do otherwise may compromise the delivery of these strategic sites.

To add clarity so that the policy provides a practical framework for decision-making in line with national policy and guidance, modifications are recommended. Subject to these modifications, the policy will meet the basic conditions and particularly add local detail to CS Core Policy 3.

- **Change the title of the policy to “*Local Infrastructure Priorities*”**
- **Delete the words “...in proportion to their scale and...” from the first sentence of the policy and correct “*Wilshire*” to “*Wiltshire*”**
- **Delete the second sentence of the policy in its entirety**

Policy 7: Parish Burial Ground

Recognising that there will be a need for further burial space, this policy supports a burial ground in principle. It is clearly worded and meets the basic conditions. No modifications are therefore recommended.

9.0 Informal Community Actions

This section contains a number of community actions. The section appears separately in the Plan which explains its status. The section reads clearly.

10.0 Monitoring

Although there is no requirement to monitor or review neighbourhood plans, this section sets out the Parish Council's intention to monitor the effectiveness of the Plan. I welcome this as a point of good practice.

The Plan explains that the monitoring to be undertaken will help to identify any need for a review. Given that the WHSAP has reached the latter stages of its production and WC is also embarking on a review of the CS, it may well be the case that an early review of this Plan would be beneficial.

Appendices

A number of appendices are included.

Appendix 1 is a list of the evidence base.

Appendix 2 is a map of the Plan area.

Appendices 3a and 3b show nature and bat core areas.

Appendix 4 shows heritage assets. A reference should be included about seeking the latest available information as this information may change throughout the lifetime of the Plan. Representations also refer to Manor Farm House being listed, but not shown on any plan. If this is the case a check should be made to ensure all listed buildings are included in this appendix.

Appendix 5 consists of two maps showing river and surface water flood risk. A reference should be included about seeking the latest available information as this information may change throughout the lifetime of the Plan.

Appendix 6 refers to open space data. Paragraph 5.35 on page 15 of the Plan refers to this appendix, but does so as Appendix 8. This typo should be corrected.

Appendix 7 shows the location of Ashton Park.

Appendix 8 is the response to the WHSAP. Although this appendix is referred to in paragraph 8.17 on page 29 of the Plan (incorrectly as Appendix 9), I consider it would be better as a separate document to avoid any confusion as it is the Parish Council's representation on the WHSAP.

Appendix 9 is a table of windfall development.

Appendix 10 is acknowledgements.

- Add a sentence to Appendix 4 that reads: *“The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.”*
- Ensure all listed buildings are shown on the map in Appendix 4
- Add a sentence to Appendix 5 that reads: *“The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from the Environment Agency or other reliable sources of information.”*
- Delete Appendix 8
- Change “Appendix 8” in paragraph 5.35 on page 15 of the Plan to “Appendix 6”
- Consequential amendments will be needed

8.0 Conclusions and recommendations

I am satisfied that the North Bradley 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 North Bradley 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 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 North Bradley Neighbourhood Development Plan should proceed to a referendum based on the North Bradley Neighbourhood Plan area as approved by Wiltshire Council on 4 January 2017.

Ann Skippers MRTPI
 Ann Skippers Planning
 2 December 2019

Appendix 1 List of key documents specific to this examination

North Bradley Neighbourhood Plan 2018 – 2026 Submission Draft July 2019

Basic Conditions Statement July 2019

Consultation Statement Submission Version July 2019

Strategic Environmental Assessment Scoping Report September 2018 (Planning Street/Aecom)

Strategic Environmental Assessment Environmental Report July 2019 (Aecom)

Habitats Regulations Assessment Final Screening Draft April 2019

Planning Scoping Report September 2018

Parish Housing Needs Survey Report February 2018

Landscape and Visual Setting Analysis September 2018 (Indigo Landscape Architects)

Wiltshire Core Strategy adopted 20 January 2015

West Wiltshire District Plan First Alteration adopted June 2004

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

Wiltshire Housing Site Allocations Plan Schedule of Further Main Modifications September 2019

Trowbridge Mat Mitigation Strategy SPD Draft for Consultation February 2019

Various documents referred to in the Plan at Appendix 1

Other supporting documents on <http://www.northbradley.org.uk> including the Site Selection Report January 2019

List ends