

Pewsey Parish Council

Pewsey Neighbourhood Development Plan

Submission Version September 2014

Independent Examiner's Report

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Summary

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

The Pewsey Neighbourhood Development Plan recognises that Pewsey has an important role to play as a Local Service Centre and that modest growth will be needed whilst recognising, protecting and enhancing the many and varied attributes the area has. Located in the North Wessex Downs Area of Outstanding Natural Beauty, Pewsey boasts its own white horse and many buildings which are listed or locally important.

The Plan tackles the delicate balance between providing facilities for residents, businesses and tourists whilst not destroying the very features that attract people to Pewsey in the first place. It seeks to reverse the Conservation Area 'at risk' designation.

Further to consideration of its policies I have recommended a number of modifications to policies in the Plan that are intended to ensure that the basic conditions are met satisfactorily and that the Plan is clear and consistent.

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 delighted to recommend that the Pewsey Neighbourhood Development Plan goes 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.

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17 April 2015

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1.0 Introduction

1. This is the report of the independent examiner into the Pewsey Neighbourhood Development Plan (the Plan).

2. 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.

3. Pewsey Parish is located in the Vale of Pewsey and forms part of the larger Pewsey Community Area. Pewsey village is one of the largest villages in Wiltshire and as such it is designated a Local Service Centre (LSC) for services and employment and provides a range of services and facilities for the surrounding rural community. It has good transport links including a mainline railway station. As well as being located in the heart of a rural area and within the North Wessex Downs Area of Outstanding Natural Beauty (AONB), Pewsey has its own white horse and is close to Marlborough and Devizes and the World Heritage Site of Stonehenge and Avebury. At the centre of the village is a Conservation Area that has been identified by English Heritage as being 'at risk'.

2.0 Appointment of the independent examiner

4. I have been appointed by Wiltshire Council with the agreement of Pewsey Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS).

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

3.0 The role of the independent examiner

6. The examiner is required to check¹ 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

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

- 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.

7. 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).

8. The basic conditions² 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.

9. Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two basic conditions in addition to those set out in primary legislation and referred to in the paragraph above. These are:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site³ or a European offshore marine site⁴ either alone or in combination with other plans or projects, and
- Having regard to all material considerations, it is appropriate that the neighbourhood development order is made where the development described in an order proposal is Environmental Impact Assessment development (this is not applicable to this examination as it refers to orders).

10. The examiner must then make one of the following recommendations:

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

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

³ As defined in the Conservation of Habitats and Species Regulations 2012

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

11. 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.

12. 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.

4.0 Compliance with matters other than the basic conditions

13. I now check the various matters set out above in section 3.0 of this report.

Qualifying body

14. Pewsey Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This complies with this requirement.

Plan area

15. The Plan area is contiguous with the Parish Council administrative boundary. Wiltshire Council approved the designation of the area on 28 May 2013. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. Section 4.0 on page 4 of the Plan explains the rationale for the Plan area and Map 1 in Appendix 5 on page 26 shows the area.

Plan period

16. The Plan covers a period of 2006 to 2026 to align with the Wiltshire Core Strategy as confirmed in the Basic Conditions Statement. The Plan itself states that it covers the period up to 2026 at the start of the Plan. However, it would be helpful to include the dates on the front cover of the Plan as well.

- **Include the dates to which the Plan relates on the front cover as well as in the Plan itself and add the start date of the Plan period to the Introduction section**

Excluded development

17. 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

18. 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. Where I consider a policy or proposal to fall within this category, I have recommended it be moved to a clearly differentiated and separate section or annex of the Plan or contained in a separate document. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but non-land use matters should be clearly identifiable.⁵ Subject to any such recommendations, this requirement can be satisfactorily met.

5.0 The examination process

19. It is useful to bear in mind that the examination of a neighbourhood plan is very different to the examination of a local plan.

20. The general rule of thumb is that the examination will take the form of written representations.⁶ However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case.

21. After consideration of the documentation and all the representations, I decided it was not necessary to hold a hearing.

22. I undertook an unaccompanied site visit to Pewsey and its environs on 21 and 22 March 2015.

23. During the course of the examination it was necessary to clarify a number of factual matters. These related to the dates of the pre-submission consultation stage, whether or not a Strategic Environmental Assessment screening opinion had been produced, the status of the Kennet Local Plan following adoption of the Wiltshire Core Strategy and a request for a copy of the Housing Needs Survey.

24. I would also like to record my thanks for the exemplary support and quick responses that the officer at Wiltshire Council (WC) has given me during the course of the examination.

25. The Parish Council also sent me a short letter of response on the Regulation 16 representations dated 18 March 2015.

⁵ Paragraph 004 of Planning Practice Guidance

⁶ Schedule 4B (9) of the Town and Country Planning Act 1990

26. I have also specifically referred to some representations and sometimes identified the person or organisation making that representation. However, I have not referred to each and every representation in my report. Nevertheless each one has been considered carefully and I reassure everyone that I have taken all the representations received into account during the examination.

27. Where I recommend modifications in this report they appear in **bold text**. Where I have suggested specific changes to the wording of the policies they appear in ***bold italics***.

6.0 Consultation

28. The Parish Council has submitted a Consultation Statement which provides details of who was consulted and how, together with the outcome of that engagement process.

29. A variety of methods have been used to engage with, and consult, different organisations and groups of people. This has included web-based methods, meetings, questionnaires and local media. Existing networks were also used. A range of groups and organisations have been engaged including the Police, North Wessex AONB Unit, Wiltshire Wildlife Trust, local businesses and nearby Parishes which form the wider Community Area. Meetings were also held at Pewsey Vale School and with the Youth Council/Youth Advisory Group.

30. Notwithstanding the details in the Consultation Statement, it was not clear to me when consultation had been carried out and so this was something I sought to clarify as a factual matter. The pre-submission draft of the Plan together with the draft Sustainability Appraisal/Strategic Environmental Assessment (SA/SEA) was published for six weeks consultation from 1 November – 14 December 2014.

31. Given that the Regulation 14 pre-submission consultation period is not explicitly referred to in the Consultation Statement, I consider that it would be useful to add an addendum or similar to the Statement so that this is recorded for reasons of clarity and to avoid any doubt arising in the future.

- **Add information about the pre-submission consultation period and its dates to the Consultation Statement**

32. Regulation 16 consultation was carried out between 3 November – 17 December 2014. This attracted a number of representations which I have taken into account in preparing this report.

33. A number of representations seem to feel that the Plan could have gone further in its vision and its policies. This is of course a matter for the qualifying body. I do however note that in a number of places the supporting text to policies covers more ground than the policy itself. For instance the supporting text to Policy 6 outlines a

number of intentions in paragraph 7.44 ranging from good quality design and high environmental standards to flood risk considerations. Many of these intentions are laudable and also cover some points made in representations that the Plan does not deal adequately with environmental or climate change considerations. As these intentions are in the supporting text they do form part of the Plan. However, these matters could have had more 'bite' had they been included in the policy itself. This is an issue that should the Plan be reviewed the Parish Council may like to bear in mind.

34. Some representations refer to proposed development at Astley Close and Ball Road, which I understand from the Parish Council's response, are the subject of current planning applications. Neither of these sites form part of any policies or proposals in the Plan.

35. Others wanted alternative or different sites to be included or wanted the Plan to cover other matters. In particular land adjoining Salisbury Road⁷ is promoted for a mixed use of housing and employment together with accompanying tourism and environmental elements, and sport/recreation provision and the promotion of healthy communities issues together with the allocation of land at Wilcot Road for a community sports hub.⁸ The Plan does not have to deal with all issues comprehensively and my role is to examine what is before me.

36. A high number of representations confirmed support for the Plan.

37. Overall, despite the deficiencies of the Consultation Statement itself, there is sufficient content and information available to me that the Plan has emerged as a result of seeking, and taking into account, the views of the community and other bodies and that sufficient consultation has taken place in accordance with the Regulations.

7.0 The basic conditions

National policy and advice

38. The main document that sets out national planning policy is the National Planning Policy Framework (the NPPF) published in 2012. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.⁹

⁷ Representation from Kemp & Kemp

⁸ Representation from Fowler Architecture and Planning Ltd

⁹ National Planning Policy Framework (2012) paras 14, 16

39. The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹⁰

40. On 6 March 2014, the Government published a suite of planning guidance. This is an online resource available at www.planningguidance.planningportal.gov.uk. The planning guidance contains a wealth of information relating to neighbourhood planning and I have had regard to this in preparing this report. This is referred to as Planning Practice Guidance.

41. The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹¹

42. Planning Practice Guidance indicates that a policy should be clear and unambiguous¹² to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that it should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.

43. The Basic Conditions Statement takes each of the 12 core planning principles in the NPPF and sets out how the Plan has responded to national guidance.

Sustainable development

44. A qualifying body must demonstrate how a neighbourhood plan contributes to the achievement of sustainable development. The NPPF as a whole¹³ constitutes the Government's view of what sustainable development means in practice for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.¹⁴

45. The Basic Conditions Statement and the Sustainability Appraisal/Strategic Environmental Assessment, which I discuss later, offer an explanation of how the Plan contributes to the achievement of sustainable development.

The development plan

46. The development plan consists of the Wiltshire Core Strategy Development Plan Document (WCS) which was formally adopted on 20 January 2015 and the saved

¹⁰ National Planning Policy Framework (2012) para 184

¹¹ *Ibid* para 17

¹² Planning Practice Guidance para 041

¹³ National Planning Policy Framework (2012) para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

¹⁴ *Ibid* para 7

policies of the Kennet Local Plan 2011 (KLP). I note that the WCS was adopted after the Plan was submitted to Wiltshire Council.

47. The WCS provides a framework for Wiltshire up to 2026. The WCS identifies 18 Community Areas including one that includes the neighbourhood plan area at Pewsey.

48. The WCS identifies Pewsey as a Local Service Centre (LSC); defined as smaller towns and larger villages that serve a rural hinterland and possess a level of services and facilities that, together with local employment, provide the best opportunities outside the market towns, for greater self-containment. The WCS states that the level of development at LSCs will be closely linked to their current and future role of providing for a significant rural hinterland, but this should provide for local employment opportunities, improved community facilities and/or affordable housing provision to safeguard the role of the settlement and support the more rural communities of Wiltshire.¹⁵ Modest levels of development in the LSCs are provided for to safeguard their role and to deliver affordable housing.¹⁶

49. The Pewsey Area Strategy¹⁷ describes Pewsey as one of the largest villages in Wiltshire with an important services and employment role and Core Policy 18 identifies locally important employment sites including Salisbury Road Business Park in Pewsey and indicative figures for housing delivery in the period up to 2026.

50. Looking further ahead, Wiltshire Council is preparing a Housing Site Allocations Development Plan Document. As well as identifying land across Wiltshire for housing development, it will also review settlement boundaries as appropriate. The Council has confirmed that, at this stage, it is not proposed to seek sites in Pewsey because new housing is proposed through delivery of the neighbourhood plan. At the time of writing (March 2015), the Housing Site Allocations Development Plan Document is currently out for informal consultation until 31 March 2015.

51. The Basic Conditions Statement addresses both the WCS and the KLP as appropriate.

European Union Obligations

52. A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant.

Strategic Environmental Assessment

53. 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

¹⁵ Wiltshire Core Strategy page 22

¹⁶ Wiltshire Core Strategy Core Policy 1 page 24

¹⁷ *Ibid* page 98

UK law through the Environmental Assessment of Plans and Programmes Regulations 2004.

54. The Parish Council has prepared a document called the 'Sustainability Appraisal Scoping Report' dated September 2014. This explains that it was considered that the Plan would have significant environmental effects although a formal SEA screening opinion was not undertaken. Although the report rightly recognises that a neighbourhood plan does not have to have a sustainability appraisal (SA), the Parish Council decided to undertake a SA to include the social and economic impacts as part of its work rightly recognising that a SA can often be a useful way of demonstrating how the Plan contributes to the achievement of sustainable development.

55. The document refers to various guidance, but does not appear to include some very useful guidance on the planning practice guidance website. However, the report covers the necessary issues for this scoping stage identified on that website as it contains a review of policies, plans and programmes, baseline information, identifies sustainability issues and problems for Pewsey Parish and develops a SA/SEA framework. The Scoping Report also confirms that the three statutory consultees were consulted over a five-week consultation period in April/May 2013 held and that their responses were taken into account.

56. The Sustainability Appraisal/Strategic Environmental Assessment is the Environmental Report. This document develops and assesses options and reasonable alternatives, considers mitigation measures and monitoring as well as outlining reasons for the selection and rejection of options. It is appropriate bearing in mind both the content and level of detail in the Plan.

57. Whilst there is no non-technical summary as required by the Regulations which is identified as such, Appendix 6 indicates that Section 9 of the document on page 79 should be regarded as a non-technical summary. Therefore for clarity and completeness a copy of Section 9 should be made and identified as the non-technical summary and be made available separately at the start of the document or as a separate document whichever is preferred.

- **Copy section 9 on page 79 of the SA/SEA, identify it as the non-technical summary and make available as a separate document or identify it as such at the start of the SA/SEA**

European Convention on Human Rights (ECHR)

58. An Equalities Impact Assessment has been prepared. The Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. There is nothing in the Plan that leads me to conclude there is any breach of the Convention or that the Plan is otherwise incompatible with it.

Habitats Regulations Assessment/other Directives

59. There are no European sites within the Plan area, although Pewsey Downs Special Area of Conservation which forms part of the North Wessex Downs AONB is within 5km of the Plan area. WC has confirmed that a Habitats Regulations Assessment is not required and that screening opinion is included in the Sustainability Appraisal/Strategic Environmental Assessment at Appendix 9.¹⁸

60. I am not aware of any other European Directives which apply to this particular neighbourhood plan and in the absence of any substantive evidence to the contrary, I am satisfied that the Plan is compatible with EU obligations.

8.0 Detailed comments on the Plan and its policies

61. In this section I consider the Plan and its policies against the basic conditions. As a reminder, 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***.

1.0 Introduction

62. This short section sets the scene for the Plan. As indicated earlier in this report, it would be helpful to set out the time period for the Plan to include the start date as well as the end date.

2.0 Planning Policy Context

63. This section refers to the Kennet Local Plan (KLP) and the Wiltshire Core Strategy (WCS). There are a number of instances where the Plan would benefit from some updating. For example, some of the KLP policies have now been replaced by WCS policies. I do appreciate however that some of these matters have moved on since this version of the Plan was written. In other places some detail such as the abolition of the regional spatial strategy is arguably unnecessary to include. In others additional clarity would result if information was reworked and set out in sequential time such as the area designation appearing before information on the scoping report, but there is no need for me to recommend any modifications in order to ensure that the Plan meets the basic conditions. Some paragraph numbers in this section are missing. For ease of reading and clarity I recommend that consideration be given to updating this particular section and completing the numbering. It would of course also be useful to double check whether any other sections of the Plan similarly need updating.

- **Update this section of the Plan and complete the paragraph numbering**

¹⁸ Page 109 of the Sustainability Appraisal/Strategic Environmental Assessment

3.0 Physical Context

64. This section provides a useful scene-setting introduction to the Plan area and contains much useful information.

4.0 Area Covered by the Plan

65. This section confirms the area covered by the Plan and explains its rationale.

5.0 Vision of the Plan

66. Whilst this section moves away from more commonly found visions that comprise an overarching short statement, it explains what the basis of the Plan is and what it sets out to achieve.

6.0 Main Objectives of the Plan

67. Ten objectives are identified; all with the exception of the tenth objective relate to planning issues and are clearly articulated. The tenth objective is to consider comments from primary consultees. Given the stage the Plan has reached and that this is not related to the development and use of land however admirable the objective is, I recommend that objective 10 should be deleted.

- **Delete objective 10**

7.0 Policies

68. A couple of introductory paragraphs explain that policies cover a range of topics. Each policy is preceded by a table that sets out the links between the policy, the Plan's objectives, the WCS and the NPPF and then supporting text outlining the background and intention of the policy. The policy itself then appears in a blue and green box which means that the policy is distinguished from any accompanying text. This is then followed by a justification.

Theme 1: Policy 1 - Development Strategy

69. This policy has two strands; firstly it steers development to brownfield sites permitting development on greenfield sites where "no suitable brownfield sites are available". This reflects the NPPF's stance in encouraging the reuse of brownfield land and directing development away from land of high environmental value recognising the

AONB designation. Whilst recognising in rural areas the supply of brownfield land is often limited, this stance also reflects the delivery strategy of the WCS.

70. However, the phraseology may well lead to ambiguity and argument. One representation suggests replacing the word “suitable’ with “deliverable” defining deliverable as sites that are available now, offer a suitable location for development and are achievable with a realistic prospect that housing will be delivered in five years and that development of the site is viable (matching the definition of deliverable in the NPPF).¹⁹ I agree that a more precise phrase is needed and that the phrase selected should be capable of ensuring that the development needed is delivered. However, given that the Plan extends to 2026, I suggest that the word “developable” is substituted to provide more of a practical framework and take my lead from the definition in the NPPF. This states that to be considered developable sites should be in a suitable location and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.²⁰

71. Secondly, the Plan identifies, and the policy refers to, a Limit of Development (LoD) around the village. This is shown on Map 1 on page 26 of the Plan and in more detail on Map 3 on page 28. It would be helpful if reference could be made to both of these maps either in the policy or in its supporting text so that there is a cross-reference to the extent of the village boundary.

72. The proposed LoD boundary is the same as the LoD boundary in the Kennet Local Plan. These settlement boundaries have been carried forward into the WCS and retained. Some representations sought changes to the LoD boundary, but the LoD boundary mirrors that retained in the WCS and there is no need for me to reduce it as some of the representations seek in order for the Plan to meet the basic conditions.

73. In any case the settlement boundaries are in fact under review as part of the Wiltshire Housing Site Allocations Development Plan Document (DPD) which is out for informal consultation until 31 March 2015 following on from the Inspector’s comments at the time of the examination into the WCS. The Inspector indicated that it would be timely to undertake such a review and went as far as stating that “it cannot be argued with great strength that the settlement boundaries...are up to date for the purposes of the CS plan period.”²¹

74. Some representations express concern about the validity of the LoD boundary against the background of national policy and guidance and the need to plan positively and in the light of the Inspector’s comments. Whilst the preparation of this Plan provided an opportunity to review the LoD, and indeed it seems to me that that has been done and it has been determined that no change is necessary, I am also aware that the Inspector’s comments came at a point when significant work and consultation on this Plan had already been carried out. In addition the review is now being undertaken by WC at a strategic level and once completed will take precedence over

¹⁹ Representation from Persimmon Homes Wessex

²⁰ National Planning Policy Framework (2012) page 12

²¹ Para 36 of the Inspector’s Report as appended to a representation from Fowler Architecture and Planning Ltd

this Plan should the LoD change. In my view the LoD in the Plan accords with the LoD put forward in the development plan i.e. the KLP and the WCS, and meets the basic conditions at this point in time.

75. The LoD is used in Policy 1 to steer development to within the village boundary. There is considerable community support for directing development within this boundary which is currently under review by Wiltshire Council. This policy acts as a strategy for the location of development and uses a well-established mechanism to do this. Furthermore, the second criterion of the policy recognises that in certain circumstances, described in the policy as “exceptional”, there are occasions when development outside the LoD may be acceptable. This will be brought forward through a site allocation DPD, a community planning document or as an exceptions site. Therefore whilst the policy steers development it also has sufficient inbuilt flexibility as it does not preclude development outside the LoD and therefore helps to plan positively for the area.

76. Representations express concern about the phraseology used with regard to “exceptional circumstances”, but the policy chimes with the WCS which indicates that in general development outside the defined limits of development will not be supported unless it springs from community-led planning documents. This is reinforced by WCS Core Policy 2 which in turn refers to paragraph 4.25 of the WCS which uses the word “exceptions” albeit in inverted commas.

77. In addition the phrase “community planning document such as a Masterplan...” is not precise enough and Masterplans for example would not have the same status as the development plan document referred to in the policy. For precision then and to better reflect WCS Core Policy 2 this phrase should be changed to refer to neighbourhood plans.

78. With regard to the intention and justification of the policy, it is clear that the community seeks to direct most development to within the LoD and to brownfield sites, but accepts that in certain circumstances development outside the LoD boundary and on greenfield sites may be acceptable. This reflects the stance taken by national policy and guidance, is generally compatible with the policies of the development plan and will help to achieve sustainable development. **Therefore with both modifications recommended below, the policy meets the basic conditions:**

- **Substitute the word “suitable” where it appears in criteria 1 and 2 with the word “developable” and add the NPPF definition of ‘developable’ to the supporting text**
- **Change the wording of the second bullet point of criterion ii. to read “*the development is brought forward through a site allocations development plan document or through a neighbourhood plan or as a rural exceptions site defined by the Core Strategy*”.**
- **Add reference to Maps 1 and 3 in Policy 1 or its supporting text**

Theme 2: Policy 2A – The Economy

79. This policy does two things; it encourages the development of mixed use developments and secondly supports business uses on three existing employment sites, on windfall sites and through the conversion and adaption of existing buildings. These are important aims of the Plan and are seen as helping to balance housing development with employment opportunities. These elements of the policy align with the NPPF's core planning principle to drive and support sustainable economic development and one of the strategic objectives in the WCS to deliver a thriving economy. The WCS identifies the reduction of out-commuting as perhaps the most important strategic challenge and the improvement of self-containment to ensure that a range of employment opportunities are available. It also indicates that the loss of small employment sites in Pewsey has been an issue in recent years.²² This policy will help to achieve the Pewsey Area Strategy in the WCS and would accord with WCS Core Policies 18 and 34.

80. Business use is supported on existing employment sites namely the Fordbrook Business Centre, the Fordbrook Industrial Estate and the Salisbury Road Business site. The Salisbury Road site lies outside the LoD. All three sites are shown on Map 4 on page 29. Again it would be useful to cross-reference this map in the policy itself or the supporting text. In addition Map 4 is entitled "possible" employment and housing sites. Given the Plan identifies these sites, the word "possible" should be deleted.

81. The policy also sets a threshold of 50% of business development before above ground construction begins on residential development on all mixed use developments including on a specific site known as Marlborough Road (criterion iii. of the policy).

82. Whilst I understand the desire to ensure that business development is achieved, this criterion imposes a fairly onerous requirement on mixed use schemes and one that might well adversely affect the viability and the deliverability of such schemes; a key element of the NPPF and similar points are made in representations. I note that whilst the WCS seeks employment land to be delivered in the early stages of mixed use development, this applies to mixed use strategic sites and is to be achieved through master planning and legal agreement and none of the development templates for these strategic sites (in the WCS) specify a figure of employment land to be delivered in an early phase. In addition there is little evidence in this Plan or its supporting documents to support such a requirement in this location. Therefore this criterion does not take sufficient account of the NPPF and is more onerous than the WCS and therefore should be deleted in order for the policy to meet the basic conditions.

83. The recommended deletion of this criterion also deals with a lack of clarity over references to Marlborough Road and Policy B2 to be found in the policy. It was not clear to me what these references related to and there is no Policy B2 in the Plan (I suspect this is simply a typographical error and it is meant to refer to Policy 2B).

²² Wiltshire Core Strategy page 99

84. In order to meet the basic conditions, the following modifications are recommended:

- **Add reference to Map 4 in Policy 2A or its supporting text**
- **Delete the word “possible” from the title of Map 4 on page 29 of the Plan**
- **Delete criterion iii. from Policy 2A in its entirety and renumber criterion iv. as iii.**

Theme 2: Policy 2B – The Economy

Marlborough Road and Salisbury Road sites

85. The first element of this policy permits mixed use at a site known as Marlborough Road. Both the KLP (saved Policy ED5) and the WCS (Core Policy 18) identify this site as an employment site and this site is specifically mentioned in the WCS Pewsey Area Strategy. WCS Core Policy 18 recognises the Salisbury Road Business Park as a locally important rural employment site and requires 2 hectares of new employment land to be delivered in the Pewsey Community Area including 1.66 hectares at Marlborough Road.

86. The second element of this policy permits expansion of an existing employment site at Salisbury Road to ‘compensate’ for the loss of employment land at Marlborough Road if it is to be developed for mixed use and to deliver the employment land requirement identified in the WCS Core Policy 18.

87. The underpinning strategy of the WCS is to balance jobs, services and facilities and homes. It is an economic-led strategy. One of the key principles is to take a flexible and responsive approach to employment land delivery and that includes ensuring new land is identified for growth and that a range of sites is provided.²³ The WCS recognises that it provides the overall direction, but communities decide how best to plan locally. A key component is to improve the self-containment of settlements and to ensure that development is provided in sustainable locations in response to local needs.

88. The employment site allocation is long standing. In fact the WCS identifies that the loss of small employment sites in Pewsey has been an issue in recent years and for this reason, opportunities to bring forward the saved allocation at Marlborough Road should be investigated through the neighbourhood plan process.²⁴ It seems to me that the Plan has taken the opportunity to review this allocation and has decided that locally if, given its location and context, it would be best if the Marlborough Road site was developed for mixed use. This seems likely to kickstart development on this site, the housing element would contribute to the overall need for housing in Pewsey and an element of employment land would be retained. Therefore in itself this element of the policy would take account of national policy and help to achieve sustainable development.

²³ Wiltshire Core Strategy pages 1 and 2

²⁴ *Ibid* page 99

89. It seems to me also right that the Plan then recognises the importance of employment land by making another allocation that seeks to ‘compensate’ for a documented need on another site. As currently worded the policy also accommodates more employment land than would be needed for a ‘direct swap’, if I might put it like that, to accord with WCS Core Policy 18. The obvious starting point for this would be other existing sites and that exercise has been carried out and the Fordbrook Business Centre and Industrial Estate ruled out. Salisbury Road is an existing site, but falls outside the LoD. Nevertheless it is close to, if not contiguous with the settlement. An assessment has been made of the site’s suitability for such an allocation and this also seems to me to be a proportionate approach.

90. The policy then seems to me in principle to be in general conformity with the strategic policies of the development plan including WCS Core Policy 34 (which supports the delivery of additional employment provision and allows new employment development adjacent to LSCs). It is also done in the spirit of the WCS which places considerable emphasis on support for proposals that arise through community-led planning documents such as neighbourhood plans. Given the emphasis in national policy and guidance on a strong, competitive economy, it also accords with that basic condition and will help to achieve sustainable development.

91. I am however mindful that the Salisbury Road site falls within an AONB which the NPPF reminds us has the highest status of protection in relation to landscape and scenic beauty. WCS Core Policy 51 seeks to ensure that development protects, conserves and enhances landscape character and the modification takes its lead from that policy.

92. Representations also express some concern about traffic. It is therefore necessary in the interests of ensuring that the policy provides a clear, unambiguous and practical framework in line with the NPPF to make some modifications to the policy. This will also include specifying a figure for each site to ensure that it achieves what it sets out to do and also aligns with Policy 6 later on in the Plan.

93. The policy as currently worded refers to paragraphs in the supporting text and relies on these to provide the policy’s requirements. Supporting text to a policy has a different function and status to the wording in a policy itself. Therefore for the policy to meet the basic conditions the following modifications are needed:

- **Reword Policy 2B as follows:**

“i. A mixed use development comprising residential development and a minimum of 0.5 hectares of employment uses on land at Marlborough Road and identified on Map 4 will be permitted.

ii. A minimum of 1.5 hectares of employment land on land at Salisbury Road Business site and identified on Map 4 will be permitted subject to the development demonstrating that account has been taken of the North Wessex Downs AONB Management Plan and that development protects, conserves and where possible enhances landscape character. Therefore the development

of this site must include high quality design and landscape measures to ensure that the development is satisfactorily integrated into the landscape and the development should not have a harmful effect on traffic in the area.”

- **Paragraph 7.18 should be deleted in its entirety and subsequent paragraphs will need to be renumbered**

Theme 2: Policy 3 – The Economy Service Centre Provision

94. Policy 3 supports services and community facilities that enhance Pewsey’s role as a LSC. In addition the change of use of residential properties to ‘service’ uses including retail is supported. The third strand of the policy resists the change of use of existing offices, retail or employment uses to residential.

95. The policy supports Pewsey’s role as a LSC and takes account of local circumstances. It aligns with the strategy of the WCS which places an emphasis on economic growth as a driving force and meets the needs of business. Useful and further information about the intent of the policy is contained in the supporting text. Whilst a representation expresses concern about how much business can realistically be supported and it could be said that the conversion of offices etc. to residential does not align with the Government’s stance, criterion iii. of the policy is worded sufficiently flexibly. The policy therefore meets the basic conditions and no modifications are recommended.

96. The supporting text at paragraph 7.23 on page 10 of the Plan refers to the Wiltshire Council Campus Project and a possible move for the centrally located Police Station to the leisure centre. A representation comments that the Police should maintain a presence in the centre of the village whilst another representation expresses disappointment that there is no immediate development plan for this site. However, both these points go beyond my remit although I am sure the Parish Council will take note.

Theme 2: Policy 4 – The Economy Tourism Development

97. Pewsey is a popular tourist destination with various attractions in or close by to the Parish as well as the AONB, the Kennet and Avon Canal and Savernake Forest. This policy seeks to support the development of tourism. This accords with the NPPF which recognises that sustainable tourism can help to promote a strong rural economy and reflects the spatial vision for Wiltshire in the WCS which encourages tourism as a growth sector as well as WCS Core Policies 39 and 40. One of the aspirations of the Pewsey Area Strategy in the WCS is to promote Pewsey as a heritage village for tourism. The policy therefore meets the basic conditions and no modifications are recommended.

Theme 3: Policy 5 – Natural Environment

98. Policy 5 has two strands to it. Firstly it seeks to maintain and enhance wildlife habitats. It lists improvement works to three areas as local priorities. The second strand of the policy supports the enhancement of landscape and nature and again sets out a list of local priorities.

99. This policy accords with the basic conditions. The conservation and enhancement of the natural environment including landscape, but also the wider countryside is supported. Pewsey lies in the Vale of Pewsey and has a rich and varied natural environment including valued green spaces and landscape and wildlife habitats. The Parish falls within an AONB and there are a number of Sites of Special Scientific Interest. The river and canal contribute to the overall quality of the area. This policy aligns with national policy and guidance and supports the more detailed WCS Core Policies 50 and 51 which refer to biodiversity and geodiversity and landscape respectively. No modifications are therefore recommended.

Theme 4: Policy 6 – Housing

100. This policy has three strands to it; firstly an ‘in principle’ approval for housing development on sites that are listed in Appendix 1 of the Plan, secondly the provision of affordable housing and lastly the allocation of affordable housing.

101. Taking each of those three strands in turn, it is of course acceptable for the Plan to allocate sites for housing. However, I consider that it would be preferable if those sites were identified in the policy itself rather than in an appendix. This is because this would be clearer, more practical and unambiguous in line with national policy and guidance.

102. In turning to Appendix 1, it contains an analysis of the numbers of houses required. There are no policies in the Plan that seek to impose a number, target or upper limit of housing numbers although the information is repeated in the supporting text. Indeed the policy does not set out any figures for each of the proposed allocations. A representation²⁵ demonstrates that the capacity of one of the allocated sites is more than the figure indicated in the Appendix. Given that the figures are not listed in any policy, I consider there is no need for me to explore the specifics of the numbers or the methodology further and Appendix 1 be regarded simply as being for information purposes only. It should be made clear that this is its purpose and the supporting text to the policy should be revised and reference to any figures deleted.

103. I am also mindful that the WCS was adopted recently and as part of that examination the Inspector requested a review of settlement boundaries which is now being undertaken and made it clear that the 600 houses allocated for the Pewsey Community Area was not a target and that additional housing might be needed. The

²⁵ Representation on behalf of Gleeson Strategic Land in relation to the Old Hospital Site Phase III

WCS²⁶ describes this figure of 600 as “an indicative requirement” whilst WCS Core Policy 18 uses the word “approximately” before the figure of 600. I am confident that the Plan acknowledges the role that Pewsey has as a LSC and mindful that the recently adopted WCS considers Pewsey to be suitable for modest growth.

104. The Appendix is however important to Policy 6 as it is currently drafted because a bullet point towards the bottom of page 21 names two sites as being allocated in the Plan. However, Map 4 identifies a further site “behind the Crown Inn” as a proposed site for housing, but this third site appears in Appendix 1 as “subject to an outstanding planning application”. This inconsistency gives rise to considerable confusion. In my judgment the written word has precedence over the Map. Furthermore this site does not seem to have been part of any SA/SEA assessment.

105. A further complication arises as paragraph 7.44 on page 14 proposes a further site the former Police Station site. This site is not shown on Map 4 and does not appear to be mentioned explicitly in Appendix 1.

106. Therefore my recommended modification will only refer to the two sites that I am certain the Plan seeks to allocate. I am also comforted by the fact that this course of action would not prevent land behind the Crown Inn or the former Police Station site or indeed other sites potentially coming forward through the development management process or another mechanism subject to compliance with other planning policies. As a consequence Map 4 will need to be revised.

107. Therefore the two sites that Policy 6 will allocate are Marlborough Road and the Old Hospital Phase III Site.

108. With regard to the Marlborough Road site, this is also subject of Policy 2B which permits mixed use on the site consisting of 0.5 hectare employment land and the remaining land for housing. Clearly Policies 2B and Policy 6 need to be internally consistent with each other. For this reason I have recommended modification to both policies to ensure that this occurs.

109. Representations caution about traffic and access for the Old Hospital Phase III Site, but matters of this nature would normally be resolved at a more detailed planning application stage. As far as I can see the SA/SEA considers two options; the first not to allocate the site and the second to allocate the site, but as I have made clear I do not consider the allocation of these two sites prevents other sites from coming forward to be assessed as part of a wider review or through the development management process. In fact the allocation of these two sites help to deliver the housing growth needed and will help to achieve sustainable development.

110. Turning now to the second strand of the policy, this simply reaffirms that affordable housing will be provided in line with Wiltshire Core Strategy and reference is made in the supporting text to Appendix 4 of the Plan. This only partly replicates WCS

²⁶ Wiltshire Core Strategy para 4.28 and Core Policy 18

Core Policies 43 and 44 which refer to providing affordable homes and rural exception sites respectively. For this reason and because there is a more recent Written Ministerial Statement (WMS) and advice on the Planning Practice Guidance website regarding contributions for affordable housing, it would be preferable for Appendix 4 to be deleted to avoid confusion as this criterion does not add anything beyond the WCS. Consequential amendments to the supporting text will need to be made.

111. The third strand refers to the allocation of affordable housing and refers in the policy to Appendices 3 and 4 relying on them heavily. I have already recommended the deletion of Appendix 4.

112. Appendix 3 deals with the allocation of affordable housing. This is not a development and land matter and is the responsibility of the local authority. So whilst I understand the intention behind this criterion and indeed there is support for affordable housing in the representations, it does not meet the basic conditions and therefore should be deleted.

113. Finally, I suspect that some references to Appendices 3 and 4 are supposed to refer to Appendix 2, for example paragraph 7.46. In the interests of clarity, these references should be checked and corrected. Appendix 2 offers a useful summary of a Housing Survey carried out for the Parish by WC and is appropriate to retain in the Plan.

114. Therefore in order to meet the basic conditions **all of the following modifications need to be made:**

- **Change criterion 1. of Policy 6 to read:**

“New Housing development is acceptable in principle on approximately 1 hectare of land at Marlborough Road together with a minimum of 0.5 hectare of employment land identified by Policy 2B, and on the Old Hospital Phase III site. Both sites are identified on Map 4.”
- **Ensure that it is clear that Appendix 1 is for information purposes only by the addition of “for information purposes” only at the start of the Appendix**
- **Delete all references to figures and housing numbers from paragraphs 7.42 to 7.44 inclusive (although reference to the information in Appendix 1 may still be made)**
- **Revise the supporting text in paragraph 7.44 to delete references to the former Police Station Site**
- **Delete Site 3 from Map 4**
- **Delete Appendix 4 in its entirety and undertake any consequential amendments to remove references to it in the Plan and renumber any subsequent appendices (and undertake any consequential revisions) or**

remove the reference to “Appendix 5” and simply have the series of Maps at the back of the document (this latter option would be preferable to my mind)

- **Delete criterion 3 of the policy and Appendix 3 in its entirety and**
- **Change first reference to Appendix 4 in paragraph 7.46 to Appendix 2**

Theme 5: Policy 7 – Transport

115. This policy again consists of a number of different strands to it.

116. The first criterion refers to existing free car parking facilities in the village centre and the need for new development to provide adequate off-road parking. It is a deliberate policy of the Parish Council to provide free car parking and it is clear that this is very important. However, charging (or not) for parking is a management issue and is not something that is usually regarded as a planning issue and so whilst this aspiration can be retained in the Plan it should appear in a separate section or appendix.

117. However, the policy could retain the need for new development to provide off-street parking. Whilst the policy does not specify an amount and this could arguably lead to a lack of clarity, given the nature of the village, the policy if revised as suggested below does mean that car parking provision can be assessed on a case-by-case basis with inbuilt flexibility and therefore I am confident that this aspect of the policy is workable.

118. The second and third strands of the policy require new development to help reduce dependence on the car and require developer contributions to provide new or improved transport-related infrastructure respectively. Both are requirements that broadly reflect national policy by seeking to promote sustainable transport, but my suggested modifications sharpen the wording to be more reflective of national policy.

119. The fourth criterion supports the existing direct train service to London. This again is not a development and use of land matter and should be deleted from the policy. It would be possible to include this statement in a non-planning document or in a separate section of the Plan.

120. The fifth strand seeks improved parking and safe access to the train station. This is an issue that many of the representations raised and it is clear that there is considerable support for improved access to the station. The justification explains that car parking at the station is considered to be expensive and that pedestrians currently have to cross a busy road. Whilst the justification includes some matters that are non-planning related, the policy as reworded below gives flexibility whilst ensuring that improvements of a planning nature can be supported.

121. Overall the reworded policy will support a key principle of the WCS that minimises the need to travel and maximises the potential to use sustainable transport. The general direction of WCS Core Policies 60, 61, 62 and 64 is reflected by this policy.

122. **In order to meet the basic conditions, the following modifications should all be made:**

- **The policy should be reworded to read:**

“1. New development in the village will usually be required to provide off-street car parking as part of the development or conveniently located near to it. The amount needed will be assessed on a case-by-case basis and take into account the type of development, its location and its impact on the overall parking provision in the village.

2. New development should encourage and enable the use of sustainable transport modes and alternatives to the car.

3. Developer contributions will be sought to provide new or improved transport-related infrastructure.

4. Proposals that improve parking facilities and provide and enhance safe and suitable access to the train station will be supported.”

- **Move any references to free village centre parking and the desire to retain this to a separate section or appendix of the Plan**
- **Move criterion 4 supporting the direct train service to London to a separate section or appendix of the Plan**

Theme 6: Policy 8 – Heritage

123. The centre of Pewsey is a Conservation Area that has been identified by English Heritage as being ‘at risk’. The village and surrounding Parish contain a number of important buildings and much of the character is derived from a mix of architectural styles, use of local materials and detailing. This policy seeks high quality development in the Conservation Area and supports the reversal of the ‘at risk’ designation. It refers to the Conservation Area Appraisal and the Village Design Statement.

124. The WCS recognises that Wiltshire has a rich environment and heritage and that rather than being seen as a barrier, these assets should form part of the backbone of a positive strategy for growth. One of the aspirations of the Pewsey Area Strategy in the WCS is to promote Pewsey as a heritage village for tourism; the WCS supports development of a high quality design, that is integrated well with the existing built form and setting including the use of local materials. This policy reflects the aspirations and

intent of WCS Core Policies 57 and 58 which deal with high quality design and place shaping and conservation of the historic environment respectively.

125. It is in line with national policy and guidance and will support the achievement of sustainable development.

126. The policy meets the basic conditions and no modifications are recommended.

Theme 7: Policy 9 – Developer Contributions

127. Policy 9 seeks developer contributions for site-specific infrastructure and other infrastructure. The supporting text refers to both Section 106 agreements and the Community Infrastructure Levy (CIL). WC has informed me that it proposes to adopt its CIL Charging Schedule in May 2015. The policy helpfully sets out a list of local priorities. Whilst Policy 7 also specifically seeks developer contributions for the provision of, or improvement of, transport related infrastructure and this is repeated in this policy, this issue is clearly a local priority and of particular concern to the community. As the supporting text recognises that requirements should not impose unreasonable burdens or make it impossible to bring forward viable development, I do not consider this amounts to a 'double dipping' scenario as representations suggest. The policy itself is worded flexibly enough to avoid this scenario and to ensure that the tests set out in national policy, including any new policy requirements on affordable housing, can be met.

128. WCS Core Policy 3 deals with infrastructure requirements. As part of the delivery of that policy, liaison with Parish Councils to identify community infrastructure requirements and establish local priorities is identified. Policy 9 assists with that.

129. The policy therefore meets the basic conditions and no modifications are recommended.

9.0 Conclusions and Recommendations

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

131. I am therefore delighted to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Pewsey Neighbourhood Development Plan should proceed to a referendum.

132. Following on from that, I am required to consider whether the referendum area should be extended beyond the Pewsey Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no

representations have been made that would lead me to reach a different conclusion. I therefore consider that the Plan should proceed to a referendum based on the Pewsey Neighbourhood Plan area as approved by Wiltshire Council on 28 May 2013.

Ann Skippers
Ann Skippers Planning
17 April 2015

Appendix List of Documents

Pewsey Neighbourhood Plan Map

Pewsey Neighbourhood Development Plan dated September 2014

Pewsey Neighbourhood Area Application

Pewsey Area Application Approval

Pewsey Equality Impact Statement dated September 2014

Pewsey NDP Basic Conditions Statement dated September 2014

Pewsey NDP and Sustainability Assessment Consultation Statement dated September 2014

Pewsey NDP Sustainability Appraisal Scoping Report dated September 2014

Pewsey NDP Sustainability Appraisal/Strategic Environmental Assessment dated September 2014

Pewsey Parish Housing Needs Survey Report July 2013

Wiltshire Core Strategy adopted on 20 January 2015

Kennet Local Plan 2011