

Potterne Neighbourhood Plan 2016-2026

**A report to Wiltshire Council on the Potterne
Neighbourhood Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Wiltshire Council in March 2016 to carry out the independent examination of the Potterne Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 23 March 2016.
- 3 The Plan proposes a wide range of policies and seeks to bring forward positive and sustainable development in the plan area. There is a very clear focus on promoting sustainable development in general and new housing in particular to meet strategic objectives whilst safeguarding the wider landscape of the area.
- 4 The Plan has been underpinned by community support and engagement. It seeks to achieve sustainable development in the plan area and which reflects the range of social, environmental and economic issues that it has identified.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Potterne Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
23 June 2016

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Potterne Neighbourhood Plan 2016-2026 (PNP).
- 1.2 The Plan has been submitted to Wiltshire Council (WC) by Potterne Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the PNP is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the PNP should proceed to referendum. If this is the case and that referendum results in a positive outcome the PNP would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both the WC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the PNP is submitted to a referendum; or
 - (b) that the PNP should proceed to referendum as modified (based on my recommendations); or
 - (c) that the PNP does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted PNP meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted PNP against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.8 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations WC carried out a screening determination of the need to carry out a Strategic Environmental Assessment of the PNP. It was carried out on an emerging version of the PNP in October 2014. Following an analysis of likely significant effects WC

considered that the PNP was unlikely to have significant environmental effects and accordingly did not require a Strategic Environmental Assessment. The report identifies five key reasons why that decision was made. The appropriate consultation was carried out with the three consultation bodies in coming to this decision. WC also carried out a Habitats Regulations Assessment screening of the Plan. That work concluded that the PNP would have no likely significant effects upon the Natura 2000 network either alone or in combination, and no appropriate assessment is considered necessary by WC as competent authority.

- 2.7 Having reviewed the information provided to me as part of the examination I am satisfied that a thorough, comprehensive and proportionate process has been undertaken in accordance with the various regulations. The information provided is succinct and proportionate to the PNP. The whole process provides confidence both in general and in terms of the liaison and responses as part of the consultation process in particular. None of the statutory consultees raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted PNP is compatible with this aspect of European obligations.
- 2.8 In a similar fashion I am satisfied that the submitted PNP has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis I conclude that the submitted PNP does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.9 In examining the PNP I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.10 Having addressed the matters identified in paragraph 2.9 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted PNP and its appendices.
- the PNP Basic Conditions Statement.
- the PNP consultation schedules and associated details
- the PNP Screening report prepared by WC
- the representations made to the PNP.
- the adopted Wiltshire Core Strategy
- the saved Salisbury Local Plan
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- recent Ministerial Statements (March, May and June 2015).
- The Court of Appeal decision of May 2016 on affordable housing.

3.2 I carried out an unaccompanied visit to the Plan area on 23 March 2016. I looked at the overall character and appearance of the Plan area and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.14 of this report.

3.3 During the examination of the Plan I sought clarification on a series of matters in general, and on the deliverability of some of its proposed housing allocations in particular. The issues raised and the responses received from either WC or the Parish Council were made available on the Wiltshire Council website. I also had separate correspondence with Hannick Homes (and who had made an earlier representation to the submitted Plan). That exchange is also included on the WC website. I set out the link to that website below:

<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/neighbourhoodplanning/npneighbourhoodplanareas.htm>

3.4 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, and the outcomes of the exchanges set out in paragraph 3.3 above I was satisfied that the PNP could be examined without the need for a public hearing. I advised WC of this decision once the clarification set out in paragraph 3.3 of this report had taken place during the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a series of documents that set out the way in which the community has been engaged throughout the process. Details are also provided about how the emerging plan has been influenced by this public engagement.
- 4.3 Consultation was organised around a series of 'Your Potterne' newsletters and updates. Public meetings were held in the village both generally and to present feedback on the extensive questionnaire. The steering group manned a stand at the Church Fete and organised two village walks in June and July 2014 to discuss the impact of proposed developments
- 4.4 The information submitted describes comments made as part of the evolution of the Plan and how they influenced the submission version.
- 4.5 It is clear to me that consultation has underpinned the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation. Consultation and feedback has been undertaken throughout the various stages of its production.
- 4.6 The positive approach that was taken in responding to the earlier comments is reflected in the limited number of representations received to the submitted plan (see 4.8 below) and their generally supportive nature.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the PNP has promoted a proportionate approach to seeking the opinions of all concerned throughout the process. WC is satisfied that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by the Wiltshire Council for a six-week period and which ended on 24 November 2015. Representations were received from the following persons and organisations:

- Wiltshire Council
- Devizes Town Council
- Hannick Homes and Developments
- Gladman Developments
- Devizes Area Neighbourhood Plan Steering Group (Mr S Fisher)

- Mr P Gumm
- Wessex Water
- Environment Agency

4.9 Two representations were received outside the advertised consultation period. On this basis I did not take them into account as part of the examination process.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the whole of the parish of Potterne. It was designated as a neighbourhood area on 15 April 2014.
- 5.2 The Plan area is located within the heart of Wiltshire and approximately 4km to the south of Devizes. Potterne village sits in the centre of the neighbourhood area and is its one principal settlement. Elsewhere the remainder of the Plan area is predominantly in agricultural use. The A360 runs in a general north south direction. It is a main arterial road linking Devizes to Salisbury and the South Coast ports
- 5.3 As I saw on my visit to the Plan area it is both an attractive and an interesting area. Section 1.5 of the Plan sets out some details about its colourful and long history. Its conservation area provides many clues to its development over time.

Development Plan Context

- 5.4 The development plan covering the neighbourhood plan area is the Wiltshire Core Strategy. It was adopted in January 2015. The Core Strategy provides a positive context in which the DNP has been prepared
- 5.5 The Core Strategy identifies a series of Area Strategies within the county. The Plan area falls within the Devizes Community Area. The settlement strategy within the Plan (Core Policy 1) identifies Potterne as one of a series of Large Villages
- 5.6 Core Policy 12 identifies a local housing requirement for the Community Area over the Plan period 2006- 2026 of approximately 2500 new homes. This figure is split between housing to be identified in Devizes (about 2010 dwellings) and housing to be identified elsewhere within the community area.
- 5.7 The Community Area contains one Local Service Centre, six Large Villages and a number of small villages that could contribute towards the delivery of the local housing requirement. It has been within this context that the PNP has been prepared.
- 5.8 Appendix D of the Core Strategy identifies the various policies in the Kennet Local Plan 2004 that have been saved pending the preparation of the Wiltshire Housing Sites Allocations Plan.

Site Visit

- 5.9 I carried out an unaccompanied visit to the Plan area on 23 March 2016. I had read in the Plan (1.5.12) that the village had a reputation for roughness and lawlessness in the nineteenth century. I am pleased to record that the exact opposite was in evidence on my visit. I had two pleasant conversations with the post lady as we went about our respective businesses in Firs Hill Way and Meads Close. I also saw that

several residents were taking advantage of a very pleasant early Spring day to make a first cut of their lawns. I initially looked at Sites A1 and A6. In relation to site A6 I looked at its relationship both to Blackberry Lane and to the A360. I saw the surrounding vegetation and landscaping. In relation to site A1 I looked in detail at the existing junction into Butts Farm and walked along the bridleway to the north of the site to understand its position within the landscape and its relationship to the wider village to the south.

- 5.10 I continued my visit by walking along the A360 into St Mary's Close/Mead Close to see proposed housing allocations A2/A3/A4. I saw that in similar ways they occupied parts of surrounding agricultural landscape. They would represent modest rounding-off of the modern residential developments to which they would be attached.
- 5.11 I then walked into the historic core of the village to look at the conservation area and to assess the impact of policy PNP2 on its future development.
- 5.12 I then continued walking to the village hall (Site A7) to understand its significance within the village.
- 5.13 For completeness I then walked to the south of the village along Eastwell Road and into Blounts Court.
- 5.14 Finally I looked at the Ryleaze Field site (A5). I saw that it was very much at the heart of the village. It presented an attractive and varied range of uses and was very well-maintained.

6 The Neighbourhood Plan as a whole

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped in the preparation of this section of the report. It is a well-presented and informative report. In particular, it has addressed the strategic issues that I have already set out in relation to the Wiltshire Core Strategy in the previous section of this report.

6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.8 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.

6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Potterne Neighbourhood Plan:

- a plan led system– in this case the relationship between the neighbourhood plan and the adopted Local Plan.
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities.
- proactively driving and supporting economic development to deliver homes, businesses and industrial units and infrastructure.
- actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.
- taking account of and supporting local strategies to improve health, social and cultural well-being.
- Conserving heritage assets

6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.6 In addition to the NPPF I have taken account of other elements of national planning policy including Planning Practice Guidance and the ministerial statements of March,

May and June 2015. I have also taken account of a Court of Appeal judgement that took place within the examination period.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a vision for the future of the plan area and promotes sustainable growth. At its heart are a suite of policies that aim to bring forward sustainable development and safeguard the built heritage in the Plan area. I have made a specific recommended modification to policy PNP7 to take account of a decision in the Court of Appeal. The Plan has been prepared in good faith and could not have anticipated the outcome of this recent decision.
- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies to support the provision of super-fast broadband networking (PNP 4) and for home-working (PNP 8). In the social role it includes a suite of policies and proposals to safeguard existing community facilities (PNP 6) and to promote affordable housing (PNP 7). It also promotes safe pedestrian and cycle facilities (PNP 3). In the environmental dimension the Plan positively seeks to protect the character and appearance of the conservation area (PNP 2).

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in the Wiltshire Council area in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted PNP delivers a local dimension to this strategic context and supplements the detail already included in the adopted development plan. The PNP is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the range of policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is thorough and distinctive to the Plan area. Other than to ensure compliance with national guidance I do not propose that major elements of the Plan are removed or that new sections are included. The wider community and the Parish Council have spent considerable time and energy in identifying the issues and objectives that they wish to be included in their Plan. This gets to the heart of the localism agenda.
- 7.4 The Plan is designed to make a distinction between land uses policies and other proposals which are not land use based. This approach directly reflects Planning Practice Guidance (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land. The same paragraph identifies that the neighbourhood planning process can inspire local people to consider ways to improve their neighbourhood other than through the development and use of land. 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 uses matters should be clearly identifiable. This has been the case in Potterne. The submitted Plan follows the approach adopted in other such plans in that non-land use policies and proposals are positioned in a separate part of the Plan and away from the main land use policies (in this case Appendix C – Community Aspirations).
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. In some cases, there are overlaps between the different policies.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print. Some policies are recommended to be deleted. This will affect the policy numbering in the final Plan. Where necessary I have shown the revised policy numbering in brackets.

Sections 1 and 2 of the Plan

- 7.8 These introductory elements of the Plan set the scene for the range of policies. They do so in a concise and proportionate way. Section 1 comments on the general

background of the Plan and basic information about the neighbourhood area. Section 2 describes the Plan's vision and objectives

- 7.9 There are a variety of factual updates and corrections that I recommend as modifications below. It is within my role to do so. The recommended modifications will make the Plan both up to date and factually correct

Heading 1.1

Insert 'Area' at end

Para 1.2.4

Replace 'reviewed' in penultimate line with 'monitored'

The Plan comments that it will operate until 2026 to be aligned to the Wiltshire Core Strategy. To comply with the Regulations, I recommend a modification to the paragraph 1.2.4 to add the following sentence at its end:

'The Plan period is 2016 to 2026.'

Policies in General

- 7.10 The Plan policies are set out in two major sections. Section 3 provides details on the site allocations. Section 4 sets out the Plan policies. Policy PNP 1 provides a context for the specific site allocations. The presentation of the Plan makes a clear contrast between the policies themselves and the supporting text. This will ensure that decision-makers have clarity on the policies in the PNP.

PNP 1

- 7.11 This policy sits at the heart of the Plan. It both sets out its spatial strategy and allocates sites for residential development. In the first element of the policy a revised settlement boundary from that included in the Core Strategy is identified. New residential development within the Plan area is then proposed to be confined within this area.
- 7.12 The second element of the policy identifies the various proposed allocations set out in section 3 of the Plan and establishes a presumption in favour of planning permission being granted for these various sites.
- 7.13 The approach adopted has been designed to accord with both national and local planning policy. In relation to the former it intends to boost the delivery of housing in the Plan area. In relation to the latter it intends to secure a proportionate and modest increase in the delivery of housing in a larger village both in its own right and to contribute towards the delivery of housing in the Devizes Community Area.
- 7.14 As drafted and designed in the submission Plan the policy does not have the clarity required by the NPPF. It also includes a variety of policy and supporting text. In addition, the policy's focus is on the general confinement of new residential development within the revised settlement boundary rather than identifying the type

of development for which planning permission will be granted. I address this matter in my recommended modifications below.

- 7.15 The design of the policy is such that it lacks clarity on the sites allocated for development. The policy cross -refers to a variety of sites in Section 3 of the Plan without directly identifying them in the policy itself. I also address this matter in my recommended modifications.
- 7.16 For the purposes of the examination in general, and for this policy in particular I have examined the six proposed housing allocations in turn. The following sections of this report assess each of the sites against the basic conditions

A1/A2 Land adjacent to Butts Farm/Land off Firs Hill Way

- 7.17 These sites are proposed as a package. Site A1 is proposed for the development of outdoor sporting facilities. The Plan comments that further enhancement of community facilities including a pavilion/changing rooms and tennis courts would be supported. Site A2 is proposed for residential development of approximately five dwellings
- 7.18 National planning policy is clear that proposed residential allocations should be developable (NPPF paragraph 47). Sites should be in suitable locations for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged. Site A2 meets the first test in locational terms. Site A1 is well related to site A2 and sits on the northern edge of the village. However, in a representation made to the submitted Plan by the landowner of the two sites, and separately by a potential developer (in answer to my points of clarification during the examination) it is clear that the proposed package is neither deliverable nor achievable. The landowner is unwilling to allow the package to proceed as set out in the Plan. There is no evidence submitted in the Plan that the package has been fully appraised and is viable.
- 7.19 On this basis the proposed allocation of these sites for residential and other associated development does not meet the basic condition to have regard to national policy. I recommend that the two sites are deleted from the Plan.

Delete sites A1 and A2

Delete associated supporting text (3.2.1 to 3.2.3.2)

Delete final sentence of 3.2.6.4 (as it relates to Ryeleaze Field)

A3 - Land South and off Firs Hill Way

- 7.20 This site is situated to the immediate south of modern residential development in Firs Hill Way. The submitted Plan indicates that the site can accommodate approximately five 2-3 bedroom dwellings. Para 3.2.4.1 also comments that 'there is room to

accommodate a new play area or a small community facility or additional car parking for the existing estate’.

- 7.21 The site is immediately adjacent to the existing edge of the village. It would contribute to the achievement of sustainable development. It would also be served by an access road designed with this purpose in mind. However as drafted this element of the Plan lacks the clarity for a development plan required by the NPPF. Its approach is imprecise on the level and extent of supporting infrastructure that will be expected as part of the development. These matters are reflected in my recommended modifications to Policy PNP 1 and its related site allocations.

A4 - Land South and off Mead Close

- 7.22 This site is situated to the immediate south of modern residential development in Mead Close. The submitted Plan indicates that the site can accommodate approximately five 2-3 bedroom dwellings. Para 3.2.5.1 also comments that ‘the site is also suitable for the provision of additional car parking to serve the estate if this is judged advantageous.’

- 7.23 The site is immediately adjacent to the existing edge of the village. It would contribute to the achievement of sustainable development. It would also be served by an access road designed with this purpose in mind. However as drafted this element of the Plan lacks the clarity for a development plan required by the NPPF. Its approach is imprecise on the need or otherwise for the development of the site to contribute to the provision of additional car parking to serve the Meads Close estate. In my judgement the additional information on the car parking issues provided during the examination process was insufficient to justify a requirement for a new housing allocation to provide additional parking facilities for another, albeit adjoining site. These matters are reflected in my recommended modifications to Policy PNP 1 and its related site allocations

A5 - Ryeleaze Field

- 7.24 This site is located in the very heart of the village in a triangle of land between the A360 and Ryeleaze. It is the main green play space within the village. It is currently laid out for use as a football pitch and for informal recreational use. The Plan comments that the use of the football pitch is restricted due to its limited size and its irregular shape.
- 7.25 The submitted Plan includes an imaginative proposal for the future use of the site. This relates to the future of the existing village hall in Mill Road (see A7 below) and its ongoing maintenance and repair issues. Paragraph 3.2.6.2 proposes that the site is developed as a mixed use scheme comprising:

- Up to four dwellings; and
- A new village community hall (to replace the existing facility in Mill Lane); and
- A village car park; and

- Outdoor play facilities (indicated to include a tennis court or a multi-use games area; and
- A Locally Equipped Area for Play

Indicative drawings are included in the Plan itself, and further drawings were provided as part of the series of clarifications during the examination.

- 7.26 This section of the Plan correctly identifies that the site is affected by strategic policies in the adopted Core Strategy. Core Policy 52 Green Infrastructure indicates that development will make provision for the retention and enhancement of the green infrastructure network and which includes green spaces and recreation areas. Where development is permitted developers will be required to retain and enhance existing green infrastructure and put measures in place to ensure appropriate long term management of green infrastructure.
- 7.27 Having looked at the site in detail on my visit to the Plan area I am satisfied that its development as proposed in the submitted plan meets the basic conditions. It will contribute to the achievement of sustainable development and has had regard to national planning policy. Plainly there will be a net loss of existing space devoted to formal and informal recreational use. However, the package of proposals will assist significantly in putting measures in place to ensure the long term management of the retained green space as required by the Core Strategy.
- 7.28 My recommended modifications to this part of the wider policy PNP 1 provide the necessary clarity on the retention of the green infrastructure and open space required to be in general conformity with the development plan. The submission of an indicative master plan will be a key part of this process.

Site A6 - Blackberry Lane

- 7.29 This site is situated to the immediate north of the junction between Blackberry Lane and the A360. The submitted Plan indicates that the site can accommodate approximately five 2-3 bedroom dwellings. The site is well-related to the built form of the village and would contribute towards the achievement of sustainable development.
- 7.30 Para 3.2.7.2 also comments that ‘there are mature and significant trees on the site which would need careful consideration in the layout and design (of the site)’. It is also clear that there will be access issues to address in the development of the site to ensure that it complies with development plan policies and therefore meet the basic conditions. These matters are addressed in my recommended modifications

Site A7 - Village Hall, Mill Street

- 7.31 The site is located in Mill Street in the heart of the conservation area. The site comprises a traditional three-storey building fronting onto Mill Street with a car park

and modern extensions to the rear. Paragraph 3.2.8.2 proposes the conversion of the building into residential accommodation.

7.32 The Plan indicates that the site will only be made available for development in the event that a replacement village hall is developed either on Site A5 or elsewhere within or adjacent to the settlement boundary.

7.33 As with site A5 this proposal is both imaginative and will contribute toward the achievement of sustainable development in the Plan area. My recommended modifications provide clarity on the relationship between the development of this site and Core Policy 49, the mechanism for the release of the site for residential purposes and the need to meet access and parking requirements.

Modify policy to read:

New residential development will be permitted within the settlement boundary of the village as shown in Appendix B subject to other policies in the development plan.

The following sites are allocated for residential (or residential/mixed use) development within the settlement boundary:

Land south and off Firs Hill Way

Planning permission will be granted for the development of approximately five two or three bedroom homes on the site subject to the following criteria:

- **The design and layout of the site respects the character and appearance of Firs Hill Way; and**
- **The design, layout and boundary treatment of the site respects the character and appearance of the countryside to its south and east; and**
- **Satisfactory vehicular access is provided into the site from Firs Hill Way; and**
- **Car parking is provided for the properties in accordance with Wiltshire Council standards in place at the time; and**
- **An appropriate level of affordable housing is provided to comply with (Policy 6) of this Plan; and**
- **An appropriate amount of open space is provided on the site in accordance with Wiltshire Council standards in place at the time.**

Land South and off Mead Close

Planning permission will be granted for the development of approximately five two or three bedroom homes on the site subject to the following criteria:

- **The design and layout of the site respects the character and appearance of Mead Close; and**

- The design, layout and boundary treatment of the site respects the character and appearance of the countryside to its south and east; and
- Satisfactory vehicular access is provided into the site from Mead Close; and
- Car parking is provided for the properties in accordance with Wiltshire Council standards in place at the time; and
- An appropriate level of affordable housing is provided to comply with (Policy 6) of this Plan.

Ryeleaze Field

Planning permission will be granted for the development of approximately four homes, a village community hall, a car park, outdoor play facilities and a Locally Equipped Area for Play on the site subject to the following criteria:

- The design and layout of the development safeguards the residential amenities of dwellings to the immediate south and east of the site; and
- The design, layout and boundary treatment of the site safeguards the existing mature and semi-mature trees on the edges of the site; and
- A satisfactory vehicular access is provided into the site from Ryeleaze; and
- Car parking is provided for the residential properties and the community hall in accordance with Wiltshire Council standards in place at the time; and
- A master plan is submitted with the first application for any development on the site showing the range of uses proposed and their phasing within the Plan period.

Land to the north of Blackberry Lane

Planning permission will be granted for the development of approximately five two or three bedroom homes on the site subject to the following criteria:

- The design and layout of the site respects the character and appearance of Blackberry Lane; and
- Satisfactory vehicular access is provided into the site from Blackberry Lane; and
- The design, layout and boundary treatment of the site safeguards the existing mature and semi-mature trees on the edges of the site; and
- Car parking is provided for the properties in accordance with Wiltshire Council standards in place at the time; and
- An appropriate level of affordable housing is provided to comply with (Policy 6) of this Plan.

Village Hall, Mill Street

Planning permission will be granted for the conversion of the existing building into dwellings at a point at which a replacement community village hall is available for use within or adjacent to the settlement boundary and subject to the following criteria:

- **The proposal preserves or enhances the character or appearance of the conservation area in accordance with policy PNP 2 of this Plan; and**
- **Car parking is provided for the properties in accordance with Wiltshire Council standards in place at the time; and**
- **Satisfactory vehicular access is provided into the site from Mill Lane.**

PNP2

- 7.34 This policy sets out to ensure the new development within and adjacent to the conservation area should be appropriate to its character and appearance and should pay regard to Conservation Area Character Appraisal. This approach is entirely appropriate and will assist in implementing the Plan's Vision.
- 7.35 However as included in the submitted version of the Plan the policy is excessively detailed, it lacks the clarity required in the NPPF and it includes sections of supporting text rather than policy. In order to comply with national planning policy, the policy will also need to be modified to make direct reference to the statutory test for development proposals to preserve or enhance the character of appearance of the conservation area.
- 7.36 The policy also refers to the 'Building for Life 12' document. This is an excellent document that brings together a range of organisations to produce good places to live. Nevertheless, I recommend that references to this document are removed from this policy for two reasons. The first is that it has the potential to become quickly out of date within the context of a neighbourhood plan that will run until 2026. The second is that the document has been designed for a scale of (mainly residential) development that is unlikely to take place within the Potterne conservation area. I have made specific reference to design principles in relation to policy PNP 1 earlier in this report.
- 7.37 The conservation area boundary is not shown either within the Character Appraisal or in the submitted Plan. This does not bring the clarity required by the NPPF. This can be remedied by adding the necessary detail to Plan 2. Taking all these factors into account I recommend that the policy is replaced with the following:

New development proposals within the Potterne Conservation Area (as shown on Figure 2) will be required to preserve or enhance its character or appearance. New development proposals will be expected to conform to the principles included in the Conservation Area Character Appraisal and Management Proposals.

New developments or alterations and extensions to existing buildings within the conservation area will required to harmonise with or complement their neighbours in terms of their scale, style and use of materials.

PNP3

- 7.38 This policy indicates that development proposals will be judged against the desire to promote safer pedestrian routes in general, and to promote a safer pedestrian and cycle route between Potterne and Devizes.
- 7.39 These initiatives are commendable and have clearly arisen from community engagement and the development of the Plan's Vision and Objectives. Nevertheless, it is unclear how the policy will be applied to development proposals submitted within the Plan period. There is no programme for the delivery of a pedestrian and cycle route between Potterne and Devizes and traffic calming measures and lowered speed limits in the village are not land uses issues
- 7.40 I recommend that the policy is deleted from the Plan. However, it is clear that the issues are important to the local community and overlap with the package of Community Aspirations set out in Appendix C of the Plan. As such I also recommend that the policy is reproduced, in a modified format in the community aspirations

Delete Policy

Insert new Key Action in Section C.2 of the Plan to read:

Proposals for the development of safe pedestrian routes in the Plan area will be encouraged. Particular encouragement will be given to the creation of a pedestrian and cycle route between Potterne and Devizes. The Plan encourages the introduction of traffic calming measures and lowered speed limits in the neighbourhood area where appropriate.

PNP4

- 7.41 This policy provides support for the provision of superfast broadband. It then goes on to require sensitive installation of such facilities
- 7.42 The first part of this policy is aspirational rather than land use based. It is already addressed in an action in the Community Aspirations part of the Plan (C.9). With appropriate modification the second part of the policy is land use based and is capable of being retained within the Plan. In recommending modifications, I have highlighted the overlap with Policy PNP 2 and which refers specifically to the designated conservation area.

7.43 It is on this basis that I recommend

Delete first sentence of the policy.

Re-number to read PNP 3 and modify the remainder of the policy to read:

Insofar as planning permission is required proposals for the development of a superfast broadband network, including above ground network installations, will be supported where they are sympathetically located and designed to reflect the character of the local area in which they are to be installed.

Any such applications submitted within the Potterne Conservation Area will also be determined on the basis of Policy PNP 2 of this Plan

PNP5

7.44 This policy supports traffic management measures on the A360 and the provision of additional pedestrian crossing points

7.45 These are important matters to the community. Nonetheless they are highways rather than land use matters. I recommend that the policy is deleted from the Plan. However, it is clear that the issues are important to the local community and overlap with the package of Community Aspirations set out in Appendix C of the Plan. As such I also recommend that the policy is reproduced, in an unchanged format in the community aspirations (Section C.2)

Delete policy

Reproduce its wording as a further community aspiration in section C.2 of the Plan

PNP6

7.46 This policy sets out to protect, extend and to provide new community facilities. Its coverage is extensive and includes:

- Resisting changes of retail use in Silver Street
- Protecting the existing village hall (subject to other Plan policies)
- Resisting proposals for the change of use of the pub or youth club to non-community uses
- Supporting new community facilities

7.47 These various matters are all land use issues and which clearly matter to the neighbourhood area. In their different ways they are very much at the heart of the community. The policy adds a local dimension to Core Policy 49 of the adopted Core Strategy. However as included in the submission Plan the policy covers too many areas and will be difficult for both decision-makers and investors to understand.

- 7.48 I recommend modifications to the structure of the policy so that it becomes two separate policies – the first would deal with Silver Street retail matters and the second would deal with community facilities. In relation to the second part I also recommend detailed changes to the wording to ensure that the policy is in general conformity to the development plan in general, and to Core Policy 49 in particular. This will ensure that this policy meets the basic conditions. There is also a need to be specific on the location of both the public houses and the youth club in the modified policy.

Replace Policy PNP 6 with two separate policies as follows:

(PNP 4)

The existing shop and post office in Silver Street will be protected throughout the Plan period. Planning applications for its change of use from Class A1 retail use will be resisted.

(PNP 5)

The George and Dragon public house and the youth club in Silver Street will be protected throughout the Plan period. Insofar as planning permission may be required for alternative uses of these buildings, planning applications for their change of use to non-community uses will be resisted.

Proposals to create new community facilities will be supported subject to those proposals not having a detrimental impact on the residential amenities of any surrounding residential properties and providing access and parking arrangements to meet the Wiltshire Council standards in operation at that time.

PNP7

- 7.49 This policy sets out to ensure that for some of the housing sites identified in section 3 of the Plan at least 40% of the houses built should be aimed specifically at first time buyers and either offered for sale to persons with a local connection or using a government approved scheme for encouraging first time buyers. This policy has attracted representations both from WC and from those parties with an interest in the development of Sites A1/A2.
- 7.50 The issue of starter homes for first time buyers is plainly a land use issue. It is also captured in government policy – in March 2015 a ministerial statement was published on proposals for planning reform to support the development of 100,000 new high quality, low cost starter homes for young first time buyers. In addition, Core Policy 43 of the adopted Core Strategy requires that on housing sites of 5 or more dwellings in the neighbourhood plan area at least 30% of the dwellings will be affordable houses provided on the site.

- 7.51 As drafted in the submission plan the policy is not underpinned by a robust evidence base. In addition, it is unclear whether the requirement for first time buyers is in addition to or as a replacement for the need to provide affordable housing on sites of five or more dwellings. Different representations have interpreted this policy in different ways and which demonstrates the lack of clarity in the policy itself. In addition, the second part of the policy strays into housing allocations policy rather than land uses matters.
- 7.52 On this basis I recommend that in order to meet the basic conditions the policy is replaced by a more generic policy that will encourage and facilitate housing development on the majority of the housing allocation sites that meets and addresses the needs of local persons. To reflect the aspirations within the Plan for local needs open market housing and aimed at first time buyers I recommend a modification to the supporting text to this policy to set out the expectation of local residents on these matters.
- 7.53 During the course of the examination the Court of Appeal made an important judgement on the need or otherwise for the delivery of affordable housing on small housing sites (May 2016). This judgement followed on from the publication of the Written Ministerial Statement on this matter of November 2014. That statement had indicated that developments of 10 units or 1000 sq. m or less (including annexes and extensions) would be excluded from affordable housing levies and tariff based contributions. The Court of Appeal allowed the appeal. This was then followed by the inclusion of updates to Planning Practice Guidance. Paragraph 031 (Reference ID: 23b-031-20160519) comments:
- ‘There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 and should be taken into account. These circumstances are that (amongst others) contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1000sqm’.
- 7.54 Plainly this development could not have been anticipated by the authors of the PNP. The Plan was submitted in good faith based on the adopted Core Strategy and the previous consideration of the Written Ministerial Statement in the High Court in July 2015. Nevertheless, the application of the basic conditions require that the PNP has regard to national planning policy. To this extent the May 2016 Court of Appeal judgement gives effect to the Written Ministerial Statement of November 2014. In the absence of any information submitted as part of the Plan that would suggest that this approach should not be adopted I recommend a modification to the threshold at which affordable housing provision will be required in the Plan area.

Recommended modification:

Re-number to read PNP 6 and replace policy with the following:

Housing proposals of eleven or more dwellings will be required to provide a minimum of 30% affordable units on the site concerned.

All new housing will be required to be well-designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities. The provision of local needs housing and starter homes will be particularly supported.

Housing size and types will be expected to reflect and make provision for the demonstrable need for the community within which the site is located.

Insert new supporting text at end of Section 3 to read:

Policy PNP 6 sets out a requirement for housing proposals of eleven or more dwellings to provide affordable housing on that site. In doing so it reflects the May 2016 Court of Appeal decision that gave effect to the Written Ministerial Statement of November 2014. Affordable housing can take a variety of forms. Through the development of this Plan the community has expressed a wish for the development of local needs open market housing in general and housing aimed at first time buyers in particular. As part of the determination of planning applications of this type the Parish Council will press both the developer and Wiltshire Council to pursue this approach as part of the development of such sites.

In more general terms the policy offers particular support for the development of starter homes and local needs open market housing.

PNP 8

- 7.55 The policy sets out to encourage suitable facilities within new dwellings to allow for home working. This approach is entirely appropriate and will contribute towards the achievement of sustainable development.
- 7.56 I recommend a series of linked modifications to bring clarity to this policy. In particular, the modifications acknowledge that many such proposals are permitted development.

(PNP7)

Insofar as separate planning permission is required new residential proposals that incorporate designs to allow for their occupation for home working will be supported.

Community Aspirations

- 7.57 As set out in paragraph 7.4 of this report the community has used the neighbourhood plan process to design a series of non-land use community aspirations. They are appropriately set out in a separate appendix to the Plan. They are also helpfully broken down into themes.
- 7.58 The various aspirations are entirely appropriate. They are also distinctive to the Plan area. In other sections of this report I have recommended modifications that would

have the effect of deleting policies and moving the issue concerned into this part of the Plan.

8 Summary and Conclusions

Summary

- 8.1 The PNP sets out a range of policies to guide and direct development proposals in the period up to 2026. It addresses a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination I have concluded that the Potterne Neighbourhood Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended a range of modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Wiltshire Council that subject to the incorporation of the modifications set out in this report that the Potterne Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view the neighbourhood area is entirely appropriate and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Wiltshire Council on 15 April 2014.

**Andrew Ashcroft
Independent Examiner
23 June 2016**