

Purton Neighbourhood Plan Submission

Version 2017 – 2026

Report of Examination

May-June 2018

Undertaken for Wiltshire Council with the support of Purton Parish Council on the submission version of the plan.



Independent Examiner:

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Summary

- I have undertaken the examination of the Purton Neighbourhood Plan during May 2018 and detail the results of that examination in this report.
- The Purton Parish Council and Neighbourhood Plan Steering Group have undertaken extensive consultation on this Plan, and it complies with legislative requirements subject to the modifications recommended. The Plan deals with locally identified issues and has a well-documented evidence base. The Wiltshire Core Strategy 2015 provides a comprehensive strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

Abbreviations used in the text of this report:

The Purton Neighbourhood Plan is referred to as 'the Plan' or 'Purton NP'.

Purton Parish Council is abbreviated to 'Purton PC'.

Wiltshire Council is also referred to as the Local Planning Authority, abbreviated to 'LPA'.

The National Planning Policy Framework is abbreviated to 'NPPF'.

The National Planning Practice Guidance is abbreviated to 'NPPG'.

The Wiltshire Core Strategy 2015 is abbreviated to 'WCS' or 'Wiltshire CS'

The North Wiltshire Local Plan 2011 is abbreviated to NWLP2011

Acknowledgements: Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Purton Parish Council, who have drawn up and evidenced a focused and well-produced Plan.

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowers local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF) states that:

“neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Purton that is the Purton Parish Council. Drawing up the Neighbourhood Plan (NP) was undertaken by the Parish Council, firstly as a joint enterprise with several other parishes in a government sponsored ‘Front Runner’ neighbourhood planning project of 2012. From 2016 Purton PC have worked on their own NP, and the neighbourhood area designation was formally altered to include only the Purton Parish Council.

1.2 Independent Examination

1.2.1 Once Purton PC had prepared their neighbourhood plan and consulted on it, they submitted it to Wiltshire Council, the Local Planning Authority (LPA). After publicising the plan with a further opportunity for comment, the LPA were required to appoint an Independent Examiner, with the agreement of Purton PC to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent

Examiners Referral Service (NPIERS). I am independent of any local connections to Purton and Wiltshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Neighbourhood Area of Purton Parish was designated on 5th December 2016 by Wiltshire Council. The plan does not relate to land outside the designated Neighbourhood Area. It has been submitted and prepared by a qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 The Plan as currently presented is not however adequately demonstrating the period for which it has effect. Paragraph 1.20 specifies the period during which it has effect being until 2026, but this needs to be more prominent. The cover of the Plan states the date of the submission version as December 2017, and at this point an end date should also be indicated. I therefore recommend the Purton NP is modified to show the end date more prominently.

Modification 1: The cover of the Purton NP is recommended to show the date of the Plan to be from 2017 – 2026 and thereby comply clearly with the legislative requirement that the Plan specifies the period for which it has effect.

1.2.6 I made an unaccompanied site visit to the parish of Purton to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.7 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

1.3 Planning Policy Context

1.3.1 The Development Plan for Purton, not including documents relating to excluded mineral and waste development, is the Wiltshire Core Strategy (WCS) 2015 and the saved policies of the North Wiltshire Local Plan (NWLP) 2011. The Core Strategy's policies are strategic, and where appropriate, I have determined if a policy in the NWLP2011 is strategic and therefore relevant. The Local Plan Review and the Joint Strategic Framework undertaken with Swindon BC are emerging policy documents, and therefore not yet directly relevant to my Basic Conditions review of Purton NP.

1.3.2 The National Planning Policy Framework (NPPF) 2012 sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented.

1.3.3 During my examination of the Purton NP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2012
- National Planning Practice Guidance 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Purton Neighbourhood Plan (NP)
- The Basic Conditions Statement submitted with the Purton NP
- The Consultation Statements submitted with the Purton NP
- The Strategic Environmental Assessment Screening Decision for the Purton NP
- Neighbourhood Area Designation (map)
- Purton – Planning for our Future 2017
- Wiltshire Core Strategy 2015
- North Wiltshire Local Plan 2011 – saved policies
- Taylor Review 'Living Working Countryside' 2008
- Purton Flooding Report 2013 update Wiltshire Council
- Purton Parish Housing Needs Survey 2012 Wiltshire Council
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 The parish of Purton in Wiltshire includes the villages of Purton and Purton Stoke, as well as small settlements at The Fox and Hayes Knoll. The parish is mostly rural, but abuts the west side of Swindon. The south eastern corner of Purton parish has residential development underway adjacent to the Swindon boundary at Ridgeway Farm and Moredon Bridge, that is part of Swindon's housing requirement and acknowledged as such in the WCS. Purton has developed on a prominent ridge with the scarp slope falling away on three sides. Agriculture in the parish is mixed pastoral and arable fields, with established hedgerow and wooded boundaries.

2.1.2 A Neighbourhood Plan Steering Group was set up to work on the Purton NP, and the Parish council website has a page giving information on the Neighbourhood Plan, with links to documents and the Wiltshire Council site. The process was complicated by the initial proposal for seven parishes in the Community Area of Royal Wootton Bassett and Cricklade to work together on a neighbourhood plan for the group ('North East Wiltshire Villages', known as NEW-V). Initial consultation work was done under this arrangement, but in 2016 Purton took the decision to produce their own Plan, and a revised area was accordingly agreed.

2.1.3 Three volumes of the Consultation Statement have been submitted, one detailing the early work relevant to Purton but done under the group of Parishes known as NEW-V. A second sets out the nature and form of consultation on the individual Purton NP prior to the formal Regulation 14 (Reg14) six week consultation, and a third details responses and work on the Reg14 consultation.

2.1.4 As required by Regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation for six weeks on the pre-submission Purton Draft Neighbourhood Plan ran from Monday the 3rd July 2017 until Monday the 14th August 2017. The consultation was advertised in local papers, on the Parish Council website and with banners in the village of Purton. A leaflet drop to all residents was also undertaken. Statutory Consultees were informed of the consultation and emailed a copy of the plan, as were neighbouring authorities and developers known to have an interest in the parish. Besides being available online, hard copies of the plan were available in the Library and from the Parish Council Offices.

2.1.5 Representations were received from residents, developers and statutory consultees during the Reg14 consultation period, and several amendments have been made to the plan as a result of comments made. These are explained in the Consultation Statement.

2.1.6 I am satisfied that due process has been followed during the consultation undertaken on the Plan, and that the change from a group parish undertaking to a single parish neighbourhood plan has been done in a transparent and open way. The record of comments and objections received during the Reg14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.7 As required, the amended plan, together with a Basic Conditions Statement, the Consultation Statements, the Screening Opinion and a plan showing the neighbourhood area was submitted to Wiltshire Council in December 2017.

2.2 Regulation 16 (Reg16) Consultation Responses

2.2.1 Wiltshire Council undertook the Reg 16 consultation and publicity on the Purton NP for six weeks, beginning on Monday 5th January 2018 and ending on Tuesday 20th March 2018. Representations were received from thirty residents and a local company, of which twenty seven of the residents were offering general support for the Plan. Three Statutory Consultees responded but offered no specific comments relevant to the Purton NP. Thames Water, Historic England, Wiltshire Council and Network Rail made comments relevant to the Plan. Detailed comments were also received from six developers with interests in sites in the Parish. All comments and objections to the Plan that are pertinent to my consideration of whether or not the Plan meets the Basic Conditions, will be considered in sections 3 and 4 below.

3. Compliance with the Basic Conditions.

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the Purton NP has complied with these requirements if one modification is made. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations and human rights law.

3.2 The Basic Conditions Statement refers to the evidence paper 'Purton – Planning for the Future' as demonstrating how the Purton NP has integrated the three key aspects of sustainable development (social, economic and environmental) into the Plan. This document discusses the need for development in Purton to be genuinely sustainable and promote the continued vibrancy of the village and rural life within it, particularly at Annex 6. The Taylor Review of 2009 has been an influence, a document that has a positive attitude to rural planning for sustainable development.

3.3 The 'Purton – Planning for the Future' document discusses how it may be more relevant to consider issues of 'resilience' rather than 'sustainable development', but in the Reg14 Consultation Statement it is accepted that criticism of the use of the term 'resilience' as having no grounding in planning statutes and guidance was well founded. The Consultation Statement said that 'Purton – Planning for the Future' would be amended to refer to the more accepted concept of 'sustainable development', and I accept that it has used the accepted three key aspects of sustainable development to drive the site assessments.

3.4 The Purton NP has been criticised by several respondents at the Reg16 stage as not complying with the Basic Conditions because it was not promoting sustainable development. The grounds for the objections relate partly to aspects of specific policies that will be dealt with in section 4 below when appropriate. Objections are also based on more general aspects of the Plan's housing allocations and reliance on a settlement boundary. The Plan is held to not have allocated enough housing, to have included sites that are not deliverable, and to be instituting a settlement boundary

that is too inflexible. However, as one of the Reg16 respondents points out, it is not the duty of the qualifying body to determine the amount of housing needed in the parish, this will be done in the forthcoming development plan document from the LPA, which will consider a longer time period. At present Purton is included within a general allocation for the rest of (remainder) the Wootton Bassett and Cricklade Community Area outside of Wootton Bassett town in the WCS. This 'Remainder' allocation had 113 dwellings to be provided, and subsequent planning permissions have now accounted for that number. The Purton NP covers the period to 2026 only, and so there is no outstanding housing allocation for Purton in the Development Plan. Thus the Purton NP is positive, in that allocations and designations have been made. I accept there are issues with the allocations, an 'area of search' is not the same as an allocation, some sites may be difficult to deliver and the accompanying assessment of local housing requirements may be revised by the LPA's work. This is not an assessment of the current adequacy of the housing allocations in the Plan area, just a statement of the situation that the Qualifying Body need to work to, and that this examination may take into account.

3.5 There is no duty on a neighbourhood plan to undertake site allocations for housing. The Purton NP has not re-defined the settlement boundary for Purton as a result of its allocation, but is retaining the evolving boundary currently emerging as a proposal from the LPA. This may change, but at present it is broadly similar to the settlement boundary in the adopted NWLP 2011. As a settlement boundary is a strategic policy, this approach by the qualifying body is compliant with the Basic Conditions and in line with the current lack of a housing allocation for Purton. By suggesting a site beyond the current boundary, the Plan is promoting positive planning. I am satisfied that a criteria-based site assessment process was undertaken, and that it complies with the NPPG requirement that a neighbourhood plan has a proportionate evidence base (ID41-040-20160211) and has selected sites against clear criteria and with an adequate appraisal process (ID41-042-20170728).

3.6 I accept that the Plan will contribute to sustainable development in line with the Basic Conditions with the modifications to policy recommended in Section 4 below.

3.7 A Screening Opinion has been issued by Wiltshire Council which considered whether Strategic Environmental Assessment (SEA) was required for the Purton NP. An initial draft of the Screening Opinion was sent to the three statutory consultees, and one – English Heritage - was not able to agree that the Plan would have no significant environmental effects until certain changes were made and gaps in the evidence for the Plan were made good. With these changes made, English

Heritage withdrew their objection and agreed that the Purton NP would have no likely significant negative environmental effects and SEA was therefore not necessary. The Screening Opinion was finalised in January 2018.

3.8 There was no consideration of the Habitats Regulations included in the revised screening opinion of January 2018, but a Habitats Regulations Assessment (HRA) was undertaken previously in August of 2017 with the first draft of the SEA Screening Opinion. This concludes that there are no likely significant effects upon any European protected sites (Natura 2000). The Purton NP has therefore complied with the Basic Condition requirements with regard to EU directives relevant to the Plan.

3.9 The Purton NP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the Parish Council indicate in their Basic Conditions Statement (para 28) the need to have regard to this legislation.

4. Compliance with National Policy and the adopted Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the Purton NP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF and the NPPG primarily. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase 'general conformity' allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance. As stated in para 1.3.1 above, the development plan for Purton is the WCS2015 and the NWLP2011 saved policies.

4.2 The Purton NP and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended. Modifications are boxed in the text, with text to remain *in italics*, new text highlighted in **Bold** and text to be deleted shown but ~~struck through~~. Instructions for changes recommended are shown underlined.

4.3 The format of the Purton NP is generally concise and easy to read. It has kept to land-use issues, and evidence base documents are usefully referenced on page 8. Of these documents, the 2013 Flood Report should be easier to access on line, similarly the 2015 draft SHLAA needs to be available. Some corrections have been noted at the Reg16 stage by respondents, and I have noticed several instances where the Plan will need to be corrected or updated. These recommended alterations for accuracy are listed in Modification 2 below, the LPA is also authorised to correct other errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)].

Modification 2: The following alterations and amendments should be made to the Purton NP and accompanying documents for reasons of accuracy:

Basic Conditions Statement, para 27, reference should be made to the **Screening Opinion** not a 'Sustainability Appraisal';

Text should be updated as required and to include:

Para 1.17 submission needs to be stated in the past tense;

Para 1.19 Cricklade NP has now been made, on the 8th March 2018.

4.4 Policy 1: To Enhance the Prospects for Local Employment

The policy proposes that only development that is a B1 Business use appropriate to a residential area shall be acceptable. However both areas to which the policy applies are outside of the residential area, and have existing B2 uses, in the case of the Land at Mopes Lane there are also extensive waste operations undertaken. The restriction has been objected to in Reg16 comments as contrary to the Basic Conditions. Policy CP19 in the WCS, and saved Policy BD1 of the NWLP apply only to the Mopes Lane site, and make it clear that designated employment sites such as Mopes Lane should be retained for employment uses covering B1, B2 and B8 uses as defined by the Use Classes Order 1987 as amended.

4.4.1 Adjacent to the Mopes Lane site, a recent planning permission has been granted for B2 and B8 uses (14/10939/FUL). It would be consistent with policy in the development plan, and logical to include this area in the designated employment site. However this is not a Basic Conditions issue, and I leave decisions on that to the LPA in consultation with the Qualifying Body.

4.4.2 In the case of the Mopes Lane site I consider that the restriction to B1 uses is contrary to the Basic Conditions due to conflict with strategic policy in the development plan. At the Penn Farm site the restriction is not covered by strategic policy, and the site is closer generally to residential property, but B2 use is already partially established. The requirement for B1 uses only is justified in Policy 1 due to 'the small size and limited access of both sites'. However the key difference of a B1 use is that it is compatible with a residential area, and neither of these sites are residential. Remaining land available for development at Mopes Lane is nearer the residential properties on New Road, and the Penn Farm site is adjacent to some residential property. A general requirement in the policy to consider existing residential uses in any further development proposal would be advisable for both sites. In the case of Penn Farm, B1 use can be stated as a preference, with any other use needing to justify its suitability in terms of residential and traffic impact. In this way legitimate concerns are met, without restrictions that could impact unreasonably on viability, contrary to policy in the NPPF (para173).

4.4.3 The Policy lists conditions that should presumably be applied to any planning permissions granted on the basis on the policy. This is not acceptable practice, as planning conditions need to be necessary for the particular development and reasonable (NPPF para206). Thus planning conditions cannot be pre-determined. A policy may suggest development requirements, and modification 3 sets out alternative guidelines for the suggested conditions concerning the listed

building and flooding issues. The highway requirement for development is not reasonable to impose prior to any development proposal, and in any case will be a matter for the highway authority to come to a decision on if necessary. Given the obvious access problems at the New Road junction with Station Road however, a further guideline concerning the need to consider traffic impact at the Penn Farm site is a reasonable addition to the policy and useful guidance to any future developer.

Modification 3: In order that Policy 1 complies with the Basic Conditions and deals with landuse issues, I recommend the following alterations:

“Development of the undeveloped land at:

- *Land at Mope Lane identified as part of Purton Brickworks and,*
- *Penn Farm Industrial Site.*

~~Is encouraged to provide opportunities for local employment within Use Class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended) due to the small size and limited access of both sites. Development to including opportunities for small business units and incubator units for start-up enterprises including such activities as communication technologies, knowledge based and creative industries, environment, rural enterprises, accounting and financial services or similar . and is to retain the Land and buildings and building designated for, and in, employment use at Purton Brickworks and Penn Farm are to remain in employment uses (Class B as appropriate) for employment to protect these valuable employment locations from alternative development.~~

~~Conditions:~~

- *Mopes Lane (Purton Brickworks): Development of the site shall respect the character and setting of the Grade II listed House at 33 New Road (List entry 1283837) which is located next to the southeast corner of the site and any adjacent or nearby existing residential property.*
- *Penn Farm Industrial Site: **B1 employment use is preferred at this site.** Development proposals will need to demonstrate that any adverse impact on nearby residential property is acceptable or can be mitigated, and that the traffic impact of the development will not cause increased highway safety issues and or impact on the residential amenity of residents including properties on New Road. ~~property is should only take place if the land gains vehicular access via Mopes Lane as the existing access to New Road from the main road does not have the capacity to take additional commercial traffic.~~*
- *Any proposals for development on this land shall demonstrate how **any potential flood risk will be dealt with, including appropriate mitigation measures if necessary, so that no increased flood risk is created on or off the site.** ~~would prevent the flooding of this land and any other land that would be affected by the development.~~*

4.5 Policy 2: To Improve Road Safety

The policy is suggesting that CIL monies will be spent on a feasibility study for road improvements to a local junction. The LPA have made it clear that this would need to be CIL monies allocated to the Parish Council, and there is a specific objection to CIL monies funding a feasibility study as not infrastructure. Implementation of infrastructure will always require design, feasibility work and other background work and permissions, but the policy is currently too specific on just this cost, and it cannot indicate that resources of the LPA will be used for the work. If Policy 2 is to comply with the Basic Conditions it needs to be accurate and deal with land use issues (NPPG ID 41-004-20170728). I recommend therefore that the wording of the policy be altered as shown in modification 4, in order that the intent of the policy remains but it is accurate in its identification of funding potential and keeps to landuse issues, not the project management detail.

Modification 4:

Purton Policy 2 is recommended to be revised as follows:

*“Opportunities to improve pedestrian and traffic safety will be sought for the road junction and parking area at Lower Square at the junction of the High Street, Station Road and Church Street. **Works funded by local parish CIL money and other sources will be directed to implementing works that** ~~These shall be the subject of a feasibility study funded by CIL resources with a view to changing the existing arrangements in order to improve pedestrian and traffic safety at this junction.~~”*

4.6 **Policy 3: Footpaths** Complies with the Basic Conditions.

4.7 Policy 4: Ecological Enhancements

The Policy has been criticised as adding nothing to policy in the WCS2015 and therefore not complying with guidance in the NPPG (ID: 41-041-20140306). The guidance does not state that repetition is not acceptable, so I am not convinced that this would be contrary to the Basic Conditions. However the Purton NP lists local wildlife sites in para 2.12 (page 13), and to follow the guidance in the NPPG these should be specifically mentioned in Policy 4. The reference to Policy

CP51 in the WCS is an error, it is Policy CP50 that deals with biodiversity. In order that Policy 4 is clear and accurate, as also required in the NPPG (same reference) and the NPPF, this needs to be corrected.

4.7.1 In order that Policy 4 complies with national guidance and policy and thus the Basic Conditions, I recommend that it is amended as shown in Modification 5:

Modification 5: Policy 4 to be altered as follows:

“Proposals for new development should in accordance with Core Policy ~~50~~ ~~51~~ and the NPPF Chapter 11 seek to identify and implement ecological enhancements wherever possible, such as part of proposed developments, in order to work towards a net gain for biodiversity rather than just to protect existing ecological features/sites.

Local sites of ecological interest are to be retained and enhanced wherever possible in any development proposal. They include the following:

- **All County Wildlife Sites and Sites of Nature Conservation Interest**
- **Areas of woodland and other wildlife sites shown on Map 3 (page 14)**

4.8 Policy 5: To Protect Key Local Landscapes

This Policy designates a large area as open space, that is to remain undeveloped to preserve local views. Photographic evidence of views from the extensive footpath network is provided as evidence, and I saw on my site visit that there are indeed many impressive views to be had from public footpaths and other locations due to the topography of the area and Purton’s location on a limestone ridge. However the designation of all the privately owned land the views are taken over as open space, not to be developed on, is a strategic level policy. Any such designation would need to be based on landscape quality as well as an assessment of the views taken over it, and comply with the hierarchy of protection as promoted by the NPPF (para 113). The land proposed to be protected from development has no national level of protection. Woodland within it is protected by policy NE12 in the NWLP2011, but not the overall landscape. There is no attempt to designate the area as Local Green Space in the Purton NP, and if there was it would not conform with the NPPF (para 77) and the requirement in that government policy that Local Green Space should not be an extensive tract of land. These points have been made in several submissions at Reg16, and I agree with them.

4.8.1 The protection of public views is however a legitimate planning concern, and the views over the public footpath network around the ridge are a very distinctive local feature. In order that Policy 5 complies with the Basic Conditions I recommend that it be modified so that the designated area is instead showing an area where extensive views are currently taken, and that any development should maintain wherever possible the quality of these public views. The Policy also needs some re-wording in order that its intent is clearer. It appears to state that Purton Common views are shown on Map 5, but I am informed this is not so.

Modification 6: Policy 5 is recommended to be altered as shown:

*"The area shown in green on Map 5 **designates an area in which** ~~is allocated as open space to remain undeveloped to preserve~~ locally important views **are taken from the public footpath network**, both to and from the escarpments to the north of the village, around Francombe Hill (known locally as High Hills), along the western side of the village up to and including the vista leading up to and around the ancient monument known as Ringsbury Camp. These views are shown on Map 5 which indicates sensitive **public** views related to the existing built areas. ~~Although not named specifically in the Purton Parish Plan consultation,~~ The area named as Purton Common also provides ~~a significant~~ **public** views, ~~lying between Vasterne Hill, Hoggs Lane and Witts Lane is also~~ as shown on Map 5. ~~and shall be protected from development.~~ **Any development in this designated area will be required to maintain the quality of these distinctive public views.***

Map 5 to be amended so that the Purton Common views are identifiable.

4.9: Policy 6: Settlement Identity

This Policy has also been criticised in several Reg16 responses as being a strategic policy, precluding any development on the land and not being clear. The policy states that the land between the western edge of Swindon and the eastern boundaries of Purton and Purton Stoke shall remain open countryside, mainly agricultural in nature, to order to retain the rural quality of the settlements. The former NWLP had a designated Rural Buffer policy, and the intent of this policy (not saved) is repeated in Policy CP51 of the WCS that requires the separate identity of settlements to be maintained. However specification of a particular land-use within Policy 6 is going beyond the intent of the strategic policy, and is overly restrictive, contrary to the NPPF (para184).

4.9.1 The key issue from Policy CP51 is that new development should not lead individually or cumulatively to the coalescence of settlements. To remain in general conformity with the strategic policy, Policy 6 should refer to development not leading to coalescence of settlements rather than designating the whole area to remain as countryside. In order that Policy 6 complies with the Basic Conditions, and is in general conformity with strategic policy in the development plan, I recommend that it be altered as shown in modification 7 below:

Modification 7: Policy 6 is recommended to be altered as shown:

“Development on the land between the western edge of the Swindon urban area and the eastern boundaries of Purton and Purton Stoke, and the hamlets of The Fox and Hayes Knoll should not either individually or cumulatively lead to the coalescence of these settlements and Swindon in order ~~to be retained as open countryside, primarily for agricultural use,~~ to retain the rural quality and value of these settlements and their setting.”

4.10 Policy 7: Flooding

There is fairly recent survey evidence of flooding problems in Purton undertaken by the LPA, problems that include the land mentioned in this policy. Requiring details of flood risk assessment and necessary mitigation measures for development proposals is therefore reasonable. At present the wording of the second paragraph is assuming all new development will cause flooding, but this needs to be the subject of an assessment in each case, before adequate mitigation can be determined. For the clarity required by national policy (NPPF para 154), Policy 7 needs to be clear that mitigation measures will be based on a flood risk assessment for that development.

4.10.1 It is not reasonable to require a sequential test is applied to show there are no alternative sites available where the land in question is designated by the Environment Agency as of low flood risk (zone 1). Policy CP67 in the WCS only requires this for zones 2 and 3 of the Strategic Flood Risk Assessment. Thus in order to comply with the Basic Conditions and be in general conformity with strategic policy in the development plan and the NPPF, I recommend that policy 7 is amended as shown in Modification 8:

Modification 8: the last sentence of the first paragraph of Policy 7 is to be deleted. The second paragraph is to be modified as shown:

*Any proposals for development on this land shall demonstrate **assessed flood risk and how any necessary flood mitigation measures would prevent the flooding of this land and any other land that would be affected by the development.***

4.11 **Policy 8: Pavenhill Shops** Complies with the Basic Conditions.

4.12 **Policy 9: Facilities for the Elderly**

After querying information in the Plan, I have verified that this policy relates to a property owned by Wiltshire Council, and adjacent to the site allocated for residential development, referred to as “Hooks Hill” in Policy 13. The Plan will need to be modified to correctly identify the facilities at The Cedars. The evidence of a higher percentage of older people living in Purton than the average in either Wiltshire or England is quoted as supporting the retention of the site as a Care Home within Purton.

4.12.1 The retention of the Care Home use is a land-use issue, but it is not reasonable to require its retention without reference to viability and other issues. The policy statement that the land will be “retained for the provision of supported living accommodation for elderly people who have an association with the Parish” is both too prescriptive and also too vague, and does not have the clarity required of policies in the NPPF. How is ‘an association with the Parish’ to be defined for example?

4.12.2 Policy 9 can continue to express the local aspiration for continued use as an elderly care facility, but the wording needs to be clearer in intent and not impact on the potential viability of the development unreasonably (NPPF para 173). I recommend that Policy 9 is amended as shown in modification 9, in order that the policy complies with the Basic Conditions. Map 7 is to be amended to identify the correct site for reasons of accuracy.

Modification 9: ‘Policy 9: Facilities for the Elderly’ to be altered as follows:

~~The land retention of the site shown on Map 7 and known locally as ‘The Cedars’ is retained for the provision of supported living accommodation for elderly people who have an association with the Parish and who wish to continue to live in Purton village.~~
for the provision of supported living accommodation for elderly people is supported.

Map 7 is to be amended in order that it identifies the location of The Cedars correctly.

4.13 **Policy 10: Cemetery Extension** Complies with the Basic Conditions.

4.14 **Policy 11: Allotments**

As currently drafted the policy is not clear enough that it is allotments that are to be provided if these sites are redeveloped, and this use that they should be retained for. The phrase ‘be favoured for development’ is also not clear what is meant in planning process terms. The policy will comply with the Basic Conditions, and meet the NPPF requirement for policies to be clear and concise with the recommended alterations in modification 10 below:

Modification 10: Policy 11 is recommended to be altered as follows:

“The Allotments at Pavenhill, Poor Street (Restrop Road) and off Church Path shown in Map 8 are to be retained for the use of the local community as allotments. Any development proposal on these ~~Should any of the designated areas will be required to provide be favoured for development then as part of any permission an alternative and equivalent area of land as part of that development be secured by condition to be used as allotments in order to continue to provide a social and recreation asset focus for use by the community.”~~

4.15 **Policy 12: Play Areas, Leisure and Open Space**

The Policy will comply with the Basic Conditions when it is clear that the areas designated are to be retained as open space. I recommend therefore that the policy be amended as shown in modification 11 below:

Modification 11: Policy 12 to add the following text at the end: “as public open space”.

4.16 Policy 13: Development Principles

Many of the representations on this Policy from the Reg16 consultation have been dealt with already in this report in Section 3 (paras 3.2 – 3.5). Additional representations with suggestions of other policies that could be added to the Plan, or additional allocations in other settlements, cannot be the subject of an examination of a neighbourhood plan, which can only deal with issues of Basic Conditions compliance. The current work the LPA are undertaking to extend the housing site allocations to 2036 will consider housing allocations in Purton in the longer time frame. As explained in para 3.5 of this report, the Purton NP has taken the existing settlement boundary, while acknowledging changes may be made in forthcoming development plan documents. Meanwhile this Plan has complied with the current allocated need in the neighbourhood area until 2026, and indeed extended that.

4.16.1 Policy 13 identifies land within the settlement boundary suitable for residential development. The sites shown have been considered in a report on potential site allocations, and there is an adequate evidence base for this policy. The sites themselves range from land with no current planning permission, to land on which construction has now started. One of the Dogridge 3316 sites with permission for two bungalows currently has active construction work on it, and the 'Land at Northcote' site is also under construction, implementing a permission for eleven homes. Given that the policy is 'identifying' sites, the differing circumstances can be accommodated within the sense of the policy, but these two sites cannot be considered allocations now, they are commitments.

4.16.2 Bullet point 2 is actually only relevant for three of the sites, and should be qualified by the phrase 'where relevant', to comply with NPPF and NPPG requirements for policy clarity. Therefore in order that the policy meets the Basic Conditions I recommend it is amended as shown in Modification 12.

Modification 12: The second bullet point within the 'Proposed development should' section of Policy 13 to add the phrase "Where relevant," at the beginning of it.

4.17 Policy 14: Development Outside the Settlement Boundary at Restrop Road

This policy identifies an area for development of up to 40 smaller homes. The area shown would accommodate considerably more than this number, so the policy is not a strict allocation but an area of search. The WCS is an up to date Local Plan, and so the suggested role of a neighbourhood plan to consider reserve sites in the NPPG is not strictly relevant. However this designated area on land outside of the current settlement boundary could be seen as approximating such a reserve site. Neighbourhood plans are encouraged to plan positively, and this policy, by designating land outside the settlement boundary for development has been positive. The designation process has considered and assessed a range of site options for this further development, and there is an adequate evidence base for Policy 14. The policy complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The Purton Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Purton Neighbourhood Plan 2017 – 2026 shall be the boundary of the designated Neighbourhood Area for the Plan.