

John Slater Planning Ltd

Seagry Parish Neighbourhood Plan 2019- 2036

Submission Version

A Report to Wiltshire Council on the Examination of the Seagry Parish
Neighbourhood Plan

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Executive Summary

My examination has concluded that the Seagry Parish Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Requiring applicants to assess the impact of any development that affects the valued local views.
- Clarifying the protection offered as a heritage asset to the stone style at the Hole in the Wall footpath and change the designation of the Spitfire Memorial from a local heritage asset to a local green space.
- Delete the policy relating to the Natural Environment and Biodiversity
- Remove reference to “local informal paths” from the rights of way policy
- Change the requirement for applicants to have to refer to the Community Design Statement to one of encouragement.
- Retitle Policy SNP7 to refer to “Small Infill Development” and reword the policy to be Upper Seagry specific, including referring to a map to be included which identifies the loose knit cluster of houses where there is a presumption against infilling and also to identify key gaps to be maintained.
- Change the electric charging point policy to only require on curtilage charging
- Deleting the Community Involvement policy
- Deleting the section of the Community facilities policy that requires developer contribution to the retention and enhancement of community facilities

The referendum area does not need to be extended beyond the plan area.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the Wiltshire Core Strategy. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Seagry Parish Council. A Steering Group was appointed to undertake the plan preparation made up of local volunteers. Seagry Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of my examination of the Submission Version of the Seagry Neighbourhood Plan. My report will make recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be “made” by Wiltshire Council, the Local Planning Authority for the neighbourhood plan area.

The Examiner’s Role

4. I was formally appointed by Wiltshire Council in September 2019, with the agreement of Seagry Parish Council, to conduct this examination. My role is known as an Independent Examiner. My selection has been facilitated by the Neighbourhood Planning Independent Examiner Referral Service which is administered by the Royal Institute of Chartered Surveyors (RICS).
5. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years’ experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Wiltshire Council and Seagry Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
6. Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
7. Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of the area covered by the Seagry Neighbourhood Plan area.
 8. In examining the Plan, the Independent Examiner is expected to address the following questions
 - a. Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - b. Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area.
 - c. Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body.
 9. I am able to confirm that the Plan does relate only to the development and use of land, covering the area initially designated by Wiltshire Council, for the Seagry Neighbourhood Plan, on 1st September 2015.
 10. I can also confirm that it does specify the period over which the plan has effect namely the period from 2019 up to 2036.
 11. I can confirm that the plan does not cover any “excluded development”.
 12. There are no other neighbourhood plans covering the area covered by the Plan designation.
 13. Seagry Parish Council, as a parish council, is a qualifying body under the terms of the legislation.

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.
15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

16. I am satisfied that I am in a position to properly examine the plan without the need for a hearing.
17. I carried out an unaccompanied visit to Seagry, and the surrounding countryside on Saturday 12th October 2019. I was able to walk and drive around Lower Seagry and Upper Seagry to familiarise myself with the plan area.

The Consultation Process

18. Once Wiltshire Council had approved the designation of the parish as a neighbourhood area, the Steering Group prepared, in April 2016, an initial questionnaire which was distributed to all households and businesses in the parish. The survey results were reported to the Annual Parish Meeting held in May 2016 and the responses received guided much of the work of the group.
19. In August 2017, a Community Design Day was held, involving 19 adults and 4 children who reported their findings to feedback session held in the afternoon, attended by 40 people.
20. The Steering Group issued a “call for sites” in January 2018 and in April 2018 issued a Local Green Space questionnaire. The neighbourhood plan Open Day was attended by 27 people on 14th July 2018 who heard about the emerging neighbourhood plan and its policies and were able to contribute under the heading “Have Your Say”.
21. In October 2018, a housing needs questionnaire, which had been prepared by Wiltshire Council was distributed. This received a 34% response rate. Following the receipt of the report into the findings a decision was taken not to allocate any housing sites.
22. The draft plan was agreed by the Annual Parish Meeting held in April 2019 and the Pre-Submission version of the plan was then the subject of a six-week Regulation 14 consultation, held between 9th April 2019 and 24th May 2019 (not as erroneously stated in the Consultation Statement, from 12th to 24th May).
23. A total of 51 individual comments were received, most were from Wiltshire Council although 16 comments came from local residents. These are set out in an appendix to the Consultation Statement which includes the agreed response from the steering group
24. I am satisfied that the process has been both open and transparent and that the views of the community have been positively sought and have profoundly influenced the final content of the neighbourhood plan.

Regulation 16 Consultation

25. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over a 6-week period, between 12th August 2019 and 24th September 2019. This consultation was organised by Wiltshire

Council, prior to the plan being passed to me for its examination. That stage is known as the Regulation 16 consultation.

26. In total, 9 responses were received, from Natural England, National Grid, Historic England, Highways England, Environment Agency, Wiltshire Council, The Canal and Rivers Trust, and one from a local resident and one from a resident of Lower Stanton St Quintin.
27. I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the plan as a whole.

The Basic Conditions

28. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.
29. The five questions which constitute the basic conditions test, seek to establish: -
- Has the plan had regard to the national policies and advice contained in the guidance issued by the Secretary of State and is it appropriate to make the Plan?
 - Will the making of the Plan contribute to the achievement of sustainable development?
 - Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
 - Whether the making of the Plan breaches or is otherwise incompatible with EU obligations or human rights legislation?
 - Whether the making of the Plan would breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?
30. This neighbourhood plan is being considered against the Secretary of State policies as set out in the 2019 version of the National Planning Policy Framework.

Compliance with the Development Plan

30. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the adopted Wiltshire Core Strategy.

31. Core Policy 1 sets out a Settlement Strategy which identifies “Small Villages” as “settlements with a low level of services and few employment opportunities”. Upper Seagry is identified as being a “Small Village” but Lower Seagry is not identified as a recognised settlement.
32. Core Policy 2 states that for areas without defined limits of development, which applies to all the plan area, development in small villages will be limited to infill within the existing built up area. Proposals for development at small villages will be supported where they seek to meet housing needs of settlements or provide employment, service or facilities provided that the development:
 - i) respects the existing character and form of the settlement
 - li) does not elongate the village or impose development in sensitive landscape areas
 - lii) does not consolidate an existing sporadic loose knit area of development related to the development.
33. Core Policy 48 deals with Supporting Rural Life and this only allows new housing if required for agricultural or forestry or other persons employed in business essential to the countryside.
34. Other relevant policies are Policy 50: Biodiversity, Policy 51: Landscape, and Policy 52: Green Infrastructure and Policy 57: Ensuring High Quality Design and Place Shaping.
35. I am satisfied that the plan as a whole is in general conformity with the strategic policies in the Wiltshire Core Strategy.

Compliance with European and Human Rights Legislation

34. Wiltshire Council issued a Screening Statement, in December 2018 which concluded, having consulted with the three statutory consultees, that a full assessment, as required by EU Directive 2001/42/EC which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004”, would not be required as its view was that the Plan is unlikely to have significant effects on the environment.
35. The Council, as competent authority, also issued report dated 10th May 2019 which set out its screening decision under the Habitat Regulations. This screening assessed the Reg 14 version of the plan and concluded that it would not have any adverse effects upon European protected sites or their qualifying features, and an Appropriate Assessment would not be required.
36. I am satisfied that the basic conditions regarding compliance with European legislation, including the newly introduced basic condition regarding compliance with the Habitat Regulations, are met. I am also content that the plan has no conflict with the Human Rights Act.

The Neighbourhood Plan: An Overview

37. This neighbourhood plan covers a rural parish in Wiltshire which contains two settlements. Upper Seagry is identified as a location suitable for small, infill development as it is a village with a limited number of local facilities i.e. a pub, school and community hall. Lower Seagry is not identified in the Core Strategy as a location appropriate for new housing, except for the essential rural worker housing. The housing needs survey identified the housing need is for 2 no. two bedroom houses. Whilst there have been larger sites put forward through the “call for sites” exercises carried out by both Wiltshire Council and Seagry Parish Council, no sites are being proposed for allocation in this plan. That is a reasonable conclusion as it is clear that the community’s actual housing need can be met through infill development in Upper Seagry, which would be consistent with local plan policy.
38. The Secretary of State’s policy as set out in the NPPF, is that plans must “serve a clear purpose, avoiding unnecessary duplication of policies that apply in a particular area”. Wiltshire Council criticised the drafting of a number of specific policies. I share their concern in a number of instances and I believe that the response from the Parish Council to my invitation to respond to the comments has produced more focused and specific policies. These changes make the policies much more usable in a development management context. It is important that neighbourhood plans should promote locally distinct policies, which provide a local dimension to development plan policy rather than just to repeat what is already in the development plan. My recommendations in respect of the infill policy seek to ensure that criteria set in the Core Strategy are not merely repeated in the neighbourhood plan policy, as it already applies to Upper Seagry, but it gives it a specific spatial context.
39. My recommendations have concentrated on the wording of the actual policies against which planning applications will be considered. I have also in a number of places recommended changes to the supporting text. I consider that it is beyond my remit as examiner, to comprehensively recommend editorial changes to all the supporting text. Other changes are likely as a result of my recommendations, which can be agreed between Wiltshire Council planners and the Steering Group so that the Referendum Version of the plan reads as a coherent planning document.

The Neighbourhood Development Plan Policies

Planning Policy SNP1: Valued Views

40. On my site visit I saw all eight viewpoints, although one, Valued View 3 was totally obscured by a field of maize which prevented the long-distance views of St Mary the Virgin’s Church. I have now also been provided with a copy of the Valued Views report, which I considered justifies all eight viewpoints as being locally important.

41. The Parish Council, in response to Wiltshire's Regulation 16 comments have suggested a "sharpened" policy, which will be more focussed on the assessment of the impact of the development on the vistas as part of the development management process. I am happy to base my recommendations on that suggested by the Parish Council.

Recommendations

Replace the first paragraph with "Any development proposals that are likely to affect any of the views listed below, shown on map 2 and described in the Valued Views report should assess the effect of the proposals on the view(s) and demonstrate how any adverse effects have been addressed."

Delete final paragraph

Planning Policy SNP2: Local Heritage Assets

42. In terms of the eleven assets proposed, I sought clarification on two of the nominees.
43. I felt that the description - Hole in the Wall Footpath, did not accurately describe what the actual heritage asset comprised. I have now been sent a copy of the Local Heritage Listing report and I am satisfied that the heritage asset is the pillars, arch and the stone stile at the entrance of the footpath. I will clarify that in the description in the policy.
44. The second item was the Spitfire Memorial, which is a memorial to two RAF pilots killed whilst training over the parish during the Second World War. However, the memorial itself was only erected in 2014 and is in my opinion too recent for it to qualify as a "heritage asset". I do not believe that it would comply with the definition of a heritage asset as set out in the glossary of the NPPF. I note that the Appendix shows this designation as applying to the whole of the highway verge area, beyond the immediate confines of the memorial and the adjacent paved areas. I appreciate that this area is clearly of importance to the local community and I propose that the area should instead be designated as a local green space, rather than as a heritage asset.
45. I am generally satisfied that the intention of the policy is clear. However, the NPPF test for development affecting such assets is that they should be conserved "in a manner appropriate to their significance". I will recommend that the wording be added in the second sentence to bring it into line with national policy.

Recommendations

At the end of the second sentence add "in a manner appropriate to its significance"

Amend description of Local Heritage Assets 3 from "Hole in the wall footpath" to "Stone stile at the entrance to the Hole in the wall footpath along with the stone pillars and arch".

Delete 11 Spitfire Memorial and remove from map 4

Planning Policy SNP3: Natural Environment and Biodiversity

46. I agree with Wiltshire Council representations that the requirements of this policy are vague. In response to my Initial Comments, I had an email exchange with the Steering Group Chairman wherein I described the difficulty a decision maker would have to ascertain whether the applicant had demonstrated that “*attention has been paid to on site and local features of the natural environment and biodiversity...*”. I consider that the equivalent Core Strategy policy is a far more focused policy and aligns well with the approach set out in the NPPF. This relates to “sensitive wildlife species and habitats”. The Parish Council has now responded that it agreed that the policy should be deleted and the supporting text be supplemented by the new paragraph 5.4.5 which refers to the Core Strategy. I will recommend the proposed wording suggested.

Recommendations

That the policy be deleted.

Amend para 5.4.5 to read “In general, adequate protection is provided by Wiltshire Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure). More specifically, map 5 shows some of the most significant natural environmental assets within Seagry Parish. As well as taking particular account of any impacts on these, the community encourages any applicant to highlight natural environment and biodiversity aspects related to any development and, where possible, offer mitigation of negative impacts.”

Planning Policy SNP4: Footpaths and Bridleways

47. Wiltshire Council, again in its Regulation 16 comments highlight the wording as ambiguous and lacking precision.
48. The Parish Council has suggested that applications for development adjacent to public rights of way or informal local paths and bridleways “should ensure links to these routes in line with Core Policy 52”, which deals with Green Infrastructure, includes rights of way. I consider that would be a legitimate aspiration, but not one that should be triggered by every type of planning application. For example, if a new housing development was built adjacent to a public footpath, then it would make sense to connect that scheme to the footpath network. It would not however be a reasonable expectation for a scheme for a domestic extension to trigger a need to have to create a new connection. This concern can be addressed by the inclusion of the caveat “where it would be appropriate”.
49. The policy also refers to “informal local paths”. I asked for clarification as to which local paths fall within that category and the Parish Council provided me with a map that showed 2 short routes- one to the west of Seagry House in Upper Seagry and

secondly a route which runs to the south and west of Mill House. I have no information as to the status of such routes, whether the public access is by specific consent, or whether the informal use is tolerated by the land owner or is formally designated as a “permissive path”. It would not be appropriate for a development plan policy to protect routes whose status is not established and could be seen as encouraging the public to trespass on private land, merely as it is shown as “an informal local path”. I will therefore propose the removal from the policy reference to “informal local paths”. That will bring this policy into line with national policy, which is to protect and enhance public rights of way.

50. Furthermore, it is not necessary for the policy to separately identify “bridleways” as they are covered by the protection offered by being a public right of way.

Recommendation

Replace policy with “Applications for developments that are adjacent to Public Rights of Way as shown on map 6, should, where it is appropriate, ensure links to those routes are provided.”

Planning Policy SNP 5: Local Green Space

51. In view of my conclusions, regarding the land at the Spitfire Memorial and the evidence submitted as to its significance to the local community, I believe that the land should be better protected through designation as Local Green Space, rather than being a heritage asset. The Parish Council now agree with that conclusion.
52. I have seen representations at Regulation 14 from a householder who wished to create a drive access across the amenity land at Greenleaze in Upper Seagry. This would allow the provision of on-site parking and offer the resident potentially the ability in the future able to charge an electric vehicle. I am now given to understand that this access has been installed. It has been suggested that this has been carried out without planning permission. That matter is not one for my examination to have to address, although I would suggest that it may well fall within the provisions of permitted development. The construction of that route across the green space does not undermine my conclusion that this land still warrants designation as local green space. It is not unusual for area so designated to have pathways crisscrossing the open space, as is the case with the Spitfire Memorial.

Recommendation

Add “4 Spitfire Memorial” to the list and include the site in Map 7.

Planning Policy SNP6: Character and Design

53. I do not share Wiltshire Council’s reservations regarding the use in the policy of the term, *high-quality design*. It is a term that is used extensively in the NPPF and in Core Policy 57. The policy states that applicants must refer to the Community Design Statement. Whilst it is clearly desirable for applicants to have regard to this guidance, it would not be appropriate to refuse an acceptable design which reflects the local

distinctiveness of the parish, due to the absence of reference to that document. I will recommend the applicants are “strongly encouraged” to have regard to this advice.

54. Finally, the policy refers to “new development” – I consider that the policy should refer to *new buildings* rather than say a *change of use* or an *engineering operation* which would also fall within the definition of development.

Recommendations

Replace “new development” with “a new building(s)” and before “by reference” insert “preferably”

Planning Policy SNP7: Small and Infill Development

55. Core Policy 2: Delivery Strategy, in the Core Strategy limits development in small villages such as Upper Seagry, but not Lower Seagry, “to infill within the existing built up area”. I will suggest that the title of the policy be changed to small infill development to ensure consistency with the Core Strategy.
56. The neighbourhood plan does not define what it means by *infill*. However, an often-used definition is “the development of a relatively small gap between existing buildings (source Planning Portal). I will use that definition within the suggested amendment so there is clarity as to what form of development the plan is supporting.
57. I have some concern regarding the wording of the second and third criteria, in the submission version of the policy. It refers to “sensitive landscape areas” but does not identify them. The final criterion refers to the consolidation of “existing sporadic loose knit areas of development related to Upper Seagry”. A decision maker would not know whether an application site was deemed to be falling within such a *loose knit area* unless these are identified. It is clear that the plan has merely copied the requirements of the Core Strategy.
58. I have been provided with a plan that identifies detached clusters around properties shown as Five Thorn Farm and Grooms Cottage and more remote clusters around Coach House and Rookery House. I understand that these names may have been changed from what is shown on the plan and I will therefore recommend that in the final version the map be updated if that is possible. The plan also identifies key breaks between Upper Seagry and the detached clusters. This plan needs to be included in the Neighbourhood Plan itself as it will be referred to in the policy. I have referred to it as Map X but it should be given an appropriate map number, so that the maps are numbered consecutively
59. The Parish Council has provided me with revised criteria for this policy, which includes to “avoid any elongation of Upper Seagry with ribbon development along access roads”. I do not consider that this is an issue, as an elongation of the settlement would not constitute *infill between two buildings*, as it will be extending the footprint of the village. The third criterion refers to settlement coalescence with nearby properties, but that is the nature of infill development and so would run contrary to the form of development that the policy is encouraging.

60. I will reflect the aspirations of the Parish Council in terms of the presumption against infilling within the clusters. Such a policy is necessary in the absence of a settlement boundary to differentiate areas where infilling will not be allowed.
61. The final criterion refers to avoiding “the introduction of standard designs”. A decision maker would not necessarily know whether a planning application is proposing what would be a “standard design”. I will propose the deletion of “standard”, so the policy presumes against “designs that do not relate to their specific local context.”
62. The final paragraph deals with development larger than infill. The submitted text refers to such applications being considered on the merits. That would not be a legitimate planning policy as it does not indicate how a planning application will be determined. The revised text refers to compliance with Policy SMP6 and other policies in the plan. It is unnecessary for the policy to cover such development as the scope of this policy relates only to small and infill development. It is not necessary for a planning policy to require compliance with other policies which already cover the plan area, as part of the development plan i.e. not just the neighbourhood plan.
63. Subject to these amendments, I consider that the policy to be in general conformity with the strategic policies in the Core Strategy.

Recommendations

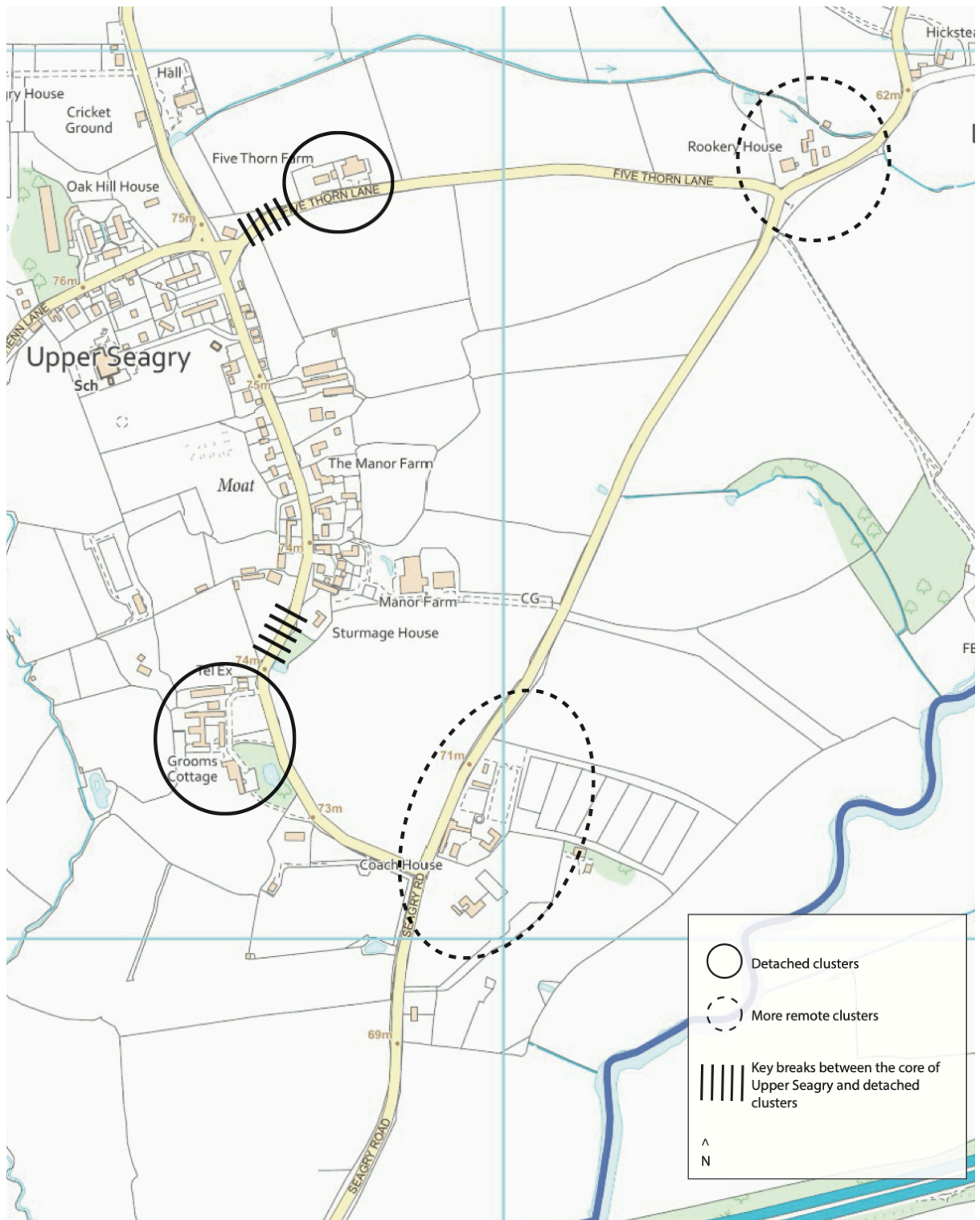
Retitle policy “Small Infill Development”

Replace the policy with:

“Infill development, involving the development of a relatively small gap between existing buildings in Upper Seagry, will be supported where it seeks to meet the housing need of the village or provide employment, services and facilities, provided that it:

- i) respects the existing character and form of Upper Seagry;***
- ii) avoids the coalescence of buildings within the clusters of properties shown on Map X or involves infill development within the areas shown as key breaks between Upper Seagry and the detached clusters***
- iii) avoids the introduction of designs that do not relate to their specific local context.”***

Insert the following map into the appropriate section of the neighbourhood plan as Map X and change the building names to those which are currently used.



Planning Policy SNP8: Custom and Self Build Housing

64. In their response to my Initial Comments the Parish Council suggest that the need for this policy has been superseded by changes in the plan. However, I consider that there is a value in asserting that self-build schemes will be supported, but only in locations where housing would otherwise be considered acceptable.

Recommendation

Add at the end “in locations where new residential development is acceptable.”

Planning Policy SNP9: Permeable Surfacing of Drives and Parking Areas

65. I have no comments to make on this policy.

Planning Policy SNP10: Electric Charging Points

66. I did have some reservations regarding the implications of requiring off curtilage parking areas to have to provide charging facilities on the basis of one charging point for every ten houses. This raises issues in the practicality of such provision.
67. The Parish Council is now suggesting following its response that the policy be limited to all on-site charging facilities only, whilst encouraging such facilities to be provided at places of work or leisure development.

Recommendations

Replace the policy with “Provision should be made for charging of electric vehicles for all new houses where this can be done on-plot. The addition of charging facilities to places of work or leisure is encouraged.”

Changes para. 5.14.3 to:

“A key element of this infrastructure is currently the provision of electric charging points at homes, at places of work and at places of leisure etc. While all this plan can do for existing developments is to encourage the provision of charging points, the plan includes a policy to ensure provision in new housing developments. (As of 2018, it has been estimated that each domestic charging point adds only c. £100 to the cost of any new house.)”

Planning Policy SNP 11: Telecommunications Infrastructure

68. I have no comments to make on this policy.

Planning Policy SNP12: Community Involvement

69. The purpose of a neighbourhood plan policy is to provide guidance on how a planning application is to be determined. This policy is not about how a planning application should be considered, but rather how a planning proposal should be progressed, prior to planning application being made. There is no suggestion that an acceptable scheme should be refused if the Seagry Community Involvement Protocol were not referenced in the submission. I am satisfied that the neighbourhood plan can strongly encourage applicants to adopt the measure set out but it cannot be included as a

development plan policy but rather should be included as a community aspiration, which can still refer to the Protocol as set out in Appendix 1. The protocol should make it clear that this is a discretionary procedure, which is encouraged by the Parish Council.

Recommendation

That the policy be deleted.

Planning Policy SNP13: Retention of Facilities

70. I have no objections to the first paragraph of the policy which is consistent with the NPPF policy that neighbourhood plans can identify key community facilities which the community values and are worthy of protection. It is also in line with Core Policy 49.
71. The second section is more problematical as it is seeking financial contributions to *retain* as well as enhance local facilities. In Wiltshire, the Council has adopted the Community Infrastructure Levy and this is not discretionary. 25% of CIL receipts, derived from development in Seagry parish will be passed to the Parish Council. Applicants cannot be expected to pay twice, through both CIL and Section 106 payments. There is no reason why the neighbourhood plan document cannot identify the facilities that the Parish Council would wish to spend its CIL receipts but this should be within the supporting text rather than the policy that is a budgetary decision. The provisions of Core Policy 3 and the Planning Obligations SPD already cover the plan area and can be referred to in the supporting text.

Recommendation

Delete the second paragraph of the policy.

Add to the supporting text "Infrastructure requirements will be sought in accordance with Wiltshire Core Strategy Core Policy 3 and the Wiltshire Planning Obligations SPD and charged through the Community Infrastructure Levy. The Projects list in Section 6 highlights key local priorities in terms of facilities to which CIL contributions would be directed."

The Referendum Area

72. If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Seagry Neighbourhood Plan as designated by Wiltshire Council on 1st September 2015 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended.

Summary

73. I must congratulate Seagry Parish Council for grasping the opportunity presented by neighbourhood planning to come up with a coherent set of policies which can be used to shape development in the parish in the forthcoming years. It specifically identifies and seeks to protect assets which the community clearly value.
74. To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.
75. **I am therefore delighted to recommend to Wiltshire Council that the Seagry Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
18th November 2019