

Seend Parish Neighbourhood Plan 2020- 2030

Submission Version

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

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Executive Summary

My examination has concluded that the Seend 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 –

- Remove the requirement that applicants must submit a compliance statement.
- Identify specific locations where original pavements are to be treated as non-designated heritage assets as well as to specify the location of the slag stone walls in Seend Cleeve.
- Remove the Irene Usher Memorial Hall from the list of non-designated heritage assets.
- Reference the green infrastructure policy to Natural England's Biodiversity Matrix in measuring net biodiversity gain.
- Remove three sites from the list of community facilities as they are already protected as local green spaces and clarify that it is the campsite shop which is to be treated as a community facility.
- Specify that residential schemes of up to 9 houses are appropriate within the limits of development and remove reference to *suitable* brownfield land.
- Change the emphasis of the climate change policy to one of encouragement.
- Remove the part of the transport policy which identifies current highway issues in the parish.

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 adopted 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 undertaken under the supervision of Seend Parish Council. A Neighbourhood Planning Steering Group was appointed to undertake the plan's preparations on behalf of the Parish Council.
3. This report is the outcome of my examination of the Submission Version of the Seend 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.
4. It will be appreciated that in the light of the COVID 19 crisis, a referendum cannot be held until at least May 2021. However, upon Wiltshire Council issuing the Decision Statement, under Regulation 18 of the Neighbourhood Planning Regulations, indicating how it intends to respond to my recommendations, the plan as modified, can be accorded *significant weight* in development management decisions, until such time as a referendum is held.

The Examiner's Role

5. I was appointed by Wiltshire Council in early December 2020, with the agreement of Seend Parish Council to conduct this examination.
6. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 42 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 my neighbourhood planning consultancy, John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of Wiltshire Council and Seend Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

7. 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
8. 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 Seend Neighbourhood Plan area.
9. In examining the Plan, the Independent Examiner is expected to address the following questions
 - 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?
 - 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.
 - Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has it been developed and submitted by a qualifying body?
10. I am able to confirm that the Plan, if modified in accordance with my recommendations, does now only relate to the development and use of land, covering the area designated by Wiltshire Council, for the Seend Parish Neighbourhood Plan, on 29th July 2016.
11. I can also confirm that it does specify the period over which the plan has effect, namely the period from 2020 up to 2030.
12. I can confirm that the plan does not contain policies dealing with any “excluded development” now that Wiltshire Council has confirmed that the Melksham Bypass proposal is not being treated as a national infrastructure project.
13. There are no other neighbourhood plans covering the area covered by the neighbourhood area designation.
14. I am satisfied that Seend Parish Council as a parish council can act as a qualifying body under the terms of the legislation.

The Examination Process

15. 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.

16. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
17. I carried out an unaccompanied visit to Seend Parish on Wednesday 13th January 2021. I started in the main Seend Village centre before driving around the plan area, looking at most of the sites proposed for designation. I drove through Martinslade and Sells Green before crossing back over the Kennet and Avon Canal and on through Seend Cleeve and The Stocks before going to Seend Head. Overall, I spent nearly two and half hours in the parish and explored the canal and the surrounding countryside as well as the relationship with the adjacent Melksham and Bowerhill. I was also able to fully appreciate the topography of the area and what must be the stunning views in all directions, although it was somewhat murky on the day of my visit.
18. Following my site visits, I prepared a document seeking clarification on a number of matters, which I sent to both the Parish Council and Wiltshire Council, entitled Initial Comments of the Independent Examiner, dated 18th January 2020. I received responses from Wiltshire Council and the Parish Council on 28th January 2021. I subsequently received from the Parish Council the next day, its comments on the Regulation 16 representations. All these responses have been placed on the respective websites.

The Consultation Process

19. During the summer of 2015, two initial consultation events were held to gauge the issues and concerns which were important to the residents of Seend Parish. The Parish Council subsequently set up the Neighbourhood Planning Steering Group. In June 2016 a highway consultation event took place. Prior to that, a range of organisations were contacted to invite them to get involved with an issues identification exercise and this produced 21 responses. Between June and October 2016, a housing needs survey was distributed throughout the parish and a local business survey was also conducted.
20. In April 2017, an update event was held which was attended by 95 people. The Steering Group in March 2018 joined a Canal and River Trust event held at The Barge Inn to focus on canal related issues. Between the summer of 2018 and the autumn of 2019, various consultations took place on local green spaces including contacting the landowners. Local Green Space (LGS) issues were highlighted during the Group's attendance at the Seend Beer Festival held in May 2018 and progress was also publicised at the Annual Parish Meeting. Between 14th July and 1st September 2018, five Seend Breakfast Meetings were held where neighbourhood plan issues could be discussed.
21. Early in 2019, the Group held a drop-in coffee morning which was attended by 51 people. They also attended the local school's two parent evenings held in April 2019. Also, that month, a second housing needs survey was distributed. The work on the plan was again promoted by attendance at the 2019 Flower Show and the Annual Parish Meeting.

22. All this activity culminated with the preparation of the Pre-Submission version of the neighbourhood plan which was the subject of a six - week consultation, known as the Regulation 14 consultation, which ran from 15th February to 28th March 2020. This consultation produced 23 responses. These are fully set out in Appendix 12 of the Consultation Statement, which both records the comments made and the resultant changes made to the plan as a result of consultation responses.
23. I am satisfied that the Neighbourhood Plan Steering Group has actively sought the views of local residents and other stakeholders and their input has helped shape the plan.

Regulation 16 Consultation

24. I have had regard, in carrying out this examination, to all the comments made during the period of final consultation which took place over an 8-week period, between 5th October 2020 and 30th November 2020. 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.
25. In total, 4 responses were received, from Natural England, Wiltshire Council, Highways England and Historic England. The LPA's comments were dated the day after the closing date. I decided to use my discretion and have given full regard to its contents. I was subsequently alerted to a letter from a planning consultant which was dated 23rd December 2020 which highlighted the late submission of the Council's comments. The letter was not so much commenting on the plan itself but rather upon the LPA's submission. Whilst I have noted its contents, I have not treated that letter as a Regulation 16 consultation response.
26. 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

27. 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.
28. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -
- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
 - 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?

- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

Compliance with the Development Plan

33. 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, the saved policies of the Kennet local Plan and the Wiltshire Housing Site Allocations Plan which was adopted on 25th February 2020.
34. Core Policy 1 sets out a Settlement Strategy which identifies “Large Villages” as “settlements with a limited range of employment, services and facilities”. Seend is identified in Core Policy 15 as being a “Large Village”. Seend Cleeve is identified as a Small Village, which covers “settlements with a low level of services and few employment opportunities.” The other settlements in the plan area are not recognised in the settlement hierarchy.
35. Core Policy 2 states that for areas with defined limits of development, there will be a presumption in favour of sustainable development. 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
 - ii) does not elongate the village or impose development in sensitive landscape areas
 - iii) does not consolidate an existing sporadic loose knit area of development related to the development.
36. Core Policy 48 deals with Supporting Rural Life and covers the areas outside the defined limits of Large Villages or the built areas of Small Villages and this only allows new housing if required for agricultural or forestry or other persons employed in business essential to the countryside.
37. Other relevant policies are Core Policy 50: Biodiversity and Geodiversity, Core Policy 51: Landscape, and Core Policy 52: Green Infrastructure and Core Policy 57: Ensuring High Quality Design and Place Shaping as well as Core Policy 58- Ensuring the Conservation of the Historic Environment. Core Policy 60 – Sustainable Transport and Core Policy 61 Transport and Development are also relevant.
38. 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

39. Wiltshire Council issued a Screening Opinion, in a report dated February 2020, which concluded that a full strategic environmental 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.
40. The Council, as competent authority, on 18th March 2020 screened the plan under the Conservation of Habitat and Species Regulations. This report also considered the neighbourhood plan in terms of the impact on any Natura 2000 sites and it concluded that there were no significant impacts and the plan could be screened out.
41. 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

49. I must firstly congratulate Seend Parish Council and the Neighbourhood Plan Steering Group on the quality of the submission documents. The plan is succinct and focussed. It is clearly set out and is very straight forward. It makes good use of photographs and maps. As a document I find that it is fit for purpose.
50. I must also particularly commend the background work that lies behind the submitted plan and I have rarely seen a neighbourhood plan where the policies are so well supported and evidence based.
51. The plan in a number of policies seeks to designate particular areas for protection, whether it be as local green space, important views, non-designated heritage assets or community facilities. This is an important role that allows neighbourhood plans to reflect what is important to the community in terms of their environment. I am generally satisfied that all the individual designations are appropriate and have been justified. I have explained the reasons why a small number have been removed.
52. It is not necessary for the plan to be allocating housing sites but the policies do support sustainable forms of development and differentiates policies for within and beyond settlement boundaries. It is also supportive of the reuse of previously developed land and supporting local employment as well as encouraging housing to meet the needs of the local community. It has strong policies to encourage a net gain in biodiversity as required by the NPPF, as well as enhancing green infrastructure. The plan recognises the importance of the Kennet and Avon Canal, which passes through the parish, both in terms of its heritage, its recreational value and its role in the local economy. Taken as a whole, I believe that the plan delivers the three strands of sustainable development which is another of the basic conditions.
53. Most of the changes are not substantive in nature but are changes to the drafting, which may change the emphasis of the policy to bring it into line with the national policy, particularly to allow the plan to be used with confidence by decision makers i.e. defining what actually is being protected. It is important to appreciate that the purpose of a neighbourhood plan is to set the policy on how planning applications are to be determined. In a small number of cases the

proposed policies require that particular documents must accompany a planning application. That is not the purpose of a development plan policy – it is the role of the local validation list published by the LPA to require the submission of specific information documents and this has to be reviewed every two years and be published on the Council’s website.

54. My recommendations have concentrated particularly on the wording of the actual policies against which planning applications will be considered. It is beyond my remit as examiner, to comprehensively recommend all editorial changes to the text. These changes are likely as a result of my recommendations, in order that the plan will still read as a coherent planning document. There has been a range of very helpful suggestions on improvements to the supporting text put forward by Wiltshire Council in its Regulation 16 consultation relating to the supporting text, but I am not able to make recommendations which do not relate to meeting the basic conditions test as set out in the legislation. I would urge the Parish Council and Wiltshire planners to work closely together to incorporate the appropriate changes which will ensure that the text of the Referendum Version of the neighbourhood plan matches the policy, once amended in line with my recommendations. There will also need to be editorial matters to resolve such as policy numbering, as a consequence of my recommended changes and to pick up some of the other changes suggested by Wiltshire Council.

The Neighbourhood Development Plan Policies

Policy SP1: Locally Distinctive, High Quality Design

55. The policy requires applicants to submit a “compliance statement”. A neighbourhood plan policy cannot establish what documents an applicant is required to submit with a planning application. Under the terms of the Town and Country Planning General Development Management Procedure Order 2015, that is the role of the Local Validation Checklist prepared by Wiltshire Council, which has confirmed that it does not require the submission of such a statement. The objective of the statement can be achieved by encouraging applicants to demonstrate how their scheme has responded to the character area etc. This will require amendments to final paragraph and will include reference to figure 6, which is not appropriate for a policy (unlike reference to a map which would be specific to the plan), which will be quoted in documents, beyond the actual neighbourhood plan document such as in planning decision notices.
56. These changes will retain the aspirations of the policy, the thrust of which is broadly in line with national policy and Core Policy 57 of the Wiltshire Core Strategy

Recommendations

In the second paragraph replace “ must submit a compliance statement” with “will be expected”.

In the final paragraph, replace “The compliance statement should also” with “Applicants are encouraged to” and delete” and shown on figure 6”

Policy SP2: Seend Conservation Statement

57. Similar issues arise with relation to the policy's reference again to a "compliance statement" which **must** be submitted. However, an application for any new residential development or non-residential buildings with a floorspace of over 100 sq.m. within a conservation area would be required to submit a Design and Access Statement. Such a statement can then reference the contents of the two documents.
58. The substantive elements of the policy do not require any modification.

Recommendation

In the first paragraph, replace "must demonstrate, through submission of a compliance statement" with "will be expected to demonstrate within any Design and Access Statement"

Policy SP3: Locally Valued Undesignated Heritage Assets

59. Wiltshire Council has suggested that these buildings should be referred to as locally valued *non-designated* heritage assets. I consider that a sensible suggestion, which brings the status of these assets into line with the term used in national policy. That will avoid any confusion as to their status.
60. The requirements in requirement (ii) do not entirely reflect the Secretary of State's approach, which is that the impact on development on a non-designated heritage asset requires a balanced judgement, wherein the extent of any loss or harm to the asset as a result of its development needs to be weighed against its significance. I will recommend a form of wording that will ensure that this policy is consistent with the Secretary of State's guidance as set out in paragraph 197 of the Framework.
61. In terms of the selection of these non-designated heritage assets, the Planning Practice Guidance states that these can be identified by a variety of processes including neighbourhood plans and conservation area appraisals and reviews. On that basis I consider that the inclusion of the assets identified in the Seend Conservation Area Statement 2005 can be accorded the same status as non-designated heritage assets as those identified by this plan.
62. I have no concerns with most of the proposed designations. The plan refers to Original Pavements, High Street, Seend but does not indicate where they are situated, in order that they could be taken into consideration when a planning application is submitted. The supporting evidence identified two areas of "original pavements". I asked the Parish Council whether there were other examples of intact original pavements as the plan needs to be explicit in terms of what assets it is protecting, otherwise an owner or decision maker would not know whether the property contained a heritage asset, which would be relevant to the determination of the planning application. The Locally Valued Undesignated Heritage Assets Report identified the pavement from the Methodist chapel to Bell Hill and the garden path to View Rosa as examples. The Parish Council in response to my Initial Comments also identified pavements at the old Post Office at 1 High Street and No 3 High Street, the

entrance to the drive of Dial House, the front of 3 Weavers Cottage and the drive to The Laurels. I will recommend that these will be identified individually.

63. I have also sought clarity as to where the “Seend Cleeve slag stone walls” were situated. The Parish Council response pointed to them being situated at 13 Seend Cleeve, 17 Seend Cleeve and Ferrum House.
64. The final building on the list in the policy is the Irene Usher Memorial Pavilion. The appropriateness of the designation of this relatively modern building was raised by me in my Initial Comments. On the site visit, I was surprised that this building was being proposed to be designated as a heritage asset. I fully acknowledge that the legacy of Irene Usher is clearly valued by the Seend community and she is commemorated by the dedication of the building to her memory. However, the naming and dedication of this community building does not mean the building automatically warrants designation as a heritage asset.
65. I acknowledge that the decision has been guided by the Historic England’s Local Heritage Assets criteria, but I believe that the case has not been proven as I believe Historic England’s guidance on this subject is referring to a building which was *associated* with important local figures e.g. houses where they lived rather than buildings which are dedicated to the memory, as in this case.
66. I do not consider the pavilion qualifies as a heritage building in its own right and I will be recommending that it be removed from the list. It is however protected as a community facility by the plan.

Recommendations

Replace all references to “Locally Valued Undesignated Heritage Assets” with “Locally Valued Non - Designated Heritage assets”

In i. replace “potential impacts” with “the scale of any harm or loss” and at the end of the sentence, add “against the significance of the asset”

In the first bullet point replace “unlisted” with “non- designated”

In H after “pavements” replace “High Street, Seend” with “from the Methodist Chapel, to Bell Hill, the garden path at View Rosa, the old Post Office at 1 High Street, 3 High Street, entrance to drive to Dial House and the drive to The Laurels”

At I, insert at the end “at 13 Seend Cleeve, 17 Seend Cleeve and Ferrum House”

Delete “P. Irene Usher Memorial Pavilion”

Policy SP4: Landscape and Local Key Views

67. I consider that this is an entirely appropriate policy, requiring proposals to have to assess the impact on the landscape where the development is a scale that will impact on that landscape’s character or affect views which are identified as important by the local community. My only issue is the scale of the plan displayed on page 32, which is too small to be able to identify the reference letters to each view, allowing a correlation with the Parish Local Key Views Report. I have been provided by the Parish Council with an A4 version of the plan, which is just large enough to allow the reference letters to be readable. I suggest the plan be displayed at A4 in the final document.

Recommendation

Publish Figure 10 as a full page A4 map to ensure the reference letters against each viewpoint are readable.

Policy SP5: Parish Green Infrastructure and Biodiversity

68. I have no issues with the objectives of this policy which are broadly in line with national policy.
69. Again, a requirement for applications to be accompanied by a specific document is beyond the scope of a plan policy which relates to how and application should be determined, rather than how it should be submitted. Alternative wording can achieve the same result.
70. The final requirement in the second paragraph of the policy raises questions as to how a 10% improvement in biodiversity would be measured. Wiltshire Council's Regulation 16 comments included a revised drafting that refers to Natural England's Biodiversity Matrix. I will include their revised wording in my recommendations.
71. Not all planning applications will necessarily impact on green infrastructure, such as changes of use or minor domestic extensions or alterations, so I will introduce a caveat "where relevant".

Recommendations

In the second paragraph, replace "must be accompanied by:" with "will, where it is relevant to the proposed development, demonstrate:"

Delete i.

In ii after "GI" insert "within and around the development site"

Replace iii. With "A Biodiversity Enhancement Plan to demonstrate the protection and enhancement of existing habitats, accompanied by biodiversity calculations obtained using Natural England's most up to date version of the Biodiversity Matrix in order to quantitatively demonstrate the minimum biodiversity net gain of 10% within, and where appropriate, beyond the site"

Policy SP6: Local Green Space Designations

72. I have no concerns with regard to the choice and identification of the nine sites which I believe have been demonstrated are demonstrably special and are held as important to the local community and which have special significance.

Policy SP7: Kennet and Avon Canal

73. I have no comments with regard to the policies which relate to development affecting the Kennet and Avon Canal.
74. I understand that discussions on proposals for, and the possible routing of a potential Melksham bypass are at a relatively early stage. I do however consider it is appropriate for the community to set its expectations in the event of a new road being proposed to cross the parish.
75. I am satisfied that this will be a local highways scheme, rather than a national infrastructure project, which would not be possible to be dealt with in a neighbourhood plan policy. The neighbourhood plan policy will be a material

consideration in any planning application for the new road. I will propose an alternative wording that makes it clear that any mitigation to these issues will be relevant to a planning application for that part of the road which includes land within the plan area.

Recommendation

In the final paragraph, replace “constructed and passes” with “proposed to pass”

Policy SP8: Community Facilities

76. This policy seeks to protect a range of community facilities unless a number of criteria are met. It also supports the creation of new community facilities if the applicant can demonstrate a need and benefits. The policy needs to be worded positively, so in the second paragraph I will remove reference to “only” being granted if a particular set of circumstances exist.
77. The Parish Council has used the definition of community services set out in the glossary to the Wiltshire Local Plan. I did question the inclusion of the Devizes Camping and Caravan Club site as a community facility and the Parish Council refer me in particular to the use of the on-site shop which is suggested is used by local residents. It also referred to the value of the facility as a place for residents’ visitors to stay when visiting and to its role in terms of tourism and support the local pubs. I would not view the accommodation provided for visitors as a community facility, in the same way that bed and breakfast businesses are not treated as community facilities.
78. I do recognise that the on-site shop could be useful to some residents although it is unlikely to be as important to the community as the village shop/ post office. Its shop is likely to be an ancillary use to the primary use as a caravan/camping site. Nevertheless, I will include reference to the shop run on the campsite as a community facility, but it must be appreciated that there will only be limited planning control over its use if, for example, the shop closed, but the caravan and camping site would continue.
79. Three of the proposed community facilities are also designated as local green spaces. The Parish Council and Wiltshire Council recognise that there could be a conflict between the two policies, SP 6 and SP8, as Policy SP8 countenances situations where the community facility could be lost, but there is a general presumption against the loss of local green space set out in Policy SP 6. The Parish Council suggest that in that case the LGS status should take precedence. However, as the allotments and the picnic site are protected by the neighbourhood plan as local green space, there is no benefit in classifying these areas as community services as well. It would, in some respects, create two categories of community facilities, with some protected to a higher extent than others. I will be recommending that these three areas be removed from the policy so there is no conflict and they are still protected to a higher level.
80. Figure 15 shows 21 facilities but the policy shows only 20, as it does not list Giles Wood but that would fall under the above category, which is protected as local green space and should not be added to the policy.

Recommendations

In 3. replace “Campsite” with “shop within Devizes Camping and Caravan Site”

Delete 11, 12 and 13 and renumber accordingly.

Policy SP9: Pre - Application Community Engagement

81. Wiltshire Council stated that it feels that this policy would be better included as guidance, but in terms of the way the policy is written, it could be a material consideration when an application is determined i.e. applications where there has been pre application engagement with the community, particularly on design issues, will be looked on more favourable than applications where there has not been that engagement. That is in line with advice in the NPPF. However, it must be clear that the absence of pre-application engagement would not render an acceptable development, unacceptable.

82. I am satisfied that the policy does meet the basic conditions.

Policy SP 10 Community Led Affordable Housing Delivery

83. Wiltshire Council recommended a small change to correct a grammatical error in the wording of the policy which I will make. Most of the policy reflects the expectations set out in Local Plan Policy 44 but adds local dimensions to that policy.

84. I do not believe that the test in (v) namely that residential amenity of neighbouring properties should be “maintained” is the correct test, as it implies that their amenity should be unchanged. I believe that more appropriate test in a development management context, is that the amenities should not be adversely affected so as no longer enjoy a good standard of amenity.

Recommendations

In the first sentence replace “is “with “are”

In v. replace “maintained” with “not significantly adversely affected”.

Policy SP 11: Sustainable Development in Seend Parish

85. I was initially concerned that the policy, as drafted, was too vague as it referred to “small” or “very modest” numbers of housing. That would not allow the policy to be used with confidence by a decision maker. Wiltshire Council recommended the use of the definition of *minor* development which would allow schemes of up to (and including) 9 units. The Parish Council in its response to my Initial Comments document stated that it agreed to that suggestion.

86. I would add that the definition of brownfield sites is not limited to those that are “suitable for reuse”, as this would introduce uncertainty as to whether a site was considered a suitable brownfield site and does not stipulate what criteria would be used to differentiate between suitable and unsuitable sites. The NPPF, for example in paragraph 84, just refers to brownfield sites when considering their role in supporting a prosperous local rural economy. Similarly, Wiltshire Council in the local plan refers to the reuse of previously developed land without any caveats. I also agree with the comments of Wiltshire Council that it would be

more appropriate for the plan to use the definition of infill development as set out in the local plan rather than included on the Planning Portal website.

87. I have no other comments to make in terms of compliance with the basic conditions

Recommendations

Replace “‘small’ or ‘very modest’ numbers of housing” with “housing developments of up to, and including 9 units”

In iii, remove “suitable”

Policy SP 12: Custom and Self Build Housing

88. I have no comments to make on this policy

Policy SP 13: Climate Change and Sustainable Design

89. The Secretary of State in a Written Ministerial Statement to the House of Commons dated 25th March 2015 stated that neighbourhood plans should not set “any additional local technical standards or requirements relating to the construction, internal layout or the performance of new dwellings”. I raised concerns with the Parish Council who indicated that they were aware of this, but referred me to paragraph 149 of the NPPF which is a policy requiring plans to take a proactive approach to mitigating and adapting development to respond to climate change.

90. The ability to set energy efficiency targets is limited to only local plans, as set out by the Secretary of State in the same Written Ministerial Statement. Matters relating to reducing the carbon footprint of new dwellings is being taken forward by the government, at a national level particularly through the Building Regulations (particularly Part L). It has recently issued a response to the Future Homes Standard consultation which confirmed the actions that are being taken forward to address this in line with international obligations.

91. I will therefore recommend that consideration iii be removed. That would not meet the basic conditions.

92. In terms of the specific requirements set out in the policy I have no comments to make except following the logic of the above paragraph, I will change the emphasis that these measures are to be encouraged rather than being a key consideration in whether permission should be approved or refused.

Recommendations

In the second paragraph replace “should aim” with “are encouraged”

In the final sentence of the second paragraph, replace “should” with “can”

Consideration iii. be omitted

Policy SP 14: Impact of Development on Highways and Traffic

93. The Secretary of State sets the threshold in paragraph 108 of the NPPF for mitigation measures for dealing with impact on the highway network to those schemes which have a “significant impact” I will recommend that be included to reflect the Secretary of State approach.

94. I have reflected upon the Seend Road Safety Initiative Report and the Traffic Report Review which clearly are articulating the situation that currently exists in the parish and are reflecting the concerns of local residents, I am sure. However, all the issues raised are dealing with current conditions, which are matters which fall within the jurisdiction of the Highway Authority rather than the planning authority. Beyond the normal development management consideration of the road safety implications of any planning application, I will be recommending that these areas of local concerns regarding traffic conditions in the parish are covered by the non-statutory Projects List section of the plan. Reference to these documents and the local concerns can be included in the supporting text.
95. An applicant is only required to address measures that are as a result of the impact of the development being proposed rather than responding to issues surrounding existing conditions.

Recommendations

In the first paragraph replace “deal with the” with “mitigate any road safety or any significant”

Delete the second paragraph and the three concerns and move that paragraph to the supporting text.

The Referendum Area

96. 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 Seend Neighbourhood Plan as designated by Wiltshire Council on 29th July 2016 is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended

Summary

97. I congratulate Seend Parish Council on reaching this important stage in the preparation of the neighbourhood plan. I appreciate that a lot of hard work has gone into its production and the Parish Council can be proud of the final document, which is really professionally presented and is backed up by a comprehensive set of evidence documents. It is a plan that concentrates on a limited range of issues that are clearly important to the local community. The plan will, in conjunction with the Wiltshire core Strategy and successor plans, provide a sound basis for determining planning applications in Seend Parish into the future.
98. 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.

99. I am therefore delighted to recommend to Wiltshire Council that the Seend Neighbourhood Area Plan, as modified by my recommendations, should proceed, in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI
John Slater Planning Ltd
11th February 2021