

Southwick Neighbourhood Development Plan Submission Version 2018 – 2036

Report of Examination

June 2021

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



Independent Examiner:

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Abbreviations used in the text of this report:

The Southwick Neighbourhood Development Plan is referred to as ‘the Plan’ or ‘SNDP’.

Southwick Parish Council is abbreviated to ‘Southwick PC’.

Wiltshire Council is also referred to as the Local Planning Authority or ‘LPA’.

The National Planning Policy Framework 2019 is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Wiltshire Core Strategy 2015 is abbreviated to ‘WCS’.

The Wiltshire Housing Site Allocations Plan is abbreviated to ‘WHSAP’.

The Strategic Housing and Employment Land Availability Assessment is abbreviated to ‘SHELAA’.

The Strategic Environmental Assessment and Habitats Assessment are ‘SEA’ and ‘HRA’ respectively.

Landscape Visual Setting Analysis Report is abbreviated to ‘LVSAR’.

Regulations 14 and 16 are abbreviated to ‘Reg14’ and ‘Reg16’ respectively.

Special Areas of Conservation are abbreviated to ‘SAC’.

Sustainable Urban Drainage Systems is abbreviated to ‘SUDS’.

Summary

- I have undertaken the examination of the Southwick Neighbourhood Development Plan (SNDP) during May and June 2021, and detail the results of that examination in this report.
- Southwick Parish Council has undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan is a concise and readable document, dealing succinctly with key local issues. The Wiltshire Development Plan 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.

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

1. Introduction and Background

1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered 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 para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

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 Southwick that is the Southwick Parish Council. Drawing up the Neighbourhood Plan was undertaken by the SNDP Steering Group, working to the Parish Council.

1.2 Independent Examination

1.2.1 Once Southwick PC had prepared their neighbourhood plan and consulted on it, they submitted it to Wiltshire Council. After publicising the plan with a further opportunity for comment, Wiltshire Council were required to appoint an Independent Examiner, with the agreement of Southwick 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 Southwick 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 SNDP complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on the 31st May 2016 by Wiltshire Council. The Plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2018 – 2036 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Southwick 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.

1.2.6 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 Southwick, not including documents relating to excluded mineral and waste development, is the Wiltshire Core Strategy (WCS) adopted January 2015 and the Wiltshire Housing Site Allocations Plan (WHSAP), adopted February 2020. There are also some saved policies from the West Wiltshire District Plan, and West Wiltshire Leisure and Recreation DPD, none of which include specific allocations. All the policies of the WCS and WHSAP are considered strategic for the purposes of neighbourhood planning and the Basic Conditions.

1.3.2 The National Planning Policy Framework 2019 (NPPF) 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 SNDP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2019
- 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 Southwick Neighbourhood Development Plan (SNDP)
- The Basic Conditions Statement submitted with the SNDP
- The Consultation Statement submitted with the SNDP
- The SEA Environmental Report for the SNDP
- The HRA Reports for the SNDP
- Landscape Visual Setting Analysis Report: Southwick Landscape Gap 2020
- Site Options and Assessment for the SNDP March 2020
- Site Selection Report for the SNDP April 2020
- Neighbourhood Area Designation (map)
- Wiltshire Core Strategy (WCS) 2015 – 2026: adopted January 2015
- Wiltshire Housing Site Allocations Plan (WHSAP): adopted February 2020
- Trowbridge Bat Mitigation Strategy SPD: Wiltshire Council February 2020
- Representations received during the publicity period (reg16 consultation)

2. Plan Preparation and Consultation

2.1 Pre-submission Process and Consultation

2.1.1 Southwick is a large village to the south-west of Trowbridge in the County of Wiltshire. The parish includes a sizeable proportion of pleasantly wooded agricultural land, stretching to the border with the outer suburbs of Trowbridge. The population at the time of the 2011 Census was 1,953 in total.

2.1.2 A Steering Group organised the work of developing the SNDP, composed of people who had responded to publicity requesting help. The Steering Group reported regularly to the Parish Council, and consultation opportunities were publicised in the Village Newsletter, on social media and the Parish Council website as well as prominent local noticeboards. The Group also commissioned professional help to produce evidence documents, worked with the LPA on a Housing Needs Survey and were assisted by AECOM with Site Assessment work and the SEA. Landscape architects produced a Landscape and Visual Setting Analysis for the Settlement Gap proposed.

2.1.3 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Consultation included engagement on site selection, and a questionnaire that could be responded to via hardcopy or online gathered 221 responses. Generally consultation attempted to engage a wide cross-section of the community.

2.1.4 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation ran for an extended ten weeks on the pre-submission SNDP, from the 10th August to the 19th November 2020. A flyer advertising the consultation was delivered to all dwellings and affected premises, and the consultation was also advertised in the village newsletter and the Wiltshire Times. Posters and a banner were put up in the village. The draft SNDP and supporting documentation could be downloaded from the Neighbourhood Plan website. Hard copies were available from 3 local outlets, the ongoing pandemic making drop-in events inadvisable. Statutory bodies were notified of the consultation by email.

2.1.5 Representations were received from 48 residents and other stakeholders during the Reg14 consultation period. Several amendments have been made to the Plan as a result of constructive suggestions for changes, detailed in a professionally produced report. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received

during the regulation 14 consultation shows that these were properly considered, and where appropriate resulted in amendments to the plan to accommodate points raised.

2.1.6 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the HRA and SEA Environmental Reports, and a plan showing the neighbourhood area were submitted to Wiltshire Council on the 28th January 2021.

2.2 Regulation 16 Consultation Responses

2.2.1 Wiltshire Council undertook the Reg 16 consultation and publicity on the submission version of the SNDP for seven weeks, from Monday the 22nd February 2021 to Monday the 12th April 2021. Forty five representations were received during this consultation, six from statutory bodies including the LPA. Thirty six residents made comments, of which 17 were in support of the Plan, with many of the other comments objecting to site allocations and sometimes issues of process as well. The other three comments came from developers and their agents. Issues they raise that are pertinent to my consideration of whether the Plan meets the basic conditions are considered in sections 3 and 4 of this report below.

2.2.2 I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. I assess the evidence base, including Site Assessment and Selection Reports, for the proportionate robustness required by NPPG, but beyond that I am not authorised to consider allegations of mis-management in the process. Comments in the Reg16 responses suggesting significant additions, such as new sites or general improvements to the Plan, are also not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)], and this will apply to some of the comments in their Reg16 submission.

3. Compliance with the Basic Conditions Part 1

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 SNDP has complied with these requirements. 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;
- Be compatible with and not breach European Union (EU) obligations and comply with human rights law; and
- Not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (*prescribed basic condition since December 2018*).

3.2 The Basic Conditions Statement (page 22) discusses how the Plan promotes the social, economic and environmental goals of sustainable development, and assesses each policy for impact on the three aspects of sustainability (economic, social and environmental). The sustainability assessment finds no immediately adverse impact, and a few uncertain effects, but generally sees the majority of the policies of the Plan as positive with regard to promoting sustainable development. I also accept that the Plan does contribute to sustainable development in line with the Basic Conditions. The Vision includes the promotion of climate change adaptation, and better habitats for nature, as well as improved community facilities and increased support for sustainable transport.

3.3 An Environmental Report and Habitat Regulations Assessment (HRA) Report have been submitted with the SNDP as both Strategic Environmental Assessment (SEA) and HRA Appropriate Assessment were required for the Plan. The reason for this was that further development within Southwick Parish could impact on the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and the Salisbury Plain Special Protection Area (SPA). The process has been iterative, particularly for the HRA, with further assessment undertaken after amendments to policies had been made in the light of findings in both initial assessments.

3.4 The Environmental Report, undertaken in June 2020 prior to the Reg14 consultation, considers the environmental impact of sites considered for residential allocation, and makes 5 recommendations (page 29) for amendment to the draft Plan. These have been mainly incorporated, and with the recommended modifications 5 and 6 to Policies 5A and 5B, the report's recommendations have been addressed. The conclusion of the report is that potential significant effects arising from the Plan's implementation are predominately positive, and that the historic environment is sufficiently protected with the recommendations adopted. Other sustainability themes impact is assessed as neutral, with indirect positive effects from other policies in the Plan. There is an acknowledged negative outcome from loss of greenfield/agricultural land, although the category of agricultural land at the Wesley Lane site is not certain. I accept that EU obligations have been complied with.

3.5 A HRA Report in June 2020 and a follow-up review in April 2021 have considered the site allocations and policies for likely significant effect on the catchment areas of European sites for affecting the Parish of Southwick (para 3.3 above). Potential adverse impact has been considered and recommendations for policy and supporting text wording made that would address any potential adverse impact. The HRA Review of the submission Plan undertaken in April 2021 concludes that with respect to impact on the Salisbury Plain SPA the current mitigation scheme in place will ensure no effects on the SPA due to increased visitor pressure from Policy 6. With regard to impact on The Bath and Bradford and Avon Bats SAC, the HRA Review considers that "the current Submission Draft of the NDP has incorporated those recommendations and as such these policies no longer trigger appropriate assessment". In fact comment from the LPA at Reg16 required a change to Policy 2 in order that all recommendations had been fully complied with, and this is dealt with in Modification 2.

3.6 The SNDP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the consultation statement showed that the need to consult with a wide cross-section of the community was appreciated. Policies are all either positive or neutral for the social aspects of sustainability.

4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the SNDP 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 2019 and the NPPG. 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.

4.2 The Plan 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 this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 The SNDP has focused on local issues, aiming to complement and add detail to higher level policy. The ten policies of the Plan generally achieve this with commendable conciseness, in an easy to read format. Non-planning policies for local projects are clearly differentiated at the end of the document.

4.4 **Policy 1: Landscape Setting Gap** This policy has attracted several adverse comments and objections during the Reg16 consultation. These include views that the designation of a Landscape Gap is a strategic matter, although The WCS invites local communities in villages close to Trowbridge to consider maintaining their separate identity and maintain open country between them and Trowbridge in neighbourhood plans. Southwick is specifically mentioned as one of these villages, and I consider Policy 1 is putting local detail on this strategic aspiration of the WCS (page 180 para5.150). This stated aspiration in the development plan also negates claims that it is premature to rule out sites because they are in the Landscape Gap, when that policy is not yet in a made neighbourhood plan. The WCS supports maintaining open country between Southwick and Trowbridge.

4.4.1 The boundary has been drawn up with the benefit of a Landscape Visual Setting Analysis Report (LVSAR), and the designated Gap includes the recommendation from this Report to the east

of the A361 Frome Road/Firs Hill, and the Southwick Country Park to the west of this road, which extends to the Parish Boundary. Strategic allocations in the WHSAP have been excluded from the designation, which follows the advice of the LVSAR to the east of the A361 and is restricted to land required to maintain open countryside visually separating Southwick from Trowbridge. The evidence report did not consider the Country Park, in my view because it was not necessary to assess where the boundary of any Landscape Gap would go within the Park. It clearly needs to be included within the Gap, as far as it extends within the Parish, to maintain visual separation between Trowbridge and Southwick. The Country Park is consistently shown on analysis plans within the Report and mentioned as an important recreational resource.

4.4.2 There have been requests for alterations to the policy wording and boundary designation, although in the case of the boundary I do not see any need to alter the recommendations of the LVSAR. Wessex Water have concerns that the policy, and Policies 3 and 4, could restrict their access to undertake essential infrastructure works, but I consider this access dealt with sufficiently in permitted development works and the rational functioning of the planning system. The Policy does need to make clear however that all criteria apply, and the LPA have made suggestions in a submission to the Reg16 Consultation for minor word changes that emphasise the key function of preventing the coalescence of settlements and use the land-use term 'rural character' rather than the less precise 'rural values', not a recognised planning issue. The Parish Council agree with the LPA's comments generally, and criteria c) needs to preserve **and** enhance existing footpaths. In order that Policy 1 meets the Basic Conditions and has due regard to national policy and guidance, specifically for policy clarity (NPPF para 16d), engaging with land-use issues (NPPG ID 41-004-20190509) and promoting rights of way improvement (NPPF para98), I recommend it is amended as shown in Modification 1.

Modification 1: The first sentence and Criteria a) and c) of Policy 1 to be amended as follows:

*The rural character and **separate** identity of Southwick Village will be preserved through the establishment of a landscape setting gap. ...*

*a) The existing openness and rural ~~values~~ **character** of the landscape setting must not be compromised;*

*c) Existing foot paths within the landscape buffer must be preserved ~~or~~ **and** enhanced to ensure continued community recreational enjoyment of the rural area; **and***

...

4.5 **Policy 2: Bat Conservation** The LPA have advised that modification to the wording of this policy is needed in order that the recommendations of the HRA are complied with. In order that the Basic Conditions are met with regard to complying with EU Regulations and the Conservation of Habitats and Species Regulations 2017 (prescribed Basic Condition), I recommend that Policy 2 is amended as shown in Modification 2.

Modification 2: Policy 2 to be amended as follows:

The entire NDP area falls within a zone of medium sensitivity ~~zones of sensitivity for these species of bats which are features~~

4.6 **Policy 3: Southwick Country Park** Natural England support the policy and enhancing the Country Park as a way of reducing visitor pressure on nearby SACs. The criteria of the Policy need to show clearly that all criteria are to be met, as required by the NPPF (para 16d) policy clarity requirements. In order that Policy 3 complies with the Basic Conditions and has due regard to national policy, I recommend it is amended as shown in Modification 3.

Modification 3: Criteria c) of Policy 3 to be amended as follows:

c) a net gain in biodiversity is delivered; and ...

4.7 **Policy 4: Local Green Space** The policy is designating 3 areas as Local Green Space (LGS), although Map 6 which shows the sites shows four sites. Clarification was sought, and the Map needs to be amended to show only the three areas mentioned in the policy. Definition of the LGS is best done with reference to Maps 3, 4 and 5.

4.7.1 The designation of the Southwick Country Park has been objected to in the Reg16 Consultation as being too large an area, and already having protection. However the use of the site as a Country Park is not a landscape protection, and could change. The NPPF states that an LGS should not be

“an extensive tract of land”, but should be local in character. There is no specified maximum area, and although the Country Park covers several Ha, it is a coherent area of open space, immediately adjacent to the local area and local in character. It is also a well-used facility, and deserving of the designation as a LGS. The other two proposed LGS meet the criteria of the NPPF (para 100), and I accept the three proposed LGS as deserving of designation.

4.7.2 The NPPF (para 101) states that policies for managing development in LGS should be consistent with Green Belt. It is acceptable therefore to state that development will only be allowed ‘in very special circumstances’, as this is consistent with Green Belt policy, but not acceptable to then define what these ‘very special circumstances are, as this is proposing protection of the LGS beyond that offered by national policy in the NPPF, without any supporting evidence for doing this. In order that Policy 4 has due regard to national policy, the supporting justification needs to have the clarity and accuracy required by the NPPF, and the policy wording needs to comply with the stated level of LGS protection in the NPPF (para 101). In order that Policy 4 and supporting plans meet the Basic Conditions and have due regard for national policy, I recommend they are amended as shown in Modification 4.

Modification 4: Policy 4 to be amended to read as follows:

“The areas listed below and identified on Maps 3, 4 and 5 are designated as Local Green Spaces:

- **Southwick Country Park**
- **The Playing Field**
- **The Baptist Church Cemetery**

Development proposals will not be supported on Local Green Spaces other than in very special circumstances.

Any planning applications for development on Local Green Space must comply fully with the guidance on survey, design, mitigation and developer contributions set out in the Trowbridge Bat Mitigation Strategy. Southwick Country Park and the Baptist Church Cemetery fall with the zone of medium sensitivity in regard to habitat for species of bats which are features of the Bath and Bradford on Avon Bats SAC, as set out in the aforementioned strategy.”

Map 6 to be amended to show only the designated Local Green Spaces.

4.8 Policy 5A: Site Allocation Heli-beds site, Frome Road Two allocations for residential development are made in the SNDP, in Policies 5A and 5B. The evidence base supporting the allocations is a Site Assessment Report (SAR) undertaken by AECOM, and a Site Selection Report (SSR) from the Qualifying Body. Consultation was undertaken with the community on a draft Site Selection Methodology and Sustainability Appraisal (or Issues Report as it was re-named). Sites considered were taken from the 2017 updated SHELAA from Wiltshire Council, and a Call for Sites to local landowners was organised and publicised by the Parish Council in the summer of 2019.

4.8.1 The AECOM Assessment included an initial sifting and removal of sites seriously constrained, and then after site visits, a 'traffic light' rating of potential sites suitable for consideration for allocation in the SNDP. The Heli-beds site received a green light, as well as another small site within the settlement boundary. Land at Blue Farm received a red/amber rating, and other sites received amber light ratings. The Wesley Lane site was recommended to be significantly reduced from the original offer of 6 ha to the SHELAA, and other large sites were similarly recommended to be reduced in size. Both the Heli-bed site and the Wesley Lane site (reduced) were recommended to go forward for consideration as residential allocations, along with 8 other sites, one of which was subsequently declared not available. I find this process an acceptable evidence base for site assessment.

4.8.2 The Site Selection Report takes the nine sites remaining as options from the SAR, and first considered sites offered within the settlement boundary. As these were not able to offer affordable housing as part of the mix, a key objective of the SNDP, sites outside of the settlement boundary were then also assessed for allocation. Further application of selection objectives resulted in four sites under consideration, from which the Heli-beds site and the Wesley Lane site were chosen as the best options according to selection criteria. There has been criticism of the selection process from Reg16 comments, but I find the evidence base acceptable and proportionate for neighbourhood planning, as required by the NPPG (ID 41-041-20140306). The NPPG also requires that for neighbourhood plans allocating sites for development, the qualifying body should carry out an appraisal of options and assess individual sites against clearly identified criteria (ID 41-042-20170728) The selection process has complied with this requirement, and is explained clearly. While the choice of criteria can always be disputed, the qualifying body have consulted on them and applied them consistently. My role as examiner is restricted by the regulations to ensuring the Basic Conditions are met, and in my opinion they have been.

4.8.3 Policy 5A relates to the allocation of land at Heli-beds for residential development, a site within the settlement boundary. An allocation within the settlement boundary has been disputed at Reg16 as not being a necessary allocation, but it is legitimate to designate sites in order to specify the nature and type of housing required, and other design objectives. Allocations are not just used to remove policy objections to residential development. Wessex Water have requested that the need to follow the SUDS hierarchy should be specified in the policy, and at present the fourth criteria does not mention that sustainable drainage solutions will be required. In order that the Policy is in general conformity with CP67 of the WCS, drainage solutions need to be sustainable.

4.8.4 There is an outstanding recommendation from the SEA Environmental Report that the policy includes heritage concerns of potential archaeological interest and protection of views of the listed St Thomas' Church. This can be addressed by including the requirement to protect the views of historic assets in the first criteria, and a new criteria that requires a heritage statement to include a desktop study of potential archaeological interest to be submitted with any development proposal.

4.8.5 The LPA have suggested the policy could offer further design guidance for the site, but it is not the role of this examination to consider this, as it is not a Basic Conditions issue. The allocation of the site is locally specific, there is a recommendation for flats as a preferred development option, and Policy 5A cannot be considered to just replicate the WCS therefore. Additionally more detailed design guidance should have been subject to local consultation before being included in the SNDP.

4.8.6 In order that Policy 5A is in general conformity with the Development Plan and drainage solutions are required to be sustainable, and has complied with the recommendations of the SEA Environmental Report, I recommend that Policy 5A is amended as shown in Modification 5 below, in order that it complies with the Basic Conditions.

Modification 5: The Criteria for Policy 5A to be amended as follows:

... *Development of the site must:*

- *Ensure appropriate design and layout mindful of surrounding character, scale, massing and **potential impact on historic assets, including views layout;***
- *Deliver sufficient on-site car parking to meet resident needs and ensure sufficient turning space on site to enter and exit the site in a forward gear;*
- ***Submit a heritage statement with any development proposal that includes a desktop consideration of any likely archaeological interest on the site and potential impact on historic assets.***
- *Ensure a good standard of amenity for new residents as well as consider and protect the amenity of existing dwellings surrounding the site;*
- *Deliver proposals for managing and discharging surface water from the site **sustainably paying regard to the SUDS hierarchy; and***
- *Promote high-quality homes that meet required levels of sustainability in accordance with Core Policy 41 of the Wiltshire Core Strategy.*

4.9 Policy 5B: Site Allocation: Land off Wesley Lane I have considered the evidence base for this allocation above (paras 4.8 – 4.8.2), and find it acceptable. There have been several representations at Reg16 stating problems with the site and reasons for why it is not suitable, however I have no reason not to accept the professional assessment of the site (as reduced in size) as suitable for allocation in the SNDP for residential development. Objections that the site will be under-developed and contrary to para 123 of the NPPF are not relevant in this edge of a rural village site with ecological constraints. The LPA have commented in their Reg16 response on several additional guidance that may be useful to include in the text, this is not a Basic Conditions issue, but may be a minor amendment. The suggestion from the LPA that additional design guidance for the site can be included is more problematic, in that it should have been subject to consultation prior to submission of the Plan, if it was to be included within the Plan and mentioned in Policy 5B. It is not something I am authorised to insert as part of my examination, as it is not a Basic Conditions issue. As they are the LPA, it may be acceptable, with the agreement of the Qualifying Body, to include the guidance as an annex to the Plan, referenced only in the text.

4.9.1 The SEA recommended that Policy 5B needed to consider protecting views of St Thomas' Church, and this has not been done. Para. 10.24 of the SNDP mentions that a Heritage Statement will be required for any planning application, but this has not been included within the Policy. In order that the Basic Conditions are met, and Policy 5B complies with national and local policy (NPPF para 189 and WCS CP58) with regard to protecting the heritage of Southwick, I recommend it is amended as shown in Modification 6.

Modification 6: The ninth bullet point of Policy 5B to be replaced with the following text:

.....

Submit as part of any planning application a heritage statement detailing the results of a desktop study of potential archaeological interest in and adjacent to the site, and considering any adverse impact on heritage assets in the village. The statement should detail ways in which archaeological and heritage assets will be protected and enhanced and consider potential views of St Thomas' Church that can be opened up in the development;

.....

4.10 **Policy 6: Additional Housing Development** The Policy defines what is required locally for development within the settlement boundary of Southwick village. I accept that it has a local relevance, and is not just repeating policy in the WCS as suggested in Reg16 comments. Criticism of the concept of a settlement boundary, which has also been made in Reg16 comments, is not relevant for this examination. The settlement boundary has been established by the WHSAP and is already adopted development plan policy. This Plan has worked with the established boundary, as the Basic Conditions require it to. The Policy complies with the Basic Conditions.

4.11 **Policy 7: Retail Services and Facilities** Complies with the Basic Conditions. The policy has been criticised as just duplicating CP49 of the WCS, but in my view the identified criteria have a valid local relevance, as does the qualified encouragement of conversion to retail use including a post office.

4.12 **Policy 8: Open Space and Recreation** Complies with the Basic Conditions.

4.13 **Policy 9: Public Rights of Way** Complies with the Basic Conditions. The LPA would like to see a map of the rights of way. This is not a Basic Conditions issue, although it could be included if desired.

4.14 **Policy 10: Infrastructure and Developer Contributions** Complies with the Basic Conditions.

5. The Referendum Boundary

5.1 The SNDP 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 SNDP 2018 – 2036 shall be the boundary of the designated Neighbourhood Area for the Plan.