

Wiltshire Council

**West Ashton
Neighbourhood Development
Plan 2018-2026**

Independent Examiner's Report

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17 March 2021

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Summary

I have been appointed as the independent examiner of the West Ashton Neighbourhood Development Plan.

West Ashton lies about two miles south east of Trowbridge, the County Town. It is characterised by scattered farmsteads and hamlets, but the village of West Ashton is located on a ridge above the Biss Valley. The A350 is a dominant feature cutting across the Parish. The Parish has a population of around 737 at the Census 2011.

The Parish and its residents face significant growth close by. The Ashton Park Urban Extension will extend Trowbridge towards West Ashton village. The desire to maintain a separate identity whilst supporting appropriate development has been a key driver for the Plan's ten policies.

The well-presented Plan is underpinned by evidence to support the designation of a Landscape Setting Gap, an area of Local Green Space and other policies which do not seek to repeat higher tier policies at Wiltshire Council level, but add a local layer of detail. The Basic Conditions Statement is particularly well written and helpful.

It has been necessary to recommend some modifications; these have included some deletion and reworking of policies to ensure the Plan provides a clear and practical framework for decision-making and is flexible and not overly prescriptive.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wiltshire Council that the West Ashton Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
17 March 2021



1.0 Introduction

This is the report of the independent examiner into the West Ashton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wiltshire Council (WC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and professional experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

An initial questionnaire was hand delivered to all households in the Parish in June 2016. This was useful in establishing themes for the Plan. A community workshop was held in October 2016; interestingly two sessions were held, one in the afternoon, the other in the evening, to help maximise attendance. The event was publicised through flyers to each household but attendance was relatively low at 18 people.

A Housing Needs Survey was carried out and reported in March 2017.

A Housing Sites Consultation was held in February 2018 which included a flyer to all households advertising three drop-in events; a good attendance of 68. A Site Selection questionnaire was delivered to each household after the event with a response rate of 29%. Two sites were considered. However, WC considered both sites to be of concern in relation to the SAC and bats. As a result and in view of the level of community support for the two sites, it was decided not to proceed with the potential allocations. Originally a employment and tourism policy for Larkrise Farm had also been included, but this also would have required an AA. As a result it was decided not to pursue this either.

New consultants were then appointed and a quality review generated a revised Draft Plan.

Pre-submission (Regulation 14) consultation took place between 17 February – 30 March 2020. This stage was publicised through flyers to every household, the village newsletter and email lists as well as the Wiltshire Times. Copies of the draft plan were available in the village hall. A drop in exhibition was held during the consultation period with a further planned event having to be cancelled due to the pandemic.

Throughout the process, information has been placed on a dedicated section of the Parish Council website, in the village newsletter and regular progress reports given at Parish Council meetings.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 3 August – 28 September 2020.

The Regulation 16 stage resulted in seven representations. I have considered all of the representations and taken them into account in preparing my report.

4.0 The examination process

I have set out my remit in the previous section. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁶

PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁸ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.⁹

I sought clarification on one matter; that relating to Habitats Regulation Assessment and this is referred to in the relevant section of the report. The publicly available response received via email on 26 February 2021 from the Neighbourhood Planning Manager has enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners titled *Neighbourhood Planning Independent Examiner Referral Service Guidance to service users and Examiners*. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council made comments on some of the representations and I have taken these into account.

Where any modifications are recommended they will appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these will appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

⁶ PPG para 055 ref id 41-055-20180222

⁷ Ibid

⁸ Ibid para 056 ref id 41-056-20180222

⁹ Ibid

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

I am very grateful to everyone, and particularly Mike Kilmister at WC, for ensuring that the examination has run smoothly.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

West Ashton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. WC approved the designation of the area on 20 September 2017. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is clearly shown on page 4 of the Plan.

Plan period

The Plan period is 2018 – 2026 to align with that of the Wiltshire Core Strategy. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider

community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but should be clearly identifiable.¹⁰

In this instance, community aspirations and actions are explained in the Plan¹¹ and then have been included in a separate section of the Plan; Section 5. I consider this to be an appropriate approach for this particular Plan.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. A revised NPPF was first published on 24 July 2018. This revised NPPF was further updated on 19 February 2019. When published, it replaced both the 2012 and 2018 documents.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.¹²

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.¹³ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁴

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁵

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁶

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and

¹⁰ PPG para 004 ref id 41-004-20190509

¹¹ The Plan page 16

¹² NPPF para 13

¹³ Ibid para 28

¹⁴ Ibid

¹⁵ Ibid para 29

¹⁶ Ibid para 31

avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.¹⁷

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁸ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.¹⁹

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²⁰ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²¹

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance alongside conformity with relevant development plan policies.²²

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²³ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁴ The objectives are economic, social and environmental.²⁵

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁶

¹⁷ NPPF para 16

¹⁸ PPG para 041 ref id 41-041-20140306

¹⁹ Ibid

²⁰ Ibid para 040 ref id 41-040-20160211

²¹ Ibid

²² Basic Conditions Statement Table on page 8

²³ NPPF para 7

²⁴ Ibid para 8

²⁵ Ibid

²⁶ Ibid para 9

Whilst this has formed part of my own assessment, the Basic Conditions Statement considers how each Plan policy contributes to the achievement of sustainable development.²⁷ The table on page 21 of the Basic Conditions Statement is a good example of how such an assessment can be carried out simply, but effectively.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination consists of a number of different documents;

- the Wiltshire Housing Site Allocations Plan (WHSAP) adopted 25 February 2020
- the Wiltshire Core Strategy Development Plan Document (WCS) adopted on 20 January 2015
- the saved and retained policies of the West Wiltshire District Plan First Alteration (WWDP) adopted in June 2004 as identified in Appendix D of the CS
- the West Wiltshire Leisure and Recreation DPD (January 2009)

I could not see any policies of a strategic nature in the WWDP and none have been drawn to my attention in the Basic Conditions Statement. WC also confirm that none are strategic. I will therefore focus on the WCS.

The WCS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy. It identifies 20 Community Areas and the Parish falls within the Trowbridge Community Area.

Core Policy 1 of the WCS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland. West Ashton is identified as a 'Small Village' where there is a low level of services and facilities and few employment opportunities.

Core Policy 2 sets out the delivery strategy; development at Small Villages is limited to infill within the existing built area and is supported where it meets the housing needs of settlements or provides employment, services and facilities subject to three criteria. In summary, the three are i) respect the existing character and form, ii) does not elongate or impose development in sensitive landscape areas and iii) does not consolidate an existing sporadic loose knit area of development related to the settlement.

Core Policy 29 explains that 25 hectares of new employment land and approximately 7,000 homes will be needed in the Trowbridge Community Area. Some 5,860 dwellings will be delivered at Trowbridge including 2,600 dwellings through a strategic site known as Ashton Park Urban Extension which partly falls within the Plan area. A further 950 homes will be developed once secondary school provision is in place and the effects on protected bat species and their habitats have been assessed. West Ashton falls within

²⁷ Basic Conditions Statement page 21

the Trowbridge Community Area Remainder where the WCS indicates some 165 homes will be provided. The residual requirement in the Remainder Area is zero.

The overall housing requirement figure in the WCS is a minimum and the area strategy figures indicative. The WCS is clear that Plans should not be constrained by the housing requirements in the WCS and that additional growth may be appropriate and consistent with the settlement strategy. The tenor of the WCS is to enable community-led proposals to come forward.

The purpose of the WHSAP is to support the delivery of new housing set out in the WCS through the revision, where necessary, of settlement boundaries and site allocations. The WHSAP does not propose any allocations within the Plan area.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan relates to relevant WCS policies.

Emerging planning policy – the Wiltshire Local Plan Review 2016 - 2036

In Autumn 2017, WC began a review of their Local Plan, working jointly with Swindon Borough Council. In WC's case this includes a review of the WCS. This work is not yet at an advanced stage.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁸ advises that the reasoning and evidence informing the Local Plan Review may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore, Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the Local Plan Review and the adopted development plan with appropriate regard to national policy and guidance.²⁹

Retained European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³⁰ confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is WC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the

²⁸ PPG para 009 ref id 41-009-20190509

²⁹ Ibid

³⁰ Ibid para 031 ref id 11-031-20150209

decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination. Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.

The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A Screening Determination dated December 2019 has been prepared by WC and refers to the pre-submission version of the Plan. It concludes that the Plan does not require a SEA.

Consultation with the three statutory bodies was undertaken and the Environment Agency (EA), Natural England (NE) and Historic England (HE) agreed with the conclusions.

Therefore WC concludes that the Plan does not require a SEA. WC has confirmed that their determination applies to the submission version of the Plan.³¹

I have treated the Screening Determination to be the statement of reasons that the PPG advises must be prepared and submitted with the neighbourhood plan proposal and made available to the independent examiner where it is determined that the plan is unlikely to have significant environmental effects.³²

Turning now to HRA, the Plan was screened in March 2019 and updated in March 2020 in response to the pre-submission version of the Plan. During the course of the Regulation 16 consultation period, the HRA was updated again to consider the

³¹ WC representation to Regulation 16 consultation

³² PPG para 028 ref id 11-028-20150209

submission version of the Plan. This is referred to in WC's representation at the Regulation 16 submission stage.

The HRA has considered the potential for impacts to arise from the Plan alone or in combination with other plans and projects. The March 2020 version of the HRA which considered the pre-submission version of the Plan identified there was a mechanism for effect on two European sites; the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and the Salisbury Plain Special Protection Area (SPA). Some policy amendments were proposed within this version of the HRA. In addition Policy 6a was taken forward to appropriate assessment (AA) as the policy had the potential to give rise to significant effects on the Salisbury Plain SPA. The AA concluded "...no changes are required to the West Ashton NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA in combination with other plans and projects".³³ The AA was submitted to Natural England who concurred with this conclusion.

WC informs me that the submission version of the Plan incorporates all the recommendations in the March 2020 HRA which has enabled the Plan to be screened out in respect of the Bath and Bradford on Avon SAC. However, the mechanism for likely significant effect on the Salisbury Plain SPA remains in respect of Policy 6a. There have been no material changes to this policy which would alter the conclusions of the March 2020 HRA. The only change from the HRA dated March 2020 is that the ecologist noted changes had been made to the draft Plan since the pre-submission stage and that the Trowbridge Bat Mitigation Strategy should be correctly cited.³⁴

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Given the distance, nature and characteristics of the nearest European sites and the nature and contents of this Plan, I agree with the conclusion of the HRA Screening and AA and accordingly consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

I have also considered whether further public consultation should be carried out on the latest available HRA and AA undertaken during the Regulation 16 consultation period. In this I am guided by WC as the responsible body. WC does not consider the need to undertake any further consultation because the conclusions on both the previous and more recent HRA screening are the same.³⁵

³³ Basic Conditions Statement page 59

³⁴ WC Email of 26 February 2021 from the Neighbourhood Planning Manager

³⁵ Ibid

Conclusion on retained EU obligations

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁶ In undertaking work on SEA and HRA, WC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.³⁷ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions in detail. As a reminder, where modifications are recommended they appear in **bold text**; where specific changes to the wording of the policies or new wording is suggested these modifications appear in ***bold italics***.

The Plan is presented clearly; it has a logical structure and includes a number of photographs that help to give it a distinctive local flavour. It contains 10 policies. There is a helpful contents page at the start of the Plan.

1. Introduction

This is a helpful introduction that sets the scene for the Plan, both in terms of how it has evolved and the planning policy context. It signposts readers to supporting documents. In particular it refers to the proposed urban extension to Trowbridge known as Ashton Park and explains that the Plan now does not include any site allocations. Originally, it had included consideration of site allocations, but this proved not to be supported by WC because of the likely impact on the Bath and Bradford on Avon Bats Special Area of Conservation, as bat roosts are within close proximity of the village and this presently precludes any sites coming forward.

WC highlights a point of accuracy to be corrected. There may also be some natural updating needed of this section as the Plan progresses towards referendum.

- **Add the words “*some of which*” before “...policies are saved...” in paragraph 1.11 on page 5 of the Plan**

³⁶ PPG para 031 ref id 11-031-20150209

³⁷ Basic Conditions Statement page 22

2. Portrait of West Ashton

This section of the Plan sets out the context of the Plan area. It outlines the key issues and challenges faced as well as identifying some opportunities. It does so in an informative way.

WC point out that the housing requirement referred to in paragraph 2.16 is indicative. A modification is recommended in the interests of clarity.

A representation from Highways England asks for a correction. Accordingly a modification is recommended in the interests of accuracy.

- **Add the word “*indicative*” before “...requirement...” in the first sentence of paragraph 2.16 on page 10 of the Plan**
- **Replace the words “...Highways England Strategic Road Network” with “...*Wiltshire Council’s Strategic Road Network...*” in paragraph 2.27 on page 13 of the Plan**

3.0 Vision and Objectives

The vision for the Plan is:

“West Ashton will remain a largely rural parish, absorbing a well-screened and designed Ashton-Park urban extension into a landscape that remains predominantly green and still retaining fine, open views. The main village will still be a friendly welcoming community with its own separate identity from Trowbridge.

However, while maintaining and if possible enhancing the best of the village; its heritage, school, church, nature habitats, and frequent social events, West Ashton will gain improved local facilities including recreation for younger people. Sustainable transport links to Trowbridge and to shops, schools and employment opportunities in Ashton Park will be created or enhanced to reduce the need to travel by car and improve access. Community action such as Community Speedwatch will help tackle speeding vehicles and the routing of HGV’s. Broadband connections will be improved to facilitate working from home.

Development in the main village will be limited to small scale infilling and one planned site sufficient to meet local needs. While being generally in keeping with the scale and materials used in existing buildings, any new houses should feature innovative design to reduce environmental impacts. One-off self-build homes of up to 3 bedrooms on appropriate sites will be encouraged.”

The vision is underpinned by 10 objectives.

Both the vision and the objectives are articulated well and relate to the development and use of land.

However the vision refers to “one planned site” and the Plan does not contain any site allocations, this should now be deleted.

- **Delete the words “and one planned site” from the vision**

4. NDP Policies

Policy 1a - Landscape Setting Gap

The Plan explains that West Ashton is located about two miles southeast of Trowbridge.

The purpose of this policy is to establish a landscape setting gap between West Ashton and Trowbridge given that the Ashton Park Urban Extension proposal will extend this part of Trowbridge towards West Ashton.

The extent of the gap is shown on Figure 2 on page 20 of the Plan. However, WC point out that the Figure needs to be amended to align with the area proposed by the Landscape and Visual Setting Analysis Report. This is also agreed by the Parish Council and so in the interests of accuracy, a modification is made to this effect.

The policy explains the purpose of the designation; to protect the landscape setting of the village, but also seeks enhancement, where possible, for biodiversity and recreation. It restricts development to that in accordance with policies in the development plan. Where development is permitted, it should ensure that the function, openness and landscape value is not harmed and that a net gain in biodiversity is achieved.

The designation of a landscape gap is supported by an independently prepared Landscape and Visual Setting Analysis. It is clear that this area is sensitive and the function it plays in separating the local characters, identities and distinctiveness of West Ashton and Trowbridge is an important one.

I note that the WCS recognises that the villages surrounding Trowbridge including West Ashton, have “separate and distinct identities as villages”.³⁸ It continues “open countryside should be maintained to protect the character and identify of these villages as separate communities”.³⁹ It explains that local communities may wish to consider this matter through neighbourhood planning.⁴⁰

³⁸ Core Strategy para 5.150 on page 180/181

³⁹ Ibid

⁴⁰ Ibid

The policy restricts development to that which accords with policies in the development plan and seeks maintenance and enhancement of the area for biodiversity and recreation. It therefore does not preclude development per se and recognises the Ashton Park Urban Extension and the accompanying proposals to revise the A350.

WC has made a number of comments on this policy. Although I note that the wording of the policy is very similar to that put forward in the North Bradley Neighbourhood Development Plan during my examination of that Plan, I agree that the use of the phrase “open spaces” could be potentially misconstrued and suggest a modification to address this. In addition, WC’s comments about greater clarity in relation to the landscape, function and identity is accepted. Otherwise I consider the policy wording to be sufficiently clear and consistent with North Bradley. I do however correct a reference to the Trowbridge Bat Mitigation Strategy Supplementary Planning Document (SPD).

WC asks for amendments to a reference to an EIA on page 18 of the Plan. I note the Parish Council agree to this change. For completeness, I include it as a modification.

In my view, the proposed designation is made logically. Whilst some modification is recommended to ensure the policy reads clearly in relation to the designation, with these modifications it will take account of national policy and guidance, especially the NPPF’s stance on distinctive places and the conservation and enhancement of the natural environment.⁴¹ It will be in general conformity with the WCS, particularly Core Policies 29, 50 and 51 and will help to achieve sustainable development. It will therefore meet the basic conditions.

- **Replace Figure 2 on page 20 of the Plan with the new map in Appendix 1 to WC’s representation at Regulation 16 stage**
- **Change the second sentence of the policy to read: “The purpose of the designation is to protect the landscape setting of West Ashton village (*the open areas between the village and the Ashton Park Urban Extension which make up the visual separation between these two locations*), to prevent coalescence between Trowbridge and West Ashton village and to preserve a separate identity for the village.”**
- **Add the word “Strategy” after “...Trowbridge Bat Mitigation...” in the third sentence of the policy**
- **Replace bullet point 6 on page 18 (that refers to EIA) with the following paragraph: “Despite the Landscape and Visual Assessments and Environmental Assessment carried out in relation to the Ashton Park development, residents of West Ashton still have concerns about the visual impact of the development.”**

⁴¹ NPPF paras 126, 170 and 174

Policy 1b – Landscape Setting of Ashton Park

The supporting text to this policy explains that the proposed Ashton Park development will have a significant effect on West Ashton. This policy therefore seeks to ensure that detailed proposals for the urban extension will respond to the matters identified in the Landscape and Visual Setting Analysis Report. These include the effect of proposals from the village and in particular views and roofscapes, the relationship with the proposals to modify the A350, lower density development adjoining the ‘buffer zone’ identified on the masterplan, consideration of building design, height and scale and the integration of highway works with landscaping schemes.

WC confirms that the agreed masterplan for the development generally accords with this policy except for block tree planting to the West Ashton side of the newly routed A350. WC suggest some amendments which the Parish Council are agreeable to. These help with enhanced clarity, remove unnecessary duplication or ensure that the policy aligns with the work undertaken in line with strategic policy in the WCS.

With these modifications, the policy will meet the basic conditions; in particular it will help to achieve well-designed places through the identification of what makes this Parish special and how this should be reflected in new development,⁴² conserve and enhance the natural and local environment,⁴³ be in general conformity with the WCS and especially WCS Core Policies 29, 50, 51 and 57 and help to achieve sustainable development.

- **Alter the third sentence of the first bullet point of the policy to read: “Landscape enhancement *and appropriate tree planting* should be considered as part of the associated proposals to modify the A350, especially at the point where the new junction is formed *to achieve successful integration and minimise visual impact.*”**
- **Delete the words “This should include substantial block tree planting.” from the fourth bullet point**
- **Delete the last paragraph of the policy which begins “The open, rural setting of land...”**

Policy 2 – Sustainable Transport

The Plan explains that there are few foot or cycle path links to Trowbridge. Currently, residents of the village are dependent on car journeys to access employment and services. The proposed urban extension and modification of the A350 is regarded as an opportunity to provide and enhance sustainable transport opportunities. This is

⁴² NPPF paras 124, 125

⁴³ Ibid para 170

particularly the case given the employment element of the urban extension which the local community feel may provide some additional, more locally based job opportunities for residents.

Policy 2 encourages the Ashton Park development to deliver sustainable transport connections from the site to the village. The policy also refers to Trowbridge. A modification is made to make it clear this policy can only apply within the Plan area. The policy specifies a direct means of crossing the A350. In addition, lighting is referred to reflecting the contents of the Trowbridge Bat Mitigation Strategy SPD. A modification is made to correct the reference to the SPD in the policy.

Finally, WC point out that this will be dependent on land ownerships; indeed most things are. A modification is made to the policy which will recognise this, but also support the sustainable transport links sought.

With this modification, the policy will meet the basic conditions. It will take account of the NPPF's promotion of sustainable transport,⁴⁴ be in general conformity with WCS Core Policies 48 and 60 in particular and help to achieve sustainable development.

- **Change the first sentence of the policy to read: “The Ashton Park development *insofar as it affects the Plan area, should take every available opportunity to deliver sustainable transport connections....*”**
- **Add “SPD” after the Trowbridge Bat Mitigation Strategy in the fourth sentence of the policy**

Policy 3 - Design

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴⁵

It continues that neighbourhood plans can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁴⁶

It refers to design guides and codes to help provide a framework for creating distinctive places with a high and consistent quality of development.⁴⁷

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character

⁴⁴ NPPF paras 102, 104

⁴⁵ Ibid para 124

⁴⁶ Ibid para 125

⁴⁷ Ibid para 126

and history whilst not preventing change or innovation, establish or maintain a strong sense of place and optimise site potential.⁴⁸

The NPPF is clear that the planning system should support the transition to a low carbon future and, amongst other things, support renewable and low carbon energy and associated infrastructure.⁴⁹

Policy 3 is a criteria-based policy covering a wide range of issues. In essence, the policy seeks to deliver locally distinctive development of a high quality that protects, reflects and enhances local character leading on from national policy and guidance WCS Core Policies 41, 57 and 58 in particular. It will help to achieve sustainable development.

However, some modification is needed in the interests of clarity.

Criterion a) does not read clearly. WC has suggested an amendment which reads better and has been accepted by the Parish Council and I have further revised this.

Criterion b) is proposed to be split to be clearer and also to future proof it.

Criterion c) is amended to be clearer. A modification is also needed to change the reference to NDP policies to the development plan recognising that the neighbourhood development plan forms part of a suite of policy documents.

Criterion f) has a small, but important modification, again in the interests of clarity.

There is a minor typo to be corrected in paragraph 4.15 on page 23 of the Plan.

With these modifications, the policy will meet the basic conditions.

- **Change criterion a) to read: “All new development should be appropriate in scale and form to ensure it respects both the rural setting of the village and its immediate local context.”**
- **Change criterion b) to read: “All new development must consider the principles of the National Design Guide and any local design guidance or any successor documents and reflect and where possible enhance the rural character of West Ashton.”**
- **Add a new criterion that reads: “All new development should incorporate trees and hedgerows as integral elements of the design of proposals and as boundary treatments where appropriate.”**
- **Change criterion c) to read: “Whilst recognising and respecting the heritage of the village, innovative house designs which feature high levels of**

⁴⁸ NPPF para 127

⁴⁹ Ibid para 148

sustainability, low environmental impact and renewable energy will be supported subject to compliance with other *development plan* policies.”

- **Substitute the word “or” in criterion f) with “and”**
- **Change the words “...distinctive to..” to “...distinct from...” in paragraph 4.15 on page 23 of the Plan**

Policy 4 - Economy

It is recognised that residents rely on Trowbridge as a main source of employment and facilities. The employment land allocation at Ashton Park is broadly welcomed by the local community, particularly given sustainable transport links and connections being put in place. More locally based services and facilities would be welcomed too.

Policy 4 supports a shop, post office and public house in the village subject to considerations of scale, parking and amenities.

To support a prosperous rural economy, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.⁵⁰ It also states that the provision of local shops which encourage walking and cycling can enable and support healthy lifestyles.⁵¹ It states that planning policies should plan positively for the provision of shared spaces, community facilities and other local services including local shops and public houses to enhance the sustainability of communities.⁵² I note public houses are specifically referred to.

WCS Core Policy 48 supports new shops in villages where they are small in scale and would not threaten the viability of nearby centres.

This policy meets the basic conditions by particularly taking account of the NPPF’s stance on the sustainability of communities, is in general conformity with the WCS and will help to achieve sustainable development. No modifications to it are recommended.

Policy 5 – Local Green Space

One area of Local Green Space (LGS) is proposed. The Recreation Area is shown on Figure 4 on page 28 of the Plan.

⁵⁰ NPPF para 83

⁵¹ Ibid para 91

⁵² Ibid para 92

The NPPF explains that LGSs are green areas of particular importance to local communities.⁵³

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁵⁴ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁵⁵ The NPPF sets out three criteria for green spaces.⁵⁶ Further guidance about LGSs is given in PPG. The Plan explains that the Recreation Area was originally developed as part of the development on the Shepherds Drove estate. The area has play equipment and an open grassed area.

In my view, the proposed LGS meets the criteria in the NPPF satisfactorily. It is demonstrably important to the local community, is capable of enduring beyond the Plan period, meets the criteria in paragraph 100 of the NPPF and its designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given the housing figures for this local area and other policies in the development plan and this Plan.

Turning now to the wording of the policy, the proposed LGS is referred to, but Figure 4 could also usefully be cross-reference in the interests of clarity and completeness.

The policy also sets out what development might be permitted. This should take account of and be consistent with the NPPF which explains the management of development in LGSs should be consistent with that in the Green Belt.⁵⁷ Therefore the policy needs modification to ensure that it takes account of national policy and is clear. A modification is also made to the supporting text to reflect this.

With these modifications, the policy and its supporting text will meet the basic conditions.

- **Reword the policy so it reads:**

“The area designated as Local Green Space (identified on the map, Figure 4, is Recreation Area (rear of Shepherds Drove).

Development in the designated Local Green Space will be consistent with national policy for Green Belts.”

- **Change paragraph 4.27 to read: “Policies for managing development within a Local Green Space should be consistent with those for Green Belts. *Amongst other things, the construction of new buildings in the Green Belt is regarded as***

⁵³ NPPF para 99

⁵⁴ Ibid

⁵⁵ Ibid

⁵⁶ Ibid para 100

⁵⁷ Ibid para 101

inappropriate development. One of a number of exceptions set out in national policy to this is the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation; as long as the facilities preserve the openness of the Local Green Space and do not conflict with the purposes of including land within it.”

Policy 6a – Sustainable Housing

West Ashton is identified as a ‘Small Village’ in the settlement hierarchy of the WCS. The village does not have a settlement boundary and is essentially linear in nature stretching along Bratton Road from its junction with the A350 where it dissects the Parish.

This policy supports appropriate infill development, and outside the built-up area, land is regarded as open countryside. This approach chimes with the WCS and the Trowbridge Bat Mitigation Strategy SPD.

Given that the housing requirement figure has been met and exceeded, all be this a minimum figure, there is no need for the Plan to identify specific sites for further growth.

The local community supports sustainable building. A Housing Needs Survey (HNS) demonstrated a need for around five affordable homes. These are likely, but not necessarily, to be delivered through the Ashton Park Urban Extension. WC make the point that the HNS will need updating regularly and this is not the only measure of the need for affordable housing.

The community also supports the provision of smaller houses, up to three bedrooms recognising the role outlined in the NPPF for small and medium sized sites⁵⁸ and the support for windfall sites.⁵⁹

Self-build is also recognised as a way of providing affordable homes, forming an integral part of housing delivery strategies.⁶⁰

Policy 6a limits housing development to infill within the built-up confines of the village. Particular encouragement is given to self-build and smaller units.

The policy aligns with the NPPF’s objective of boosting the supply of housing and establishing local housing need.⁶¹ It is a local reflection of the WCS’s vision to have stronger and more resilient communities, its objectives and in particular WCS Core

⁵⁸ NPPF para 68

⁵⁹ Ibid

⁶⁰ PPG para 014 ref id 57-014-20210208

⁶¹ NPPF paras 59, 60 and 61

Policies 1, 2, 29 and 45 and will help to achieve sustainable development. It therefore meets the basic conditions and no modifications are proposed.

Policy 6b – Renewable Energy

The NPPF is clear that the planning system should support the transition to a low carbon future.⁶² As part of this, support is given to renewable and low carbon energy and associated infrastructure. The NPPF advocates a proactive approach to mitigating and adapting to climate change.⁶³

WCS Core Policy 41 supports sustainable construction and low carbon energy.

This policy encourages all new residential development to maximise opportunities for energy efficiency.

The second element of the policy refers specifically to the Ashton Park Urban Extension seeking innovation. Whilst the sentiment of this second element is not disputed, I consider this to be a strategic matter for the whole of the development site and in any case the first part of the policy supports renewable energy in relation to all new development within the Plan area so there is an element of duplication. As a result the second element should be deleted. The supporting text that refers to the urban extension can be retained as a matter of fact.

With this modification, the policy will meet the basic conditions.

- **Delete the second paragraph of the policy**

Policy 7 - Infrastructure Priorities

Policy 7 sets out the community's priorities for infrastructure through developer contributions. It makes clear that any contributions must be in line with national and local policy. It sets out and makes clear the priorities are for local infrastructure and refers to the SAC. It therefore meets the basic conditions in that it reflects the NPPF,⁶⁴ will particularly add local detail to WCS Core Policy 3 and will help to achieve sustainable development.

⁶² NPPF para 148

⁶³ Ibid para 149

⁶⁴ Ibid para 34

Policy 8 - Bat Conservation

The Plan area falls within the Bath and Bradford on Avon Bats SAC. WC has published a Trowbridge Bat Mitigation Strategy SPD which was adopted in February 2020.

Policy 8 seeks to ensure that any development within the Plan area addresses the impact on bats from development through compliance with the SPD which is recognised as guidance in the policy.

The policy reflects the NPPF's stance on the protection and enhancement of biodiversity.⁶⁵ It will be in general conformity with the WCS, particularly Core Policy 50. It will help to achieve sustainable development particularly the environmental dimension. As a result the policy meets the basic conditions and no modifications are put forward.

5. Informal Aspirations

This section contains a number of community aspirations and actions. The section appears separately in the Plan which explains its status. The section reads clearly.

6. Monitoring and Review

This section sets out the Parish Council's intention to monitor the effectiveness of the Plan. I welcome this as a point of good practice.

Appendices

A number of appendices are included.

Appendix 1 is a list of the evidence base.

Appendix 2 is a map of the Plan area.

Appendix 3 shows the location of Ashton Park.

Appendix 4 shows landscape and biodiversity.

⁶⁵ NPPF paras 170, 171, 174 and 175

Appendix 5 shows heritage assets. A reference should be included about seeking the latest available information as this information may change throughout the lifetime of the Plan.

Appendix 6 shows flood risk. The same applies here as to the previous appendix.

Appendix 7 shows sustainable transport.

Appendix 8 contains details of the contributors to the Plan.

- **Add a sentence to Appendix 5 that reads: “The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.”**
- **Add a sentence to Appendix 6 that reads: “The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from the Environment Agency or other reliable sources of information.”**

8.0 Conclusions and recommendations

I am satisfied that the West Ashton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the West Ashton Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the West Ashton Neighbourhood Development Plan should proceed to a referendum based on the West Ashton Neighbourhood Plan area as approved by Wiltshire Council on 20 September 2017.

Ann Skippers MRTPI
Ann Skippers Planning
17 March 2021

Appendix 1 List of key documents specific to this examination

West Ashton Neighbourhood Plan 2018 – 2026 Submission Plan 12.06.2020

Basic Conditions Statement June 2020 (Fowler Architecture and Planning Ltd) including Strategic Environmental Assessment Screening Determination December 2019 (WC) and Habitats Regulation Assessment (HRA) Screening and Appropriate Assessment March 2020 (WC)

Consultation Statement 18 June 2020 (Fowler Architecture and Planning Ltd)

Landscape and Visual Setting Analysis Proposed Landscape Gap, West Ashton, Trowbridge Revision A April 2020 (Indigo Landscape Architects)

Scoping Report September 2018 including the Housing Needs Survey, Survey Report, March 2017

Wiltshire Core Strategy adopted 20 January 2015

West Wiltshire District Plan First Alteration adopted June 2004

Wiltshire Housing Site Allocations Plan adopted February 2020

Trowbridge Bat Mitigation Strategy SPD adopted February 2020

Various documents referred to in the Plan at Appendix 1

List ends