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INTRODUCTION & FOUNDATION OF THE PLAN

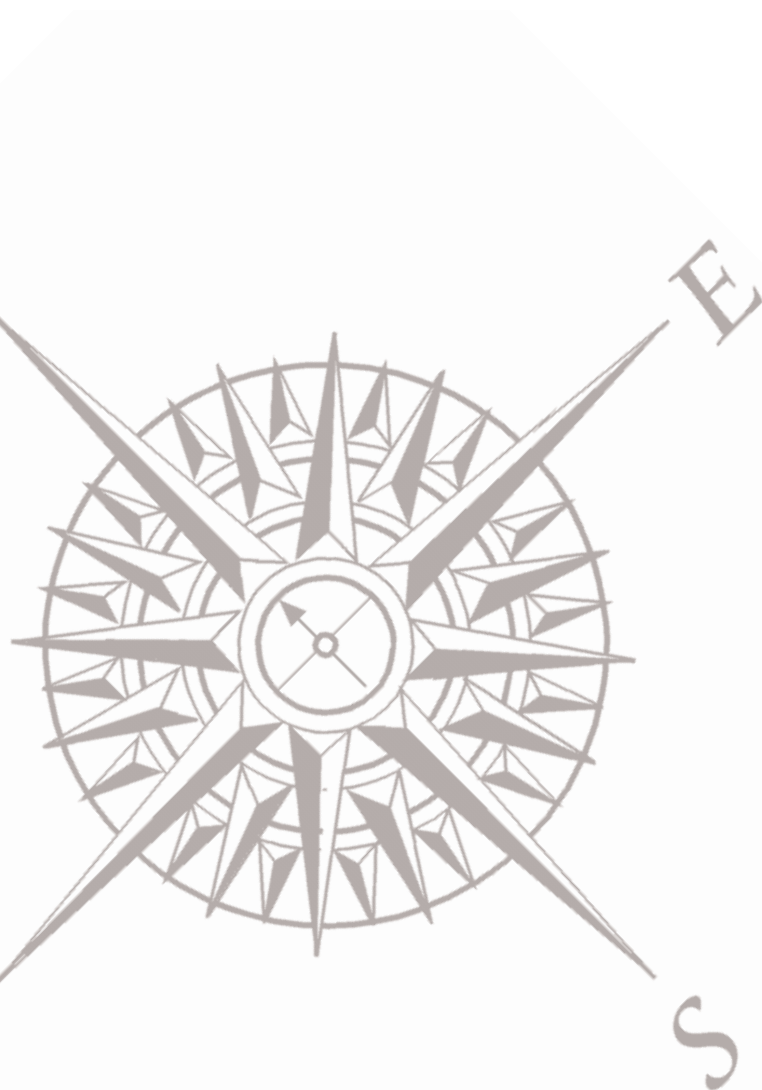
INTRODUCTION

1.01 Local Authorities, such as Kennet, are required to prepare a Local Plan to identify land for development, protect the environment, and manage traffic. Although the Local Plan is confined to deal with the use of land, its strategy and proposed pattern of land use also gives the opportunity to influence other organisations and agencies when they make decisions about future investment.

1.02 The Government sets out guidelines on what should and should not be included in a Local Plan in documents called *Planning Policy Guidance Notes*. These Guidance Notes are a statement of Government Policy and stand in their own right. Although they have provided a framework for the preparation of the Local Plan, it is not appropriate for the Plan to repeat or recite the contents of that guidance. In addition, the Local Plan has to be prepared in the context of development plans prepared by adjoining local planning authorities and in conformity with Regional Planning Guidance, published by the Government and the Wiltshire Structure Plan, adopted by Wiltshire County Council.

1.03 Regional Planning Guidance for the South West (RPG10) was published in 2001 and covers the period through to 2016. The Structure Plan for Wiltshire was adopted in January 2001 and states that Kennet District should provide land for about 7000 houses and 50 hectares of land for employment uses, during the period between 1991 and 2011. The Structure Plan is currently being 'rolled forward' to cover the period through to 2016

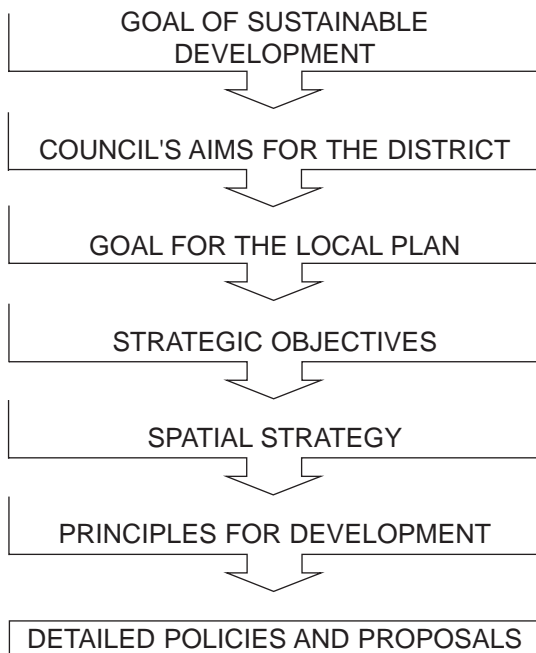
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FOUNDATION OF THE PLAN

1.04 Table 1.2, below, outlines the hierarchy of principles, aims and objectives upon which this Plan is established. Each level is equally important and development proposals will be assessed against them, where relevant and applicable. Goals and objectives provide a context for future development. At the detailed level, two tiers of policy apply. All forms of development, irrespective of scale or location will have to comply with policies contained under the heading "Principles for Development". These policies address issues of sustainability, design and the need for development to bear the cost of social and environmental provision required as a consequence of that development.

Table 1.2. : Hierarchy of Principles, Aims and Objectives



Goal of Sustainable Development

1.05 Government policy has placed *sustainable development* at the core of its advice to plan making authorities. The concept is simple and reflects a common-sense approach, one definition is:-

Ensuring that the needs of the present are met without compromising the ability of future generations to meet their needs.

The outcome of local consultation on the Local Plan suggests that we should be aiming to *Keep Kennet Special*. The attributes of the District are well documented and in addition to displaying a strong local identity (local distinctiveness), they include assets of international, national and regional importance. However, the protection of these special features depends partly upon a healthy and evolving economy to support them. In addition, we need to maintain the way of life enjoyed by those working and living in the community by providing access to housing that can be afforded and locally provided services. This implies that the District cannot stagnate or be preserved in aspic but must accommodate growth in a sustainable way which respects its distinctiveness.

1.06 Sustainability should be at the heart of the Plan's Strategy. However, it is not something that can be attained overnight. Rather, it is a longer term aim that we should be taking positive steps to achieve today. The Strategy is stated in terms of the proactive measures that can be promoted in the Local Plan. Some proposals will be implemented by the open market, and others will require action by the various service providers of the Council, either through direct or enabling action.

1.07 Many other issues have to be dealt with in the Local Plan, particularly policies to control the development of land and to protect those aspects of Kennet that we all value and cherish. The task that we face in producing a sustainable Local Plan is to balance the needs of protecting our environment, and our personal safety and lifestyles with the need to ensure that everyone has the opportunity to have good and adequate housing and economic prosperity. This aspiration applies equally to the current population of Kennet and the generations to come.

1.08 The Council has agreed a process for undertaking an Environmental Appraisal of the Local Plan based on the Department of the Environment, Transport and the Regions Good Practice Guide. The various stages of the Environmental Appraisal undertaken have been documented under separate cover and made available for public inspection. At the heart of the Council's approach to achieving sustainable development are the *Characteristics of a Sustainable Society*, originally produced by

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the Local Government Management Board as a Checklist for Local Authorities. These *characteristics* have been used as indicators for undertaking the Environmental Appraisal. Those indicators which directly relate to land use planning are included as the Environmental Aims of the Local Plan and are set out below.

Environmental Aims of the Local Plan

Wherever possible, development should:-

- *use energy, water and other natural resources efficiently and with care;*
- *minimise waste, then re-use or recover it through recycling, composting or energy recovery, and finally sustainably dispose of what is left;*
- *limit pollution to levels which do not damage natural systems;*
- *value and protect the diversity of nature;*
- *recognise the value of the built and archaeological heritage;*
- *create or enhance places, spaces and buildings that work well, wear well and look well;*
- *make settlements "human" in scale and form;*
- *value and protect diversity and local distinctiveness and strengthen local community and cultural identity;*
- *protect human health and amenity through safe, clean and pleasant environments;*
- *ensure access to good food, housing and fuel at a reasonable cost*
- *meet local needs locally wherever possible;*
- *create a vibrant local economy that gives access to satisfying and rewarding work without damaging the local, national or global environment;*
- *encourage necessary access to facilities, services, goods and other people in ways which make less use of the car and minimise impacts on the environment;*
- *make opportunities for culture, leisure and recreation readily available to all.*

The Council's Aims for the District

The Council's Strategy

1.09 The Council takes the view that the Local Plan should approach policies for land use and the protection of the environment in a way which reflects its priorities for delivering local services. This will enable a *local* interpretation to the implementation of National, Regional and Structure Plan policies. In line with the changing shape of the national political agenda the Council has identified five "cross-cutting themes" which will drive the Council's approach to service provision. These themes are:-

- Social Inclusion;
- Community Safety;
- Sustaining Our Rural Communities;
- Community Health;
- Sustainable Development.

1.10 In particular, the Council has stated that it will use its resources and influence to support:-

- The provision of affordable housing for rent or low cost purchase for those in need;
- The encouragement of a viable local economy;
- Working with others to enable access to the facilities of the market towns and to the Council's services.

Consistency with other Strategies

Table 1.3 : Goals Matrix by Topic and Plan Making Tier.

	Region	County	District
Environment	Protection of the Environment	An attractive and suitably protected environment	An acceptable quality of life in a healthy and pleasant environment
Economy	Prosperity for communities, and the regional and national economy	A prosperous and robust economy	Support continuation and growth of viable communities
Society	Progress in meeting society's needs and aspirations	Meet the needs of the existing and future population. Good housing and community facilities	Enable the provision of services and facilities An acceptable quality of life in a healthy and pleasant environment Support continuation and growth of viable communities
Sustainability	Prudence in the use and management of resources	Support a sustainable pattern of development	Support continuation and growth of viable communities An acceptable quality of life in a healthy and pleasant environment

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1.11 Table 1.3 sets out a comparison of the Goals contained in Draft Regional Guidance, the emerging Structure Plan, and Kennet's Four Year Strategy. The common thread of addressing the environment, the economy, the needs of society, and sustainability provides a starting point for the new Kennet Local Plan. A high degree of synergy exists between each level. In the case of Kennet's Four Year Strategy, it will be noted that the distinctions between the four topic areas are blurred, reflecting the "cross cutting themes" approach.

Goal of the Kennet Local Plan

1.12 The Local Plan's Goal is based on the Council's Four Year Strategy statement. One role of the Local Plan is to achieve the elements of that strategy that are appropriate for resolution through the land use planning process.

To provide a land use policy base to conserve the special qualities of Kennet and enable the provision of services and facilities which will support the continuation and growth of viable communities in the District enjoying an acceptable quality of life in a healthy and pleasant environment.

The Strategy

1.13 The Local Plan will have a ten year timescale, although draft Government Guidance expects the Plan to be "reviewed in full at least every five years" in order to meet the obligation to keep it up to date. In considering the Local Plan Strategy, the Council has taken a longer term view to provide a context for what can be achieved in the period of its current Local Plan and to consider its aspirations over a period of time beyond the confines of a ten year span. This has allowed the development of

a robust long term strategy which should hold good throughout the Plan period and provide the basis for the next Local Plan Review, providing long term consistency required by both the development industry and service providers.

Strategic Objectives

1.14 The Council has adopted the following strategic objectives, based upon national, regional and county policy statements, taken in the context of promoting growth which is sustainable and reflects the special qualities of the District:-

- I. ***promote a settlement pattern based upon the three main settlements of Devizes, Marlborough and Tidworth each of which should seek to become self contained as far as their size and capacity for growth will allow;***
- II. ***develop balanced communities with local employment opportunities available at a scale that is commensurate with the local working population in each of the three main settlements;***
- III. ***ensure that the three main settlements improve the viability and vitality of their Town Centres;***
- IV. ***sustain the role of the larger villages such as Pewsey, Ludgershall and Market Lavington in acting as secondary service centres for their rural catchments;***
- V. ***support the provision of local facilities in villages;***
- VI. ***aid the restructuring of the rural economy by promoting and accommodating diversification that provides employment opportunities in the rural areas without compromising the aims of sustainability;***
- VII. ***facilitate the provision of appropriate levels of affordable housing in the district;***
- VIII. ***protect and, where possible, enhance the diverse range of landscape, ecology and cultural assets and allow them to be enjoyed by all;***

- IX. ***provide the means to reduce the dependence on private cars whilst improving access for all sections of society.***

Spatial Strategy (The Settlement Strategy)

The Three Main Towns.

1.15 Although the long term aim is to achieve balanced communities which are self contained in terms of providing local employment opportunities to match the characteristics and size of the local population and provide services and facilities locally, the Local Plan will not be able to deliver this in the short term. Taking each town in turn, the problems, opportunities and strategic role for each are discussed below.

Devizes

Devizes is the largest settlement in the District and also offers the widest employment base and range of services and facilities. The centre needs to maintain its role as a major service and shopping centre. The town offers the best prospects for maintaining the provision of local services, attracting further employment and for introducing more sustainable modes of travel. The impact of further growth should be reduced by encouraging further urban regeneration and making the best use of previously developed land and buildings.

Marlborough

Marlborough is the District's second Market Town and is an attractive location for commuters to nearby Swindon. Measures should be taken to stimulate the local economy with the identification of employment land and the formation of an Economic Partnership to promote a growth in local jobs. This should reduce the degree of reliance on jobs in other settlements and produce a more sustainable settlement. Relatively high house prices restrict access to a significant section of the local population and opportunities for the provision of affordable housing are required. The town has a healthy commercial centre and measures should be taken to ensure the role as a major retail and service provider is maintained.

Tidworth

Tidworth is a Garrison Town with a significant, if largely transient, population. A joint plan Produced by MoD, the District

Council and the County Council for creating greater balance has completed its first phase. Additional social/community infrastructure and shopping facilities are now in place. Employment opportunities are needed for a significant number of dependents of members of the armed forces resident in the town. Achieving a balance not only means providing employment opportunities to meet the needs of all local residents, but also the need to improve social stability by increasing the proportion of civilian residents to reduce the dominance of the military nature of the town. The long term prospect for growth in Tidworth appears optimistic and the MoD has been positive by recently releasing land for development. The improvement of employment opportunities are required at an early stage, to assist in achieving a balanced community.

The Larger Villages.

- 1.16 The Strategy for the Larger Villages looks to maintaining the secondary service role, in view of their importance to surrounding rural areas and the opportunities for this to contribute to greater sustainability. Pewsey, Market Lavington and Ludgershall each have a range of services which are not generally available in smaller settlements, including health care and secondary education. However, in the short to medium term they are unlikely to attract employment opportunities at a scale to fully meet local needs. Consequently, these settlements should play a lesser role in locating new housing development. That is not to say that housing would be inappropriate in these locations; it should be a matter of appropriate scale and appropriate location. Additionally, these villages can play a role in providing modest housing opportunities, including affordable housing, for rural residents as part of general market housing developments.

Other Villages and the Rural Areas.

- 1.17 Government advice, the framework set by regional advice and the Structure Plan, give clear guidance that villages should have no role in accommodating housing growth in strategic terms. However, Government advice and goals set at regional and county level all seek the retention of local services in villages and the improvement of the rural economy. Following the study of the rural

economy in Kennet*, the Council takes the view that increased economic activity in the rural areas will assist in maintaining facilities and aid the restructuring of the rural economy. In the interests of sustainability, housing development should be limited to those villages which have a good range of facilities, and should be restricted to a small scale. The need for affordable housing is acute in villages but in order to improve sustainability it should also be concentrated in those villages possessing good local facilities. The strategy for rural areas is a prime example of where a "cross cutting" approach is required, particularly the strategy for housing, facilities and employment. Villages without a good range of local facilities should not provide additional housing of any consequence. The countryside needs to be protected for its own sake.

*A survey and Appraisal of the Kennet Economy, 1998, undertaken by Oxford Brookes University on behalf of the Council.

PRINCIPLES FOR DEVELOPMENT

- 1.18 The following two policies set out the principles against which **all proposals** for development will be scrutinised. The first deals with the issue of design, set against the background of ensuring development is sustainable. It is not appropriate to enforce rigid or prescriptive design criteria upon applicants for planning permission. Such an approach would stifle good design and result in a blandness that would not represent a reflection of, or addition to, local distinctiveness and quality. However, Designers should pay regard to the useful guidance currently available. In particular, PPG3 promotes a greater emphasis on quality and designing places for people and stresses the need to consider the needs of people before ease of traffic movement in designing the layout of residential developments. The Council recognises a distinction between specifying development principles and dictating details of designs. Excellent principles are outlined in the DETR publication *By Design* (May 2000). The Council's approach is to set out a process which should be followed when drawing up proposals, and set out before making an application. In addition to the aspects of function and appearance of any proposal, its environmental impact also needs to be considered at the outset. The process, therefore, includes advice on

which features should be included for consideration in order to avoid adverse and irreversible environmental impacts, and to promote a reduction in the consumption of finite resources.

Design

Policy PD1

DEVELOPMENT AND DESIGN

A. General Application

A high standard of design will be expected in new developments, extensions or alterations to existing buildings, changes of use and in proposals affecting the landscape and environment, to ensure that the character, appearance and environmental quality of the Kennet area is maintained or enhanced, and to promote safety and compatibility between adjoining land uses.

B. Considerations

In order to achieve high standards of design, all development proposals should adequately address the factors listed below, where they are relevant to the development under consideration:-

- 1) Sustainable design principles;
- 2) Scale, height, massing and density of development;
- 3) Relationship to townscape and landscape context and related ecology;
- 4) Layout, servicing and access arrangements, and road safety;
- 5) How the development contributes to the creation of a well used, attractive and safe public realm;
- 6) Landscape proposals;
- 7) Relationship to historic features;
- 8) Elevational treatment;
- 9) Building materials, colour and detailing; and
- 10) The impact on residential amenity, including that caused by reason of noise and disturbance.

- 1.19 Planning Applications for developments on the key development sites will be expected to be supported by a Planning Brief, prepared in consultation with the Local Planning Authority. The Planning Brief should include the following elements:-
- Appraisal of the site's context and setting;
 - Review of relevant policies and guidance;
 - Indication of the measures proposed to meet the impact of the development to be provided as Planning Obligations and details of any mitigation measures required;
 - Statement of Design Principles, as described in paragraph 1.21, including detailed design proposals, where appropriate to the scale of the proposed development; *and*
 - Details of public consultation (to include consultation with part owners of allocated mixed-use sites) where such consultation has been undertaken.

General Application

- 1.20 Government guidance on design issues is contained within the Planning Policy Guidance Notes (PPG). PPG1 - General Policies and Principles, issued in 1997, strongly promotes good design and requires development plans to include design policies against which proposals will be considered. PPG1 specifically states that applicants should demonstrate the account they have taken of design policies and guidance and their site's urban design context. The purpose of Policy PD1 is to promote sustainable development, maintain or improve the quality of the existing environment, attract business and investment, and reinforce civic pride and a sense of place through good design.

Statements of Design Principles

- 1.21 Applicants for planning permission and for approval of reserved matters will be expected to submit a statement setting out their Design Principles and demonstrate how the issues listed in Policy PD1 have been addressed, where this statement is relevant to the application. The Statement should also set out how the relevant policies of this Local Plan have been addressed. The amount of detail included within design statements should reflect the nature and scale of the proposals, but, as a minimum, should comprise a short written statement and supporting illustrative plans.

Maintaining Local Distinctiveness.

1.22 PPG7 - The Countryside:- Environmental Quality and Economic and Social Development (1997) requires new buildings in rural areas to add to the sense of local identity and regional diversity, and to be of an appropriate design and scale. The PPG recognises that good design can maintain or enhance local distinctiveness. PPG7 also commends the Countryside Agency's work on promoting good design in rural areas and supports the use of Village Design Statements. Village Design Statements are intended to be produced by local communities to guide future development within their settlements and may be adopted by the Council as Supplementary Guidance. The Countryside Agency has also recently published its strategy context - 'Tomorrow's Countryside - 2020 vision'. This includes a commitment to maintaining diverse character and outstanding beauty, whilst accommodating diversification and positive change in the fields of community regeneration, enterprise, sustainable agriculture, environmentally appropriate transport, and recreational access.

1.23 New development should respect the local distinctiveness of the rural and urban character of the District. Kennet is predominantly a rural, agricultural district with a distinctive pattern of landscape and a series of small towns and settlements. The geology of the district is one of its key defining factors, with distinct areas of chalk, clay, greensand, gravels and grits. Each of these areas has created distinctiveness in local character, through patterns of topography, rural land use, agricultural practices and landscape features such as hedgerows and walls. In towns and villages, distinctive patterns of building layout, plot and street patterns, and the relationship to features such as spring lines and water courses are key structuring elements, with local building character dominated by the use of local materials. Detailed guidance on the character of the District can be found in the Kennet Landscape Character Assessment, published as Supplementary Guidance.

1.24 Building materials and some of the key vernacular features include the following:-

- Wood - in many areas of the District, timber framing and weather-boarding are key components. This is especially true of area where little good building stone occurs, such as on the chalk. Oak and elm provided the main source of timber.
- Cob - found in particular in the south of the District, and generally coated with limewash.
- Thatch - one of the most distinctive elements in the District. This traditionally used long straw and the use of water reed is not appropriate for repair or extension to historic buildings.
- Stone - not one of the most significant elements, due to the paucity of good material, but Corralian Beds in the west of the District provide local rubble stone, and sandstones and other local sources have been used. Ashlar stone from Bath is also a feature especially in Devizes.
- Flint - knapped flint has been used on buildings of all types, generally in association with brickwork.
- Brick - clay for brick making was locally available, especially in the east of the District, creating a soft reddish-brown brick, and later using Gault clay to produce red bricks such as that typical of Devizes.
- Tiles - clay tiles are commonly found in association with brick. Tile hanging to clad buildings, often over timber framed buildings, is also common in areas such as Marlborough. Slates from North Wales became popular for a short while following the opening of the Kennet and Avon canal, and feature in specific areas close to canal wharfs.

1.25 The Local Planning Authority seeks to maintain Kennet District's high quality environment for future generations living, working or spending leisure time in the area. Securing a high quality of design requires consideration of all the complex relationships between built and open space, including patterns of movement and activity. At stage B *Considerations*, Policy PD1 lists a range of factors that will be considered by the Local Planning Authority in assessing

the design of proposed developments. Adverse environmental impacts that should be minimised through the initial design of development include the problem of light pollution. Certain emissions which cause pollution (noise, dust, fumes etc.) are controlled by separate legislation. However, light spillage as a consequences of development upon the night sky generally, and unwanted distraction on occupants of neighbouring property is a consideration that should be taken into account as an integral part of design. The design and positioning of roof lights, and windows in buildings and any external lighting required as part of a development should be appropriate for their purpose and ensure that spillage and glare are minimised and appropriately screened. The following paragraphs set out, in greater detail, advice on how to address each of the nine factors listed in that part of the policy.

**Sustainable Design Principles
(Policy PD1, B(1))**

1.26 The Local Planning Authority has defined a number of strategic aims and objectives relating to the environment and quality of life. The Plan seeks to protect these vital resources and, in addition, the design process needs to ensure that development plays a positive role in ensuring that sustainability is integral to proposals. Applicants and developers should seek to minimise adverse environmental impact through the design and construction of buildings, for example, by minimising resource and energy consumption. New developments should aim to be energy efficient, taking account of factors such as potential solar gain, insulation, overshadowing and shelter from wind. The use of renewable energy sources within new developments will also be encouraged. Full regard should be paid to the water cycle by allowing for infiltration through permeable surfaces and the creation of wetland areas within the design of schemes where appropriate. The Council also supports building designs that incorporate provision for recycling water and other resources in order to reduce consumption. Developers are also encouraged to maximise the potential life of a building by allowing flexibility for possible future changes in use and by reusing existing buildings to meet current demands. The Local Planning Authority will support the use of recycled materials from appropriate

sources for the construction of new buildings, and for use as aggregates.

1.27 Sustainable principles of design assist in achieving sustainable development. The elements listed below are components of sustainable design.

Scale, Height, Massing and Density of Development (Policy PD1, B(2))

1.28 Proposals should illustrate how they respect, complement or enhance the existing urban or rural context. Schemes should take account of the size of adjoining plots and buildings, particularly in streets with uniform design characteristics. New development should respect its neighbours and potential problems such as overlooking, noise disturbance or light pollution must be avoided. Increased density of development can help to make the best use of urban land and can reduce pressure on greenfield sites and sites outside existing settlements. The Local Planning Authority will support higher densities provided that such developments do not adversely affect adjoining occupiers and that they comply with other policies within this plan.

Relationship to townscape and landscape context (Policy PD1, B(3))

1.29 The Local Planning Authority welcomes the growing national demand for high quality design and is keen to secure this by working closely with applicants from an early stage. Whilst the emphasis is firmly on promoting good design rather than stifling originality or innovation, the Local Planning Authority will seek to retain the traditional character and appearance of the Kennet area. Proposals should indicate how they protect or enhance local identity, character and distinctiveness and should consider focal points, the sense of place, and the potential impact on views and skylines. Natural features and sites of nature conservation interest play a key role in defining the character of Kennet District. New development should give particular respect to these features and sites as they are often irreplaceable.

Layout, Servicing and Access Arrangements, and Road Safety (Policy PD1, B(4))

- 1.30 Design statements should indicate how proposed developments will help to reduce car dependency and encourage use of public transport. For further guidance, applicants should refer to policies contained within the Accessibility and Transport chapter. Schemes should aim to increase permeability, security and safety for public transport users, pedestrians and cyclists. Public rights of way should not be adversely affected by new development. Vehicular access and servicing arrangements should be designed to minimise adverse impact on the public realm. Proposals must demonstrate how they provide access for people with mobility impairments, such as those in wheelchairs, the elderly or those with pushchairs or small children.

Creating a Well Used, Attractive and Safe Public Realm (Policy PD1, B(5))

- 1.31 The Council will encourage appropriate uses of public areas within the District. In addition to providing new public areas where appropriate, new developments should take into account issues such as lighting, overlooking and mix of uses to ensure good natural surveillance of public areas. The Local Planning Authority considers that good design can help to prevent crime and will seek to ensure that the design, layout and use of buildings provide for public safety, deter crime and reduce the fear of crime. In determining proposals the Local Planning Authority will have regard to Government Circular 5/94 - Planning Out Crime and to the Secured by Design initiative. Provision of public art should also be considered at an early stage in a scheme's design.

Landscape Proposals (Policy PD1, B(6))

- 1.32 New developments should address the Council's landscape principles and, where appropriate, include detailed proposals for the hard and soft landscape of sites and their surroundings. Applicants are referred to the Council's Landscape Character Assessment and Landscape Conservation Strategy.

Relationship to Historic Context (Policy PD1, B(7))

- 1.33 Proposals should demonstrate how they protect historic features or areas and their settings, particularly:- listed buildings; conservation areas; sites of archaeological interest; historic parks and gardens; and other important non listed buildings or features. The Council will also expect development proposals to respect historic street and rights of way patterns as well as rural features such as field boundaries and hedgerows.

Elevational Treatment (Policy PD1, B(8))

- 1.34 New buildings should be at a human scale, form an appropriate visual link between adjoining buildings and open spaces and should respect the proportions of neighbouring buildings in relation to design characteristics such as doors and windows.

Building materials, colour and detailing (Policy PD1, B(9))

- 1.35 The use of building materials should normally be based on those typical of the local area, or where proposals depart from this principle, they should demonstrate how other or modern materials will complement the more traditional local vernacular. The use of recycled materials from on-site demolition or those from renewable sources will be encouraged.

Supplementary Guidance

- 1.36 The Local Planning Authority will prepare and publish Supplementary Planning Guidance covering certain issues addressed by this policy and applicants will be expected to have regard to such advice. Supplementary Planning Guidance and other relevant publications will include:-
- Loose Leaf Supplementary Design Guidance, comprising:-
 - Conservation Area Designation Statements (and Maps)
 - Village Design Statements
 - Revised Village Statements
 - Alteration of Listed Buildings
 - Landscape Character Assessment
 - Landscape Conservation Strategy
 - LA 21 Strategy
 - Affordable Housing Policy Guide
 - Strategic Development Brief for Housing Sites (Policy HC8)

- Site Specific Planning Briefs for Key Development Sites (See Glossary)
- Interpretation and Implementation of Protected Employment Sites Policy
- Interpretation and Implementation of Protected Community/Social Facilities Policy
- Interpretation and Implementation of Historic Towns Policy (WCC/EH project)
- Design & Control of Advertisements
- Protected Species
- Recreation Space, Public Open Space, Amenity Space

1.37 The Council will prepare Designation Statements for each of the Conservation Areas in the District. A Best Value Review of the Service has recently been undertaken and an Action Plan prepared. The Action Plan proposes that funds be switched between budgets to allow additional resources to be made available to producing Conservation Area Designation Statements. It is proposed that priority for designation or review of Conservation Statements should be given to areas subject to development pressure, then to areas without Statements and then areas in major towns and villages. Support will also be provided, where required, to help local communities produce Village Design Statements. Priority will be given to settlements identified on Inset Maps.

1.38 Statements of Design Principles submitted in support of planning applications should demonstrate to the Council that full account has been taken of design issues and the urban or rural context of the site. The Council will reject poorly designed proposals that are inappropriate to their surrounding context or schemes where applicants have failed to have regard to the Council's design policies and Supplementary Planning Guidance.

Planning Briefs and The Strategic Development Brief

1.39 Developers of all key development sites will be expected to prepare (or have available) Planning Briefs for individual sites before submitting a planning application. Planning Briefs should be prepared in conjunction with the Council, relevant service providers, landowners and local community and interest groups. Planning Briefs will be adopted as Supplementary Planning Guidance where the Local Planning Authority is satisfied that the Planning Brief complies with its policies relating to the site

and where appropriate weight and consideration has been given to consultation responses. Particulars of any consultations undertaken should be included in Planning Briefs to enable those briefs to be considered for adoption as Supplementary Planning Guidance in accordance with the advice contained in PPG12 (paragraph 3.15).

1.40 In Devizes the Council will prepare a Strategic Development Brief for the sites allocated at Quakers Walk, the North Gate/Wharf/Devizes Hospital, Roundway Mill, Naughton Avenue and the former Le Marchant Barracks. The Strategic Development Brief will be prepared in conjunction with landowners, prospective developers, service providers (transport, health, housing, education, utilities, etc) and local community and interest groups. The role of the proposed Strategic Development Brief is discussed further in Paragraph 2.19 of the Plan. The Planning Briefs for these sites in Devizes should have regard to the overall Strategic Development Brief.

1.41 The Council will monitor the application of this policy within the development control process. In addition, procedures will be developed for the ongoing monitoring of the policy's success across Kennet District as development takes place.

Planning Permission and Planning Obligations.

1.42 All proposals for development will need to follow the process set out in Policy PD1 and in the broader context their impact will be judged against the *Characteristics of a Sustainable Society*, included as the Environmental Aims of the Local Plan. In undertaking this exercise, the assessment of the scheme against each of the criteria may reveal that the development would be unacceptable unless certain remedial actions were included as part of the proposal. For example, a development might have an adverse effect on the wider road network. As a result, the developer would need to make provision for any improvement needed to the highway in order to resolve the problem which had been created or exacerbated by the development in question. This approach to the identification of measures needed to overcome objections to development is known as *Mitigation*. However, it should be noted that some developments could create such a fundamental conflict with the aims,

objectives or policies of the Plan that mitigation could not overcome the consequences in an acceptable manner.

1.43 Mitigation can take many forms and problems can be resolved in three ways:-

- amendment of the scheme;
- Planning Conditions; and
- Planning Obligations.

Early discussion with planning officers or other specialised organisations such as the Local Highway Authority, Local Education Authority, Water Companies, Environment Agency, Wildlife Trust or County Archaeologist can pay dividends in ensuring that proposals avoid objections or can include suitable measures for mitigation at the initial stages of design. This approach will reduce delay in considering planning applications and help cut costs of the development.

1.44 In some instances measures for mitigation may be required to be implemented at a specific stage in the development. Under these circumstances, a condition may be attached to the planning permission to ensure that this takes place. Planning Obligations is a term used to refer to unilateral undertakings and planning agreements made between the landowner(s) and others who have a legal interest in the land which is the subject of the planning application and the District Council (as the Local Planning Authority) or the County Council (as the Highway Authority or Local Education Authority) under Section 106 of the 1990 Act. They are generally referred to as "*Section 106 Agreements*". A good example would be the provision of additional school places required to serve a new development. Planning Obligations are sought where they are:- necessary; relevant to planning; related to the development; and are fair and reasonable in relation to the scale and kind of the development. They operate under the principle that planning permission cannot be bought or sold. Obligations can only be requested to resolve problems brought about or exacerbated by the development, not solve problems which already exist.

1.45 It is not possible to prescribe every eventuality where Planning Obligations will be required. However, in the case of significant development such as Local Plan

allocations and windfall sites, the following list includes the issues which should always be considered in terms of the impact upon the local environment and community:-

- accommodating primary school places generated by the development;
- accommodating secondary school places generated by the development;
- the local need for affordable housing;
- areas for play and recreation, including maintenance;
- accommodating the need for travel, in terms of highway capacity, road safety, and alternatives to car based travel (e.g. public transport, by foot or by cycle); and
- the availability of local community facilities to serve the development.

In order to aid the identification of the appropriate scale of planning obligations to be sought on developments, the Council intends to undertake further work to provide guidance on the need for social halls and meeting places and establish baseline information for calculating educational provision. This work will also include a review of the current SPG on Open Space for Sport and Recreation. When completed, the Council will undertake consultations on the results and adopt such material as Supplementary Planning Guidance. This Guidance is additional to that included in the list contained at paragraph 1.27.

Mitigation and Planning Obligations

1.46 All applications for development must comply with the aims, objectives and policies of the Local Plan as a whole. To avoid refusal of planning permission, in cases where proposals conflict with the Local Plan developers will be encouraged to resolve objections through discussion with the Local Planning Authority and agreeing measures for the amendment of the scheme and incorporating the use of Planning Conditions and Planning Obligations where relevant. In cases where objections cannot be resolved through mitigation, planning permission will be refused.

Renewal of Planning Permission.

1.47 Applications to renew planning permissions which have lapsed will be scrutinised to ensure that they do not conflict with policies of this Local Plan or the latest versions of Government advice. Issues of

sustainability, as included in PPG 13, and the use of previously developed land, as included in PPG 3, are material considerations. If permission was granted before the publication of such advice and is in conflict with it, the implications of renewal will be carefully considered. This may result in a renewal of planning permission not being granted in instances where the proposal would clearly prejudice the aims of Government or the adopted development plan.

Policy PD2

RENEWAL OF PLANNING PERMISSION

Planning permission will be renewed before or after it has lapsed, providing there has been no material change in planning circumstances, including the publication of Government advice and the adoption of updated documents forming the Development Plan.

Hazardous Substance Establishments

1.48 Certain sites and pipelines are designated as dangerous substance establishments by virtue of the quantities of hazardous substances present. The siting of such installations will be subject to planning controls, for example under the Planning (Control of Major Accident Hazards) Regulations 1999, with the objective, in the long term, to maintain appropriate distances between establishments and residential areas and areas of public use. In accordance with the DETR Circular 04/2000 Planning Controls for Hazardous Substances, the Council will consult the Health and Safety Executive, as appropriate, about the siting of any proposed dangerous substance establishments. The area covered by the Plan contains major accident hazard pipelines, as shown on the Proposals Map and Inset Maps. Whilst they are subject to stringent controls under existing health and safety legislation, it is considered prudent to control the kinds of development permitted in the vicinity of these installations. For this reason the Council has been advised by the Health and Safety Executive of consultation distances for each of these installations. In determining whether or not to grant planning permission for a proposed development within these consultation

distances, the Planning Authority will consult the Health and Safety Executive about risks to the proposed development from the dangerous substance establishment.