

Seagry Parish Neighbourhood Plan 2019 -2036

Initial Comments of the Independent Examiner

Prepared by

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John Slater Planning Ltd

14th October 2019

Introductory Remarks

1. As you will be aware, I have been appointed to carry out the examination of the Seagry Neighbourhood Plan. I have carried out my initial review of the Plan and the accompanying documents that I have been sent. I visited the plan area on Saturday 12th October 2019.
2. My preliminary view is that I should be able to deal with the examination of this Plan by the consideration of the written material only. I do still have to reserve the right to call for a public hearing, if I consider that it will assist my examination, but I consider that is very unlikely.
3. However, there are a number of matters that I wish to receive either clarification or further comments from the Parish Council or in some cases from Wiltshire Council. Such requests are quite normal during the examination process and will help me prepare my report and come to my conclusions.

Regulation 16 Comments

4. Firstly, I have already offered the Parish Council the opportunity to respond the comments made in the representations submitted at the Regulation 16 stage. I am particularly interested in the responses to the comments made by Wiltshire Council.
5. I would be pleased if Wiltshire Council could check and confirm whether its Regulation 16 comments actually relate to the Submission Version of the Plan. The reason I raise this, is that parts of the submission refer to wording that I do not recognise in the version of the plan I have e.g. the wording of the Vision. Equally the comments refer to policy numbers, which do not tally with the policy numbers in the Submission Version, but were I suspect the numbers used at the Reg 14 stage.

Policy SNP1 - Valued Views

6. Can the Parish Council provide me with a copy of the Valued Views Report (2019)?
7. In terms of View 3 at the time, I made my visit any view across to the Church was obliterated by the tall maize growing in the field, which was awaiting harvesting. I understand that may be a temporary situation, but is there a photograph that illustrates the view from the viewpoint, so that I can be satisfied that such a view exists as described?
8. I saw the View 6, but I think it refers to a view experienced from the gate into the field rather than the position shown by the arrow on the plan.
9. Finally, I am assuming that the multi – directional views towards the cross road and the triangle shown as View 7, are all views along the public highway, rather than across private land. Can this be confirmed by the Parish Council.

Policy SNP2 - Local Heritage Assets

10. If I am to consider these 11 assets to be heritage assets, albeit non-designated heritage assets, then I need to see evidence which sets out their significance as heritage assets. Can the Parish Council provide me with details as to why these particular properties have been identified?
11. I note that the policy identifies as a heritage asset, the Spitfire Memorial, but I question whether it meets the definition of a heritage asset, as set out in the Glossary of the NPPF. Map 4 includes all the grass verge either side, rather than just the extent of the stone memorial. It does seem to me that the importance of this area could possibly be more appropriately protected by the whole area being designated as a Local Green Space, which covers the defined area including the memorial's setting, rather than the stone memorial. I would be interested in the Parish Council's response to this possible change, which I could make as a recommendation.
12. I am interested in what is being specifically protected in terms of the Hole in the Wall Footpath – the policy itself refers to the “buildings and structures” – is it the wooden stile, that is of significance, or is the walls either side that enclose the footpath, which are actually part of the adjacent buildings, which are not protected. I note that there is a separate policy that covers footpaths as local rights of way.

Policy SNP3 – Natural Environment and Biodiversity

13. This policy covers, by implication, *all* development proposals. Is it appropriate for all developments to have to demonstrate compliance, would it be expected for domestic alterations, or is it new housing/ buildings on green field sites? What is the expectation as to how an applicant would satisfy the policy – is it expected that there would be a need for an ecological survey and report or is just development that could impact on the areas identified in Map 5?
14. Does not Core Strategy Policy 50 already cover development within the parish and how does the neighbourhood plan introduce additional requirements relating to biodiversity and the natural environment, apart from identifying the areas shown in Map 5, alongside Policy 51 and 52? The text suggest the policy *reinforces* the protection in these policies, but my issue is what does the policy actually, add to the local plan policies. I have noted that the plan has chosen not to have a separate policy covering Green infrastructure.

Policy SNP4 – Footpaths and Bridleways

15. The policy refers to *informal* local paths. Does the public have rights to use these routes – are they permissive paths? Can those sections of the routes, that are not designated rights of way, be shown on a map, to enable a decision maker to have regard to them, when determining a planning application?

Policy SNP5 – Local Green Space

16. I have seen the objection from a resident, who has a desire to create a vehicular access across the land at Broadleaze, so as to provide on-site parking for their vehicles. Could the Local Planning Authority confirm whether the creation of such an access would require planning permission and whether the proposed policy would rule out such an access being approved, in principle.
17. Again, I would welcome the Parish Council's views as to the land described as the Spitfire Memorial could better be described as an area of green space which is demonstrably special to the local community, having a particular local significance as the site of the Spitfire Memorial.

Policy SNP7 - Small and Infill Development

18. Should the policy point an applicant to a document or a source, that sets out what the housing need of the village is set out?
19. What parts of the village are considered *sensitive landscape areas* and should these be shown on a map?
20. Can the Parish Council point out to me any areas of “existing sporadic loose knit areas of development related to Upper Seagry” which would rule out “infill development”?
21. I do not consider that a policy which states that a proposal will be considered on their merits, to be a planning policy, as it gives no indication as to how a decision maker should be determining a planning application, having regard to Section 38 of the Town and Country Planning Act – the presumption in favour of the development plan unless material considerations indicate otherwise. I assume that the intention is that these applications will be considered against other relevant policies in the development plan, which are already covering the plan area and the intention is that the neighbourhood plan is intended to be silent on their acceptability.

Policy SNP8 – Custom and Self Build Housing

22. Is “*in principle*” support to be given to custom or self-build projects, irrespective of the site's location?

Policy SNP 13- Retention of Facilities

23. Can the Parish Council clarify in what ways, new development will be expected to make appropriate contributions to the retention and enhancement of existing facilities? Would it only be particular types of development e.g. residential? Would not any financial contributions be covered by any CIL payments made, as the Parish Council would receive 25 % of contributions or is the Parish Council looking for Section 106 payments, in which case can such payments be said to meet the requirements set out in

Regulation 122 of the Community Infrastructure Levy Regulations. I would be grateful if Wiltshire Council can say whether such community facilities are covered by its Regulation 123 list, and so effectively an applicant is being expected to pay twice. Regulation 122 says states that financial contributions can only be made if the contribution is related to the development, is necessary to make the development acceptable in planning terms and is fairly and reasonably related in scale and kind to the development.

Concluding Remarks

24. I am sending this note direct to Seagry Parish Council, as well as Wiltshire Council. I would request that both parties' responses should be sent to me by 5 pm on **28th October 2019**.
25. I will be grateful, if a copy of this note and any subsequent responses are placed on the appropriate neighbourhood plan websites.

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Independent Examiner to the Seagry Parish Neighbourhood Plan.

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