

HILPERTON NEIGHBOURHOOD PLAN

Submission Draft Version

**A report to Wiltshire Council
into the examination of the
Hilperton Neighbourhood Plan
by Independent Examiner, Rosemary Kidd**

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17 July 2018

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1.0 Summary

- 1.1 The Hilperton Neighbourhood Plan has been prepared to set out how residents of all ages would like the parish to be in 2026.
- 1.2 I have made a number of recommendations in this report in order to make the wording of the policies and their application clearer and to ensure that they meet the Basic Conditions. Section 7 of the report sets out a schedule of the recommended modifications.
- 1.3 The main recommendations concern:
 - Amendments to clarify the wording of policies to ensure that they are clear and unambiguous, that they are flexible and to correct errors;
 - Ensuring that the mitigation measures required in the Appropriate Assessment of the HRA are included in the relevant policies;
 - Improving the justifications to Policies 1 and 2 to better explain the position concerning the local housing requirement and how this is to be delivered;
 - Improving the mapping to ensure that the boundaries of areas referred to in policies are shown on the Policies Map.
- 1.4 Subject to these modifications being made to the Neighbourhood Plan, I am able to confirm that I am satisfied that the Hilperton Neighbourhood Plan satisfies the Basic Conditions and that the Plan should proceed to referendum.

2.0 Introduction

- 2.1 Neighbourhood planning was introduced by the Localism Act 2011 which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to develop a vision to steer the planning of the future of the plan area, to prepare the policies and allocate land for development which will be used in the determination of planning applications in the plan area.
- 2.2 Neighbourhood development plans that are in general conformity with the strategic policies of the local development plan for the local area (and which together form the local development plan), and have appropriate regard to national policy, have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the development plan which will include the neighbourhood development plan, unless material considerations indicate otherwise.

Legislative Background

- 2.3 I have been appointed by Wiltshire Council with the consent of Hilperton Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council, the Neighbourhood Plan Steering Group and Wiltshire Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. My appointment has been facilitated by the Neighbourhood Planning Independent Examiners Referral Service.
- 2.4 As an Independent Examiner, I am required to determine, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:
- (a) the policies of the Neighbourhood Plan relate to the development and use of land for a designated neighbourhood area;
 - (b) the Neighbourhood Plan meets the requirements to: specify the period to which it has effect; not include provision about excluded development; and not relate to more than one neighbourhood area;
 - (c) the Neighbourhood Plan has been prepared for an area that has been properly designated for such plan preparation; and
 - (d) the Neighbourhood Plan has been prepared and submitted for examination by a Qualifying Body.
- 2.5 I am satisfied that the Neighbourhood Plan subject to the modifications proposed, includes policies that relate to the development and use of land and does not include provision for any excluded development. There are no other neighbourhood plans for the plan area.
- 2.6 The Neighbourhood Plan area is co-terminus with the parish of Hilperton as constituted after the parish boundary review which came into effect on 1 April

2017. The neighbourhood area was first designated by Wiltshire Council on 20 September 2016 based on the former boundary of the parish. Hilperton Parish Council applied to have the boundary of their neighbourhood area amended, in order to align with the new parish boundary. The Designation of Hilperton Neighbourhood Area was approved on 27 June 2017. Appendix 8 of the Consultation Statement and Wiltshire Council's website confirm these points.

- 2.7 The map on page 5 of the Neighbourhood Plan is titled the Hilperton Neighbourhood Area application April 2017 and shows the area designated in September 2016 and the proposed revised area. The map should be replaced with one that only shows the area designated in June 2017 to which the plan applies.

Recommendation 1: revise the plan on page 5 to show the neighbourhood area designated in June 2017 to which the plan applies.

- 2.8 Paragraphs 2.4 of the Neighbourhood Plan and the front cover of the Neighbourhood Plan state that the lifespan of the Neighbourhood Plan is to be from 2017 to 2026.
- 2.9 The neighbourhood plan making process has been led by Hilperton Parish Council which is a "Qualifying Body" under the Neighbourhood Planning legislation which entitles them to lead the plan making process. The Plan has been prepared by the Hilperton Neighbourhood Plan Steering Group on behalf of Hilperton Parish Council.
- 2.10 Paragraphs 2.12 to 2.16 confirm that the Plan meets these legal requirements. I am satisfied therefore that the Hilperton Neighbourhood Plan satisfies all the requirements set out in paragraph 2.5 above.

Conformity with Basic Conditions

- 2.11 An Independent Examiner must consider whether a neighbourhood plan meets the "Basic Conditions". The basic conditions are set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions are:
1. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;
 2. the making of the neighbourhood plan contributes to the achievement of sustainable development;
 3. the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 4. the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and

5. prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan. The following prescribed condition relates to Neighbourhood Plans:
- Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out a further basic condition in addition to those set out in the primary legislation. That the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended)).

- 2.12 The role of an Independent Examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans. It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan. I have been appointed to examine whether the submitted Neighbourhood Plan meets the basic conditions and Convention rights, and the other statutory requirements.
- 2.13 A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
- 2.14 It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
- 2.15 I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the basic conditions, to correct errors and the other requirements I have identified.

Basic Condition 1 – Has regard to national planning policy

- 2.16 The first basic condition is for the neighbourhood plan “to have regard to national policies and advice contained in guidance issued by the Secretary of State”. The requirement to determine whether it is appropriate that the plan is made includes the words “having regard to”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans which requires plans to be “consistent with national policy”.

- 2.17 The Planning Practice Guidance assists in understanding “appropriate”. In answer to the question “What does having regard to national policy mean?” the Guidance states a neighbourhood plan “must not constrain the delivery of important national policy objectives.”
- 2.18 The National Planning Policy Framework 2012 (NPPF) sets out the Government’s planning policies for England and how these are expected to be applied. The Planning Practice Guidance provides Government guidance on planning policy.

Basic Condition 2 - Contributes to sustainable development

- 2.19 The Basic Conditions Statement has included commentary on how it is considered that the Plan contributes towards delivering sustainable development.
- 2.20 I am satisfied that the Hilperton Neighbourhood Plan will support the delivery of sustainable development and help to meet the social and economic development needs of the parish within the environmental context of the area.

Basic Condition 3 – Is in general conformity with the strategic policies of the development plan

- 2.21 The third basic condition is for the neighbourhood plan as a whole to be in general conformity with the strategic policies contained in the Development Plan for the area. The Development Plan comprises a suite of documents, the most relevant of which for the purposes of examining the Hilperton Neighbourhood Plan are: the Wiltshire Core Strategy (January 2015) plus saved policies of the West Wiltshire Local Plan (2004) including the West Wiltshire Leisure and Recreation DPD (2009). Wiltshire Council published the pre-submission draft Wiltshire Housing Site Allocations Plan (HSAP) for formal consultation from 14 July 2017 to 22 September 2017. A review of the Local Plan has commenced with a consultation on an initial discussion paper in November 2017.
- 2.22 I have considered the Neighbourhood Plan as a whole and each policy in turn to assess whether they are in general conformity with the strategic policies of the adopted Development Plan.
- 2.23 I have also considered whether the Neighbourhood Plan would introduce policies and designations that may constitute blanket restrictions that may restrict future development in the area contrary to the Local Plan strategy. I have considered whether there is robust evidence to support any proposed designations that would introduce such restrictions.
- 2.24 The Basic Conditions Statement sets out an assessment of how the Neighbourhood Plan policies have had regard to national policy and how the strategic objectives of the 2015 Wiltshire Core Strategy have been taken forward through the policies of the Neighbourhood Plan. Where appropriate I have also considered the saved strategic policies. Each policy in the Neighbourhood Plan is accompanied by a table indicating links between the

policy and both the NPPF and the Wiltshire Core Strategy. The plan making process began with an analysis of existing higher level policy in the Scoping Report.

- 2.25 I have considered the Neighbourhood Plan as a whole against the NPPF and PPG and the adopted strategic policies. Then I have considered each of the policies to ascertain whether there is any conflict between a particular policy and the NPPF or the strategic policies of the Development Plan. Where appropriate I have highlighted relevant policies and guidance when considering each policy of the Neighbourhood Plan. I have also considered the Basic Conditions Statement submitted alongside the Neighbourhood Plan.

Basic Condition 4 – Compatible with EU obligations and human rights requirements

- 2.26 A neighbourhood plan must be compatible with European Union obligations as incorporated into UK law, in order to be legally compliant. Key directives relate to the Strategic Environmental Assessment Directive, the Environmental Impact Assessment Directive and the Habitats and Wild Birds Directives. A neighbourhood plan should also take account of the requirements to consider human rights.
- 2.27 A Sustainability Appraisal incorporating a Strategic Environmental Assessment (SEA) and a Habitats Regulations Assessment (HRA) was undertaken on the draft Neighbourhood Plan prior to submission. The SEA report concluded that:

“The Plan was screened for SEA (February 2017) and was found not to require an SEA. Wiltshire Council, as the responsible authority, consider that the proposed Hilperton Neighbourhood Plan is unlikely to have significant environmental effects and consequently will not require a Strategic Environmental Assessment, as per the reasons given in Table 1 of the SEA.”

- 2.28 The pre-submission draft Plan was Screened under the Habitat Regulations 2010 (HRA) in March 2017. This concluded:

“Three policies (Landscape Setting, Sustainable Transport and Local Economy) in the neighbourhood plan have the potential to give rise to significant effects on one European site alone and in combination with other plans and projects. These policies have been considered through an appropriate assessment to determine whether they could lead to loss of site integrity of the Bath and Bradford on Avon Bats SAC. In all cases, additional wording can be added to the policies to ensure adverse impacts are avoided or offset. Provided this wording is added to the appropriate sections of the plan, I can conclude it would not lead to loss of site integrity of the SAC.”

- 2.29 The requirement of the Appropriate Assessment is for the additional wording to mitigate any potential impacts of the policies to be included in the policies themselves. However, the Plan makers have chosen to place the additional

wording in the justification to the policies. In order to ensure that the plan has met its European obligations, I have made recommendations under the relevant policies that the additional wording is included in the policies rather than the justifications.

- 2.30 Wiltshire Council consulted with the statutory bodies Historic England, Natural England and the Environment Agency on the Screening Report for the SEA between 4 January and 15 February 2017. All three bodies agreed with the screening determination. Wiltshire Council has confirmed that the parish boundary review has raised no implications for the SEA/HRA screening opinion.
- 2.31 Representations have been made that the SEA and HRA screening reports were made on the pre-submission draft Neighbourhood Plan and relied on the statement that the Plan did not allocate any sites for housing development. The assessments did not take account of the revisions to Policy 1 and inclusion of Policy 2 on Housing.
- 2.32 I have asked Wiltshire Council to consider the points raised in the representation. I agree with the Council that the Qualifying Body's decision to amend draft Policy 1 and introduce a new Policy 2 does not amount to a flaw in legal process.
- 2.33 Further to my questions on the screening for the Habitats Regulations Assessment, Wiltshire Council has confirmed that it consulted the three environmental bodies in respect of the SEA Screening Decision but not the HRA Screening decision.
- 2.34 It is evident that the HRA screening was carried out on the pre-submission draft plan which contained five policies and was not reviewed for the submission draft plan which included an additional policy on housing (Policy 2). I have been provided with a revised assessment for the policies in the Submission draft plan which makes a recommendation to remove wording in Policy 1 relating to CS Policy 44 on exception sites and to add additional text in the justification to Policy 2 to limit new housing to sites within the settlement boundary only and to seek contributions to the strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy.
- 2.35 I have two concerns about this matter: firstly there is a legal requirement that Natural England should be consulted on the HRA screening report. Whilst this was not undertaken specifically at the time of its preparation on the pre-submission draft plan, the HRA screening report was included as an Appendix to the submission draft NP as part of the background evidence which afforded Natural England the opportunity to consider the HRA screening report. Natural England made no comments on the Neighbourhood Plan itself or the background documents.
- 2.36 Secondly the HRA screening report was not revised to take account of changes in the Submission Plan specifically the introduction of a new Policy 2 on Housing. I have considered whether the policy introduces any matters of

significance that may affect the HRA screening. The first part of the policy states that housing to meet local needs will be met through windfall development with each proposal being considered on its own merits. The remainder of the policy seeks to identify the types of housing that should be built in the plan area during the lifetime of the plan. The policy does allocate any sites for housing development.

- 2.37 The policy does not direct development to any particular area and relies on other policies in the development plan to set out the criteria against which windfall development sites will be assessed. It is considered that other Neighbourhood Plan and Core Strategy policies are clear in the need to consider the impact of development proposals on the Bath and Bradford on Avon Bats SAC.
- 2.38 Wiltshire Council has provided me with their ecologist's update to the HRA screening report and Appropriate Assessment with recommendations for revisions to Policies 1 and 2. These included a recommendation that housing development should be limited to locations in the settlement boundary of Hilperton and no further development, including rural exceptions housing, should be accepted in the countryside area to the west of the village. This matter was raised by the County Ecologist in their earlier HRA screening as a result of the pressure on the local habitat arising from the planned increase of new housing in the area and the resultant increase in use of the woodlands and footpaths which form part of the habitat used by these important species of bats. The discussions on the matter are included in the Appendix to the NP.
- 2.39 The only new matter raised in the HRA on the new Policy 2 is the inclusion of a requirement for new housing to contribute to the strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy. This strategy is being prepared alongside the HSAP and has not yet been adopted.
- 2.40 The Core Strategy makes provision for exceptional forms of housing and other rural development in the countryside. NP Policy 1 sought to have regard to the CS policy by making reference to rural exceptions housing under CS Policy 44. However, the recommendations in the original and updated HRA appropriate assessments are for new housing to be limited to locations in the settlement boundary in order to avoid the impacts of new housing in the countryside on the bats.
- 2.41 If Policy 1 were to be revised to delete reference to the possibility of exceptional forms of rural development, such as rural exceptions housing, this would constitute a blanket restriction on development in the countryside between Hilperton and Elizabeth Way. This may be an acceptable modification if there were robust evidence that all development outside the settlement was detrimental to the habitats of the safeguarded species. I have not been presented with any such robust evidence although I am aware of the concerns expressed by the County Ecologist in the Appropriate Assessments.

- 2.42 I can only make a recommendation based on the evidence submitted with the NP. It may be that further research has been carried out on the impact of new development on the rare species of bats in the area. Providing the evidence is robust and endorsed by Natural England, I would suggest that the LPA may wish to review whether Policy 1 should place a restriction on new housing (and other forms of) development in the area to the west of Hilperton and east of Elizabeth Way.
- 2.43 I have considered the revisions and recommended modifications under each policy as appropriate. Wiltshire Council has confirmed that the SEA/HRA reports for the NP have taken into account those prepared to support the draft Wiltshire HSAP.
- 2.44 Subject to the modifications recommended to Policies 1 and 2, it is considered that the NP policies are worded to ensure that any adverse impacts are avoided or offset and that the NP is compatible with EU obligations on SEA and HRA.
- 2.45 As the Basic Conditions Report did not include an assessment of the NP on Human Rights I have asked the Qualifying Body to provide me with an assessment. Hilperton Parish Council confirmed that the non statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Steering Group were constantly mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. Details of this are given in the Consultation Statement.
- 2.46 The Parish Council also confirmed that the neighbourhood plan had been prepared to represent the views of the whole community, with everyone having a chance to express their views and these views were reflected in the submitted plan policies.
- 2.47 As far as I can ascertain, the policies of the plan and its preparation have taken account of the need to consider human rights. I consider that the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations and human rights requirements and therefore satisfies that Basic Condition.

Consultation on the Neighbourhood Plan

- 2.48 I am required under The Localism Act 2011 to check the consultation process that has led to the production of the Plan. The requirements are set out in Regulation 14 in The Neighbourhood Planning (General) Regulations 2012.
- 2.49 The Consultation Statement sets out an overview of the consultation process that has been undertaken in the course of preparing the Neighbourhood Plan. The preparation of the Neighbourhood Plan commenced in November 2015 with a public meeting to enable residents to consider whether they wished to

proceed with preparing a Neighbourhood Plan. The key stages of consultation were:

- The first Area Application was approved in September 2016 following which work commenced on preparing the Neighbourhood Plan. Following the review of the parish boundary, the revised area was approved in June 2017.
- A household questionnaire was circulated to all households in the parish in June 2016 with an online form on the Parish Council's website.
- Between October and November 2016, discussion sessions were arranged with the school to obtain the views of children and with groups using the village hall and a letter was sent to local businesses seeking their views on how the Neighbourhood Plan could address the concerns of businesses.
- A Facebook page and a dedicated Neighbourhood Plan page were set up on the parish council's website in 2016.
- A Housing Needs Survey was undertaken in November 2016 by Wiltshire Council's Housing Department to ascertain the need for affordable housing.
- The Regulation 14 consultation was carried out on the basis of the initial larger area for 7 weeks between 20 May and 30 June 2017. A publicity leaflet was sent to all households and an exhibition was held at the Village Fete on 10 June 2017. Copies of the Plan were made available at various locations and at the fete. The statutory consultation bodies were emailed.

2.50 The Consultation Report sets a summary of the issues raised at each stage of the consultation and copies of all the comments received at the pre-submission consultation and the response to them.

2.51 The consultation on the Submission draft Hilperton Neighbourhood Plan was carried out between 15 December 2017 and 2 February 2018. Twenty-one representations were received.

2.52 I am satisfied that the pre-submission consultation and publicity has met the requirements of Regulations 14 and 15 in the Neighbourhood Planning (General) Regulations 2012.

The Examination Process

2.53 The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or so that a person has a fair chance to put a case.

2.54 I have undertaken this examination by way of written representations. I have considered the representations received during the consultation on the Submission draft plan. I have presented a number of questions to the Qualifying Body and Local Planning Authority seeking further clarification and

information in writing. I have undertaken an unaccompanied visit to the Plan area.

- 2.55 I have considered the Basic Conditions Statement and the Consultation Statement as well as the screening reports for the Strategic Environmental Assessment and Habitats Regulations Assessment and other background evidence. In my assessment of the plan as a whole and each policy I have commented on how the plan and policy has had regard to national policies and advice and whether it is in general conformity with relevant strategic policies.
- 2.56 This report is the outcome of my examination of the Submission Draft Version of the Hilperton Neighbourhood Plan 2017 - 2026. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions. My report makes recommendations based on my findings on whether the Plan meets the Basic Conditions and provided the Plan is modified as recommended, I am satisfied that it is appropriate for the Neighbourhood Plan to be made. Once the plan is approved by Wiltshire Council it may proceed to a referendum. If it receives the support of over 50% of those voting then the Plan will be made by Wiltshire Council.
- 2.57 Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:
- that the plan should proceed to referendum on the basis that it meets all the legal requirements;
 - that the plan should proceed to referendum if modified; or
 - that the plan should not proceed to referendum on the basis that it does not meet all the legal requirements.
- 2.58 If recommending that the Neighbourhood Plan is submitted to referendum my report must also recommend whether the area for the referendum should extend beyond the neighbourhood area to which the Neighbourhood Plan relates, and if to be extended, the nature of that extension. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.

3.0 Neighbourhood Plan – As a whole

- 3.1 In considering the policies contained in the Plan, I have been mindful of the guidance in the Planning Practice Guide (PPG) that:

“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like.”

- 3.2 In order to ensure that a neighbourhood plan can be an effective tool for the decision maker, the PPG advises that

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”

- 3.3 NPPF paragraph 183 states that parishes can use neighbourhood planning to set planning policies through neighbourhood plans to determine decisions on planning applications. The Planning Practice Guidance on Neighbourhood Plans states that neighbourhood plans should *“support the strategic development needs set out in the Local Plan”* and further states that *“the neighbourhood plan must address the development and use of land by setting planning policies to be used in determining planning applications because once the plan is made it will become part of the statutory development plan”*.

- 3.4 National planning advice in NPPF paragraphs 16 and 184 is that neighbourhood plans should support the strategic development needs set out in the Local Plan, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies. Nor should it be used to constrain the delivery of a strategic site allocated for development in the Local Plan.

- 3.5 NPPF paragraph 55 states that *“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities”*. The PPG adds the following guidance on rural housing *“all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence”*.

- 3.6 The Basic Conditions require that the Examiner considers whether the plan as a whole has had regard to national policies and advice contained in guidance issued by the Secretary of State and whether it is in general conformity with the strategic local policies. I now turn to considering whether

the policies in the plan taken together have had regard to national and local strategic planning policies.

- 3.7 The parish of Hilperton had a population of 4967 in 2011. The change in the parish boundary in 2017 resulted in a reduction of 264 households. The Neighbourhood Plan area is located to the north-east of Trowbridge. The older historic village of Hilperton is located at the south western corner of the plan area. The village grew to the north west to form the community of Hilperton Marsh and to the south east resulting in an area of countryside known locally as the Hilperton Gap between the village and the edge of the town of Trowbridge. A new road, Elizabeth Way has recently been constructed across the gap. The remainder of the plan area is countryside with a small hamlet at Whaddon.
- 3.8 The Hilperton Neighbourhood Plan as a whole is thorough, clear and well presented containing six planning policies and three community actions that address the issues raised through the consultation. However, the submission draft Plan contains a lengthy introduction setting out background evidence, including the physical, social and economic context; the strategic policy background; a summary of the issues raised from community engagement and how they have been developed into policy. There are also 12 Appendices which include, among other things, correspondence on the preparation of the Habitats Regulation Assessment and the Landscape and Visual Setting Analysis Report.
- 3.9 In order for the Neighbourhood Plan to be a focused document that can be readily used by decision makers, it is recommended that the introductory sections of the Plan are reduced to no more than a few pages that set out a brief description of the background evidence and contextual information. The Appendices should be reduced to essential supporting information only and other material should be placed in the background evidence report. A Policies Map on an OS base should clearly and legibly show the boundaries of areas to which policies apply.
- 3.10 The Scoping Report sets out the background evidence and this could be extended to include other evidence such as the Landscape and Visual Setting Analysis Report. The HRA material could be collated into a single document alongside the SEA screening report. The Consultation Report sets out a thorough assessment of the issues raised in the course of preparing the plan and details of how they have been addressed; there is no need to summarise these in the final plan.
- 3.11 The review of the Wiltshire Local Plan and the preparation of the Housing Sites Allocations Plan has resulted in pressure from developers for housing in the Hilperton Gap. The importance of the countryside between settlements is recognised in strategic policy to help to maintain the identity of the historic Hilperton village.

- 3.12 The Plan does not make provision for housing development apart from windfall housing development. It seeks to encourage the development of self-build homes, eco-homes and retirement homes. The Plan sets out six conditions to be applied to the development of the strategic housing site to the west of Elizabeth Way proposed in the Wiltshire Housing Sites Allocations Plan.
- 3.13 The Plan seeks to maintain the character of the rural community by safeguarding the gap between the village and Trowbridge; safeguarding the landscape setting, historic character and natural habitats. Improvements to community infrastructure are also sought.

Recommendation 2: Review the Introductory sections of the Plan to reduce them to no more than a few pages to set out a brief overview of the Neighbourhood Plan area and the strategic policy context. Reduce the number of Appendices to those essential to support the policies and place evidence in a background evidence report or HRA/SEA screening report.

Include a Policies Map on an OS base that clearly and legibly shows the boundaries of sites and areas to which policies apply.

- 3.14 There are a number of typographical errors which I have highlighted at the end of my report.
- 3.15 Certain policies state that planning permission will be granted for a particular type of development. The Neighbourhood Plan policies cannot indicate whether planning permission should or should not be granted for a particular form of development. NPPF paragraph 2 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan consists of the Local Plan as well as the Neighbourhood Plan and there may be other matters that have to be considered before granting planning permission. Modifications are proposed to these policies to avoid this form of wording to take account of national policy.
- 3.16 A number of the criteria set requirements with the use of the word “must”. Unless the criterion sets out a requirement in all cases, some flexibility should be built into criteria by using the word “should”.
- 3.17 In order to help plan users and decision makers to reference the criteria in policies it would be helpful to number and/or letter the criteria rather than use bullet points.

Introductory Sections to the Neighbourhood Plan

- 3.18 As set out in Recommendation 2 above, the introductory sections are considered to overly long and detailed. When preparing the final report, the Introductory Sections 1 to 8 should be summarised to the key facts only and

updated. Section 1 should be updated to refer to the final consultation stages. Section 2 should be updated to focus on the plan area to which the plan relates, rather than the area review process, with a map of the area to which the Plan relates in accordance with Recommendation 1.

- 3.19 Paragraph 3.3 refers to amendments to three policies recommended as part of the Appropriate Assessment under the Habitat Regulations. I have made recommendations under the relevant policies that the additional wording should be included in the wording of the policies rather than the justifications. Paragraph 3.3 should be revised to reflect the recommendations to Policies 1, 2, 4 and 6.
- 3.20 Paragraph 4.7 sets out the reasons why the plan makers have chosen not to allocate any sites in the Neighbourhood Plan for housing development. The first point is that the housing requirement in the Wiltshire Core Strategy has been met. I have considered the matter of the local housing need further under Policy 2.
- 3.21 In its representation, Wiltshire Council has stated that *“Although the indicative requirements for the Community Area remainder have, in effect, been met (as of April 2016), the figures for the Town and the Community Area remainder are intended to be read as indicative and hence do not represent a floor, or ceiling in terms of local housing land supply. Indeed, in accordance with Core Policies 1 and 2 of the WCS, there may well be opportunities to accommodate additional housing within the limits of development (‘settlement boundary’) as currently expressed on the WCS Policies Map. Moreover, there may well be the need to utilise land on the edge of the settlement boundary through the provisions of other Core Policies (e.g. Core Policy 44) of the WCS to meet local need over the plan period.”*
- 3.22 Other representations have been made stating that the Plan has not had regard to national policy to increase the delivery of housing; and does not support the delivery of the Core Strategy policies for the delivery of housing in the Trowbridge area.
- 3.23 As the Core Strategy sets an indicative figure, it is inaccurate for the Neighbourhood Plan to say that the housing requirement for the Plan area has been met. Moreover, the evidence from the Housing Needs Survey indicated some need for affordable homes. Additional housing development in the plan area could have been allocated to help meet the need for all types of housing both market and affordable for Hilperton. The results of the Housing Needs Survey should not be viewed as precluding the plan makers from allocating a site or sites for housing that could provide some affordable housing.
- 3.24 It would appear that the plan makers have chosen not to allocate any additional sites in response to feedback from the local community. The consequence of this is that the plan makers have chosen to rely on the strategic allocations from the emerging Wiltshire Local Plan review and

Housing Sites Allocations Plan to deliver additional housing to meet the needs of the community.

- 3.25 There is no requirement for neighbourhood plans to allocate additional housing sites. The PPG states that “*A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan.*”
- 3.26 The fourth bullet point refers to strong interest from developers. This should not be viewed as a reason to justify not allocating housing sites and should be deleted.
- 3.27 Paragraph 4.10 referring to the safeguarded link road (which has now been constructed at Elizabeth Way) needs to be updated.
- 3.28 Paragraph 5.16 describes Paxcroft Mead and may need to be updated to only refer to that part that remains within the plan area since the boundary review.
- 3.29 A representation has been made stating that reference to swifts in paragraph 5.22 should refer to them as an “at risk” bird and suggests that the incorporation of “swift bricks” in new development should be considered. I make no comments on this suggestion.
- 3.30 I have asked the Qualifying Body to clarify the intentions of the NP in delivering sufficient housing to meet local housing need. They have provided me with additional text to better explain the context for the provision of housing in the Trowbridge area. I am recommending that this be included in the NP to replace paragraph 5.28 to improve the clarity of the section. I have made amendments to the text supplied to ensure that it is factual and to remove emotive language.
- 3.31 Paragraph 5.30 reports the findings of the Wiltshire Open Space Study which highlights the shortfalls in open space in Trowbridge and Hilperton and the consequent need to safeguard and improve areas of open space and provide new areas. The paragraph refers to the Hilperton Gap as the largest and most important open space in Hilperton. Whilst this may represent the views of the community, a representation has been made that this statement is misleading as the area is agricultural land crossed by rights of way and is not open space. I agree that this is a more accurate description of the area.

Recommendation 3: It is recommended that paragraph 4.7 is revised as follows:

Delete “published after the Regulation 14 consultation on this plan was completed”.

Revise the third bullet point to read “ a relatively low level of *affordable housing* need...”

Delete fourth bullet point.

Delete the final sentence of the sixth bullet point.

Update paragraphs 4.10 and 5.16

Replace paragraph 5.28 with the following:

“5.28 While affordable housing need in Hilperton Parish (as indicated in the Rural Housing Needs Survey) is modest, in the interests of ‘planning positively’ as required by the NPPF, it is also appropriate to consider whether the NDP could make a contribution towards meeting the needs of Trowbridge Community Area as a whole and of Trowbridge, which is nearby, in particular.

In terms of the Trowbridge Community Area as a whole the indicative housing needs of the local area are being met by existing strategic allocations, including the major urban extension of Trowbridge at Ashton Park, but there remains a significant need for additional housing at the town. The Wiltshire Core Strategy identified on publication in 2015 just 165 additional houses as being required across the Trowbridge Community Area Remainder up until 2026. The latest evidence, the Wiltshire Housing Land Supply Statement (HLSS) March 2018, confirms that the residual requirement for the Community Area Remainder is zero. The Housing Land Supply in the Housing Market Area is a robust 6.25 years.

However Core Policy 29 of the Wiltshire Core Strategy makes clear that additional housing for Trowbridge will be required – an additional 950 units being identified. The HLSS March 2018 establishes an updated indicative housing land supply requirement of 1452. This indicative need is being addressed in part by the emerging Wiltshire Housing Site Allocations Plan (HSAP) which seeks to allocate 1050 homes and calculates that windfall developments will provide the remaining homes needed. With reference to windfalls the HLSS confirms that there is a prevailing upward trend in windfall permissions and delivery and that windfall delivery will be facilitated by the effect of the Government’s proposals to relax permitted development rights.

Given the above context, in particular the active and ongoing role already taken by the HSAP in meeting housing need in Trowbridge, there is no need for the NDP to consider in more detail anything other than local need in accordance with its Large Village status under WCS Core Policies 1 and 2. Because this need is modest and is likely to be met through windfall developments (see Appendix 9), it has not be found necessary to allocate sites for homes in the NP at this time. This however is subject to monitoring and review during the plan period.

The community is aware of the need to build flexibility into the NDP and also to ‘plan positively’ in ensuring an adequate supply of new homes into the future. It does this in three ways.

Firstly, the plan makes a commitment to review within 3 years of being 'made'. This review will consider housing need and supply and the whether it is necessary to allocate more sites locally.

Secondly, while the NDP does not formally allocate HSAP site H2.3 'Elizabeth Way', the proposal may provide approximately 355 new homes. The Hilperton Gap - the area both sides of Elizabeth Way, has for many years been precious to the local community and it was originally proposed to protect all of it with a landscape protection policy (Policy 1). It was only to avoid conflict with the emerging HSAP that it proved necessary to re-draw the boundary of the landscape protection policy to cover the area to the east of Elizabeth Way only, to avoid conflict with the HSAP site to ensure that the policy is capable of meeting the Basic Conditions. It was also felt expedient, given the current interest in development locally, to proceed with a plan to protect the eastern half of the Hilperton Gap without delay.

Thirdly the NDP contains a policy (Policy 2) that encourages the delivery of windfall housing."

Delete the final sentence in paragraph 5.30. References in the Plan to the Hilperton Gap being open space or a recreational area should be deleted. The area should be described as *"agricultural land with a network of footpaths and cycleways used for informal recreation"*.

The Neighbourhood Plan's Vision and Objectives for Hilperton

- 3.32 The lengthy vision statement is set out to encapsulate the wishes of the community and includes the important issues identified by the community.
- 3.33 Eight objectives are set out in the Plan focusing on preserving the area's rural and historic character, maintaining the Hilperton Gap; ensuring that all the community benefit from development; enhancing local facilities and infrastructure; nature conservation and enhancement; improving local footpaths and cycleways, bus services and road safety; and supporting the local economy.
- 3.34 There is a table at the beginning of each policy to show which objectives it will deliver, relevant Core Strategy policies and paragraphs in the NPPF.

The Neighbourhood Plan's Policies

- 3.35 Section 11 sets out the planning policies of the Neighbourhood Plan. Paragraph 11.4 explains the status of the planning policies and the community actions. It would be helpful to plan users to explain that the planning policies will form part of the Development Plan alongside the Wiltshire Core Strategy, saved Local Plan policies and other Development

Plan Documents. It is recommended that paragraph 11.4 should be revised to better explain the role of the planning policies.

Recommendation 4: revise paragraph 11.4 as follows:

“Section 11 of the NDP includes the planning policies which, once the NDP is made, will form part of the development plan. These policies will be used in determining planning applications. Section 12 of the NDP includes Community Actions which set out actions for the Parish Council to work with other organisations to help deliver various improvements that have been highlighted through the community consultations that cannot be delivered through planning policies.”

Policy 1 – Landscape Setting

- 3.36 The policy seeks to safeguard the landscape setting to the west of Hilperton village and extending to Elizabeth Way for agriculture, biodiversity and recreation. The policy sets out criteria that any development that is permitted as a rural housing exception site should satisfy. It also sets out matters to be taken into account in the layout and design of any development on land to the west of Elizabeth Way. The justification to the policy includes additional policy wording that has been added as a consequence of the Appropriate Assessment.
- 3.37 The Core Strategy sets out a strategy for growth of the settlement of Trowbridge with development in the Large Villages such as Hilperton limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities. The importance of the open countryside between Trowbridge and Hilperton is recognised to help maintain the village’s distinct identity. An indicative housing requirement of 6810 is set out for Trowbridge and 165 for the Trowbridge Remainder area which includes Hilperton and four other villages to the west and south of Trowbridge.
- 3.38 Wiltshire Core Strategy paragraph 5.150 states *“it is recognised that the villages surrounding Trowbridge, particularly Hilperton..... have separate and distinct identities as villages. Open countryside should be maintained to protect the character and identity of these villages as separate communities. The local communities may wish to consider this matter in more detail in any future community-led neighbourhood planning.”*
- 3.39 The draft Wiltshire Housing Sites Allocation Plan (HSAP, along with a schedule of Proposed Changes has recently been approved for submission to the Secretary of State for the purposes of commencing the independent examination process. Wiltshire Council intends to allocate Site H2.3 to the west of Elizabeth Way for approximately 355 dwellings. A number of site specific requirements have been set out in the draft HSAP addressing

landscaping, bats, recreation infrastructure, stand offs to existing development, boundary treatment, walking and cycling routes, contributions to improve local school capacity. The draft HSAP has also included a review of the settlement boundary of Hilperton.

- 3.40 This proposed allocation and the associated development requirements are in a pre-submission draft plan and may be subject to change before adoption. In considering the proposed conditions set out in Policy 1 on the development west of Elizabeth Way, I have been mindful that Neighbourhood Plan policies should not create a blanket restriction on development nor impose requirements that would restrict the development unacceptably or result in the proposal becoming unviable.
- 3.41 The policy is entitled “Landscape Setting” however, it only considers the area to the west of the village of Hilperton known locally as the Hilperton Gap. It is suggested that a more appropriate title be given to the policy such as “Land between Hilperton and Trowbridge.”
- 3.42 The first and second paragraphs of the policy refer to protecting the landscape setting as indicated on the policy map. The map included on page 40 of the Plan is an extract from the Landscape and Visual Setting Analysis and includes a number of areas and boundaries in the key, some of which are irrelevant to the policy. It is recommended that a Policies Map should be prepared on an Ordnance Survey base to show the boundary of the area that is to be safeguarded under the first part of the policy. It should also show the area to the west of Elizabeth Way to which the second part of the policy relates.
- 3.43 There is a degree of conflict between the first two paragraphs of the policy. The first paragraph of the policy refers to the area being protected and preserved for agriculture, biodiversity and informal recreation. Whereas the second part states that development will not normally be permitted unless it is a rural exception under the Core Strategy or other Development Plan policies. Reference is made to Core Policy 44 which relates to rural exceptions sites for affordable housing.
- 3.44 It should be noted that there are a number of other exceptional forms of development that may be acceptable in the countryside exceptionally under NPPF paragraphs 28 and 55 including housing in the countryside, agriculture and rural economic development; some of these are also included in strategic policies. I am not proposing any changes to the policy in this respect.
- 3.45 However, the recommendations in the original and updated HRA appropriate assessments are for new housing to be limited to locations in the settlement boundary in order to avoid the impacts of new housing in the countryside on the Bats SAC.
- 3.46 If Policy 1 were to be revised to delete reference to the possibility of exceptional forms of rural development, such as rural exceptions housing, this would constitute a blanket restriction on development in the countryside

between Hilperton and Elizabeth Way. This may be an acceptable modification if there were robust evidence that all development outside the settlement had significant impacts on the Bath and Bradford on Avon Bats SAC alone or in combination with other plans and projected as a result of increased recreational pressure, loss of habitat and further loss of recreational mitigation area. I have not been presented with any robust evidence to justify this restriction although I am aware of the concerns expressed by the County Ecologist in the Appropriate Assessments.

- 3.47 I can only make a recommendation based on the evidence submitted with the NP. It may be that further research has been carried out on the impact of new development on the rare species of bats in the area and their habitats. Providing the evidence is robust and endorsed by Natural England, I would suggest that the LPA may wish to review whether Policy 1 should place a restriction on rural exceptions development (including new housing and other forms of development) in the area to the west of Hilperton and east of Elizabeth Way.
- 3.48 The second bullet point in the first list refers to informal recreation facilities being preserved or enhanced. I have asked the Qualifying Body where these facilities are and they have cited examples of the use of the agricultural land by the public for informal recreation incidental to access by way of the footpaths and cycleways. No evidence has been provided that there is any legal use of the areas of agricultural land for recreational use and it is therefore recommended that the criterion should be corrected.
- 3.49 It is evident that it is not intended to place a blanket restriction on all forms of built development in the area to the east of Elizabeth Way. However, it is considered that the wording of the policy should be improved to resolve the conflict and enable it to be used with confidence by decision makers. The policy and justification should better explain the types of development that may be acceptable in this rural area under national and strategic policies and the factors that will be taken into account in considering such proposals.
- 3.50 The final part of the policy sets out six criteria to be taken into account in the design and layout of development proposals to the west of Elizabeth Way. A representation has been made by Wiltshire Council that raises a number of concerns about the wording of the criteria.
- 3.51 The fourth paragraph of Policy 1 refers to the development being permitted only in accordance with the proposed scheme as set out under reference H2.3 of the Wiltshire Site Allocations Plan and subject to the six criteria.
- 3.52 As set out in paragraph 3.15 above, it is not appropriate for a neighbourhood plan policy to state that planning permission will be permitted for a particular development. Furthermore the site is included in a pre-submission draft Plan which may be subject to change before it is adopted. Revisions are recommended to avoid this form of wording and to refer to the Core Strategy as well as the Housing Site Allocations Plan.

- 3.53 A number of representations have been made to the policy stating:
- The Core Strategy refers to the general concept of separation and distinct identity of settlements. It does not designate a landscape gap.
 - The policy introduces a blanket restriction on new development in the area contrary to national policy. It should be worded in a more flexible manner so that schemes are considered on the basis of their impact on the village and its landscape setting.
 - The policy conflicts with Core Policies 2 and 29.
 - It is incorrect to refer to the Hilperton Gap area as open space or a recreation area: it is agricultural land with rights of way crossing it.
 - There is an over reliance on the Visual Design Statement, which is advisory design guidance, to justify policy statements.
 - The policy seeks to impose a number of additional restrictive conditions on the site to the west of Elizabeth Way which is proposed to be allocated in the HSAP and is the subject of a planning application.
 - The restrictive conditions on the site to the west of Elizabeth Way should be deleted from the policy as the additional level of detail undermines HSAP Policy H2.3. The points on the rights of way and landscaping could be included in the justification to provide guidance to the masterplanning process.
 - It does not consider whether the conditions are achievable or sufficiently flexible to secure the delivery of the housing development.
 - Policy 1 places a blanket restriction on development to the south of Middle Lane contrary to national policy. There is no reasonable justification for placing a blanket restriction on development in the area. The justification put forward in the plan at paragraph 11.13 is not clearly evidenced.
 - There is a drafting error in the boundary of the proposed site H2.3 from the HSAP.
- 3.54 A representation has been made proposing that a site at Marsh Road should be allocated for housing development for 24 houses including bungalows and affordable housing. It is not within my remit to consider the merits of additional or alternative housing sites.
- 3.55 Wiltshire Council has noted that any planning application for the whole of the site to the west of Elizabeth Way would be expected to include a Landscape and Visual Impact Appraisal and the Core Strategy policies would require that the site would be developed in a sensitive way. They consider that the conditions set out in the policy duplicate wider policy considerations set out in the Core Strategy. The conditions may create the potential for conflict with the development plan. The Council seeks the deletion of the six conditions on development west of Elizabeth Way.
- 3.56 The proposed development of land to the west of Elizabeth Way is a proposal in the emerging HSAP and developers are in the process of negotiating with the local authority on the masterplanning of the area. Nevertheless, in principle, there is no reason why the Neighbourhood Plan should not set out

locally important matters to be considered in the design and layout of the development provided that they have regard to national and strategic policies.

- 3.57 I have considered whether the conditions would impose blanket restriction on development in the area contrary to national policy and whether there may be a potential conflict with strategic policies.
- 3.58 The first bullet point states that development south of Middle Lane is restricted to public open space and landscaping. The Landscape & Visual Setting Analysis identifies this area as strategically important as it forms a green edge and creates a physical separation. The study states that the area is considered to be sensitive due to the presence of listed buildings, conservation areas and groups of parkland trees. The report concludes that development in the area south of Middle Lane should be restricted to maintain a necessary gap. It advises that any development proposals would need to be comprehensively considered in landscape and visual terms to minimise its impact on the setting of the village.
- 3.59 The Neighbourhood Plan has interpreted this recommendation to mean that the area should be maintained in open land uses and has introduced a restriction on development in this area by limiting its use to public open space and landscaping.
- 3.60 On my site visit it was evident that the land to the west of Elizabeth Way is clearly visible from the new road. A limited amount of tree and hedge planting has taken place on the boundary of the road, which will in time provide some screening to any development in the area. However, it is likely that more substantial landscape planting will be required to adequately screen new development on the proposed housing allocation from Elizabeth Way. The Landscape & Visual Setting Analysis advises that any development proposals would need to be comprehensively considered in landscape and visual terms to minimise its impact on the setting of the village.
- 3.61 I consider that the wording of the first criterion would place a blanket restriction on housing development in part of the area. The PPG advises that such a restriction should be avoided unless it is supported by robust evidence. I have considered the evidence and conclusions of the Landscape & Visual Setting Analysis and visited the site. Whilst the sensitivity of the area is recognised in the evidence, I have concluded that the evidence is insufficient to preclude housing or other built development and to restrict the use of the area to open land uses only.
- 3.62 The recommendations of the report could be delivered by carefully designing any built development to provide a strong landscaped edge to the settlement, screening the development from Elizabeth Way, safeguarding the landscape features and the setting of the historic assets. The inclusion of open land uses such as open space would no doubt contribute to this aim.
- 3.63 I recommend that criterion 1 is amended to better reflect the recommendations of the background evidence report by deleting the

restriction of development to public open space and landscaping only. The inclusion of a statement that development proposals in the area should be laid out and designed to maintain a green edge to the settlement and to minimise its impact on the setting of the village, landscape features and historic assets would assist in highlighting the sensitivity of this area.

- 3.64 The second bullet point seeks to maintain and enhance existing rights of way and gives examples of improvements. It is considered that this condition accords with Core Policy 3.
- 3.65 The Neighbourhood Plan has identified the importance of maintaining and enhancing rights of way in the area. It is considered to be appropriate as it adds local detail to the strategic policies. However it is considered that the wording of the bullet point giving an “example” is not appropriate for a policy and a revision is recommended to avoid this form of wording and to include an element of flexibility.
- 3.66 The third bullet point requires proposals to protect biodiversity and create suitable landscaping and green infrastructure as set out in Section 8 of the Plan. Section 8 of the Neighbourhood Plan concerns the inputs from the pre-submission plan consultation and summarises the findings of the Landscape and Visual Analysis Report. Paragraph 8.9 sets out the issues to be considered should development take place west of Elizabeth Way. These appear to have been taken forward as the bullet points in Policy 1. It is not clear what additional requirements are referred to by this reference in the bullet point to section 8 and it is recommended that it be deleted.
- 3.67 Bullet point 4 concerns landscaping and setting back of development from Elizabeth Way. A typographical error should be corrected.
- 3.68 Wiltshire Council has commented that the matters set out in bullet points 3 and 4 would be an anticipated goal of any development proposal on the site and are set out in Core Strategy policies. The Neighbourhood Plan has identified these matters as important considerations for development to the west of Elizabeth Way and as they accord with strategic policies it is appropriate that they be included in the policy.
- 3.69 Bullet point 5 prohibits the development of buildings of more than two storeys. Wiltshire Council has commented that this would impose a building height restriction that goes beyond the evidence base and would impose an architectural style contrary to paragraph 60 and 61 of the NPPF. On my site visit I noted that generally 20th century housing in Hilperton and Trowbridge is of one or two storeys. However there are a number of older buildings that exceed this height. I have asked the Qualifying Body for their evidence to justify this restriction and they have referred to the feedback from community engagement. I consider that this is anecdotal evidence and is not sufficient to justify this restrictive criterion. Without this criterion, development proposals will be considered against the design criteria of Core Policy 57 on High Quality Design and Place Shaping.

- 3.70 Bullet point 6 sets out matters concerning the siting of access to the development site. Wiltshire Council has commented that access arrangements would be guided by Core Strategy policies and there is no need to repeat them. I consider that the bullet point accords with strategic policy and is appropriate as it adds local detail to the strategic policy.
- 3.71 A representation has been made that the HRA on the NP has not been updated in the light of changes made to Policy 1 in the Submission draft plan. In response to this representation the County Ecologist has recommended that the wording of Policy 1 should be amended to remove the text relating to the Policy 44 exception site.
- 3.72 I have considered this point and concluded that by including the text from paragraph 11.10 of the justification into the policy, the policy will be strengthened adequately to include the mitigation measures set out as a result of the Appropriate Assessment under the Habitats Regulations. Any exceptional rural development in the area would be required to demonstrate that it would have no adverse impact on the local habitat for bats and there is no justification to specifically exclude such development.

Recommendation 5: Revise Policy 1 as follows:

Revise the title of Policy 1 to “*Land between Hilperton and Trowbridge.*”

Combine the first three paragraphs and revise the four subsequent bullet points as follows:

“The landscape setting and rural character of the area to the west of Hilperton village and east of Elizabeth Way shown on the Policies Map will be safeguarded. Development in the area should accord with national planning policy or relevant strategic policies for development in the countryside and should satisfy the following criteria:

A). *It should not compromise the openness and landscape value of the setting of Hilperton;*

B). *It should safeguard and, where practical enhance, footpaths and cycleways in the Gap;*

C). *It should maintain the views of the local landmark of St Michael and All Angels Church.*

Replace the third bullet point on bats with the additional text at the end of the policy.

Revise the fourth paragraph to read: “Development on the land west of Elizabeth Way as shown on the Policies Map shall be carried out in accordance with the *Wiltshire Core Strategy, the site specific requirements* set out in the Wiltshire Housing Site Allocations Plan and

the following *criteria*: (Number the bullet points so that they can be distinguished from those in the first part of the policy.)

Revise the first bullet point to read: “Development in the area to the south of Middle Way *should be laid out and designed to maintain a green edge to the settlement and to minimise its impact on the setting of the village, landscape features and historic assets.*”

Revise the second bullet point to read: “Existing rights of way should be maintained and enhanced *where practical*. The upgrading of routes to cyclepaths *will be supported to improve* the links between Hilperton and Trowbridge.”

Delete “as set out in Section 8 of this Plan” from the third bullet point.

Revise the fourth bullet point to read: “Development should *be well set back...*”

Delete fifth bullet point.

Move the following text from paragraph 11.10 to the end of the policy.

“Any scheme coming forward in the area covered by this policy must demonstrate no adverse impact on woodlands in the south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC, either alone or in-combination with other plans and projects.”

Add the following to the policy; “All new housing should contribute to the strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy to offset the in-combination impacts on the Bath and Bradford on Avon Bats SAC arising from recreational pressure on local woodland.”

Delete the second, third, fourth and final sentences from paragraph 11.10.

Additional text should be added to the justification to explain that any development that may be acceptable in the countryside in accordance with the NPPF should accord with the relevant development plan policies and satisfy the criteria to help safeguard the habitats used by bats, the openness of the Gap and the landscape setting of Hilperton village.

Replace the Landscape Setting Policy Map with a clear and legible Policies Map for the Neighbourhood Plan using an OS map base. Show the areas referred to under Policy 1: to the east and west of Elizabeth Way and to the south of Middle Lane. Correct the line of Elizabeth Way and the boundary of the proposed allocation to the west of Elizabeth Way.

Policy 2 – Housing

- 3.73 Core Policy 1 of the Core Strategy sets out the settlement strategy. Paragraph 4.15 states that Large Villages such as Hilperton are to retain their settlement boundaries and development is to predominantly take the form of small housing and employment sites within the settlement boundaries. These settlement boundaries are to be reviewed as part of the Housing Sites Allocations DPD in order to ensure that they remain up to date. Small housing sites are defined as sites involving fewer than 10 dwellings.
- 3.74 Development outside the settlement boundary will be strictly controlled. Relaxation of the boundaries will only be supported where it has been formally reviewed through a subsequent DPD or a community-led neighbourhood plan, which includes a review of the settlement boundary to identify new developable land to help meet the housing and employment needs of that community. Paragraph 4.25 of the Core Strategy lists the policies under which exceptional development in the countryside may be permitted.
- 3.75 Paragraph 4.26 of the Core Strategy sets out the indicative housing requirement for the Trowbridge Remainder Area of 165 which includes Hilperton and other villages on the edge of Trowbridge. Paragraph 11.16 of the Neighbourhood Plan refers to the Housing Land Supply Statement of March 2017 which concluded that “a zero requirement remained”.
- 3.76 Wiltshire Council has commented that: *“The figures for the Town and the Community Area remainder are intended to be read as indicative and hence do not represent a floor, or ceiling in terms of local housing land supply. Indeed, in accordance with Core Policies 1 and 2 of the WCS, there may well be opportunities to accommodate additional housing within the limits of development (‘settlement boundary’) as currently expressed on the WCS Policies Map.*
- 3.77 Representations have been made to Policy 2:
- Seeking clarification of the term “windfall”, whether these are over and above the delivery of sites in the settlement boundary; and what such sites should achieve.
 - Removing reference to affordable housing in terms of self build housing as this does not align with the statutory definition.
 - Providing guidance for developers on what development should deliver in terms of infrastructure needs and protection and /or improvement of environmental assets.
- 3.78 It is clear that there was scope within the terms of the Core Strategy for the Hilperton Neighbourhood Plan to consider allocating sites for housing development and reviewing the settlement boundary to accommodate housing land. However the plan makers have chosen not to do so. There is

no requirement for neighbourhood plans to allocate housing sites, in which case the community will rely on sites allocated through the Local Plan or granted planning permission. However, it is not correct to justify this choice by stating that the housing needs of the community throughout the plan period have been met by current commitments.

- 3.79 Paragraph 11.16 and 11.17 do not clearly explain the strategic housing allocations and contain some inaccuracies. They include reference to a zero housing requirement for Trowbridge. A modification is recommended to better describe and explain the housing requirement and strategic site allocations proposed.
- 3.80 Paragraph 11.18 includes a statement “*Given the robust appetite of housing developers for opportunities in the area*”. It is considered that this is emotive and unnecessary and should be deleted. The text should refer solely to factual evidence on the availability of sites with planning permission and other potential windfall sites. A recommendation is made to combine paragraphs 11.18 and 11.21 and to improve the clarity of the text concerning the need for and provision of affordable housing.
- 3.81 Policy 2 encourages the development of affordable self build homes, eco homes and retirement homes, sheltered homes and other homes designed for the retired population. There is repetition in the policy with reference to developments being in accordance with other policies of the plan and compliance with the Core Strategy.
- 3.82 Sections a) and b) of the policy refer to development being “permitted”. As stated in paragraph 3.15 above it is not appropriate to state that “development will be permitted”. Planning applications are to be determined in accordance with the development plan and other material considerations so it is not necessary to refer to compliance with other neighbourhood plan and Core Strategy policies in the Neighbourhood Plan policy. Revisions are recommended to the wording of the policy to avoid these terms.
- 3.83 The Plan makes no reference to the suitability of locations for windfall developments, other than stating that each will be considered on its own merits. National and strategic policies focus housing development primarily within the settlement boundary of Hilperton village. Some may be delivered in the countryside where it meets the exceptional circumstances set out in NPPF and Core Strategy policies. It would be helpful to plan users to explain how the policy will be applied in the justification.
- 3.84 It is considered that the requirement that self build houses should be retained by their builders for a minimum of 5 years is not enforceable and should be deleted.
- 3.85 The Neighbourhood Plan refers to “local housing need” in a number of places as an indication of the number of houses that are required. It is not clear whether this is intended to refer to all types of housing, both market and

social affordable housing, that would constitute the overall housing requirement for the plan period.

- 3.86 The Parish Housing Needs Survey mainly addressed the need for affordable housing at the survey date. The results of the Housing Needs Survey are a snapshot in time and not intended to demonstrate demand over the plan period. A continuing supply of affordable housing is usually required in an area and should be demonstrated through future surveys.
- 3.87 I have asked the Qualifying Body to review the use of the term Local Housing Need in the NP. As the plan does not set a specific housing requirement, it is proposed to use the term “housing to meet local market and affordable housing needs”.
- 3.88 A representation has been made that the HRA on the NP has not been updated in the light of changes made to Policy 2 in the Submission draft plan. In response to this representation the County Ecologist has recommended that the following wording should be included in the justification to Policy 2:
- “In view of the potential for development to affect the Bath and Bradford-on-Avon Bats SAC new housing should be located within the settlement boundary where impacts to bat habitat will be minimised. All new housing will need to contribute to strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy to offset the in-combination impacts the Bath and Bradford on Avon Bats SAC arising from recreational pressure on local woodlands.”*
- 3.89 It is considered that it would not be appropriate to include text in the justification that would restrict development to locations in the settlement boundary only. Any exceptional development in the countryside would be required to demonstrate that it would not affect the Bath and Bradford-on-Avon Bats SAC and contribute to the strategic mitigation measures. The Trowbridge Bat Mitigation Strategy is in course of preparation alongside the HSAP. A modification is recommended to ensure that this mitigation measure is explained in the justification to ensure that it is applied consistently by decision makers.

Recommendation 6: Revise Policy 2 to read:

“New housing development to meet local market and affordable housing needs will be encouraged within the settlement boundary of Hilperton and exceptionally in the countryside where it satisfies national and strategic policies and delivers:

- a) Self build homes;**
- b) Eco-homes with innovative designs that incorporate renewable energy and/or sustainable construction methods;**
- c) Retirement homes, extra care housing or other homes designed for the over 55s.”**

Revise paragraph 11.16 to read: ***“Hilperton falls within the Trowbridge Community Area Remainder but is located close to the Principal Settlement of Trowbridge and as such is subject to considerable development interest. The Wiltshire Core Strategy allocates a Strategic Urban Extension for Trowbridge at Ashton Park for up to 2,600 units, which is nearby. A Housing Land Supply Statement in March 2017 concluded that the indicative housing requirement for the Trowbridge Community Area Remainder has been met and exceeded.”***

Revise the last two sentences of paragraph 11.17 to read ***“The emerging Wiltshire Housing Sites Allocations Plan is proposing to allocate 800 new houses on six sites on the edge of Trowbridge including a site to the west of Elizabeth Way for approximately 355 houses which lies within Hilperton parish. The Neighbourhood Plan sets out a policy framework to guide the delivery of this site but does not allocate the site.”***

Combine paragraphs 11.18 and 11.21 to read: ***“The current affordable housing needs of Hilperton as evidenced by the 2017 Housing Needs Survey is for 13 affordable homes. In view of the current housing commitments and potential windfall sites, it has not been considered necessary to allocate additional housing sites to deliver affordable housing to meet local housing need. Appendix 9 in the NDP includes a list of current commitments and potential windfall sites which demonstrates that they could produce sufficient affordable homes to meet the current need. The need for additional affordable homes in the future will be kept under review through future Housing Needs Surveys. A continuing dialogue with developers of potential sites will be welcomed by the Parish Council and community.”***

Add a new paragraph to the justification as follows: ***“In view of the potential for development to affect the Bath and Bradford-on-Avon Bats SAC new housing should be located within the settlement boundary where impacts to bat habitat will be minimised. Proposals for exceptional housing development in the countryside will be required to demonstrate that they will have no significant impact on sites and buildings of importance for bats. All new housing will need to contribute to strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy to offset the in-combination impacts the Bath and Bradford on Avon Bats SAC arising from recreational pressure on local woodlands.”***

Policy 3 – Heritage and Design

- 3.90 The first part of the policy sets out the requirement for new development proposals in the Conservation Area to demonstrate that they reflect the principles of the Village Design Statement.

- 3.91 The second part of the policy states that insensitive design in the conservation area will not be acceptable and in effect repeats statutory provisions and is considered to be unnecessary. It also makes reference to the Planning Guidance in Part 2 of the Village Design Statement; it is considered that this statement is explanatory text and not a policy and should therefore be deleted from the policy. It is included in paragraphs 11.24 and 11.28 of the justification.
- 3.92 The third part of the policy requires development throughout the parish to demonstrate that they have paid attention to the Village Design Statement and requires designs to reflect the local Hilperton character and not the Trowbridge character. There is a typographical error in the first line of this paragraph of the policy.
- 3.93 A representation has been made that the requirement to take account of the Hilperton rather than Trowbridge VDS is unjustified. The proposed allocation at Elizabeth Way is located adjacent to the Trowbridge settlement boundary and it is argued that it may be more appropriate to reflect the context and character of its immediate surroundings, rather than the village of Hilperton.
- 3.94 I agree that the requirement to not take account of the Trowbridge context and character is unreasonable when considering the proposals on the edge of the town west of Elizabeth Way. In the main the proposed site borders on extensive 20th century housing estates without any strong design character. In any case Trowbridge has not prepared a Village Design Statement. A modification is recommended to delete reference to Trowbridge and to replace “must” with “should” to introduce some flexibility into the policy.
- 3.95 Reference to “subsequent adopted revisions” of the Village Design Statement is unnecessary.

Recommendation 7: Revise Policy 3 as follows:

Delete the second paragraph.

Delete “must throughout the parish” from the third paragraph of the policy and replace the second “must” with “should”. Delete “with particular need to show how the design reflects the local Hilperton as opposed to the Trowbridge Context and character.”

Revise paragraph 11.24 to read “.....refer to the Hilperton Village Design Statement in assessing....”

Delete “or subsequent adopted revisions” from paragraph 11.28.

Policy 4 – Sustainable Transport

- 3.96 The policy sets out a requirement for development proposals to demonstrate that they can be directly and adequately served by a footpath. If there is no

link, then one should be provided or contributions made to upgrading the overall network. Priorities are set out for local transport investment.

- 3.97 NPPF paragraph 75 supports the creation of new links to existing rights of way networks. Core Policies 3, 61 and 62 set out the requirements for infrastructure delivery and for transport requirements for new development.
- 3.98 The PPG states that planning obligations should meet the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations must be fully justified and evidenced. Contributions should not be sought from certain smaller developments below set thresholds.
- 3.99 Paragraph 11.32 of the justification to the policy includes additional text that has been added as a result of the Appropriate Assessment under the Habitats Regulations. It is considered that this is a policy statement and as such should be included in the policy itself and not the justification.
- 3.100 It is considered that Neighbourhood Plan Policy 4 highlights the local sustainable transport needs for improvements to footpaths, cycleways and bus services. It would be helpful to plan users to include a paragraph in the justification to describe the types of development which will need to contribute towards sustainable transport proposals through planning obligations CIL. There is a typographical error in the third bullet point.

Recommendation 8: revise Policy 4 to read:

Replace “must” with “should” in the first and second paragraphs of Policy 4.

Move the following text from paragraph 11.32 to the end of the policy:

“Due to the importance of the Hilperton area for conserving Britain’s rarest bats, proposals for creating and improving footpaths and cycleways will be subject to a separate assessment under the Habitats Regulations 2010 (as amended). Proposals will only be implemented where it can be demonstrated there will be no deterioration of bat habitat as a result of lighting or changes to hedgerows and trees along proposed and existing paths.”

Add a paragraph in the justification to explain the types of development that will be required to contribute towards sustainable transport improvements through planning obligations or CIL.

Policy 5 – Infrastructure and Developer Contributions

- 3.101 The policy sets out local priorities for non transport infrastructure to be secured through developer contributions. These include a local medical

facility, new and improved recreation facilities and landscaping and green infrastructure.

- 3.102 Wiltshire Council has expressed concern that there is a lack of evidence to demonstrate how these facilities are to be delivered. In response to my question on the matter, the Qualifying Body has responded to say that these are local priorities that reflect the wishes of the community expressed through consultation. No evidence has been submitted to provide any certainty as to how these matters are to be delivered.
- 3.103 The PPG states that planning obligations should meet the relevant tests for planning obligations in that they are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. Planning obligations must be fully justified and evidenced. Contributions should not be sought from certain smaller developments below set thresholds.
- 3.104 Concerning the consideration of infrastructure in neighbourhood plans, the PPG advises that a Qualifying Body should consider:
- what additional infrastructure may be needed to enable development proposed in a neighbourhood plan to be delivered in a sustainable way;
 - how any additional infrastructure requirements might be delivered;
 - what impact the infrastructure requirements may have on the viability of a proposal in a draft neighbourhood plan and therefore its delivery;
 - what are the likely impacts of proposed site allocation options or policies on physical infrastructure and on the capacity of existing services, which could help shape decisions on the best site choices.
- 3.105 A Qualifying Body should set out in their draft neighbourhood plan the prioritised infrastructure required to address the demands of the development identified in the plan.
- 3.106 I have concerns about Policy 5. It expects the developers of all new housing and employment development to contribute towards local infrastructure, except for self build dwellings and eco-homes. The justification states that developers will be “required” to contribute towards the provision of local infrastructure. The PPG states that developer contributions are to be “negotiated” and CIL is to be applied according to the charging schedule.
- 3.107 National guidance on CIL sets out the types of development that are exempt from CIL which includes small developments, self build housing and social housing but not eco homes. It is not considered appropriate for the neighbourhood plan to set out its own exemptions.
- 3.108 No evidence has been provided to justify the priorities set out or how they are to be delivered. The plan does not demonstrate that the local priorities meet the relevant tests for planning obligations.

- 3.109 Wiltshire Council has noted that Core Policy 3 covers developer contributions and NP Policy 5 seeks to introduce a local priority for how money accrued through developer contributions and presumably Community Infrastructure Levy (CIL) might be spent. They suggest that the priorities could form the basis of a Community Action that sets out the infrastructure that the neighbourhood proportion of CIL could be directed towards. They suggest that additional text should be added to the justification to the policy to clarify that the Parish Council will receive a proportion of CIL revenues in the parish area which can be directed towards delivering local infrastructure priorities.
- 3.110 I agree with the approach suggested by Wiltshire Council provided that a Community Action is included in an Appendix to set out how the Parish Council will undertake further work to provide evidence to justify the local infrastructure priorities and demonstrate that they are deliverable.
- 3.111 Modifications are recommended to ensure that the policy accords with national guidance and strategic policies on developer contributions and CIL.

Recommendation 9: Revise Policy 5 to read:

“Developer contributions from Community Infrastructure Levy and Section 106 agreements will be used, where appropriate, to deliver local infrastructure identified in the Community Actions.”

Revise paragraph 11.35 to read: “Contributions from developers are negotiated towards.....”

Replace paragraph 11.37 with the following text: “National guidance on CIL sets out the types of development that are exempt from CIL which includes self build housing.”

Add the following to the justification to Policy 5: “The Parish Council will receive a proportion of the Community Infrastructure Levy (CIL) revenues generated in the parish area, which can be directed towards delivering the local infrastructure priorities. This is 25% of CIL receipts where a neighbourhood plan is made.”

Add a new Community Action D on Local Infrastructure “The Parish Council will work with XXX to provide evidence on the need for and means of delivery of the following local infrastructure priorities: (list local infrastructure priorities from Policy 5)”.

Policy 6 – Local Economy, jobs and tourism

- 3.112 The policy sets out a number of small scale tourism and employment developments that will be encouraged and supported.
- 3.113 NPPF paragraph 28 supports a prosperous rural economy. Core Policy 39 sets out the strategic approach to tourist development and Core Policy 49

addresses the protection of rural services and community facilities and includes details of marketing plans.

- 3.114 The fourth bullet point and point 2 includes the phrasing “may be permitted” and “will not be permitted”. As stated in paragraph 3.15 above, this form of words is not acceptable and modifications are recommended to avoid it.
- 3.115 The final two sentences of point 2 as community aspirations and not worded as a policy. They should be included in the justification to the policy.
- 3.116 Paragraph 11.41 of the justification to the policy includes additional text addressing the impacts of development including compliance with the Habitats Regulations that has been added as a result of the Appropriate Assessment under the Habitats Regulations. It is considered that this is a policy statement and as such should be included in the policy itself and not the justification. It should be revised to remove reference to “other policies of the neighbourhood plan” and “normally be permitted”.

Recommendation 10: revise Policy 6 as follows:

“1. Small scale tourism and employment development of the following types will be supported where it does not have an unacceptable impact on neighbouring properties, landscape, biodiversity, including the habitats of protected species. Where appropriate, a proposal should demonstrate compliance with the Habitats Regulations 2010 (as amended). Sufficient parking spaces should be provided. List of development types.”

“2. Conversion of existing retail premises, public houses and commercial garages to residential use will only be supported where it can be demonstrated that the site/building is no longer economically viable. A comprehensive marketing plan should be undertaken in accordance with Core Policy 49.”

Add a paragraph to the justification to explain about the community wishing to consider all options and the requirements for marketing as set out in Core Policy 49.

Delete paragraph 11.41.

Other Policies

- 3.117 Wiltshire Council has made a representation commenting that paragraph 5.31 on environmental pollution could include reference to the desirability of avoiding adverse noise impacts on recreational or wildlife areas. It is noted that the Plan could have identified areas of tranquillity.
- 3.118 Whilst it may have been helpful to highlight these aspects, there is no requirement for the Neighbourhood Plan to include policies on these matters.

- 3.119 The Environment Agency has made a representation suggesting an additional policy be included in the NP to address flood risk associated with Paxcroft Brook. I have sought the views of Wiltshire Council on this matter and they have responded to my question as follows:

“Core Policy 67 of the Wiltshire Core Strategy provides a strategic policy to address the issue of flood risk in Wiltshire. The policy is supported by an updated Level 1 Strategic Flood Risk Assessment (SFRA) prepared by URS, published in July 2013. The Level 1 SFRA is comprehensive and considers risk of flooding from surface water, groundwater, sewers and artificial sources at a strategic level. The SFRA was prepared in consultation with and endorsed by the Environment Agency.

“The Wiltshire SFRA does however need to be augmented by detailed flood risk assessment, where required, to support specific sites, as required by footnote 20 of the NPPF. The robustness of these site specific FRAs will be assessed by the Environment Agency as part of their duty as statutory consultee and as required by the NPPF.

“The water course (and an area of adjacent land) that runs from an area close to Hilperton CE Primary School and passes through the Hilperton Gap towards Wyke Road in Trowbridge has been identified in the SFRA as being within Flood zone 3 and therefore any proposed development in this area would need to be supported by a Flood Risk Assessment (FRA). The matter of surface water flooding is considered to be sufficiently covered by national and local planning policy.”

- 3.120 As this matter is adequately addressed through national and local planning policy, I have concluded that there is no need for an additional policy to be included in the NP.

Informal Community Actions

- 3.121 This section sets out three Community Actions which are titled informal non-planning policies. It would be helpful to use a consistent form of wording in this section and refer to them as Community Actions throughout. The word “informal” is not necessary. It would be helpful to plan users to include titles to Community Action B – Maintenance of ditches and drainage; and of Community Action C of Traffic. An additional Community Action is proposed under Policy 5.
- 3.122 Paragraph 12.0 explains the status of the Community Actions. The final sentence states that “they have no legal status”. It would be clearer to state that “they will not be used in determining planning applications”.
- 3.123 The modifications are recommended to ensure that the section is clearly worded and unambiguous for plan users.

Recommendation 11: revise section 12 on Community Actions as follows:

Refer to “Community Actions” throughout.

Delete the final sentence of paragraph 12.0 and replace with “*They will not be used in determining planning applications.*”

Add titles to Community Actions B and C.

Monitoring and Review

- 3.124 The Qualifying Body has asked that paragraph 13.1 be amended to include a review period of within 3 years of the NP being made. I make no comment on this commitment.

Recommendation 12: Add the following to paragraph 13.1

“The first review will take place within 3 years of the plan being ‘made’.”

Background Evidence

- 3.125 The Qualifying Body has asked that reference be made to the Wiltshire Housing Land Supply Statement March 2018 (HSAP Topic Papers) in paragraphs 11.12, 11.20 and Appendix 1.
- 3.126 It is appropriate to include reference to this updated report to appreciate the latest housing supply data.

Recommendation 13:

Include reference to the Wiltshire Housing Land Supply Statement March 2018 (HSAP Topic Papers) in paragraphs 11.12, 11.20 and Appendix 1.

Typographical errors

Check the text throughout for incorrect spelling of policies as “polices”.

Paragraph 3.2 line 5 “referenced”.

Paragraph 3.3 – last line “County Ecologist”.

Paragraph 3.10 line 5 “providing local detail in implementing the policies”.

Paragraph 10.1 Objective 1 line 2 “...within it.”

Paragraph 10.1 Objective 3 line 1 “To ensure that all of....”.

Paragraph 11.3 line 1 “For example...”.

Paragraph 11.3 line 4 “.... general to the specific....”.

Paragraph 11.26 line 2 “This is....”.

Policy 4 third bullet point “Upgrading footpaths....”

4.0 Referendum

- 4.1 The Hilperton Neighbourhood Plan reflects the views held by the community as demonstrated through the consultations and, subject to the modifications proposed, sets out a realistic and achievable vision to support the future improvement of community.
- 4.2 I am satisfied that the Neighbourhood Plan meets all the statutory requirements, in particular those set out in paragraph 8(1) of schedule 4B of the Town and Country Planning Act 1990 and, subject to the modifications I have identified, meets the basic conditions namely:
- has regard to national policies and advice contained in guidance issued by the Secretary of State;
 - contributes to the achievement of sustainable development;
 - is in general conformity with the strategic policies contained in the Development Plan for the area;
 - does not breach, and is otherwise compatible with, EU obligations and human rights requirements
- 4.3 **I am pleased to recommend to Wiltshire Council that the Hilperton Neighbourhood Plan should, subject to the modifications I have put forward, proceed to referendum.**
- 4.4 I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I have considered whether any of the policies and proposals would affect the adjacent community of Paxcroft Mead and Trowbridge. In all the matters I have considered I have not seen anything that suggests the referendum area should be extended beyond the boundaries of the plan area as they are currently defined. I recommend that the Neighbourhood Plan should proceed to a referendum based on the neighbourhood area defined by the Wiltshire Council on 20 June 2017.

5.0 Background Documents

5.1 In undertaking this examination, I have considered the following documents

- Hilperton Neighbourhood Plan Submission Draft Version 2018
- Hilperton Neighbourhood Plan Basic Conditions Statement
- Hilperton Neighbourhood Plan Consultation Statement
- Hilperton Neighbourhood Plan SEA and HRA Screening Reports and Appropriate Assessment
- Hilperton Neighbourhood Plan Scoping Report
- National Planning Policy Framework March 2012
- Planning Practice Guidance March 2014 (as amended)
- The Town and Country Planning Act 1990 (as amended)
- The Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- Community Infrastructure Levy Guidance
- Wiltshire Core Strategy 2015
- Wiltshire Housing Site Allocations Plan pre-submission draft 2017
- West Wiltshire Local Plan 2004 “saved” policies.
- West Wiltshire Leisure and Recreation DPD 2009 “saved” policies
- Hilperton Village Design Statement 2005
- Landscape and Visual Setting Analysis Hilperton Gap, October 2017, Indigo Landscape Architects
- Wiltshire Planning Obligations SPD May 2015
- Wiltshire CIL Charging Schedule and Guidance.

6.0 Summary of Recommendations

Recommendation 1: revise the plan on page 5 to show the neighbourhood area designated in June 2017 to which the plan applies.

Recommendation 2: Review the Introductory sections of the Plan to reduce them to no more than a few pages to set out a brief overview of the Neighbourhood Plan area and the strategic policy context. Reduce the number of Appendices to those essential to support the policies and place evidence in a background evidence report or HRA/SEA screening report.

Include a Policies Map on an OS base that clearly and legibly shows the boundaries of sites and areas to which policies apply.

Recommendation 3: It is recommended that paragraph 4.7 is revised as follows:

Delete “published after the Regulation 14 consultation on this plan was completed”.

Revise the third bullet point to read “ a relatively low level of *affordable housing* need...”

Delete fourth bullet point.

Delete the final sentence of the sixth bullet point.

Update paragraphs 4.10 and 5.16

Replace paragraph 5.28 with the following:

“5.28 While affordable housing need in Hilperton Parish (as indicated in the Rural Housing Needs Survey) is modest, in the interests of ‘planning positively’ as required by the NPPF, it is also appropriate to consider whether the NDP could make a contribution towards meeting the needs of Trowbridge Community Area as a whole and of Trowbridge, which is nearby, in particular.

In terms of the Trowbridge Community Area as a whole the indicative housing needs of the local area are being met by existing strategic allocations, including the major urban extension of Trowbridge at Ashton Park, but there remains a significant need for additional housing at the town. The Wiltshire Core Strategy identified on publication in 2015 just 165 additional houses as being required across the Trowbridge Community Area Remainder up until 2026. The latest evidence, the Wiltshire Housing Land Supply Statement (HLSS) March 2018, confirms that the residual requirement for the Community Area Remainder is zero. The Housing Land Supply in the Housing Market Area is a robust 6.25 years.

However Core Policy 29 of the Wiltshire Core Strategy makes clear that additional housing for Trowbridge will be required – an additional 950 units being identified. The HLSS March 2018 establishes an updated indicative housing land supply requirement of 1452. This indicative need is being addressed in part by the emerging Wiltshire Housing Site Allocations Plan (HSAP) which seeks to allocate 1050 homes and calculates that windfall developments will provide the remaining homes needed. With reference to windfalls the HLSS confirms that there is a prevailing upward trend in windfall permissions and delivery and that windfall delivery will be facilitated by the effect of the Government’s proposals to relax permitted development rights.

Given the above context, in particular the active and ongoing role already taken by the HSAP in meeting housing need in Trowbridge, there is no need for the NDP to consider in more detail anything other than local need in accordance with its Large Village status under WCS Core Policies 1 and 2. Because this need is modest and is likely to be met through windfall developments (see Appendix 9), it has not be found necessary to allocate sites for homes in the NP at this time. This however is subject to monitoring and review during the plan period.

The community is aware of the need to build flexibility into the NDP and also to ‘plan positively’ in ensuring an adequate supply of new homes into the future. It does this in three ways.

Firstly, the plan makes a commitment to review within 3 years of being ‘made’. This review will consider housing need and supply and the whether it is necessary to allocate more sites locally.

Secondly, while the NDP does not formally allocate HSAP site H2.3 ‘Elizabeth Way’, the proposal may provide approximately 355 new homes. The Hilperton Gap - the area both sides of Elizabeth Way, has for many years been precious to the local community and it was originally proposed to protect all of it with a landscape protection policy (Policy 1). It was only to avoid conflict with the emerging HSAP that it proved necessary to re-draw the boundary of the landscape protection policy to cover the area to the east of Elizabeth Way only, to avoid conflict with the HSAP site to ensure that the policy is capable of meeting the Basic Conditions. It was also felt expedient, given the current interest in development locally, to proceed with a plan to protect the eastern half of the Hilperton Gap without delay.

Thirdly the NDP contains a policy (Policy 2) that encourages the delivery of windfall housing.”

Delete the final sentence in paragraph 5.30. References in the Plan to the Hilperton Gap being open space or a recreational area should be deleted. The area should be described as “agricultural land with a network of footpaths and cycleways used for informal recreation”.

Recommendation 4: revise paragraph 11.4 as follows:

“Section 11 of the NDP includes the planning policies which, once the NDP is made, will form part of the development plan. These policies will be used in determining planning applications. Section 12 of the NDP includes Community Actions which set out actions for the Parish Council to work with other organisations to help deliver various improvements that have been highlighted through the community consultations that cannot be delivered through planning policies.”

Recommendation 5: Revise Policy 1 as follows:

Revise the title of Policy 1 to ***“Land between Hilperton and Trowbridge.”***

Combine the first three paragraphs and revise the four subsequent bullet points as follows:

“The landscape setting and rural character of the area to the west of Hilperton village and east of Elizabeth Way shown on the Policies Map will be safeguarded. Development in the area should accord with national planning policy or relevant strategic policies for development in the countryside and should satisfy the following criteria:

- A). It should not compromise the openness and landscape value of the setting of Hilperton;***
- B). It should safeguard and, where practical enhance, footpaths and cycleways in the Gap;***
- C). It should maintain the views of the local landmark of St Michael and All Angels Church.***

Replace the third bullet point on bats with the additional text at the end of the policy.

Revise the fourth paragraph to read: ***“Development on the land west of Elizabeth Way as shown on the Policies Map shall be carried out in accordance with the Wiltshire Core Strategy, the site specific requirements set out in the Wiltshire Housing Site Allocations Plan and the following criteria: (Number the bullet points so that they can be distinguished from those in the first part of the policy.)***

Revise the first bullet point to read: ***“Development in the area to the south of Middle Way should be laid out and designed to maintain a green edge to the settlement and to minimise its impact on the setting of the village, landscape features and historic assets.”***

Revise the second bullet point to read: ***“Existing rights of way should be maintained and enhanced where practical. The upgrading of routes to cyclepaths will be supported to improve the links between Hilperton and Trowbridge.”***

Delete “as set out in Section 8 of this Plan” from the third bullet point.

Revise the fourth bullet point to read: “Development should *be* well set back...”

Delete fifth bullet point.

Move the following text from paragraph 11.10 to the end of the policy.

“Any scheme coming forward in the area covered by this policy must demonstrate no adverse impact on woodlands in the south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC, either alone or in-combination with other plans and projects.”

Add the following to the policy; “All new housing should contribute to the strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy to offset the in-combination impacts on the Bath and Bradford on Avon Bats SAC arising from recreational pressure on local woodland.”

Delete the second, third, fourth and final sentences from paragraph 11.10.

Additional text should be added to the justification to explain that any development that may be acceptable in the countryside in accordance with the NPPF should accord with the relevant development plan policies and satisfy the criteria to help safeguard the habitats used by bats, the openness of the Gap and the landscape setting of Hilperton village.

Replace the Landscape Setting Policy Map with a clear and legible Policies Map for the Neighbourhood Plan using an OS map base. Show the areas referred to under Policy 1: to the east and west of Elizabeth Way and to the south of Middle Lane. Correct the line of Elizabeth Way and the boundary of the proposed allocation to the west of Elizabeth Way.

Recommendation 6: Revise Policy 2 to read:

“New housing development to meet local market and affordable housing needs will be encouraged within the settlement boundary of Hilperton and exceptionally in the countryside where it satisfies national and strategic policies and delivers:

- d) Self build homes;**
- e) Eco-homes with innovative designs that incorporate renewable energy and/or sustainable construction methods;**
- f) Retirement homes, extra care housing or other homes designed for the over 55s.”**

Revise paragraph 11.16 to read: ***“Hilperton falls within the Trowbridge Community Area Remainder but is located close to the Principal Settlement of Trowbridge and as such is subject to considerable development interest. The Wiltshire Core Strategy allocates a Strategic Urban Extension for Trowbridge at Ashton Park for up to 2,600 units, which is nearby. A Housing Land Supply Statement in March 2017 concluded that the indicative housing requirement for the Trowbridge Community Area Remainder has been met and exceeded.”***

Revise the last two sentences of paragraph 11.17 to read ***“The emerging Wiltshire Housing Sites Allocations Plan is proposing to allocate 800 new houses on six sites on the edge of Trowbridge including a site to the west of Elizabeth Way for approximately 355 houses which lies within Hilperton parish. The Neighbourhood Plan sets out a policy framework to guide the delivery of this site but does not allocate the site.”***

Combine paragraphs 11.18 and 11.21 to read: ***“The current affordable housing needs of Hilperton as evidenced by the 2017 Housing Needs Survey is for 13 affordable homes. In view of the current housing commitments and potential windfall sites, it has not been considered necessary to allocate additional housing sites to deliver affordable housing to meet local housing need. Appendix 9 in the NDP includes a list of current commitments and potential windfall sites which demonstrates that they could produce sufficient affordable homes to meet the current need. The need for additional affordable homes in the future will be kept under review through future Housing Needs Surveys. A continuing dialogue with developers of potential sites will be welcomed by the Parish Council and community.”***

Add a new paragraph to the justification as follows: ***“In view of the potential for development to affect the Bath and Bradford-on-Avon Bats SAC new housing should be located within the settlement boundary where impacts to bat habitat will be minimised. Proposals for exceptional housing development in the countryside will be required to demonstrate that they will have no significant impact on sites and buildings of importance for bats. All new housing will need to contribute to strategic mitigation measures identified in the Trowbridge Bat Mitigation Strategy to offset the in-combination impacts the Bath and Bradford on Avon Bats SAC arising from recreational pressure on local woodlands.”***

Recommendation 7: Revise Policy 3 as follows:

Delete the second paragraph.

Delete “must throughout the parish” from the third paragraph of the policy and replace the second “must” with “should”. Delete “with

particular need to show how the design reflects the local Hilperton as opposed to the Trowbridge Context and character.”

Revise paragraph 11.24 to read “.....refer to the Hilperton Village Design Statement in assessing....”

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Replace “must” with “should” in the first and second paragraphs of Policy 4.

Move the following text from paragraph 11.32 to the end of the policy:

“Due to the importance of the Hilperton area for conserving Britain’s rarest bats, proposals for creating and improving footpaths and cycleways will be subject to a separate assessment under the Habitats Regulations 2010 (as amended). Proposals will only be implemented where it can be demonstrated there will be no deterioration of bat habitat as a result of lighting or changes to hedgerows and trees along proposed and existing paths.”

Add a paragraph in the justification to explain the types of development that will be required to contribute towards sustainable transport improvements through planning obligations or CIL.

Recommendation 9: Revise Policy 5 to read:

“Developer contributions from Community Infrastructure Levy and Section 106 agreements will be used, where appropriate, to deliver local infrastructure identified in the Community Actions.”

Revise paragraph 11.35 to read: “Contributions from developers are negotiated towards.....”

Replace paragraph 11.37 with the following text: “*National guidance on CIL sets out the types of development that are exempt from CIL which includes self build housing.*”

Add the following to the justification to Policy 5: “*The Parish Council will receive a proportion of the Community Infrastructure Levy (CIL) revenues generated in the parish area, which can be directed towards delivering the local infrastructure priorities. This is 25% of CIL receipts where a neighbourhood plan is made.*”

Add a new Community Action D on Local Infrastructure “*The Parish Council will work with XXX to provide evidence on the need for and means of delivery of the following local infrastructure priorities: (list local infrastructure priorities from Policy 5)*”.

Recommendation 10: revise Policy 6 as follows:

“1. Small scale tourism and employment development of the following types *will be supported where it does not have an unacceptable impact on neighbouring properties, landscape, biodiversity, including the habitats of protected species. Where appropriate, a proposal should demonstrate compliance with the Habitats Regulations 2010 (as amended). Sufficient parking spaces should be provided. List of development types.*”

“2. Conversion of existing retail premises, public houses and commercial garages to residential use will only be supported where it can be demonstrated that the site/building is no longer economically viable. A comprehensive marketing plan should be undertaken in accordance with Core Policy 49.”

Add a paragraph to the justification to explain about the community wishing to consider all options and the requirements for marketing as set out in Core Policy 49.

Delete paragraph 11.41.

Recommendation 11: revise section 12 on Community Actions as follows:

Refer to “Community Actions” throughout.

Delete the final sentence of paragraph 12.0 and replace with “*They will not be used in determining planning applications.*”

Add titles to Community Actions B and C.

Recommendation 12: Add the following to paragraph 13.1

“The first review will take place within 3 years of the plan being ‘made’.”

Recommendation 13:

Include reference to the Wiltshire Housing Land Supply Statement March 2018 (HSAP Topic Papers) in paragraphs 11.12, 11.20 and Appendix 1.