

Ashton Keynes Neighbourhood Plan

Consultation under Regulation 14 of the Neighbourhood (General) Planning Regulations 2012 (as amended)

Comments from Wiltshire Council

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1 Introduction

1.1 Thank you for the opportunity to comment on the draft Ashton Keynes Neighbourhood Plan and supporting documents. The below comments summarise the views of officers in the following departments:

- Spatial Planning Service
- Landscape and Design
- Drainage
- Conservation
- Highways and Transport
- Education
- New Housing
- Development Management and Enforcement

1.2 Contacts can be provided upon request.

2 Summary

2.1 Council officers appreciate the time and effort that has been put into developing the draft Ashton Keynes Neighbourhood Plan. The plan addresses key topics such as housing, economic development and environmental matters amongst other something which requires careful consideration of technical evidence and planning policy requirements at national and local level.

2.2 From an officer perspective further work on the plan and its evidence is required in order to ensure adequate consistency with the policies contained in the suite of development plan documents adopted by Wiltshire Council. More specifically, consistency with strategic policies in the Wiltshire Core Strategy and the Mineral Core Strategy/Mineral Site Allocations DPD is yet to be achieved. There also remain inconsistencies with national planning policy and guidance.

2.3 Officers would welcome further discussions regarding the above points.

3 General comments

- 3.1 The Basic Conditions Statement demonstrates how the plan aims to deliver sustainable development in line with the NPPF. It is also noted that the statement seeks to confirm the plan's alignment with the Wiltshire Core Strategy (WCS). Comments are provided below as to the alignment of the plan with the WCS. However, the statement does not demonstrate how the plan conforms to the adopted Minerals Core Strategy, and its daughter document, the Aggregate Mineral Site Allocations Local Plan. Further comments are provided below.
- 3.2 The draft Neighbourhood Plan is well structured, concise and reads well.
- 3.3 The Plan's vision for Ashton Keynes is supported as it does not conflict with the vision for the Malmesbury Community Area as expressed in WCS para. 5.74.

4 Housing

Housing Objectives

- 4.1 The housing objectives in the plan are broadly supported. Objective HS1 could be reworded as it includes a measure (provision of a mix of housing types) which aids in meeting the objective of enabling people to stay in the parish throughout their lifetime.
- 4.2 However there are inconsistencies between Objective HS4 and other sections of the plan.
- 4.3 Objective HS4 aims to keep all new developments on sites within the settlement boundary to a maximum of 15 homes. Indeed this number was also proposed to the community when gathering the views on potential candidate sites for allocation (see Exit Survey Questionnaire) so it is assumed this was the overall requirement the parish initially proposed to plan for. Furthermore the plan states at p. 6 that 'Using the methodology detailed in the Core Strategy a proportional allocation of houses based on population produces a requirement for 15 new homes to be built in Ashton Keynes by 2026'; and there is anecdotal evidence from parish council meeting minutes that a number of 17 dwellings was initially deduced from the WCS requirement for the remainder of the Malmesbury Community Area.
- 4.4 Contrary to the Objective HS4, the draft plan proposes to allocate 59 dwellings at two preferred sites. The plan has to clearly justify why it now allocates substantially more housing than what was initially proposed to the community. There is scope to do so in the section preceding Chapter 5.3 in the plan, where the plan refers to enabling development to come forward at the Cotswold Community site.
- 4.5 However if Objective HS4 is supposed to restrict development within the settlement boundary to 15 dwellings, but more could come forward through the allocations, this

would effectively prohibit additional development within the settlement boundary over and above 15 dwellings, for example through infill sites. Wiltshire Core Strategy Core Policy 2 states that there is a presumption in favour of sustainable development within the limits of development. A restrictive policy objective would not be supported unless substantiated by robust local evidence. The plan seeks to justify a limited amount of development within the boundary by stating that ‘there is very little in the way of building land within the settlement boundary’, and ‘the village of Ashton Keynes is in a conservation area and to retain the character and avoid sprawl, then housing development should be directed primarily to redundant brown field sites’. Whilst it is appreciated that the parish wants to retain the character of the village this does not necessarily mean that development should be restricted but it is more a question of good design and development coming forward in the right locations.

- 4.6 The objective would not be considered reasonable because it formulates an arbitrary requirement – if a site can accommodate development sustainably and without harm to interests of acknowledged importance and is located within the settlement framework boundary then it need so to be considered on that basis. Officers suggest a criteria-based policy alongside site allocations to address this objective rather than trying to establish an arbitrary maximum limit.
- 4.7 Evidence such as the location, type, scale and design of recent developments within the boundary could be used to underpin the parish’s position; and perhaps an estimate as to the number of dwellings which realistically could come forward at deliverable infill or brownfield sites, based on discussion with landowners; and weighed up against the plan seeking to retain and allocate open spaces/local green spaces.
- 4.8 In the context of Policy HSP4 the general principle of sustainable development within settlement boundaries as stipulated in WCS Core Policy 2 is not referred to in the supporting text or the reasoned justification.
- 4.9 It is therefore advised to critically review Objective HS4 and Policy HSP4 in the light of the above; and clarify the overall objective in terms of dwelling numbers, and the approach to development within framework boundaries.
- 4.10 In the context of HSP4 a criteria based policy may be appropriate to guide developments within the boundary.
- 4.11 Objective HS5 is considered non-implementable through development management. Has been considered and examined extensively in the SW in particular in Cornwall and cannot be justified. It does not meet the 6 tests as to use of conditions set out in the NPPG and we could not require this by condition or legal agreement via DM.
- 4.12 As a key piece of evidence the Council’s Housing Land Supply Statement 2015¹ should be referred to which now identifies a residual of 116 dwellings for the Malmesbury Community Area remainder. It is appreciated that this evidence may not have been publicly available prior to drafting the consultation document.

¹ <http://www.wiltshire.gov.uk/housing-land-supply-statement-2015-final.pdf>

- 4.13 The number of homes which can be accommodated at the site allocations in the plan (59) now represents approximately 50% of the residual HLSS dwelling requirement for the Malmesbury Community Area remainder (116). The Core Strategy figures are indicative and plan-led development at community level can go over what may be appropriate (see WCS para. 4.17 and 4.33). The plan and supporting evidence should be updated to reflect the residual requirement stated in the 2015 HLSS.
- 4.14 The housing strategy seeks to meet the housing need identified in the housing needs survey, so ideally the survey should be referenced in the draft plan (in a footnote).

Housing Site Selection

- 4.15 The Housing Consultation Report describes the process of site allocations, but other documents are also relevant including the SA/SEA.
- 4.16 The approach to start off with a large pool of sites and reduce that number down to candidate sites through the site selection exercise is supported. It needs to be borne in mind that the latest consultation with parish councils on the emerging Housing Sites Allocations DPD in spring 2015 listed a number of SHLAA sites as options for site allocations testing by Wiltshire Council². It would appear that sites in addition to those shown on the Council's options map have been considered by the parish which is supported.
- 4.17 It is understood that the Former Carter Haulage Site and the Cotswold Community form the preferred sites for allocation in the plan. Consequently they are proposed for allocation of 11 and 48 dwellings respectively. It is appreciated that the parish went through a comprehensive site selection exercise. However a number of points remain of concern, in addition to the points regarding how the overall dwelling requirement is presented.
- 4.18 The Former Carter Haulage site is a saved North Wiltshire District Local Plan allocation for 11 dwellings (see Appendix A to the WCS, saved NWLP Policy H2). This should be reflected in the evidence base. In fact, some of the evidence underpinning the saved policy may assist in justifying the allocation in technical terms. In principle, the allocation is supported as it was previously found to be an appropriate location for additional housing by North Wiltshire District Council.
- 4.19 Nonetheless, the site selection criteria which guided the process should be explained better. From the site profiles displayed it would appear that the criteria relate to site access; flood risk; relation to built-up area; and relationship with the conservation area. The paper could usefully describe why those criteria were selected, for example because they are specific to Ashton Keynes?
- 4.20 Linked with this, the site selection paper does not group the consultation responses adequately and consistently in relation to the site selection criteria. The comments

² <http://consult.wiltshire.gov.uk/file/3345721>

have been grouped in the same way for all sites except the Cotswold Community and Carter Haulage sites which were taken forward. What is the justification for changing the overall grouping of comments for those two sites?

- 4.21 For example, a key issue is the fact that the Cotswold Community site is located outside the settlement boundary at Ashton Keynes but that was not included within the summary of consultation responses whereas it featured negatively for all other sites which fall outside the boundary. While it could be the case that nobody made such a comment in regards to the Cotswold Community site it would still constitute a valid site selection criterion.
- 4.22 In addition, benefits were cited in support of the Cotswold Community site which could apply to all other proposed candidate sites but were not mentioned in the context of rejected sites. For example, all sites could yield CIL benefits but this was only cited as a positive linked with the Cotswold Community Site. Again, it could be that nobody raised the prospect of CIL receipts in response to all other sites but this remains unclear.
- 4.23 Furthermore the Cotswold Community site received a considerable number of negative comments related to its size and remoteness from the village. In fact the number of negative comments (92) is higher than the number of positive comments (66) but this is not reflected in the diagram on 'Voting Aggregation – Yes Vote minus No Votes'.
- 4.24 This is potentially confusing and for that reason it is unclear as to whether the Cotswold Community allocation in particular has a clear mandate from parishioners to go forward.
- 4.25 In terms of the iterative plan-making process a robust justification has to be provided that following the consultation on candidate sites and during the SA/SEA exercise there were no alternative sites which could have reasonably been taken forward which returned a lower number of negative comments or performed better in SA/SEA terms.
- 4.26 It would also be useful to explain that other potential site selection criteria informed the SA/SEA for example which is designed to aid the site selection process; and indeed how the SA/SEA informed the decision to take the proposed allocations forward. That information may be available but it is currently missing from the overall justification for the proposed site allocations policies in the draft plan. The draft plan could usefully provide a short summary of the SA/SEA findings in the reasoned justification for the site allocations, and in the supporting Housing Consultation Report.
- 4.27 In addition the SA/SEA should have examined alternative options in the light of the issues associated with the Cotswold Community site (see below). For example, the problems and benefits associated with allocating a number of small sites in addition to the Carter Haulage site, compared to the allocation of the larger Cotswold Community site. Were there no reasonable alternatives to allocating this site?

- 4.28 Additional comments on the SA/SEA are provided under a separate heading below.
- 4.29 Policy HSP4: Criterion a. is unfeasible – they would be effectively land locked and then require demolition in order to come forward. Not in accord with the WCS approach on this matter and result in an inflexible policy likely to restrict appropriate sites which the PC/community may want to support from coming forward. Suggest review and more flexible working. Criterion d is far too restrictive in referring to “no overlooking impacts”. It is suggested to re-word this and use the term “has no significant additional overlooking impacts....” for example.

5 Housing Mix and Tenure

- 5.1 Policy HSP5 – Tenancy Mix: The statement refers to 25% of the affordable homes should be for intermediate housing unless viability or other local factors demonstrate a robust justification for a different mix. The Core Strategy and current Strategic Housing Market Assessment indicate an Affordable housing tenure mix of 60% Affordable Rent and 40% Intermediate Housing (preferred product being Shared Ownership). Therefore although the Plan identifies tenure split of 75% Affordable Rent/25% Intermediate it is likely that developers will seek to apply the 60/40 split which is likely to be more viable for any developer and the policy would allow this. The policy should also specify types of housing mix supported in the overall requirement.
- 5.2 Policy HSP7 – Affordable Housing: The proposal for developments that result in a net gain of 10 or more dwellings is not in line with the Wiltshire Core Strategy which seeks to provide 40% affordable housing on all schemes with 5 or more dwellings. We would therefore expect to see 5 in Policy HSP7 as opposed to 10 which does not comply with the adopted Policy.
- 5.3 Policy HSP8 – Allocation of Affordable Housing: The statement refers to a Local Connection Covenant in relation to all new affordable housing, however, although this is not contra to the current Housing Allocation Policy that has been adopted by the Council, it does not allow the possibility for a cascade should there be no suitable applicants with a Local Connection.
- 5.4 The Council’s current allocation policy has a strong local connection approach in which all vacancies are allocated in the first instance to applicants with a Local Connection, however the Policy does allow a cascade to surrounding parishes and finally to the whole of Wiltshire should no suitable applicant be identified. A covenant will restrict the ability to let a property if there were no suitable applicants in Ashton Keynes (at present there is 1 household on the register seeking accommodation in Ashton Keynes) therefore Developers and Registered Providers would not be in agreement to a covenant on the Affordable Housing that restricts the ability to let to anyone outside of the village which would see the Registered Provider unable to obtain any income on a property because of the restrictions in place.

- 5.5 Colleagues in Development Management have furthermore questioned if policies HSP5 and HSP6 meet the 6 tests on the use of planning conditions set out in the NPPG.
- 5.6 Policy HSP10 appears to duplicate HSP5 and would require constant review and assessment of housing needs – it has to be demonstrated that this can be undertaken; but the information required to implement this is unlikely to be available.
- 5.7 HSP11 is likely to conflict with HSP4 and also with Core Policy 57 of the WCS. It is suggested this is better as textual guidance in support of HSP5.
- 5.8 In regards to HSP12, restricting occupancy of all new rented housing to local residents does not meet 6 tests on use of conditions in NPPG.
- 5.9 In relation to chapter 5.10 it would be unreasonable to require all new development to provide a Development Brief which would not accord with the NPPG or national or local validation checklists for applications. There is also a need to specify reasonable scale limits – major developments 10+ dwellings for example. Requirement that replacement dwellings be of better architectural merit is a subjective assessment. This would be difficult to implement and likely to set up conflict between Wiltshire Council as planning authority, and applicants. Some of the objectives and requirements are potentially not supported by Highways but this would have to be clarified further.

6 Proposed Cotswold Community site allocation

6.1 The following (non-exhaustive) list of points have been raised by officers:

- Current land use and site history
- Proximity to the adopted settlement framework
- The location of the site in a Mineral Safeguarding Area (MSA)
- The allocation in the Aggregate Mineral Site Allocations DPD
- Ecological constraints

Current land use and site history

6.2 The site is located outside the settlement framework in open countryside approximately 1.25 miles to the north of Ashton Keynes centre, separated from the approach to the village by the Spine Road.

6.3 The site is partially developed and constitutes a mixture of previously developed land and greenfield land. It is occupied by residential units, and non-housing buildings comprising workshops, sports facilities, and farm buildings. A Schedule Ancient Monument lies to the south. An operational sand and gravel quarry lies to the north.

6.4 Parts of the site are proposed to be allocated for 48 dwellings; however, the total amount of residential development could comprise a maximum of 75 dwellings as there are 27 unoccupied properties on the site, which benefit from a Certificate of Lawfulness.

6.5 The Council previously dealt with a pre-application enquiry for a much larger scheme related to minerals extraction proposals on adjacent land and we raised fundamental objections to those proposals. While potentially a smaller scheme proposals could be acceptable where promoted through the NP the evidence for this allocation has to be viewed in the context of the existing development plan.

General comments

6.6 Policy HSP3 includes several phrases that are not clearly defined and would be very difficult or impossible to implement. Criterion 3.C refers to redevelopment – for what uses? The policy needs to specify what is acceptable. 3.D refers to an element of affordable housing – how much needs to be specified. 3.E refers to restoration and conversion to residential of listed buildings on site. This needs to specify the number of properties and needs careful wording to caveat no loss of historic fabric and architectural / historic importance. 4 is too unrestricted and without definition as to what is being allowed/permitted “in certain circumstances” – also what are these circumstances? “Re-development of some or all of the existing 27 dwellings” – for what use? This needs greater detail and specificity as to what is being permitted here.

Location of the allocation in relation to the adopted settlement framework

- 6.7 Overall the Wiltshire Core Strategy aims to concentrate development proportionately at settlements which can provide services, facilities and infrastructure to serve additional growth. Isolated developments in the countryside are not normally supported. A number of exceptions to the rule that development should occur within adopted limits of development (or settlement frameworks) are listed in paragraph 4.25 to the WCS:
- Additional employment land (Core Policy 34)
 - Military establishments (Core Policy 37)
 - Development related to tourism (Core Policies 39 and 40)
 - Rural exception sites (Core Policy 44)
 - Specialist accommodation provision (Core Policies 46 and 47)
 - Supporting rural life (Core Policy 48)
- 6.8 At face value none of the above exceptions apply as the allocation would predominantly be for housing.
- 6.9 WCS Core Policy 2 is clear that the limits of development may only be altered through identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans – a clear preference for a plan-led process.
- 6.10 Core Policy 2 does not require candidate sites taken forward through a neighbourhood plan to be located directly adjacent to the adopted limits of development. Nor does it stipulate an appropriate distance of candidate neighbourhood plan sites from the centre of a settlement or the adopted limits of development. The Council's Housing Sites DPD predominantly considers SHLAA sites adjacent to the adopted settlement frameworks but again there is no reason why sites located further away from the boundary could not be considered in the site selection process, provided they are deemed a reasonable alternative.
- 6.11 However, the development plan needs to be read as a whole and a number of policies within adopted development plans, and other material considerations provide reasons for or against inclusion of the Cotswold Community in the NP. Therefore a carefully balanced exercise is required based on a discussion of the issues linked with this site. At this stage, it is not clear that the allocation is robustly justified against the provisions in the WCS. The plan ought to better articulate the evidence underpinning the allocation; and why the site is preferred to other sites in technical terms, many of which are closer to the existing limits of development.
- 6.12 Officers were provided by email with site assessment profiles for all candidate sites developed by URS consultants in September 2014. However it would appear that this material is not publicly available unless it was used to inform the SA/SEA for example. It nonetheless contains useful information which should ideally be made available to the public.

Highways and Access

- 6.13 Highways officers have advised that in principle there is no objection to the site being developed with the number of units proposed but a detailed transport assessment would be required at planning application stage.

General Sustainability Aspects

- 6.14 Due to its detached location it is assumed that most trips from the site to destinations elsewhere (work, shopping, leisure) would be undertaken by the private car. Especially if housing for the elderly was implemented there is a presumption that residents would use the car/taxi for travel purposes. An on-site shop is proposed but this would only meet basic requirements. There are no employment opportunities on site and key services such as healthcare facilities are further away, located at Cricklade, Malmesbury and Cirencester.
- 6.15 The URS profile suggests that developer proposals include infrastructure mitigation options for a subsidised local bus service, an on-site shop, and a cycle route alongside the Spine Road West to connect with the cycle path on the B4696 from the Spine Road crossroads eastwards.
- 6.16 The presence of buildings is noted and that the site partially constitutes previously developed land. Historically the site developed outside Ashton Keynes for a number of reasons. There is a realistic assumption that the buildings on site would deteriorate further if no investment was made.
- 6.17 However the redevelopment of the site must be considered holistically, and more specifically in the light of the presence of sand and gravel reserves which from a mineral planning authority's perspective should be extracted following planning consent. Whether or not housing and other uses would be appropriate will, amongst other, depend on the restoration schemes and technical matters such as groundwater management and others. The adopted suite of mineral development plan documents has to be carefully considered in this respect.

Wiltshire and Swindon Mineral Core Strategy and Aggregate Mineral Site Allocations DPD

- 6.18 Mineral Core Strategy policies MCS1 and MCS1(A) state that the Councils will aim to make provision of land in Wiltshire and Swindon sufficient to meet demand for sand and gravel in accordance with national and regional policy. This will be achieved through the identification, appraisal and delivery of sites within the Mineral Resource Zones identified on the Key Diagram and Proposals Map.

- 6.19 Ashton Keynes and the Cotswold Community site fall within the Upper Thames Valley Mineral Resource Zone which is identified as a traditional area of supply of sand and gravel.
- 6.20 Wiltshire and Swindon Mineral Core Strategy Policy MCS6 safeguards the Minerals Resource Zones and also the sites identified for future mineral working allocated within DPDs. The monitoring section of the plan stresses in relation to MCS6 that non-mineral developments that cannot be located elsewhere should ensure that viable mineral deposits are removed prior to the commencement of the development.
- 6.21 The Council's Aggregate Minerals Site Allocations DPD is closely linked with the strategic policies in the Mineral Core Strategy, as it specifies which sites in the mineral resource zones will deliver the apportionment for aggregate minerals up to 2026. The Site Allocations DPD was adopted in 2013 and is therefore considered up to date. The Inspector's report into the DPD did not highlight concerns regarding the viability of reserves or deliverability of the site allocation at the Cotswold Community.
- 6.22 Consequently the adopted Aggregate Minerals Site Allocations DPD allocates the Cotswold Community site, plus a separate smaller parcel of land to the east, for extraction of sand and gravel reserves of up to 2.76 million tonnes. This allocation is critical to meeting the locally derived apportionment for sand and gravel in the county and it is officer's view that no redevelopment of the site should be consented and implemented prior to extraction of the mineral. Indeed, the mineral reserves stretches into the ground underneath the existing development and the deepest part of the reserve is located to the south of the site (the playing fields).
- 6.23 The Aggregate Minerals Site Allocations DPD identifies a number of matters linked with this site and the potential extraction of the mineral. The DPD at Table 2.5 recognises the redevelopment potential of the Cotswold Community site as it states: *"Proposals for the extraction of sand and gravel are to be designed so as not to prejudice the redevelopment proposals that may subsequently be approved subject to a separate planning process."*
- 6.24 The DPD therefore stipulates that redevelopment proposals should be consented subsequent to the extraction of the mineral.
- 6.25 In the same vein, the adopted Minerals Development Control DPD states in Policy MDC4 that *"proposals for development within Mineral Safeguarding Areas, as defined on the Proposals Map, that may prevent or adversely affect current or possible future mineral extraction and/or associated ancillary operations, rail-head facilities, and mineral recycling facilities within Wiltshire and Swindon will be opposed unless*
- *An appropriate quantity of mineral can be reasonably extracted prior to or in phase with the proposed non-mineral development such that the extraction does not unreasonably prevent or hinder the non-minerals development*

[...]

- 6.26 It would be unrealistic to assume that a redevelopment scheme involving housing could be granted consent and implemented in tandem with the extraction of the mineral given the incompatibility of the land uses and the impacts associated with mineral extraction (such as noise, vibration, HGV traffic, groundwater management).
- 6.27 However, the policy in the neighbourhood plan does not appear to have considered the constraints and opportunities of the site as referred to in Table 2.5 of the Aggregate Mineral Site Allocations DPD, and matters which will be relevant when applying for planning consent to extract the mineral and re-develop the site. As stressed before, mineral extraction and quarry restoration should take place prior to granting consent for any redevelopment scheme.
- 6.28 From an officer perspective it is unclear if approximate timescales and technical aspects which apply to the preparation of a mineral planning application, site preparation, mineral extraction and subsequent quarry restoration have been adequately considered in the site selection process. If they have been considered then the plan and its supporting evidence currently fail to demonstrate this.
- 6.29 For example, it is unclear if the developer has started gathering the hydrological data required by the Environment Agency as part of the application process for mineral extraction consent. This data must demonstrate that the groundwater table in the area can be managed so it does not flood the site and the surrounding area during mineral extraction and during and post restoration.
- 6.30 Estimates provided by council officers suggest that it takes several years to obtain consent for mineral extraction, based on the planning process for comparable schemes. Consents under planning pollution control regime are also required, for example from the Environment Agency. While no exact timescales can be attached to extracting the mineral, estimates should be made conservatively. Additional time will be needed for the restoration of the quarry. Again, quarry restoration is required prior to consideration of redevelopment proposals. Linked with the issue of flood risk, ground and flood water management during and post restoration may have an impact on the developability of the site for alternative uses, but details are not yet known.
- 6.31 Site Assessment Profiles developed by URS planning consultants for this site recognise that part of the site is designated for mineral extraction and would be carried out in 2 years; and total development timescales are considered to be 2-7 years. This has not been substantiated with evidence demonstrating that points highlighted above can be addressed within the suggested timescales.
- 6.32 In addition, the work required to gain consent, extract the mineral and restore the site would incur costs and the question is if the proposed level of development can actually be realised. Again this depends on the delivery mechanisms and who is doing what.
- 6.33 On that basis it is unclear if the plan can demonstrate that the Cotswold Community allocation, as promoted through Policy HSP3, is deliverable between now and 2026.

- 6.34 As explained above the Mineral Core Strategy states that *“non-mineral developments that cannot be located elsewhere should ensure that viable mineral deposits are removed prior to the commencement of the development.”*
- 6.35 It is not clear from the site selection exercise if there is sufficient evidence to suggest that there are no other sites which could accommodate development to achieve the objectives in the plan; and which may be more suitable and deliverable, based on a balancing exercise which also considers the mitigation of constraints at alternative sites. Council officers would however be pleased to discuss this matter further.

Ecology

- 6.36 In ecological terms, the Cotswold Community site is in a relatively sensitive location with particular known constraints (identified through the minerals allocations plan) including:
- Adjacent / nearby County Wildlife Sites
 - Notable birds including merlin, hobby, Mediterranean gull, whimbrel, green sandpiper, little ringed plover, osprey
 - Notable invertebrates including brown hairstreak and small blue
 - Great crested newt
 - At least five species of bat including known roosts and flight lines
 - Other mammal species including badger, otter, and water vole
- 6.37 The site is therefore considered to be constrained and is unlikely to deliver the anticipated 48 dwellings. In particular there are concerns that the introduction of residential dwellings in this location would cause increased disturbance of wintering and breeding birds. The Cotswold Water Park is known to support populations of more than 20,000 wintering waterbirds and holds nationally important numbers of Great Crested Grebe, Pochard, Tufted Duck, Gadwall, Coot, Lesser Black-backed Gull, Smew and Shoveler, and the surrounding lakes have been designated as CWSs for their bird interest.
- 6.38 Given the remote nature of the site, it is expected that residents would walk their dogs around the nearby lakes which surround the site, increasing the frequency of disturbance events for wintering birds. Ashton Keynes itself is known to have good provision of recreational land and it is likely that allocations of housing at or close to the village would generate considerably less disturbance from dog walkers as a result. In addition, rural cats are also known to range over large areas and predate upon breeding birds, therefore the introduction of residential dwellings into this area is likely to introduce a number of cats which will predate upon local breeding bird populations and other wildlife such as water voles. Both NPPF paragraph 118 and CP50 of the WCS require that harmful effects on biodiversity would be avoided where suitable alternatives are available, however this is not clear from the SA report (see below).

Conservation

- 6.39 In a conservation context it should be noted that the site has a hedgerow boundary at the road. The indicated cycle path seems to be in the location of the hedgerow, which will change the character of the area and site and this is unlikely to be supported. The path is only shown as running across the roadside boundary to the Cotswold Community site and it is unclear to what and where it is linking. Long term maintenance and justification as a requirement may therefore be difficult to sustain.
- 6.40 Officers would welcome further discussion with the parish to discuss matters such as the supporting evidence for the proposed allocation, and deliverability of the development.

Cotswold Community – end.

7 Highways and Transport

- 7.1 Policy IPN2 Road and Pedestrian safety – Bullet point 2 (page 21) – the first section is considered reasonable however officers query whether the second part is practical or valid as many of the things this policy seeks to prevent/remove are covered by permitted development rights.
- 7.2 Policy AMP5 Car Parking (pages 32-33) – Wiltshire Core Strategy reference to also include Core Policy 64 - Demand Management
- 7.3 Policy ENP2 Environmental infrastructure and accessibility (pages 37-38) - Wiltshire Core Strategy reference to also include Core Policy 61 - Demand Management

8 Infrastructure Provision

- 8.1 The proposal for enhanced medical facilities at Ashton Keynes is understood and Community Infrastructure Levy monies can generally provide the funding for additional services. Aside from contributions voluntarily provided by developers Section 106 monies could not be used as all offside schemes are now funded via CIL (unless pooled through up to 5 developments).
- 8.2 It would be useful to understand what the requirement would be perhaps through further information provided by the local NHS Trust. The Council's CIL Regulation 123 list comprises the priority schemes earmarked for CIL funding. Improved medical services at Ashton Keynes are not currently a priority.
- 8.3 Depending on the level of development which is effectively put in place, 25 percent of the chargeable amount would be available to the parish with an adopted neighbourhood plan, and paid out upon commencement of a permitted scheme.

Whether or not this would be sufficient to deliver what the parish aims for depends on the costs of the infrastructure and the amount of development eventually permitted.

- 8.4 Development Management officers have raised concerns over implementability and reasonableness of Policy INP2. Hedges and shrubs don't require planning permission so how do we enforce against these. Also the erection of fences, walls etc may have previously been granted consent or be covered by Permitted Development rights.
- 8.5 Policy INP4 Criterion 1 – this is not reasonable as it requires third party input. 2.a and c. likely to be covered by Permitted Development Rights already.
- 8.6 Policy INP5 duplicates Community Infrastructure Levy and does not meet the test in the use of CIL/contribution requirements.

9 Education

- 9.1 It is noted on page 11 of the plan it refers to a possible 75 dwellings giving rise to 23 primary age children, and that the village school can cope with the additional numbers.
- 9.2 Education colleagues advise that there are limited surplus places at the school at the current time however the birth rate appears to be dropping in future years. There will be a small increase in the number of surplus places moving forward sufficient to accommodate the numbers proposed but places will be tight. If however there was a proposal to increase the number of dwellings above 75, then the school may not be able to accommodate any additional numbers. It should also be noted that secondary age children would be expected to attend Bradon Forest Secondary School, which currently has spaces.
- 9.3 It may be useful to update the site allocations policies to reflect the potential need for additional places.

10 Ecology

- 10.1 Policy AMP4 – Green Spaces: The Local Green Space designation is strict (equivalent to Green Belt), and therefore their designation is not taken lightly and at the examination stage it is normally necessary to explicitly demonstrate that the specific requirements of NPPF 76-77 have been met. It is therefore advised that further evidence is provided to support the justification for this policy. It is understood that the sites are all recognised areas of public open space and would therefore already be protected under the council's open spaces policies, therefore group should also consider and communicate the need for, or merit of, the proposed LGS designations in addition to existing policy protection. Given the highly restrictive nature of this policy, the group should also satisfy themselves that future aspirations to improve facilities or amenities at these sites such as a new buildings, parking etc

would not be contrary to the purposes of the designations and ensure that this is clearly stated in the policy.

- 10.2 Policy ENP1 Protection of Biodiversity and Wildlife Sites: The principle and intent of this policy is welcomed, however the county ecologist has made the following observations on each of the three parts of the policy:
- 10.3 Sites identified as important for biodiversity on map ENP1 include internationally, nationally and locally designated sites and development on these sites would be determined in accordance with the Habitats Directive, Wildlife and Countryside Act, NPPF para. 118 and Core Policy 50 of the WCS, which are likely to preclude any form of development, other than in prescribed circumstances. This part of the policy is therefore not compliant with the overarching legislative / policy requirements.
- 10.4 Large scale development' needs to be defined for this part of the policy to be applied. The policy allows alternative approaches of either avoidance / mitigation / compensation in order to allow large scale development which would have an adverse effect on biodiversity to proceed, however this is not in accordance with the mitigation hierarchy which is clearly set out in the NPPF para. 118 and Core Policy 50 of the WCS which requires these approaches to be applied in a sequential manner of avoidance > mitigation > compensation > refusal. This part of the policy is therefore not currently in accordance with NPPF or Core Policy 50. It is also worth noting that there is also a potential conflict between HSP3 and this policy, as alternative sites are available would have less harmful effects.
- 10.5 Development which would affect a CWS needs to meet the requirements of Core Policy 50, however this part of the policy is not in accordance with those requirements.
- 10.6 ENP2 Environmental Infrastructure and Accessibility: The principle of improving access to the lakes and the natural environment is supported, however there is potential for increased public access to the certain parts of the lakes to increase disturbance upon the water park's nationally important bird populations through recreational disturbance, particularly dog walkers. The impacts of any extension to public access close to lakes therefore needs to be carefully considered, however luckily there is a considerable amount of data available to inform this decision making, and the Cotswold Water Park Trust should be consulted in order to ensure that proposed routes would not come close to any important areas for wintering / breeding birds; it is suggested that the policy or supporting text is amended to include this requirement.

11 Historic Conservation

- 11.1 The objectives are not distinct policy objectives. Rather, they refer to processes or projects and should therefore be reworded.
- 11.2 HCP1a needs to include the conservation area, which is also a designated heritage asset. HCP1h needs to consider impact on archaeology if services are buried – there is a lot of known archaeology and consequently archaeological potential in the parish area.
- 11.3 The Conservation Area Statement (CAS) 2015 referred to in the supplementary documents is not an official document (see comments below).
- 11.4 Any revised CAS needs to be reviewed and agreed by the LPA and then adopted. If not the document cannot be considered to have formal status. A Conservation Area Statement informs applicants and agents, as well locals and the LPA. Any CAS must be consistent with LA adopted policies and national guidance We would recommend reviewing the HE guidance on CAS.
<https://historicengland.org.uk/advice/hpg/has/conservation-areas/>
- 11.5 In the context of the work to be undertaken by the review group, structures dating from 1919 or before need to be considered, not just prior to 1900, so further reviewing should be carried out for the period 1900 - 1919 and any additional items added to the map.
- 11.6 By all means put matters forward to Historic England for listing or review current listed buildings but the decision lies with Historic England and the Department for Culture, Media and Sports (DCMS), not the parish nor the Local Planning Authority.
- 11.7 Any boundary changes will need to be reviewed by the LPA and agreed through the formal process.

12 Economic Development

- 12.1 The general aspirations for economic development at the parish are supported. The proposal for continuous employment use on existing sites is supported and consistent with Core Policy 35 and supporting text. However, Policy ECP1 must be consistent with the six criteria in Core Policy 35 regarding redevelopment of former employment sites. Especially criterion v) appears to be underrepresented in the Policy. Usefully the supporting text to the policy could refer to the requirements contained in Core Policy 35.
- 12.2 A number of additional points will require clarification: Why has the Cotswold Community site been depicted as a ‘former employment site’ on the map below Policy ECP1? Why have the hairdresser, pub, school and nursery been classified as

employment sites? The WCS identifies employment as B1, B2 and B8 uses in Core Policy 34.

- 12.4 In this context, Policy AMP3 notes the potential for expanding the school but Policy ECP1 could allow for a redevelopment. Does this include alternative uses? If yes the two policies would be in conflict. In addition, available local school places are essential to the delivery of growth.
- 12.5 The sites outside the settlement boundary require careful consideration as to any potential redevelopment proposals.
- 12.6 Additional employment land provision is supported given the WCS's objective to reduce out-commuting and increasing the number of jobs available to Wiltshire residents. However, CP34 criterion iii explicitly mentions large villages in the context of new and existing rural based businesses. Any new employment at Ashton Keynes should therefore be carefully assessed with this criterion in mind, and the locational impacts proposals might have.
- 12.7 The Policy itself states at criterion iii that Outside the Principal Settlements, Market Towns and Local Service Centres, developments that [...] are for new and existing rural based businesses within or adjacent to Large and Small Villages are supported [...]. In the context of the Core Strategy, the Rural Signposting Tool in Topic Paper 4³ provides further information. In locational terms, Core Policy 34 criteria v-ix need to be reflected in the neighbourhood plan by way of reference (as a minimum).
- 12.8 The policies for new employment and mixed-use proposals or sites (ECP2/ECP3) do not make it clear where those proposals should come forward. The requirement "appropriate sites with existing or potential good road access and close to existing services and facilities" is open to interpretation. What is meant by 'appropriate' and 'close' for example? The Core Strategy relates this to the settlement boundaries but the neighbourhood plan does not make it clear which sites are generally deemed 'appropriate'. Reference to outside but adjacent to the settlement boundary would be more consistent with Core Policy 34. ECP2 appears to permit any scale of any employment development outside settlement boundary is this what is intended? Also the policy could result in speculative development schemes for example no end user identified. For those reasons the policy is too permissive and needs definitions/restrictions.
- 12.9 Policy ECP4 deals with the re-use of former mineral sites. In this context the re-use and after-care strategy and restoration concepts for former mineral sites have to be considered as they often are a pre-requisite for any new development. Indeed, new development on site should not adversely affect the objectives for the site for example in terms of biodiversity.

³ <http://www.wiltshire.gov.uk/wiltshire-core-strategy-topic-paper-4-rural-signposting-feb-2012.pdf>

- 12.10 While the general principle of prohibiting B2 and B8 uses is understood, the plan should provide appropriate justification for example in terms of impacts on the local highway network or environmental concerns.
- 12.11 While the general approach tourism development is supported Policy ECP5 does not specify that the plan supports leisure based proposals but potentially excludes other. It is unclear at this stage whether the policy seeks to resist certain other uses which have been speculatively promoted in the past, such as holiday homes proposals for example. Further clarification may be required. ECP4 (former mineral sites) still refers to 'tourism and leisure' uses – in the context of NPPF para. 28 a general reference to tourism uses could potentially include holiday homes proposals, a use officers understand is not supported by the parish.
- 12.12 All tourism proposals will have to meet Core Policy 39 requirements.

13 Flood Risk

- 13.1 The following comments have been received from the council's drainage officer:
- 13.2 Ashton Keynes from a purely engineering point of view is a small village surrounded by lakes and flood zones. This is best appreciated by viewing the GIS mapping and including the Zone 2 flood information. The ground water levels are also high despite the excavation of the surrounding accessible gravel beds and the subsequent voids filled with a more impervious material. The difference between the dry village centre and the surrounding high flood risk areas is marginal. The existing residential heart of the village is only marginally higher than the surrounding flood threat and so because the ground water is high it rules out drainage infiltration solutions.
- 13.3 In addition there are open watercourses through this small patch of village dry spot, including the River Thames, which rely on being free from flow impediments to function correctly. Filled gravel extraction workings have caused the loss of the traditional open watercourses which took surface water flood water to the River Thames or the Swill Brook so the overland flood flows do not exit the area as rapidly as they did. Excess water flows into the lakes almost unnoticed because they can now spread out but are concentrated at the discharge points leading to Rixon Gate and Happy Lands areas. It is difficult to highlight a specific high risk flood area because there are also high risk flood areas at Back Street and Gosditch.
- 13.4 Overall the drainage officer considers that flood risk is likely to be high outside the village which could present a considerable challenge in terms of new development. From a planning perspective, the plan and its evidence base must demonstrate that it conforms with Wiltshire Core Strategy Core Policy 67, is locally specific, and identifies appropriate technical solutions which ensure that development can be protected from flooding.

- 13.5 The enforcement team have raised concerns over how Policy INP1's can be used and the reasonableness of this policy and its requirements. How will it be possible to prove / demonstrate the previous condition of the ditch?

14 Amenities

- 14.1 Policy AMP2 Criterion a may result in a possible conservation officer objection to harm to setting of heritage assets. Criterion c – if this is a permissive route the local planning authority cannot require that it be made available. Officers can require a route is retained in new development proposals but use and implementation is within the gift of the landowner. Criterion b is considered to be unreasonable and not implementable as no justification is provided. This may be covered by Permitted Development Rights in any event.

15 Sustainability Appraisal

- 15.1 Although an SEA screening decision was not undertaken by Wiltshire Council to determine whether or not the neighbourhood plan was likely to have significant environmental effects, the group have carried out a sustainability appraisal which incorporates the requirements of the SEA Directive and Regulations. This is acceptable and meets the Planning Practice Guidance which states that either a statement of reasons should accompany a neighbourhood plan, setting out why an SEA is not required, or an environmental report accompanies the plan that meets the SEA Regulations 2004. The group have provided an SA Report that accompanies the plan.

Sustainability Appraisal Scoping Report

- 15.2 Section 1.3 of the SA Scoping Report concerns Habitats Regulations Assessment (HRA). Wiltshire Council has undertaken an HRA screening exercise in accordance with Article 6 (3) of the Habitats Directive 92/43/EEC which is attached for reference. Please note that this may require updating should the plan be revised prior to further consultation or submission.
- 15.3 In section 3.2 of the SA Scoping Report, the joint strategic assessment for Malmesbury needs to be updated with the latest version (2013-2015) and the Housing Land Supply Statement 2013 for the North & West HMA should be updated with the September 2015 version, as referred to above. The reviews in Appendix B should be updated accordingly.
- 15.4 Section 7 of the SA Scoping Report – this should outline the consultation that took place (when, how etc) with the 3 statutory consultation bodies in accordance with the SEA Regulations 2004. Also, if any other stakeholders were consulted. At present, this section just states that consultation will take place. Comments received and how these comments were taken into account in a revised Scoping Report need to be documented.

- 15.5 If points above are corrected it is considered that the SA Scoping Report meets the requirements of the SEA Regulations 2004 to provide information on the scope and level of detail of the environmental report.

Sustainability Appraisal Report

- 15.6 Appendix C of the SA Scoping Report lists 15 objectives in the SA Framework which should be used to assess the sustainability effects of the plan. However, the SA Report, Appendix 2, lists 17 SA objectives and they are different to the ones listed in the Scoping Report. It is not clear which set of objectives were used in the assessment and this should be made clear with amendments made to the reports accordingly.
- 15.7 Section 6.2.10 of the SA Report lists 10 potential housing sites but on the map on the following page the housing sites are not numbered making it difficult to know which site is which.
- 15.8 Section 6.2.11 states that the assessment of sites has been considered in relation to the SA objectives set out in Appendix 2, but then the summary of effects for each site following only sets out information under 9 themes. Where is the detailed assessment of sites that was carried out against the SA objectives? Should this have been included in the appendices?
- 15.9 Whilst there is a summary of the sustainability effects of each of the 10 sites, there do not appear to be recommendations in the SA as to which sites are more sustainable than others and it does not explain why 2 sites were preferred for allocation whilst 8 sites were rejected. It is important that the SA explains the reasoning for the preference for some alternatives over others.
- 15.10 The county ecologist advised in addition that it is not clear how biodiversity has been rated for each of the alternative sites as there does not be any consistency. For example, sites which include areas of priority habitat have been scored as having no effect, while sites which do not include any priority habitat have been scored as having a likely adverse effect.
- 15.11 Given the constraints associated with the Cotswold Community site identified above, the ecologist has suggested that this site should have been scored as having a likely adverse effect.
- 15.12 At a wider level there is no comparison of how the sites perform overall against each other, or how this process has influenced the selection of the preferred options or rejection of the alternative sites. On this basis it does not appear that the SA has been used in the site selection process, but rather that the preferred options were identified solely on the basis of the public consultation events (Para. 6.2.13-14).
- 15.13 It is considered that the assessment of policies is adequate and there is a good summary of conclusions and significant effects in Section 8.11; however as the

policies built on the site selection exercise there is a need to review the SEA/SA as a whole should the evidence base and the plan's policies be altered. It has to be clear that if the parish decided to re-run or modify the site selection exercise the SA/SEA, and HRA Statement would have to be updated in order to adequately inform the process.

Appendix 1
Draft Ashton Keynes Neighbourhood Development Plan
Addendum to informal officer comments provided at the Regulation 14 Stage
May 2016

Preamble to addendum:

Consultation on the draft Ashton Keynes Neighbourhood Plan 2015-2026 was undertaken by the Parish Council (as the relevant qualifying body) in accordance with [Regulation 14 of The Neighbourhood Planning \(General\) Regulations 2012](#).

Wiltshire Council was invited to comment on the draft proposals. Following a process of internal dialogue with relevant departments, an 'officer level' response was submitted to the Parish Council on 22 December 2015. The submitted comments were intended to help develop the content of the draft Plan from the perspective of meeting the 'basic conditions' test.

Since the submission of officer comments, there has been a material change in circumstances relating to the Cotswold Community site which is now the subject of three planning applications. These proposals relate to housing and minerals developmentⁱ and provide information considered to be germane to the preparation of the Ashton Keynes Neighbourhood Plan.

As discussed at the meeting on 5 April 2016, what follows is a brief, factual update to Section 6 of the officer-level comments submitted in December 2015 for the purposes of the Regulation 14 consultation on the draft Plan. The updated information has been provided to assist the Parish Council and their consultants in positively assessing / addressing the Cotswold Community site in policy and practice terms.

All other comments on the structure and content of the draft Plan have been reassessed for technical accuracy. As robust as they are, it is the view of officers that the comments submitted in December represent a cogent assessment of the draft Plan and will help ensure the draft Plan successfully navigates the Regulation 15, 16 and 17 stages.

Paragraph number in original response	Updated information
6.1	No update required.
6.2	Matters of fact, therefore no update required.
6.3	Matters of fact, therefore no update required.
6.4	Matters of fact, therefore no update required. Planning applications are currently being considered in relation to proposed residential development on the Cotswold Community site (see 16/02609/OUT).
6.5	Matters of fact, therefore no update required.
6.6	The comments in this paragraph relate to the wording of draft policy for the Cotswold Community site. They were prepared based upon advice received through dialogue between Wiltshire Council officers; and provided to assist with the process of sharpening the policy wording for the proposed submission draft of the Plan. No update required. The view of officers has not altered in relation to the specificity of the draft policy wording.
6.7	Matters of fact, therefore no update required.

6.8	Matters of fact, therefore no update required.
6.9	Matters of fact, therefore no update required.
6.10	Matters of fact, therefore no update required.
6.11	<p>The comments provided present the views of officers and are intended to provide a steer in terms of helping sharpen the intention of the draft Plan in relation to the Cotswold Community site.</p> <p>No update required.</p>
6.12	No update required.
6.13	Matters of fact, therefore no update required.
6.14	No update required. The views expressed reflect the outcome of dialogue between officers and have been presented to help sharpen the content of the draft Plan.
6.15	Matters of fact, therefore no update required.
6.16	Matters of fact, therefore no update required.
6.17	Matters of fact, therefore no update required.
6.18	Matters of fact, therefore no update required.
6.19	Matters of fact, therefore no update required.
6.20	Matters of fact, therefore no update required.
6.21	Matters of fact, therefore no update required.
6.22	Matters of fact, therefore no update required.
6.23	Matters of fact, therefore no update required.
6.24	Matters of fact, therefore no update required.
6.25	Matters of fact, therefore no update required.
6.26	<p>The comments presented represent officer opinion and therefore no update is required.</p> <p>The point being made is simply that the site is allocated and safeguarded for minerals development. As such, the Council is anticipating minerals development to take place on site in accordance with the policies of the Minerals Local Development Framework. Indeed, a planning application for such development has recently been received and validated. If planning permission is granted for minerals extraction, officers remain of the view that this would need to be undertaken before any other form of development takes place. In this regard, the draft Neighbourhood Plan could make this point and provide clear guidance on how the Cotswold Community site should be considered in terms of development proposals.</p>
6.27	As above.
6.28	<p>Whilst the comments relate to detailed technical matters, the point being made is simply that the draft Plan would benefit from cross-referring to the relevant Minerals DPDs in the interests of consistency.</p> <p>Since the comments were presented a minerals application has now been submitted and validated. As a result, technical matters in connection with the proposals for minerals extraction effectively supersede the views expressed back in December 2015.</p>
6.29	As above.
6.30	The recently submitted minerals planning application is now registered and therefore a public document. As such, detailed matters such as phasing and restoration arrangements effectively supersede the comments in this paragraph.

6.31	As above.
6.32	As above.
6.33	The relationship between proposed minerals extraction and housing scheme [<i>i.e. the subject of the recently submitted planning applications</i>] is now clearer than it was when the initial officer comments on the draft Plan were submitted. Officers are currently consulting on a detailed minerals planning application (16/02765/WCM), which proposes a clear extraction/phasing plan. Subject to the minerals proposals being deemed acceptable in planning terms, there may be scope for considering formal after-use proposals within the period up to 2026. However, no such development could conceivably occur in tandem with the minerals development until such time as the site is restored.
6.34	Matters of fact, therefore no update required.
6.35	The statements in this paragraph reflect officer discussion and consideration of the draft Plan. They should be viewed in the context of providing guidance to the Steering Group and its consultants in terms of improving the clarity within the draft Plan. No update required.
6.36 – 6.38	With regard to ecological matters, the comments provided reflect advice received from internal technical experts. Indeed the comments are in the main factual and should be considered in the context of helping support the evidence base for the draft Plan. No update required.
6.39 – 6.40	No update required. The matters raised can be tackled through further dialogue with officers as appropriate and before the draft Plan is finalised for submission.

ⁱ The minerals application (16/02776/WCM) was registered as valid on 11/05/16 and is out for consultation