

NOTIFICATION OF DECISION REGARDING THE APPLICATION FOR DESIGNATION OF TOCKENHAM NEIGHBOURHOOD AREA UNDER SECTION 61G OF THE TOWN AND COUNTRY PLANNING ACT 1990 AS AMENDED

APPLICANT:

Tockenham Parish Council

APPLICATION:

Application for the Designation of Tockenham Neighbourhood Area

Pursuant to the Wiltshire Council constitution and in particular Part 3B, the Associate Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

DECISION:

The Designation of Tockenham Neighbourhood Area is approved in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning. The reasons for this decision are set out in the accompanying 'Neighbourhood Area Designation Application Report'.

In order to designate the Tockenham Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area (as originally designated on 14.05.2013 and subsequently modified¹) has been further modified** in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signed:



Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 12.07.2017

¹ The NEWV neighbourhood area was designated on 14.05.2013 and has been modified on a number of occasions to remove parishes from the original designation in response to their applications to designate single-parish neighbourhood areas; 05.12.16 Purton Parish, 06.12.16 Lyneham and Bradenstoke Parish, 14.03.17 Lydiard Millicent Parish and 23.03.17 Lydiard Tregoz Parish.

**WILTSHIRE COUNCIL
NEIGHBOURHOOD AREA DESIGNATION APPLICATION REPORT –
OFFICERS DECISION ACTING UNDER DELEGATED POWERS**

Date of application	20.03.17
Date of decision	12.07.17
Name of proposed designation	Tockenham Neighbourhood Area
Community Area	Royal Wootton Bassett and Cricklade Community Area

1. INTRODUCTION

- 1.1 Pursuant to the Wiltshire Council constitution and in particular Part 3B, the Associate Director for Economic Development and Planning within whose remit Spatial Planning falls is authorised to consider the area designation applications for Neighbourhood Plans and if appropriate approve applications.

2. BACKGROUND

- 2.1 The power to designate a Neighbourhood Area is exercisable under section 61G of the Town and Country Planning Act 1990. Under Regulation 5(1) of The Neighbourhood Planning (General) Regulations 2012 (which came into force on 6 April 2012) an area application has to include a map which identifies the area to which the application relates, a statement explaining why this area is considered appropriate to be designated as a neighbourhood area and a statement that the body making the application is a relevant body for the purposes of section 61G(2) of the 1990 Act.
- 2.2 Tockenham Parish Council forms the ‘relevant body’ (for the purposes of section 61G (2) of the Town and Country Planning Act 1990) and submitted an application for the designation of Tockenham Neighbourhood Area. The application is for the whole parish area of Tockenham to be designated as a Neighbourhood Area for the purposes of Neighbourhood Planning and so satisfies section 61G(3) of the Act. The submission of the application complied with the regulations.

3. PROCEDURE

- 3.1 Under section 61H of the 1990 Act whenever a local planning authority exercises powers under section 61G to designate an area as a neighbourhood area, consideration must be given to whether the authority should designate the area concerned as a business area. The designation of the specified area as a business area can only occur if the authority considers that the area is wholly or predominately business in nature [Section 61H (3)].
- 3.2 If the application for the designation of this Neighbourhood Area is approved, then Regulation 7(1) of the Neighbourhood Planning (General) Regulation 2012 requires the designation to be publicised. If the application is refused, reasons must be given under 61G(9) of the 1990 Act and Regulation 7(2) of the Regulations when the decision is publicised.
- 3.3 The proposed neighbourhood area is already part of a designated neighbourhood area and since neighbourhood areas must not overlap with each other (section 61G(7) Town and Country Planning Act 1990) a new neighbourhood area cannot be designated unless the existing neighbourhood area is modified. Under section 61G(6) Town and Country

Planning Act 1990 the authority in determining any application, can modify designations already made, prior to a neighbourhood area being designated and if the modification relates to any extent to the area of a parish council it can only be made with the parish council's consent. The existing neighbourhood area that must be modified is the North East Wiltshire Villages (NEW-V) neighbourhood area (as modified), which relates to the parish council areas of Broad Town, Clyffe Pypard and Tockenham and these parishes must consent to the modification of the NEW-V neighbourhood area prior to the designation of Tockenham parish as a neighbourhood area. By submitting their application to have the parish of Tockenham designated as an individual neighbourhood area it is deemed that Tockenham Parish Council has already consented to the necessary modification to exclude their parish area.

- 3.4 In determining the application the local planning authority would also need to consider the desirability of maintaining the existing boundaries of areas already designated as neighbourhood areas as per section 61G(4)(b) Town and Country Planning Act 1990.

4. CONSIDERATION AS TO WHETHER OR NOT TO DESIGNATE

- 4.1 In determining the application for the designation as a Neighbourhood Area regard must be had to the desirability of designating the whole area.
- 4.2 The issue is whether or not the specified area is an appropriate area to be designated as a Neighbourhood Area² and whether or not it is appropriate to modify the existing neighbourhood area.
- 4.3 The fact that the designation of the Tockenham Neighbourhood Area would allow a Neighbourhood Plan to be prepared does not form part of the determination of this application.

5. REASONING FOR DESIGNATION

- 5.1 The proposed area for designation is Tockenham Parish as a single parish neighbourhood area as set out in the map included with the application. The Parish of Tockenham is situated in North-East Wiltshire, with the town of Royal Wootton Bassett to the north east, the rural parish of Clyffe Pypard to the south east and the village of Lyneham to the west.
- 5.2 Tockenham parish is rural in nature. It includes the small settlement of Tockenham (outside the settlement hierarchy in the Wiltshire Core Strategy) with associated hamlets and farms, all lying within the surrounding open countryside. The village of Tockenham has a very active community focused on the village hall, church and play area for activities. Agricultural linked businesses are most prevalent in the area. The parish is not wholly or predominantly business in nature.
- 5.3 The application indicates that designation of Tockenham Parish as a neighbourhood area would allow for the community to consider additional housing to meet local needs and preserve the character and identity of the parish.
- 5.4 As such the whole area of the Parish of Tockenham may be considered an appropriate area to be designated as a neighbourhood plan area.

² Paragraph 033 Reference ID: 41-033-20140306

- 5.5 However, Tockenham Parish is already designated as part of a neighbourhood area: it is one of three parishes making up the joint 'North East Wiltshire Villages Neighbourhood Area' (NEW-V) as modified. The desirability of maintaining the boundaries of the existing neighbourhood area designation must also be considered. The application states that the NEW-V neighbourhood area boundary is no longer considered practicable as originally conceived. It is therefore not considered desirable to maintain the boundaries of the NEW-V neighbourhood area designation. All parish councils have given their consent. It is therefore proposed that the NEW-V neighbourhood area, as originally designated on 14 May 2013 and subsequently modified, is further modified to enable the neighbourhood area designation of Tockenham Parish.
- 5.6 The resulting NEW-V neighbourhood area (consisting of the parish areas of Broad Town and Clyffe Pypard), is considered a valid planning unit as the remaining parishes share common characteristics and contain smaller rural settlements looking for limited development according to the needs of their communities. The exclusion of Tockenham Parish does not fragment the settlements or inhibit the remaining parishes to pursue their own neighbourhood development plan.
- 5.7 The areas proposed for designation as Tockenham Neighbourhood Area and the area proposed as the modified NEW-V neighbourhood area fall completely within the Council's area.
- 5.8 The application for designation of Tockenham Neighbourhood Area was publicised for a period of 6 weeks and 2 days from 9am Friday 7 April until 5pm Monday 22 May 2017.
- 5.9 Four responses were received within the consultation period, which raise no objection to the designation. One comment was in support of the designation and the other comments were about the neighbourhood plan process in more general terms. All responses will be forwarded to Tockenham Parish Council. These are set out at Appendix 1.

6. CONCLUSION

- 6.1 The reasons set out above and the results of the consultation lend support to the designation of Tockenham Neighbourhood Area. It is considered that the specified area (the subject of the application, as shown on the submitted map) is an 'appropriate area' upon which to base a Neighbourhood Plan. The existing NEW-V neighbourhood area has been modified, after consent of the relevant parish councils, to accommodate designation of Tockenham Neighbourhood Area.
- 6.2 The specified area is not wholly or predominantly business in nature and so it is inappropriate to designate it as a business area.
- 6.3 A copy of this report will be sent to the qualifying body, Tockenham Parish Council and all the parishes that the NEW-V neighbourhood area relates to and will be publicised according to the regulations.

7. DECISION

- 7.1 **The Designation of the Tockenham Neighbourhood Area is approved** in accordance with section 61G of the Town and Country Planning Act 1990 as amended for the purposes of Neighbourhood Planning.

7.2 In designating the Tockenham Neighbourhood Area **the existing boundary of the North East Wiltshire Villages (NEW-V) Neighbourhood Area (as originally designated on 14.05.2013 and subsequently modified³), has been further modified** in accordance with section 61G(6) of the Town and Country Planning Act 1990.

Signed:

A handwritten signature in black ink, appearing to read 'Alistair Cunningham', written in a cursive style.

Alistair Cunningham
Associate Director
Economic Development and Planning Services

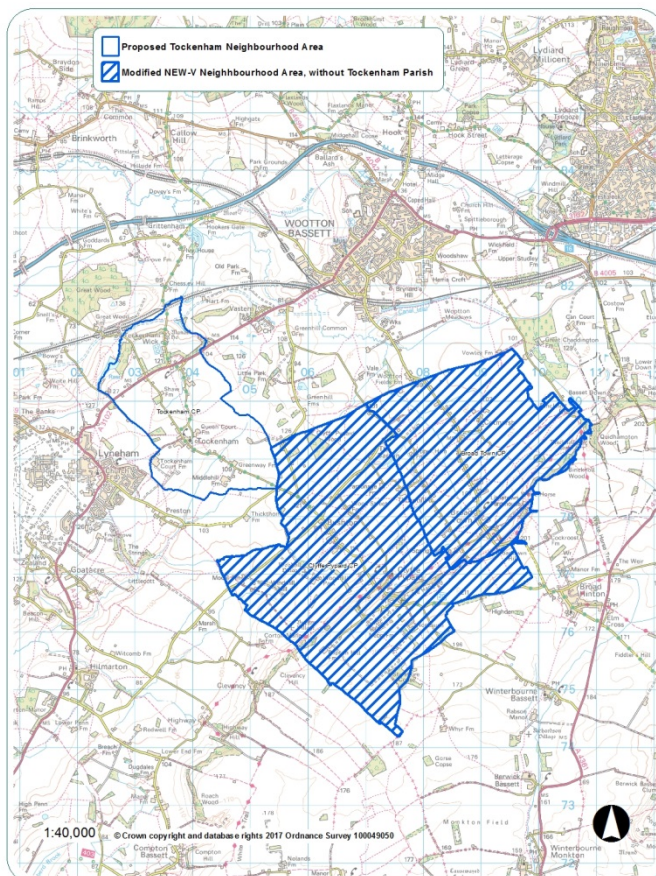
Dated: 12.07.2017

³ The NEWV neighbourhood area was designated on 14.05.2013 and has been modified on a number of occasions to remove parishes from the original designation in response to their applications to designate single-parish neighbourhood areas; 05.12.16 Purton Parish, 06.12.16 Lyneham and Bradenstoke Parish, 14.03.17 Lydiard Millicent Parish and 23.03.17 Lydiard Tregoz Parish.

DECISION REGARDING THE APPLICATION FOR DESIGNATION OF TOCKENHAM NEIGHBOURHOOD AREA UNDER SECTION 61(G) OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED)

1. I have no private interests to declare in respect of this matter which would prevent me from determining this application.
2. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) (“the Act”) and all other powers delegated to me to modify the boundary of the North East Wiltshire Villages (“NEW-V”) Neighbourhood Plan to exclude the parish of Tockenham and include the parishes of Broad Town and Clyffe Pypard, as shown on Plan A. I am satisfied that it is appropriate to modify the neighbourhood area as shown on Plan A, and I confirm that consent was received from each parish council to which the modification relates.
 - a) Name of neighbourhood area: NEW-V Neighbourhood Area
 - b) Plan A: Map of the NEW-V Neighbourhood Area, as modified 12.07.2017

Wiltshire Council
Where everybody matters

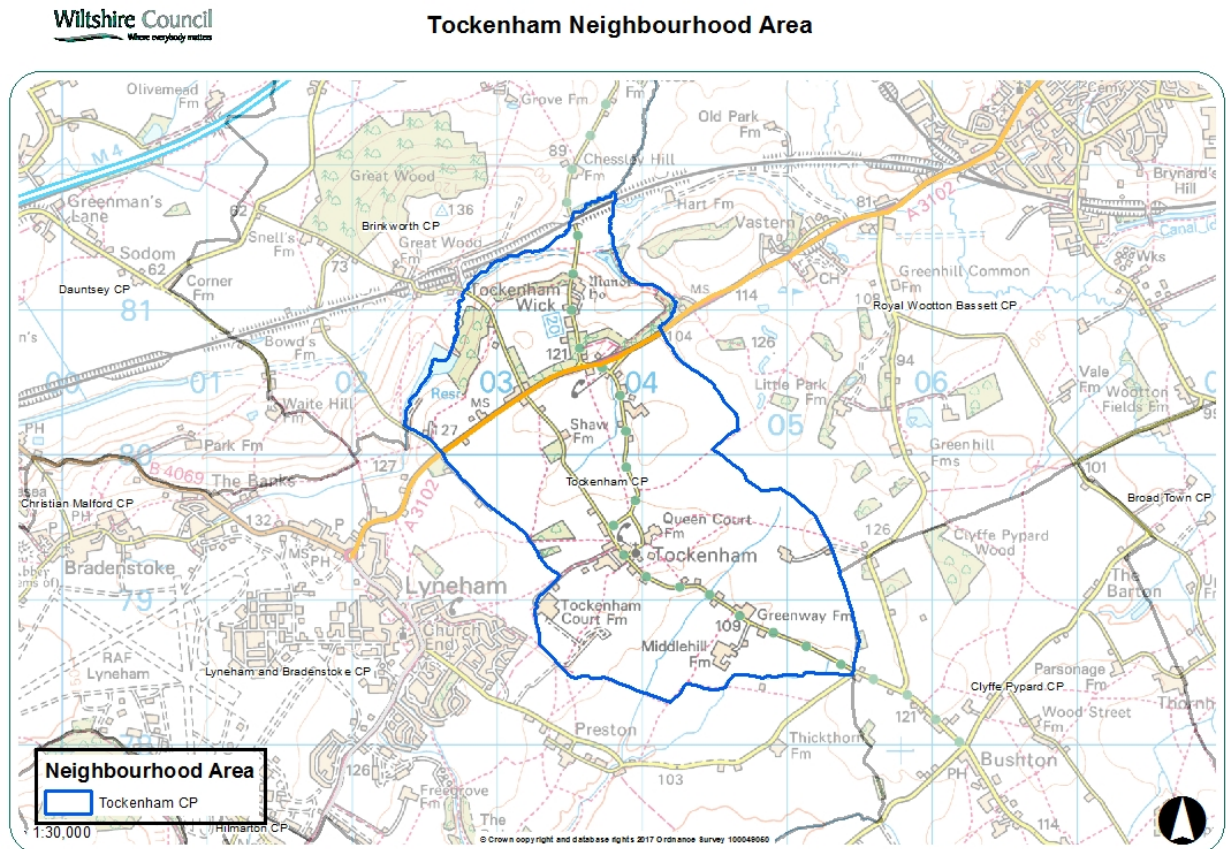


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- c) I have made this decision in line with the information set out in the ‘Neighbourhood Area Designation Application Report’.

3. I hereby exercise power under section 61G of the Town and Country Planning Act 1990 (as amended) ("the Act") and all other powers delegated to me to designate the area identified on the map below as the Tockenham Neighbourhood Area for the purposes of section 61G (1) of the Act as I am satisfied that the area is an appropriate area to be designated as a neighbourhood area. I do not designate it as a business area for the purposes of section 61H (1) of the Act as it is not wholly or predominately business in nature.

a) Name of neighbourhood area: Tockenham Neighbourhood Area

b) Plan B: Map of the Tockenham Neighbourhood Area



c) I have made this decision in line with the information set out in the 'Neighbourhood Area Designation Application Report'.

Signed:

Alistair Cunningham
Associate Director
Economic Development and Planning
Date: 12.07.2017

Appendix 1: Responses submitted to Wiltshire Council during the consultation on the application for designation of Tockenham Neighbourhood Area

The full representations and any attachments can also be viewed online at http://consult.wiltshire.gov.uk/portal/spatial_planning/np/tockenham_npdesig

Respondent	Comments
Mr Tom Horwitz	<p style="text-align: center;">Comments</p> <p>The issue/ problem I have with Tockenham's plan (whether it's a part of NEW-V or not) is about how it uses the word 'development'. There are two parts to my comments.</p> <p>First, the word 'development' is ambiguous and means different thing to different people. It could be open to some wildly differing interpretations. At one end, the phrase 'a limited amount of development' could mean in-fill by local people, or a single new home built here and there. Development of this kind is what I take is the intention of the people in Tockenham. Certainly not a multi-property development plan where a developer builds 10 houses in one building site.</p> <p>However, to state that more than 70% of the people in Tockenham want a limited amount of development' can be stretched something beyond what was intended. That almost reads as an invitation for developers (or the county for that matter) to see Tockenham as a development friendly community that would welcome many new houses, or even a builder coming in to build a small housing estate.</p> <p>It is not difficult to read that statement as an endorsement for a developer to plan to build a handful of new homes (perhaps 1 or 2). Or, it could be a small number of homes in a greenfield or brownfield site that a builder proposes (e.g. 5 houses). Both of these examples might be fine. However could it mean perhaps 10 to 20 homes built over an extended period of time (10 to 15 years) – a new housing estate? The word 'development' can be used to justify many different situations.</p> <p>My point is that should be much more specific as to what we want, and not accept open, or unclear terms. Nor should we just leave it to Wiltshire's overarching plan to act in our best interests. This document will need to be able to stand on its own, and should not be ambiguous. If left unclear, developers or indeed the Council itself years from now could read or twist it to mean something different than what the people of Tockenham actually want. We should tighten up the language so that it's not open to selective interpretation. Years from now, people who have no association or connection to Tockenham need to be able to fully understand what we want, with no confusion.</p> <p>This is now even more important given we're no longer going to be part of NEW-V. Before, when we were part of a wider group, a collection of voices could address this issue. Now we're going it alone so need to cover what I feel is an open issue.</p> <p>I may be cynical, but I suspect the Council and their advisors would prefer a free hand and don't want us to be definitive. We should not defer to advice from those with a vested interest, who would perhaps prefer that no restrictions are placed in their way.</p> <p>My second, and bigger, issue with Tockenham's plan is that says very little about infrastructure in and around Tockenham. We need to concern ourselves not only with the parish, but developments around Tockenham as well. For example, we have an A road passing through the parish. Development in Lyneham will affect</p>

	<p>Tockenham – the added traffic impacts us. This is just an example. But any ‘development’ in the surrounding area will result in increased demands on schools, pharmacies, doctor’s clinics, water, sewage, police, parks and playgrounds, etc. The impact goes beyond the local area (within 5 miles of Tockenham). Access to the M4 is already poor during rush hour, and any new development, without improving infrastructure, will adversely affect Tockenham. Our plan should address these needs.</p> <p>Again, as we're now not part of a wider group, it is now more important that we cover this off.</p> <p>Evidence was to why this is critical is easy to find. In the last 10 years, within 5 miles of Tockenham, there have been several new homes/ developments built. In that time I have seen very little done to handle the added traffic and infrastructure demands (on roads, utilities, schools, clinics, shops, etc.) that these new homes have put on the local area. We should not leave it to others to make sure the impact on Tockenham is considered. Plus, given what I perceive is very little ‘investment’ in infrastructure from the developments that have been built, it is naive to assume that any very real impact upon Tockenham will be taken into account in future. Evidence contradicts that assertion.</p> <p>I realise infrastructure costs are not cheap, and economic realities need to be considered, yet to ignore this impact in a document that is supposed to be a plan for the future is a glaring omission. We don’t need cover all contingencies, just that we want to make sure that thorough planning reflecting wider communities needs are considered, and that Tockenham wants those issues dealt with and not simply ignored or tabled for later.</p> <p>Given this history (several major developments within 5 miles of Tockenham that have had an impact with little being done to improving infrastructure) my trust level is low, and I feel strongly that we need to protect our interests. Local government hasn’t acted to fully address these issues, and we should hold them to account.</p> <p>A comprehensive and complete plan should cover these factors. This plan should include comments about protecting Tockenham’s interests concerning development in Tockenham, but from development in the surrounding area as well.</p>
<p>Cllr Allison Bucknell</p>	<p>I am happy to support this application. The village has been part of NEW-V for many years and indeed took the lead for the past 15 months. It is unfortunate that this has come to nothing, the village needs to move forward now and this is the best way to do this.</p>
<p>Ms Andi Witcombe (National Farmers Union)</p>	<p>The South West National Farmers Union (NFU) welcomes the opportunity to comment on the Tockenham Neighbourhood Area Application. The South West NFU represents approximately 10,000 Farmers and Growers across the South West region and over 50,000 farmers and growers nationally. In Wiltshire we represent over 800 farmers and landowners. The NFU, and its members, recognise the importance of the neighbourhood and overall are supportive of the approach given. Our response is as below along with some key priorities.</p> <p>As you will be aware the farming community continues to face formidable challenges with increasing regulation, volatile markets and fluctuating farming returns. In response to these challenges farmers have had to consider the resources available to them and look at new ways of developing their businesses</p>

so that they can grow and remain competitive. This might include the need for modern agricultural buildings either to meet regulations or to change the use of existing buildings in order to respond to changing market demand, for example.

Our members in Tockenham are no exception and given that the area is largely farmed it is clear that any form of Neighbourhood Plan must adequately address the issues and opportunities of farming. Our vision for the area is:

Tockenham is a sustainable rural community that is underpinned by an innovative rural economy and thriving farming and food industry, which is profitable and supports viable livelihoods, underpins sustainable and healthier communities and enhances the environmental assets that are vital to the counties prosperity.

For the farming community this vision is to be achieved by the following themes

1. Strengthening our farming businesses to help them build profitability and respond to new opportunities
2. To create thriving localities which meet the needs of their communities, businesses and their environment.
3. Realising the value of the region's environmental assets

In addition we would see some of the key priorities for farms to include (not in order of priority):

1. The ability for the next generation to take on management of farms and to support this through the provision of affordable housing to allow succession.
2. Develop farming enterprises that can meet the challenges of food security and compliance through modernising and becoming more efficient
3. Diversifying farming enterprises to meet new opportunities such as, *inter alia* , business units or tourism.
4. Developing renewable energy which meets the needs of the farm and are appropriate to the location and renewable resources available.
5. Access to high speed broadband.

Food production is a key priority for economic growth both nationally but also importantly in a rural area such as Tockenham. In the Government white paper '*Local Growth: realising every place's potential*' the Coalition Government makes clear that the first priority " *is to return the nation's economy to health*". This includes creating, "*the conditions that will help business and gets the economy growing*" and this includes the support for farming enterprises so vital to the rural economy and enabling them to remain viable through diversified enterprises. We would expect that any proposals for developing farms will take this into account.

Diversification is in line with National Planning Policy Framework (NPPF) that provides that local authorities should support development that enables farmers to become more competitive and sustainable and diversify into new opportunities. A key message within the NPPF is the need for economic growth. " *A positive planning system is essential, because without growth, a sustainable future cannot be achieved. Therefore, significant weight should be placed on the need to support economic growth through the planning system...the default answer to development proposals is yes.*" Tockenham neighbourhood plan has the

	<p>opportunity to help support farms diversify and create new employment and income opportunities for the area. These could range from the provision of business units through to farm shops for example.</p> <p>In the NPPF the government makes a number of very important statements related to this the development of renewable energy. Paragraphs 95 to 98 make a number key points including: <i>'local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources'</i> (para 97); <i>'have a positive strategy to promote energy from renewable and low carbon sources'</i> which <i>'maximise renewable and low carbon energy sources'</i>. Renewable energy represents an important opportunity for farms to reduce their energy bills and also to create revenue that can help support farming activity. We understand that this can be a contentious issue within communities as has been highlighted by the government with the policy it has introduced for requiring areas to be identified for wind development in local or neighbourhood plans such as yours. Some of our members may be looking to erect wind turbines for electricity to be used on farm at a very small scale. We ask that you consider the issue of scale and how you can support your local farmers.</p> <p>Succession within farming businesses is often critical to their ongoing sustainability. This will often require the need for additional housing to enable the next generation to take over the farming enterprise and to allow the current generation to take a less involved role – or to assist employment of key staff. We ask that the neighbourhood plan supports farms to build new housing.</p> <p>To help guide any work we have developed some principles which we believe will help Tockenham Parish shape activity in the area. These are:</p> <ul style="list-style-type: none"> • Farmers and landowners should always be consulted and listened to with regard to developing the area. • Food security is a crucial issue for now and the future and any actions must ensure that we do not compromise our ability to feed ourselves. • We should look to increase farm productivity and decrease impact on the environment. • The achievement of sustainable development in rural areas through the integration of environmental, social and economic objectives. • Meet the needs of a diverse rural population and ensure equality of opportunity. • Maintain and enhance the areas natural asset base. • Farmers and landowners should always be consulted and listened to with regard to developing the area. • Support sustainable growth in the rural economy. • Sustainable farming will support the wider community. • Not one system of farming is the answer and all should be supported for maximum benefit to society and the environment • Encourage links between rural areas and urban centres. <p>Many thanks for the opportunity to respond to this consultation and we hope that these comments are helpful and will be taken into account as the Plan is developed.</p>
Mr Richard Agnew (Gladman Developments)	Please see letter inserted below

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RE: Tockenham Neighbourhood Area Designation Consultation

Gladman Developments Ltd (Gladman) specialise in the promotion of strategic land for residential development with associated community infrastructure. This letter provides Gladman's representations on the application made by Tockenham Parish Council for the designation of a neighbourhood area, for the purposes of preparing a neighbourhood development plan.

As this is the first formal stage of preparing a neighbourhood plan, Gladman would like to take this opportunity to comment on the Tockenham Neighbourhood Area application to highlight a number of key requirements to which the development of the emerging neighbourhood area should have regard.

Legislation

Before a Neighbourhood Plan can proceed to referendum it must be tested against a set of Neighbourhood Plan Basic Conditions, set out in §8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by section 28a of the Planning and Compulsory Purchase Act 2004). The Basic Conditions which the Neighbourhood Plan must be found in compliancy with are as follows:

- a) Having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan*
- b) The making of the neighbourhood plan contributes to the achievement of sustainable development*
- c) The making of the neighbourhood plan is in general conformity with the strategic policies contained within the development plan for the area of the authority*
- d) The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations*

If the Neighbourhood Plan is not developed in accordance with all of the Neighbourhood Plan Basic Conditions as set out above then there is a real risk that it will fail when it reaches Independent Examination.

Crownhall Judgment

On 21st January 2016, Holgate J handed down judgment in *R(Crownhall Estates Ltd) v Chichester District Council* [2016] EWHC 73 (Admin). This judgment summarises the respective legislation at §12-§28 (further detailed below), and the relevant principles at §29.

This judgment does not however mark the end of policy development, on 11th February 2016, the Secretary of State published a series of updates to the Neighbourhood Planning chapter of the Planning Practice Guidance (PPG). In particular, the PPG now stresses the importance of housing reserve sites and providing indicative delivery timetables to ensure that emerging evidence of housing needs is addressed to help minimise any potential conflicts that can arise to ensure that a neighbourhood plan is not ultimately overridden by the contents of an emerging Local Plan.

It is important to note that the updates to the PPG were drafted following the Crownhall judgment and it is essential that the Parish Council consider all of the advice and guidance contained in the PPG.

National Planning Policy Framework

The National Planning Policy Framework (the Framework) sets out the Government's planning policies for England and how these are expected to be applied. In doing so it sets out the requirements for the preparation of Neighbourhood Plans and the role they must play in meeting the development needs of the local area in which they control.

Paragraph 16 of the Framework sets out the positive role that Neighbourhood Plans should play in meeting the development needs of the local area. It states that:

"The application of the Presumption (In Favour of Sustainable Development, set out in paragraph 14 of Framework) will have implications for how communities engage in neighbourhood planning. Critically it will mean that neighbourhoods should:

- *Develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development;*
- *Plan positively to support local development, shaping and directing development in their area that is outside of the strategic elements of the Local Plan"*

Further guidance on the relationship between Neighbourhood Plans and strategic policies for the wider area set out in a Council's Local Plan is included in paragraph 184 of the Framework:

"The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood Plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date plan is in place as quickly as possible. Neighbourhood Plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood Plans...should not promote less development than set out in the Local Plan or undermine its strategic policies".

It is clear from the above that neighbourhood plans should be prepared in conformity with the strategic requirements for the wider area as confirmed in an adopted Development Plan. As highlighted above, on 11th February 2016, the Secretary of State published a series of updates to the PPG for the preparation of neighbourhood plans. This update makes clear that neighbourhood plans should take account of the latest and up-to-date evidence of housing needs. Where a qualifying body is attempting to identify and meet housing needs, a local planning authority should share relevant evidence on housing need gathered to support its own plan making.

Neighbourhood Plans should also provide indicative delivery timetables and consider the allocation of reserve sites to ensure that emerging evidence of housing need is addressed in order to help minimise any potential conflicts where a post Framework Local Plan is yet to be adopted.

A further update to the PPG was published on 19th May 2016. Paragraph 50 of the PPG¹ makes clear that all settlements have a role to play in delivering sustainable development and should avoid blanket policies restricting housing development. Accordingly, the neighbourhood plan should not include policies that would act to arbitrarily preclude the delivery of sustainable development coming forward within the neighbourhood area.

¹ PPG Reference ID 50-001-20160519

Relationship with Local Plans

To meet the requirements of the Framework and the Neighbourhood Plan Basic Conditions, Neighbourhood Plans should be prepared to conform to up-to-date strategic policy requirements set out in Local Plans. Where an up-to-date Local Plan has been adopted and is in place for the wider authority area, it is the strategic policy requirements set out in this document that a Neighbourhood Plan should seek to support and meet. When a Local Plan is emerging or is yet to be found sound at Examination, there will be lack of certainty over what scale of development a community must accommodate or the direction the policies in the Neighbourhood Plan should take.

Adopted Local Plan

The adopted Development Plan relevant to the preparation of the Tockenham Neighbourhood Plan is the adopted Wiltshire Core Strategy, adopted January 2015. The plan covers the period from 2006 to 2026 and provides the overarching spatial strategy for the Wiltshire District. This plan is soon expected to be subject to a Partial Review, with the Council having previously consulted on the scope of this review, and as the scope is still unknown it is important that the Tockenham Neighbourhood Plan policies are drafted as flexibly as possible. Failure to provide sufficient flexibility could lead to conflict with the Local Plan Partial Review and elements of the Tockenham Neighbourhood Plan superseded, as Section 38(5) of the Planning and Compulsory Purchase Act 2004 states:

'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published (as the case may be).'

Neighbourhood Plan Policies and Proposals

In accordance with the Neighbourhood Plan Basic Conditions, Neighbourhood Plan policies should align with the requirements of the Framework and the wider strategic policies for the area set out in the Council's Local Plan. Neighbourhood Plans should provide a policy framework that complements and supports the requirements set out in these higher-order documents, setting out further, locally-specific requirements that will be applied to development proposals coming forward.

The Framework is clear that Neighbourhood Plans cannot introduce policies and proposals that would prevent development from going ahead. They are required to plan positively for new development, enabling sufficient growth to take place to meet the strategic development needs for the area. Policies that are clearly worded or intended to place an unjustified constraint on further sustainable development taking place would not be consistent with the requirements of the Framework or meet the Neighbourhood Plan Basic Conditions.

Communities should not seek to include policies in Neighbourhood Plans that have no planning basis or are inconsistent with national and local policy obligations. Proposals should be appropriately justified, by the findings of a supporting evidence base and must be sufficiently clear to be capable of being interpreted by applicants and decision makers. Policies and proposals should be designed to add value to policies set out in Local Plan and national guidance, as opposed to replicating their requirements.

The community should liaise with the Council's planning team to seek advice on the appropriateness of the Neighbourhood Plan's proposals.

Sustainability Appraisal/Strategic Environmental Assessment

The preparation of a Neighbourhood Plan may fall under the scope of the Environmental Assessment of Plans and Programmes Regulations 2004 (SEA Regulations) that require a Strategic Environmental Assessment (SEA) to be undertaken where a Plan's proposals would be likely to have significant environmental effects. The requirement to undertake an SEA will be dependent on a Neighbourhood Plan's proposals, but is likely to be necessary where a Plan is proposing specific allocations or site designations.

In accordance with Schedule 1 of the SEA Regulations, a Screening Assessment of a Neighbourhood Plan's proposals should be completed to assess whether an SEA must be prepared. Where an SEA is required this should be commenced at the earliest opportunity, alongside the preparation of the emerging Neighbourhood Plan, to ensure the Neighbourhood Plan's proposals have been properly considered through the SEA process, and appropriately justified

against other reasonable alternatives. Where an adequate SEA has not been undertaken a Neighbourhood Plan is unlikely to meet the Neighbourhood Plan Basic Conditions.

Although Neighbourhood Plans do not require a Sustainability Appraisal (SA) of their proposals, preparing an SA can help to show how a Neighbourhood Plan will contribute to the achievement of sustainable development, a Neighbourhood Plan Basic Condition. Where an SEA is required, extending this assessment to the preparation of an SA is unlikely to require significant additional input.

The Council's planning team will be able to advise on the likely need for an SEA of the Neighbourhood Plan's proposals. To be compatible with EU obligations, further appraisals, such as a Habitats Regulations Assessment, may also be required depending on local circumstances.

Should you require any further information about the contents of this response then please do not hesitate to contact me or one of the Gladman team.

Yours Faithfully,

Richard Agnew

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