

Wiltshire Council

Note of questions and points made at Neighbourhood Planning Meeting for Parish and Town Councils with 'Made' Plans on 5 August 2021

This note accompanies the presentation that has been circulated and provides a summary of the points raised by attendees in the 'MSTeams chat function' and responses where appropriate. Some amendments have been made in the interest of clarification.

Q. Is the meeting being recorded?

A. No, due to GDPR issues, although we will be making available copies of the slides

Q. Any chance of all streets having adequate pavement for pedestrian safety too?

A. It is expected that some smaller streets will still have shared surfaces, but we will be guided on that by our highways team

Q. Who decides what is an 'area' for plan-making?

A. For neighbourhood plans, the Qualifying Body (or Bodies where it is a joint plan) apply to the Council to designate a neighbourhood area. Within Wiltshire, the Qualifying body is the relevant town and parish council.

Neighbourhood planning regulations offer flexibility for town and parish councils to create neighbourhood areas which make sense for their local context. For example, in Wiltshire, we have neighbourhood areas relating to whole parishes, multiple parishes to cover a single market town and areas smaller than a parish.

A single parish or town council can also apply for a neighbourhood area to be designated that extends beyond their administrative boundary for all or part of an adjoining parish provided they have secured permission from the parish council concerned.

Q. Am I correct in assuming that the National Planning Policy Framework (NPPF) changes will only apply to fresh applications and not any existing application either at outline or full stage? Am I correct in assuming that the NPPF changes will only apply to fresh applications and not any existing application either at outline or full stage?

A. NPPF changes take effect on publication, so are in effect now. however, they can't be applied retrospectively to planning permissions already granted

The NPPF changes apply to outline and full, but on most outlines, layout is a reserved matter so will be more applicable to this level

Q. Is WC staffed adequately for creating these design codes?

A. We do have urban designers at the Council but clearly their workload has the potential to increase. Resources and their deployment are kept under review. The government has also

stated that it will be reviewing application fees, which may bring in additional resource, but no timetable has been published.

Q. How do the Article 4 relaxations sit with Neighbourhood Plans? Maintaining a focused town centre is a vital element of many made plans.

A. Relaxations in permitted development rights are set nationally by the government. It would be open to a Neighbourhood Plan group to seek to promote an article 4 direction, but as these are exceptions, it would require substantial evidence to justify restrictions on national policy that would need to be discussed with Wiltshire Council.

Comment: Leaves Neighbourhood Plans with little scope, government and developer driven.

A. Neighbourhood Plans still have a key role in deciding where new development should take place, as well as for example, what local green spaces should be protected.

Q. Could WC take better advantage of Design Review Panels?

A. Design Review Panels may have a role, but unlike many authorities that use them, we do have our own in-house urban designers to provide advice

Follow up point to Q. Just to clarify, Design Review Panels are multi-disciplinary; ecologists, building physics, landscape architects, architects as well as urban designers. They seem to be a good way of reducing pressure on Local Planning Authority (LPA) in-house teams and bats responsibility onto developers to demonstrate design quality before getting as far as putting it to the LPA

A. Referrals to Design Review Panel (DRP) need agreement from developer as they pay and not all developers wish to use them. We cannot go to DRP without agreement of both ourselves and developer.

Q. Are WC planning on putting forward pilot design codes? would it be appropriate for neighbourhood plans to do some of this pilot work? would you support that?

A. Too early to say what course we will chart on Design Codes at present.

Q. Re the lack of definition of terms like beauty...how much weight will be given in planning decisions by Wiltshire Council when challenged by developers?

A. We will look carefully at the design of proposals and will also watch carefully appeal decisions and Secretary of State decisions to assess the direction of travel.

Comment: The developers' view of beauty could well be profit.

Q. How will the concept of zoning be implemented?

A. It was an idea floated in the Planning White Paper, but we won't know whether it will be brought in until the Planning Bill is published and makes its way through Parliament, so there is nothing that we are required to do about this at this stage.

Q. Is there any evidence the key developers are getting on board with the Environment Bill changes and related the NPPF changes?

A. The NPPF changes have only just come out, so too early to say at the moment. The Environment Bill is still not law yet, so again a bit early, although we are beginning to see more references by developers to things like net biodiversity gain.

Q. Will existing neighbourhood plans be considered valid against developers putting in applications before Wiltshire Council's Local Plan is adopted?

A. Made Neighbourhood Plans form part of the Development Plan and will remain so, and thus will still be relevant between now and the adoption of the Wiltshire Local Plan. However, whilst we don't have a five year land supply, any that are more than two years old will carry less weight in restricting residential development outside of settlement boundaries where the 'tilted balance' applies (see paragraphs 14 and 11 of the NPPF).

Q. Just an observation between presentations, on the WC website that details what are (and are not) material considerations, there is no mention of Neighbourhood Plans at all - could that be updated as it could be implied that it's not something that WC value or consider important?

A. We will need to review the website to make sure that it refers to the Development Plan, including Neighbourhood Plans appropriately.

Q. What is the 2 year period being referred to? Our neighbourhood plan has just been made.

A. This is included in paragraph 14 of the NPPF. The two year period is a reference to the length of time once made that a Neighbourhood Plan can benefit from the Council having a three year land supply and not five year, but there are other tests that need to be met also.

Q. Can you confirm - a qualifying Neighbourhood Plan review, to give it another two years protection under paragraph 14 of the NPPF - has to include material changes?

A. All the criteria in paragraph 14 will need to be met if a plan is to benefit from the two year protection. As such, modifications to a plan that include new allocations or changes to the capacity of existing allocations would be material in nature. However, if the modifications are not so significant or substantial enough to change the nature of the plan then a referendum would not be needed - a possible example of this could be if the capacity of an existing allocation is increased.

Q. I am not clear if you have to have a Referendum to trigger another 2-year protection under paragraph 14

A. These are two different issues. To benefit from the two-year protection, all the tests in paragraph 14 must be met including the modified plan containing allocations. If all the modifications to the plan when considered together would constitute substantial material change to the nature of the plan then a referendum would be needed.

Q. When does 2 years protection start from?

A. This is from the date a Neighbourhood Plan is made, which can be found on the decision statement sent to Qualifying Bodies once the referendum has concluded.

Q. Are there not examples of allocations in Neighbourhood Plans, which have been dismissed by an Examiner as excessive?

A. We are not aware of any, as Neighbourhood Plans supported can go beyond what a local planning authority might suggest. However, Neighbourhood Plans should not be making strategic allocations, which are a matter for the Local Plan.

Q. What happens to a Neighbourhood Plan where a developer has not built anything within their holdings?

A. Undelivered sites which do not have the benefit of planning permission could conceivably be reviewed in the review of a neighbourhood plan only if they were originally allocated in that plan. Local Plan allocations cannot be reviewed in a neighbourhood plan, but neighbourhood plans can allocate more development.

Comment: "Planning positively for homes your community may need. " But what if this conflicts with housing that is simply about meeting Govt. target based on outdated standard method. Homes that communities need is a significantly lower number but Neighbourhood Plans have no option to plan for this when having numbers imposed from above.

Comment: All this still shows is the massive, ongoing workload for local (unpaid) Cllrs and volunteers. The task is very daunting and with plans only carrying full weight for 2 years where there is no 5 year land supply. It feels like a massive hamster wheel offering up every nook and cranny for building on.

Comment: The NPPF drives more development, therefore a thought should be considered if a Neighbourhood Plan is worth the effort, you will get the homes like it or not.

Q. What is scope to favour higher density development in policy? For example, if numbers on allocation sites were based on 50-60 homes per hectare instead of 25-45? Clearly not appropriate in all locations, so that's very much intended as a theoretical question.

A. Higher density may be appropriate in some urban sustainable locations, but may not suit much of Wiltshire given our rural nature

Q. We are all going to be into neighbourhood plan reviews sooner rather than later. That's 30 plus. Can we have a collective approach to Locality for a block grant or similar?

A. We will look into what may be possible, but our understanding is that individual applications are required.

Comment: Interesting that advice from Locality recently suggested that reviews of green infrastructure and /or design codes could be regarded as "material" changes which may not necessitate a referendum.

Comment: Serious concerns for the viability of our high streets if they change to residential because of the permitted development rights, this should be raised with Government (MHCLG).

Comment: MHCLG should continue to be pushed for more clarity on neighbourhood planning and to reinforce need for weight to be afforded to neighbourhood plans in decision making.