

## **Cricklade Neighbourhood Plan**

### **Independent Examiner's Clarification Note**

#### **Response from the Cricklade Neighbourhood Plan Working Group on behalf of Cricklade Town Council, 25th October 2017, shown in blue below.**

This note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt matters of clarification are entirely normal at this early stage of the examination process.

#### ***Initial Comments***

The Plan is well-presented. It provides a clear and distinctive vision for the neighbourhood plan area. Its focus on the character and history of the town is very appropriate. I saw from my visit to the Plan area the importance of the policies that set out to safeguard the role played by the town centre both in the Plan area and in its wider hinterland.

In addition, it is clear that there has been a close overlap between the evolution of the Neighbourhood Plan and its consultation and evidence base.

**Noted thank you.**

#### ***Points for Clarification***

I have read the submitted documents and the representations made to the Plan. I have also visited the Plan area. I am now in a position to raise some initial issues for clarification. They are designed mainly for the Town Council.

The comments that are made on these points will be used to assist in the preparation of my report and any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below in the order in which they appear in the submitted Plan.

#### ***General Policy clarification***

Policy H1- Does Figure 5 provide sufficient clarity for the implementation of the Plan through the development management process?

**We note your comments and have commissioned a replacement map with greater definition and clarity.**

Policy H6 – I can see the supporting text at 4.1.12.

However, is there any supporting evidence for the policy?

Why has a threshold of five dwellings been applied?

To what extent does the Town Council consider that the policy has regard to national policy?

**One objective of this policy is to increase the level of support for development among the residents of the town by giving them the opportunity to participate. The development will therefore be seen to benefit existing residents rather than just persons from elsewhere. Cricklade resident consultation feedback indicated that there were young adults and downsizing residents wishing to stay living in Cricklade but that there were not properties of a suitable size for them to be able to do so. The policy is not**

intended to be onerous and despite the comments of some developers all they would have to do to comply with the policy is to take plot reservations from Cricklade residents a month prior to opening the development up to general sale on their normal time schedule. Handled thoughtfully it could even be a positive marketing opportunity for developers.

In seeking to apply the policy to developments above a certain size threshold we have endeavoured to make the policy not unreasonable for very small developments, often classified as windfall. This is the thinking behind the choice of six or more dwellings to operate the policy. Above five dwellings on a site and it is no longer a windfall site, but a more significant development.

Policy H7 – Is there any evidence to support the two threshold figures in the third paragraph of the policy?

The population in Cricklade over 60, as shown in the 2011 census (figure 4 in the draft plan) is about 27%, above the Wiltshire and England average. Thus there is a significant cohort of the population either in need of dwellings suitable for the less-mobile elderly, or likely to move into that cohort during the life of the Plan. The 10% threshold is derived from this population cohort, and the figure of 13% of respondents in the housing needs survey wishing to have single-level accommodation (quoted in paragraph 4.1.13). Again, a threshold has been chosen so that only the larger developments will have to comply with the modest cost increase by complying, and the threshold begins at a point where a 10% requirement is a whole dwelling. For simplicity it also aligns with the affordable housing requirement threshold. It is appreciated that the requirement will often not result in a whole number of dwellings, and we would be willing to consider how this point could be accommodated in the policy.

Policy H8 – How does the Town Council consider that the policy is in general conformity with policies 44 and 46 of the Wiltshire Core Strategy?

CP 46 recognises the need for specialist accommodation for vulnerable and older people and states that it should be within settlements where there is good access to services. Cricklade has good services, is a local service centre, and has an identified need for nursing care for the elderly. The Policy also states that in some circumstances the provision outside but adjacent to settlements will be considered. This clause related to Principal Settlements or Market Towns, but we believe that our proposal for Cricklade is in general conformity with the development plan here, although Cricklade is a Local Service Centre.

The constraint faced in Cricklade is that a site of at least one acre would be required for a viable nursing home to be accommodated. Policy H8 has been proposed because there are no suitable sites within the settlement boundary. In terms of size the only remaining open space is either Scheduled Ancient Monument or school grounds. This crucial constraint has not been highlighted in the paragraph 4.1.14 preamble to H8, and we would be happy for it to be made explicit in the explanatory text.

Policy CP44 on rural exception sites applies to affordable housing provided outside but well-related to a settlement and its boundary. This policy is only partly relevant, as a nursing home proposal would be likely to include only an element of affordable provision (as required by CP46). However we would argue that our Policy H8 is

following the general principle of CP44: it is a development meeting local need and with local support as evidenced during our consultation work. Policy H8 is framed to ensure any development proposal is unobtrusive and adjacent to the settlement boundary, and complies with the requirements of policy CP44 in regard to development design and location. Again we feel that within the requirement that a neighbourhood plan follows the same direction of travel as development plan policy, while adapting to local circumstances, has been met in our policy H8.

Policies H10/11 – These policies read more as planning application validation requirements rather than policies. Are they appropriate for a neighbourhood plan?

The Cricklade Neighbourhood Plan is endeavouring to ensure improved decision making when it comes to matters of land allocation. H10 and H11 recognise that some sites are preferable to others and reflect the concerns raised by residents during the consultation process. In paragraph 4.1.17 we highlight an instance where following the approach proposed by H10 and H11 resulted in public acceptance of what might have been a controversial application by a Housing Association involving the demolition of 65 dwellings and the erection of 109 new ones.

Contrast that with the site known as ‘Land south of The Forty’ referenced in paragraph 4.1.3 which was given outline consent under Wiltshire Council reference 13/07132 after two appeals (the initial decision to refuse was quashed after referral to the High Court) and is currently under the reserved matters application 17/03586. The failure of the current arrangements is clearly demonstrated by the latest version of the much amended Flood Risk Assessment filed by the developer on 11<sup>th</sup> October 2017. At paragraph 6.2.6 it is proposing to connect the 70 dwellings to what will effectively be a cesspit until the capacity constraints are resolved by Thames Water. It helpfully provides a table showing how frequently the cesspit will require emptying as the house numbers increase. Not only that, it shows how ground levels on half the site will require raising by 600mm and on the other half by 800mm.

Policies H10 and H11 would have ensured that all of these problems would have been recognised at an early stage and solutions (if any) identified. It is possible that the site is not viable but if there has been a sub-optimal outcome then it is obviously too late to reverse it.

We note that the statutory undertaker Thames Water supports our policy proposals and in fact wants to strengthen them in some aspects.

Policy TT2 – I read this as a non-land use policy. I intend to recommend that it is moved to a separate part of the Plan. Does the Town Council have any comments on this matter?

Our understanding is that while specific highway measures are not land use, and controlled by the Highways Acts, this issue of traffic impact is a land use issue. The policy identifies areas of stress with regard to the existing traffic environment, and so we feel that it is a land use issue, and would want the policy to remain in the development plan section. We would accept that some of the wording may need to change to make it clear that highway issues are not being specified, mention of the 20mph zone for example, and would ask you to consider amendments to the policy on these lines rather than removal.

Policy B4 – What is meant by a ‘significant’ part of the development should be commercial in nature? As drafted does the policy have the clarity required by the NPPF?

Could the site be displayed on a separate plan or on Figure 13 (as a specific policy)?

**The objective of B4 is to bring forward more retail space in the High Street. Greater clarity would be achieved by deleting the reference to ‘significant’ by replacing the second sentence with “The ground floor should be commercial in nature with a retail frontage in keeping with the requirements of policy B1 and the defined Primary Shopping Area on the High Street”**

**The site can probably best be marked on Fig 13 as it is on the adjoining page of the Draft Plan. We will undertake that work.**

**For information, the police station has now been earmarked for closure by the Wiltshire Police & Crime Commissioner in his ‘Estates Strategy 2017-21’ published in August 2017.**

Policy LAF4 – What is the logic for the overlap between the proposed local green spaces and the wider range of open spaces in Policy LAF1?

Will there be an inherent conflict between policies LAF1 and LAF4 with regard to the five local green spaces?

I can see that the Open Space audit provides comprehensive information. However please can I be advised of the size of LAF4A Hallsfield Meadow?

**We agree that there is an overlap between the five open spaces that appear in both LAF1 and LAF4, and that sites need to be in one or other of the designations due to the different levels of protection the policies provide. Hallsfield Meadow (site A in LAF4 and site number 42 in the Open Space audit) is approximately 13 acres in size.**

**Designations of Local Green Space (LGS) have been justified in policy LAF4, and these sites if you agree with the designation should not also be listed as open space in Policy LAF1.**

**In the first public consultation residents were invited to consider a map showing 41 areas of open space and suggest any others that should be included. By far the biggest response was to suggest Hallsfield Meadow and so it was added to the list, which is why it is number 42 in the Open Space audit. The site is particularly sensitive because the public right of way just runs along the southern boundary, but the well used riverside path running along the northern boundary is not a public right of way.**

**Hallsfield Meadow has now been acquired by the Town Council, but with a covenant that allows for up to one acre of the site to be used for allotment space. We are aware that our policy LAF4 is rather too restrictive of development, and currently rules out any development including development that would promote the community attributes the designation protects. Thus we would ask that the policy is modified to state “development will only be permitted in very special circumstances” rather than the current “development will therefore not be permitted”. We understand this alteration would be in line with the NPPF and therefore comply better with the basic conditions.**

**Protocol for responses**

I would be grateful for comments by Thursday 26 October 2017. Please let me know if this timetable may be challenging to achieve. It is intended to maintain momentum on the examination.

In the event that certain responses are available before others I am happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled please can all responses be sent to me by Wiltshire Council and make direct reference to the policy concerned.

**Supplementary Comments**

**Thank you for giving us the opportunity to clarify certain issues.**

**You will have noted that we submitted a response to the Reg 16 consultation about two particular matters. We are willing to provide supplementary comments regarding the other Reg 16 responses if you think it would assist you in your work.**

**However, we would like to take this opportunity to point out an error in the response from Gladman Developments Limited in the second paragraph of page three of their submission which states “Outside of Royal Wootton Bassett Town the Community Area is required to provide for 1,455 dwellings over the plan period.” This is incorrect. The figure quoted *includes* the allocation for RWB Town of 1,070. The number for the ‘remainder’ including Cricklade, is 385 as referenced in paragraph 4.1.2 of the Draft Plan.**

Andrew Ashcroft

Independent Examiner

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