

Christian Malford Neighbourhood Plan 2015-2035

**A report to Wiltshire Council on the Christian
Malford Neighbourhood Plan**

**Andrew Ashcroft
Independent Examiner
BA (Hons) MA, DMS, MRTPI**

Director – Andrew Ashcroft Planning Limited

Executive Summary

- 1 I was appointed by Wiltshire Council in September 2017 to carry out the independent examination of the Christian Malford Neighbourhood Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood plan area on 17 October 2017.
- 3 The Plan seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding local character and promoting six sensitive housing sites. The Plan proposes the designation of a local green space and includes a policy to support the development of a new village hall.
- 4 The Plan has been significantly underpinned by community support and engagement. It is clear that all sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report I have concluded that the Christian Malford Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood plan area.

Andrew Ashcroft
Independent Examiner
18 December 2017

1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Christian Malford Neighbourhood Plan 2015-2036 (the Plan).
- 1.2 The Plan has been submitted to Wiltshire Council (WC) by Christian Malford Parish Council in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework in 2012 and which continues to be the principal element of national planning policy.
- 1.4 This report assesses whether the Plan is legally compliant and meets the Basic Conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.5 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the plan area and will sit as part of the wider development plan.

2 The Role of the Independent Examiner

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by WC, with the consent of the Parish Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WC and the Parish Council. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 30 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral System.

Examination Outcomes

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan is submitted to a referendum; or
 - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
 - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

The Basic Conditions

- 2.5 As part of this process I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the Plan must:
- have regard to national policies and advice contained in guidance issued by the Secretary of State; and
 - contribute to the achievement of sustainable development; and
 - be in general conformity with the strategic policies of the development plan in the area; and
 - be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

I have examined the submitted Plan against each of these basic conditions, and my conclusions are set out in Sections 6 and 7 of this report. I have made specific comments on the fourth bullet point above in paragraphs 2.6 to 2.10 of this report.

- 2.6 In order to comply with the Basic Condition relating to European obligations Wiltshire Council carried out a screening assessment. The conclusion of the screening report was that there were no likely significant environmental effects as a result of the

production and implementation of the Plan. In particular it identifies the Plan does not propose additional development over and above that set out in the Core Strategy. The screening assessment is very professionally prepared and gives the appropriate reassurance that this important basic condition has been addressed.

- 2.7 The required consultation was carried out with the three prescribed bodies.
- 2.8 WC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. This report concluded that the Plan was not likely to have any significant effect on a European site. In reaching this conclusion it assessed the potential effects of the developments proposed in the Plan on a variety of Natura 2000 sites including the River Avon SAC. As such no appropriate assessment is required in accordance with the Habitat Regulations.
- 2.9 Having reviewed the information provided to me as part of the examination I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. None of the statutory consultees have raised any concerns with regard to either neighbourhood plan or to European obligations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of European obligations.
- 2.10 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. There has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. On this basis, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

Other examination matters

- 2.11 In examining the Plan I am also required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
 - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
 - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.12 Having addressed the matters identified in paragraph 2.11 of this report I am satisfied that all of the points have been met subject to the contents of this report.

3 Procedural Matters

3.1 In undertaking this examination I have considered the following documents:

- the submitted Plan.
- the Basic Conditions Statement.
- the Consultation Statement.
- the SEA/HRA Screening reports.
- the Schedule of listed buildings
- the representations made to the Plan.
- the Wiltshire Core Strategy 2015
- the saved policies of the North Wiltshire District Local Plan 2011.
- the National Planning Policy Framework (March 2012).
- Planning Practice Guidance (March 2014 and subsequent updates).
- relevant Ministerial Statements.

3.2 I carried out an unaccompanied visit to the Plan area on 17 October 2017. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. My site inspection is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted plan, I was satisfied that the Plan could be examined without the need for a public hearing. I advised WC of this decision early in the examination process.

4 Consultation

Consultation Process

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 the Parish Council has prepared a very comprehensive Consultation Statement. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan.
- 4.3 The Statement sets out details of the consultation events that were carried out in relation to the initial stages of the Plan. It provides details about:
- the inclusion of information about the Plan in the Parish newsletter;
 - the use of posters on telegraph poles;
 - the holding of a stall at the village fete in July 2014;
 - the dedicated page for the Plan on the village website;
 - presentations to the Parish Council AGMs in 2014/2015/2016.
- 4.4 The Statement also reproduces the various letters and comments that were received throughout the consultation process. This provides a real sense of interest and context to the Statement. It also includes an interesting photograph of the Plan's production team enjoying the sunshine at the village fete in July 2015.
- 4.5 Appendix E of the Statement set out how the submitted Plan took account of responses to the pre-submission version of the Plan. It does so in a proportionate and effective way. It helps to describe the evolution of the Plan.
- 4.6 It is clear that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made available to the community in a positive and direct way by those responsible for the Plan's preparation.
- 4.7 From all the evidence provided to me as part of the examination, I can see that the Plan has promoted an inclusive approach to seeking the opinions of all concerned throughout the process. WC has carried out its own assessment that the consultation process has complied with the requirements of the Regulations.

Representations Received

- 4.8 Consultation on the submitted plan was undertaken by Wiltshire Council for a six-week period that ended on 18 July 2017. This exercise generated comments from the following organisations:

- South Somerset District Council
- Historic England
- Gladman Developments
- Andrew Moss
- Philip Hines
- Gabriella Hines
- Peter Bailey
- Russell Brooks
- Ann Hines
- Network Rail
- Environment Agency
- Planning Sphere Limited
- Helen Owen
- Nick Besant
- Wiltshire Council
- Wiltshire Council SAFM

4.9 I have taken account of all these representations as part of the examination of the Plan. Where it is appropriate and relevant to do so I refer specifically to the representation in this report.

5 The Plan Area and the Development Plan Context

The Plan Area

- 5.1 The Plan area covers the whole of the civil parish of Christian Malford. The neighbourhood area sits approximately 5 miles north-west of Chippenham. The M4 and the GWR railway line from Swindon to Chippenham and Bath run through the Plan area in a NE-SW direction. Its population in 2011 was 705 persons. It was designated as a neighbourhood area on 6 November 2014.
- 5.2 The Plan area is mainly in agricultural use and sits within a pleasant landscape setting. The village of Christian Malford is the principal focus of built development and sits in the west of the Plan area. The main highway in the Plan area is the B4069 (Main Road) which runs generally in an E-W direction.
- 5.3 The village of Christian Malford has an attractive and compact form that is focused on the junctions of Station Road, the Green and Church Lane. It has an open aspect based on low-density housing and the various open parcels of land in its centre. All Saints Church is located on the western edge of the village adjacent to the River Avon. Main Road runs to the north of the village and provides it with good access to the M4.

Development Plan Context

- 5.4 The Wiltshire Core Strategy (CS) was adopted in January 2015. It sets out the basis for future development in the County up to 2026. The policies in the Core Strategy are the strategic policies of the development plan (see paragraph 2.5 of this report). The adoption of the Core Strategy partially replaced a number of policies in the North Wiltshire Local Plan. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following CS policies are particularly relevant to the Plan:

CP1	Settlement Strategy
CP2	Delivery Strategy
CP10	Chippenham Community Area
CP43	Providing affordable homes
CP45	Meeting Wiltshire's Housing Needs
CP48	Supporting Rural Life
CP51	Landscape
CP52	Green Infrastructure
CP57	Ensuring High Quality Design and Place Shaping
CP58	Ensuring the Conservation of the Historic Environment
CP60	Sustainable Transport

- 5.5 The Plan area is located within the Chippenham Community Area in the Core Strategy. Christian Malford is identified as a Large Village in CP1 and CP2. Paragraph 5.48 of the Core Strategy identifies a series of important issues to be

addressed in planning decisions in the community area. In relation to Christian Malford paragraph 5.52 comments that ‘modest levels of development to meet local housing need and to support rural services and local economic opportunities will have been delivered in the villages (in the Community Area)’. Core Policy 10 identifies how these and other matters will be addressed in a policy context.

- 5.6. Section 4 of the Basic Conditions Statement usefully highlights the key policies in the development plan and how they relate to policies in the submitted Plan. This is good practice. It provides confidence to all concerned that the submitted Plan sits within its local policy context.
- 5.7. WC is in the process of producing a Housing Sites Allocations Plan. It will support the delivery of new housing identified in the Core Strategy. Consultation on a pre-submission draft of the Allocations Plan took place between July and September 2017. The pre-submission Plan included a series of Community Area Topic Papers. The one for the Chippenham Community Area identifies that it has already largely met its strategic housing requirement. On this basis two housing sites are proposed in that Plan in Hullavington and Yatton Keynell. In this context the emerging pre-submission plan has taken account of the potential delivery of the housing allocations proposed in the submitted neighbourhood plan for Christian Malford. It proposes a series of minor alterations to the Christian Malford settlement boundary in its Appendix A. These overlap with those proposed by the Parish Council.
- 5.8. The submitted Plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned existing and emerging planning policy documents in the County. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

Site Visit

- 5.9. I carried out an unaccompanied visit to the Plan area on 17 October 2017. I was fortunate in selecting a very pleasant day.
- 5.10. I drove into the Plan area from the M4 and along the B4069. This gave me the opportunity to see the Plan area within its wider strategic context. Given the compact nature of the neighbourhood area in general, and the village in particular, I was able to carry out the majority of the visit on foot.
- 5.11. I looked initially at the Village Hall and its car park off Station Road. It was being well used on that morning. I took the opportunity to look at the parcel of land to its east proposed for an extended/redeveloped facility in the Plan.
- 5.12. I then walked to Malford Meadow to look at the proposed designation of the Local Green Space. I enjoyed walking through the Meadow and appreciated its openness and attractiveness. I saw its relationship with the River Avon to the west. I also saw the Jubilee Oak tree. It was flourishing and had clearly been well-planted in 2012.

- 5.13 I then walked back along Church Lane to the Recreation Ground. I saw its comprehensive range of equipment.
- 5.14 I then walked along Lye Common to look at the proposed housing site in this part of the village (HS1).
- 5.15 I then looked at the other proposed housing sites off Main Road. This part of the visit helped me to understand more fully the detailed elements of policies SSHS2-6 and their relationship to the individual characteristics of the sites and their various buildings and structures.
- 5.16 I finished my visit by driving to the railway to the south of the village and then along Main Road to Daunstey Lock to the immediate east of the Plan area.

6 The Neighbourhood Plan as a whole

- 6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented, informative and proportionate document.
- 6.2 The Plan needs to meet all the basic conditions to proceed to referendum. This section provides an overview of the extent to which the Plan meets three of the four basic conditions. Paragraphs 2.6 to 2.10 of this report have already addressed the issue of conformity with European Union legislation.

National Planning Policies and Guidance

- 6.3 The key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in March 2012.
- 6.4 The NPPF sets out a range of core land-use planning principles to underpin both plan-making and decision-taking. The following are of particular relevance to the Christian Malford Neighbourhood Plan:
- a plan led system– in this case the relationship between the neighbourhood plan, the adopted Core Strategy and the saved policies in the North Wiltshire Local Plan;
 - proactively driving and supporting sustainable economic development to deliver new homes;
 - recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
 - Always seeking to secure high quality design and good standards of amenity for all future occupants of land and buildings.

- 6.5 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development, which is identified as a golden thread running through the planning system. Paragraph 16 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

- 6.6 In addition to the NPPF I have also taken account of other elements of national planning policy including Planning Practice Guidance and the recent ministerial statements.

- 6.7 Having considered all the evidence and representations available as part of the examination I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms. It sets out a positive vision for the future of the plan area within the context of its historic character. At its heart are a series of policies that seek to safeguard this character whilst promoting sensitive new

housing sites. It also includes distinctive policies for the designation of a local green space and to promote the development of a new village hall. Section 3 of the Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

- 6.8 At a more practical level the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraphs 17 and 154). This was reinforced with the publication of Planning Practice Guidance in March 2014. Its paragraph 41 (41-041-20140306) indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise and supported by appropriate evidence.
- 6.9 As submitted the Plan does not fully accord with this range of practical issues. The majority of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy in this regard.

Contributing to sustainable development

- 6.10 There are clear overlaps between national policy and the contribution that the submitted Plan makes to achieving sustainable development. Sustainable development has three principal dimensions – economic, social and environmental. It is clear to me that the submitted Plan has set out to achieve sustainable development in the Plan area. In the economic dimension the Plan includes policies for new residential development (HP1, HSP1 and SSHS1-6). In the social role, it includes a policy on housing mix (H2) and for the development of a new village hall (CP3). In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment. It has policies on design (D1) and to designate a local green space (CP2). These and other matters are addressed in Table 2 of the Basic Conditions Statement.

General conformity with the strategic policies in the development plan

- 6.11 I have already commented in detail on the development plan context in Wiltshire in paragraphs 5.4 to 5.8 of this report.
- 6.12 I consider that the submitted Plan delivers a local dimension to this strategic context and supplements the detail already included in the adopted Core Strategy. Section 4 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy and in the saved Local Plan. I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. In particular, it makes a series of recommended modifications to ensure that the various policies have the necessary precision to meet the basic conditions.
- 7.2 My recommendations focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended changes to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the Plan area. The wider community and the Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (41-004-20170728) which indicates that neighbourhood plans must address the development and use of land. It includes one non-land use proposal which is clearly identified from the other land use policies.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan.
- 7.6 For clarity this section of the report comments on all policies whether or not I have recommended modifications in order to ensure that the Plan meets the basic conditions.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

The initial sections of the Plan (Sections 1-4)

- 7.8 These initial elements of the Plan set the scene for the policies. They are commendable to the extent that they are proportionate to the neighbourhood area and its subsequent policies.
- 7.9 Section 1 (Introduction and Background) provides very clear context to the neighbourhood planning process. It also provides a useful connection to national policy, to the Cs and to the policies in the saved Local Plan.
- 7.10 Paragraph 1.5 of the Plan properly sets out the Plan period (in this case 2015-2035).
- 7.11 Section 2 identifies key stages in the Plan's preparation in general and how the community was engaged. It also comments on its evidence base.
- 7.12 Section 3 sets out the Goals and Objectives for the Plan area. It is clear, concise and proportionate. Its overall aim is underpinned by various objectives. These objectives are grouped into the following topic areas – Housing; Countryside and Environment;

Employment and Business; Pedestrians, Traffic and Transportation; Community and Design. These objectives provide the context for the Plan's policies.

- 7.13 Section 4 sets out key information about the Plan area. Its history is helpfully described together with the extent to which it influences current circumstances. The remainder of this part of the Plan provides information on the Plan area's population, its location, its landscape characteristics and its housing mix.
- 7.14 The Plan as a whole is well-presented. It distinguishes the policies from their explanatory texts to good effect. It also makes excellent use of several colourful and informative photographs. The policies are then set out in sections 5-11. The remainder of this report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 above.

Policy CP1: Recreation Ground

- 7.15 This policy relates to the Recreation Ground to the east of Station Road. It identifies it as open space and safeguards it from development.
- 7.16 The approach adopted is entirely appropriate. I recommend the insertion of 'built' into the policy. This will allow development to take place which would support its use and enjoyment as open space. This would bring the clarity required by the NPPF.

Insert 'built' between 'from' and 'development'.

Policy CP2: Malford Meadow

- 7.17 This policy proposes the designation of Malford Meadow as Local Green Space (LGS). As I saw on my visit to the Plan area the proposed LGS is an open and attractive area located to the west of the village and to the north of Church Lane. The River Avon forms its western boundary. There were several other persons enjoying the openness of the Meadow on the day of my visit.
- 7.18 The concept of LGS is set out in paragraphs 76-78 of the NPPF. National guidance clarifies that not all open spaces will warrant LGS designation. It then goes on to identify three criteria against which open spaces should be assessed. The Parish Council has referred to these three criteria in its Basic Conditions Statement. I am satisfied that the Meadow meets the three criteria. Plainly it is in close proximity to the community it serves. It is also demonstrably special to the local community. It is a 'Pocket Park' and has been transferred to the Parish Council by Wiltshire Council. It is sensitively maintained. It includes fishing stations for the local fishing club and the village school has direct access to the Meadow from its playing field. At 4.5 hectares in size it is local in character and is not an extensive tract of land.
- 7.19 I sought clarification from both the Parish Council and the Strategic Assets and Facilities Management section of WC on the terms of its asset transfer. The detailed arrangements of this matter had generated a representation from the latter on the

submitted policy. Both parties advised that the arrangements for the transfer of land included a requirement on the Parish Council to safeguard the westernmost part of the site in the event that WC decides at some point to promote it for affordable housing. The Parish Council recognises that there is inherent tension between the terms of the asset transfer and its intention to designate the Meadow as LGS. It suggests in its response to the clarification note that the westernmost parcel of land is removed from the proposed LGS designation.

- 7.20 It is not unusual for there to be tension between planning designations and commercial/landownership matters. However, in these circumstances I am satisfied that the Parish Council's proposal is a sensible and practical way forward. In any event the asset transfer does not prevent the overall management of the wider site as open space and this proposal may well prove to be academic in nature in the Plan period.
- 7.21 I recommend accordingly. In addition, I recommend a modification to the policy so that it adopts a format that has regard to paragraph 78 of the NPPF on LGS designation. I also recommend that the supporting text is modified by way of deleting the sentence which sets out the views of the Parish Council on the potential for the development of the site for residential purposes. I accept the Parish Council's right to hold such views. Nevertheless, there are no detailed proposals for such a development and no planning application is being determined. On this basis the comments are unnecessary in the context of the plan-making function. Any future planning application on the parcel of land excluded from the LGS would be determined on the basis of planning policy and other material planning considerations at that time.

Replace the policy to read:

Malford Meadow as shown on Map 4 is designated as Local Green Space. New development will not be supported on Malford Meadow except in very special circumstances.'

Modify Map 4 to reduce the geographic extent of the Malford Meadow LGS by excluding the area shown in pink in the Parish Council's response to the Clarification Note. Change the identification to 'Malford Meadow LGS'

In the final part of the supporting text insert the following after the first sentence:

'As such this part of the wider site is excluded from the proposed local green space'.

Delete the second sentence of the final part of the supporting text.

At the end of the final part of the supporting text insert the following sentence:

'In any event the terms of the Transfer of Ownership do not prevent that part of the wider site excluded from the designated local green space from being managed as open space'.

Policy CP3: Village Hall

- 7.22 This policy sits at the heart of the Plan. It identifies land to the immediate east of the village hall car park to facilitate a replacement village hall and an associated car park. As the Plan identifies the village hall was originally built as a First World War temporary field hospital on Salisbury Plain. It was relocated to the village in the 1920s. The Plan describes the attempts that have been made to construct a replacement facility. Whilst various options have been considered the current community preference is for a village hall facility to remain in its present location.
- 7.23 I sought clarification from the Parish Council on the viability and deliverability of the policy within the Plan period. I was advised that this was not the case.
- 7.24 The Parish Council also advised me about further work that has taken place since the Plan's submission on other potential options. These have included an assessment of the potential for associated enabling development to be promoted. In its response to the Clarification Note the Parish Council proposes the identification of a further housing site on land to the south of the Rising Sun Public House to fulfil this role. This is a site that has already been considered for this purpose within the context of the consideration of various options as the Plan has emerged.
- 7.25 I can see that this option has been highlighted in good faith and to achieve a significant community benefit for the Plan area. Nevertheless, it is not within my gift to include additional proposals or policies in the Plan. My role is simply to examine the submitted Plan against the basic conditions. In any event, and by definition, the proposed additional housing site has not been subject to the statutory rigour of the consultation process on the submitted Plan.
- 7.26 I am however satisfied that there should be a policy on this important community matter in the Plan. Taking account of all the evidence and commentary, I recommend a modification to the policy that would provide support for a new or a replacement village hall in the village. It would provide a degree of flexibility for other development to support such a facility as appropriate based on viability. This approach will provide the maximum flexibility within the Plan period. It is also designed to be future-proofed as a range of options are considered and evaluated. It also recognises that WC will need to balance a range of policy and other material planning considerations in determining any resulting planning applications.

Replace the policy with the following:

Proposals for a new or extended village hall with associated car parking will be supported subject to the following criteria:

- **The village hall is located within or adjacent to the settlement boundary;**
- **The design of the village hall would respect the character and appearance of other buildings in its immediate locality; and**
- **Its development would not have an unacceptable detrimental impact on the amenities of adjacent residential properties by virtue of its pedestrian or vehicular access, its height and mass or in terms of its general noise and disturbance.**

Where appropriate and necessary a broader package of development measures will be supported in order to facilitate the construction of a new or replacement village hall. In these circumstances the applicants concerned will need to demonstrate that the wider package proposed complies with development plan policies and is of a size and scale commensurate both with the size of the village and its contribution towards the costs of providing a new village hall.

Add the following to the end of the Village Hall section in paragraph 5.1 of the submitted plan:

‘Policy CP3 sets out a context within which the village hall can be extended or redeveloped within the Plan period. It provides for a village hall either on an extended footprint of the current site (as shown on Map 5) or elsewhere in the village.

In particular it sets out the basis by which a new or replacement village hall could be facilitated through other development. In the context of the scale and nature of the village this is likely to be through residential development. Its focus is on ensuring that the supporting development is proportionate in scale to the overall size of the village and its contribution towards facilitating the provision of a new or enhanced village hall. This will ultimately need to be determined through the development management process by Wiltshire Council’.

Policy HE1 – Historic Environment

- 7.27 Section 8 of the Plan includes comprehensive details on the character of the village and its designated and non-designated heritage assets. The resulting policy indicates that planning applications should be sympathetic to the historic environment and should not impact on the setting of historic assets.
- 7.28 As submitted the policy is rather basic in its format. In addition, it fails to have regard to the approach set out in paragraphs 132-135 of the NPPF. National policy incorporates the distinction between ‘substantial harm’ and ‘less than substantial harm’ and the public benefits of the proposal itself. These sections of the NPPF also identify a distinction in approach between dealing with applications in relation to designated and non-designated assets.
- 7.29 Whilst I have the flexibility to recommend a modification to the policy so that it meets the basic conditions in this case that modification would effectively be to repeat national policy. Plainly there is no need for neighbourhood plan policies to repeat either national or local policies. In any event the wider issue is adequately addressed in Core Policy 58. That policy appropriately makes the distinction between designated and non-designated assets. On this basis I recommend the deletion of the policy. Its deletion would have no direct impact on the ambitions of the policy as the Plan area’s heritage assets are already safeguarded by national and local policies.

Delete policy

Policy HP1 – Infill and small site development

- 7.30 I have considered this policy in tandem with Policy HP2 as they address overlapping issues. The policies set out the Plan's approach to infill and small site development. They address a series of issues including the size of developments, their location and their design and layout. They also include a policy component to resist the introduction of a second storey to existing two or three-bedroom bungalows.
- 7.31 Policy HP1 proposes that infill development should not exceed six dwellings. I can see that this reflects the scale of the allocated sites and the extensive search process for new housing sites that has underpinned the Plan. I acknowledge that given the form of the village it is unlikely that developments greater than this proposed limit will come forward. Nevertheless, the absolute nature of this approach has the ability to restrict the supply of housing land and to prevent the approval of otherwise acceptable sites in the Plan period. I recommend that the six-house limit is repositioned as an advisory note in the supporting text and is replaced by a policy approach that refers to the size, location and character of the site concerned.
- 7.32 I am satisfied that the second aspect of the policy on the relative position of properties is appropriate. It reflects the linear nature of the village. However, I recommend a modification so that it refers more widely to the character of the existing village. This would take account of the representation on this aspect of the policy. It would also acknowledge that modern residential developments off Station Road have successfully incorporated tandem development that has not detrimentally affected the character and appearance of the village.
- 7.33 The aspect of Policy HP2 on the insertion of a second storey to bungalows has generated a degree of interest at the submission stage. On the one hand the Plan sets out to safeguard smaller bungalows that have the potential to offer appropriate accommodation for older persons in the village. On the other hand, the Plan has a responsibility to take account of the reasonable expectations of current occupiers of such properties as their circumstances change during the Plan period.
- 7.34 I have sympathy for the approach adopted by the Plan. However, it seeks to use a blunt development management tool to safeguard existing smaller single storey properties for older persons. In doing so it provides no detailed evidence on the housing needs of its older residents or of the operation of the local housing market. Plainly houses of this type will not necessarily change hands within the Plan period. In any event if they are made available in the market place they will be generally available to a wider cohort of potential purchasers. On this basis I recommend the deletion of this part of the policy.
- 7.35 I also recommend modifications to the format and structure of the policies. As submitted they are more a series of mini policies or criteria rather than a free-standing policy. I recommend that the policies are combined and restructured accordingly.

Replace the policies with the following single policy:

Proposals for residential development within the settlement boundary will be supported subject to the following criteria:

- their size and layout respect the character of the site concerned and that of the immediate locality and the resulting development front onto existing highways, or are arranged in cul-de-sac or courtyard configurations;
- their format respects the layout of adjacent residential properties in general and the generally single-plot form of the village in particular;
- they result in the development of houses of up to three bedrooms; and/or
- they result in the development of single storey properties; and/or
- they result in the development of houses that meet the needs of older persons; and
- their design is of a high quality and which respects the character and appearance of the village.

In the supporting text (9.8) delete the final sentence of the third paragraph.

At the end of the supporting text (9.8) add the following paragraph:

'Policy HP1 attempts to capture the various issues addressed in this section of the Plan into a policy format. It identifies the type of houses that will be supported in general terms and provides particular support for smaller houses and for houses that will meet the needs of older persons. The first criterion requires that new developments are of an appropriate size for the village. It requires developers to make an assessment of the relationship between their proposals and the character of the surrounding area. Given the nature of the village and the limited opportunities for infilling it is not envisaged that any infill sites will exceed six dwellings.'

Policy HP2 – Housing Mix

7.36 I have addressed this policy in the context of Policy HP1.

7.37 I recommend that the policy is merged into Policy HP1 as set out above in paragraph 7.35.

Merge the policy with Policy HP1

Policy D1 – Design

7.38 This policy sets out an overall approach towards achieving high-quality design in the Plan area. As the Basic Conditions Statement comments the inclusion of this policy reflects the importance of design in both national policy and in the Core Strategy.

7.39 As submitted the policy adopts a general rather than a specific format. It loosely refers to Core Policy 57. That policy adopts a very comprehensive format.

7.40 Plainly Core Policy 57 does not directly address the character of Christian Malford. The policy in the submitted Plan attempts to do so and the supporting text in paragraph 10.1 adds a degree of explanation on the matter.

7.41 Taking all matters into consideration I recommend a modification to the policy which connects the two policies.

Replace the policy to read:

‘Proposals that would result in high quality design will be supported. Proposed new development in the Plan area should respect the existing layout, character and historic design features of the village and otherwise conform to the principles included in Core Policy 57 that are relevant to the site concerned’

At the end of the supporting text in 10.1 include:

‘Policy D1 sets out design standards for new development. It makes direct reference to Core Policy 57. The Plan expects that developers will take account of both policies as they prepare proposals in the neighbourhood area’.

Policy HSP1 – Housing site allocations

7.42 This policy sets out the framework within which new residential developments are identified and allocated. It follows on from an extensive analysis of a range of sites as the Plan has been prepared. Six sites are allocated. In total they would deliver approximately 30 dwellings.

7.43 Within the context of the strategic policies of the development plan I am satisfied that the housing site allocations will boost significantly the supply of housing land in the Plan area in accordance with national planning policy (NPPF 47). I am also satisfied that individually and collectively they are appropriate to the scale and character of the Plan area. In combination with the detailed policies for the six identified sites the policy will play a major part in the contribution that the Plan will make to the achievement of the economic dimension of sustainable development in the neighbourhood area. Section 11.4 of the Plan and Map 10 provides an overview of the location of the sites concerned. It proposes extensions to the settlement boundary to accommodate the sites. This approach is anticipated in the Core Strategy (paragraph 4.13) which comments that the various settlement boundaries (which were carried into that Strategy from the various local plans) would be reviewed as part of the Housing Site Allocations DPD and the production of neighbourhood plans. Plainly this has been the case in the case here and the Parish Council’s proposal is clearly set out on Map 10. Nevertheless, to bring full clarity to this matter I recommend that this policy explicitly changes the settlement boundary. I also recommend that Map 10 is shown at a scale and with a relevant level of detail to identify the revised settlement boundary for development management purposes in the Plan period.

7.44 The policy identifies two phases for the development of the six sites. Sites HS1-3 are identified as being in Phase 1 (within 5 years of the adoption of the Plan). Sites HS4-6

are proposed to be in Phase 2 (within 10 years of the adoption of the Plan). I sought clarification on the prescriptive nature of the phasing approach. The Parish Council advised me that they reflect the current thinking of the site owners concerned.

- 7.45 Whilst I am satisfied that in a wider sense the policy delivers against national and local planning policies the proposed phasing approach is neither clear nor practically deliverable through the development management process. On the first point the two phases appear to be mutually exclusive in the policy. Yet in the supporting text the phase one sites are anticipated to be delivered in the first five years of the plan and the phase two sites in the first ten years of the policy. As drafted this approach would not prevent phase two sites from coming forward in the first five years. Similarly, there is no evidence in the policy or the supporting text of the harm that would otherwise be caused if phase one sites were not delivered in the first five years of the Plan.
- 7.46 On the second point whilst the planning process can control the release of sites where there is a need to do so, it cannot control the pace at which development takes place. For example, a phase two site could be completed before a phase one site if the former is developed and sold at a more rapid pace.
- 7.47 Taking all these matters into account I recommend modifications to the policy so that it has the necessary flexibility to boost the supply of housing land in the Plan area. In particular I recommend that the phasing becomes indicative rather than the key structural component of the policy. In particular I recommend the deletion of any reference to a potential phase three of housing development.
- 7.48 I also recommend consequential modifications to the supporting text in this matter. In addition, the submitted Plan makes reference to a site on land to the south side of Main Road. The site is not defined in the submitted Plan. The supporting text indicates that proposals would be supported in the latter years of the Plan if planning applications were submitted and accorded with other policies in the Plan. I have taken account of the representation made by Mr Besant on this site which suggests that it should be identified as a further site in the second phase of development. Taking all matters into consideration I recommend the deletion of any reference to this site in the Plan. It could be considered afresh as and when the Plan is reviewed.

Replace the introductory part of the policy to read:

Sites HS1-6 as identified below are allocated for residential development in the context of the specific policies for each of the sites (Policies HP1-6).

In the table delete 'Phase One' and 'Phase Two' in the second column and 'likely timescale' in the column title.

**In the table insert an additional column to read 'Anticipated Delivery Timetable'
In the additional column insert for HS1-3 '2018-2023' and for HS4-6 '2023-2028'**

Insert a new section at the end of the policy to read:

'The Christian Malford settlement boundary is extended to incorporate the six housing sites and is shown on Map 10.

In the third paragraph of section 11.2 replace 'in 3 phases' with 'in two generalised time periods (2018-2023 and 2023-2028).

Include additional text to read:

'These time periods do not represent firm commitments. The Plan recognises that the sites may be granted planning permission at times which do not necessarily correspond to this timetable, and that their delivery rates are unpredictable'.

In the following paragraph replace:

'Phase One.....of the Plan' with '2018-2023'

'Phase Two.....of the Plan' with '2023-2028'

Delete the paragraph headed Phase Three

Replace Map 10 with one at a scale and with a relevant level of detail to identify the revised settlement boundary for development management purposes in the Plan period and with a revised title (Revised settlement boundary and housing allocations). Show all six housing allocations in a single colour

Policy SSHS1

- 7.49 This policy sets out detailed guidance for the development of allocated site HS1 (Land at the end of Lye Common). The site is located on the eastern edge of the village off Lye Common and is adjacent to recently-built properties to the west. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.50 It sets the scene for the equivalent policies on the other allocated sites. On this basis I make general comments here about the generality of the policy structure. The recommended modifications to the other policies are based around identical reasoning as set out in this section.
- 7.51 The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.
- 7.52 Nevertheless I recommend modifications to the format and the structure of the policy itself. In the first instance it does not explicitly comment that proposals for housing development on the site will be supported. In the second instance the policy includes four sub policies (in this case HS1a-d). This format is confusing. In effect the four matters are detailed criteria to an overarching supporting policy. The recommended modification below translates the submitted policy into a more traditional format which will have the clarity required by the NPPF. Its approach remains in general terms, although I also recommend modifications to the details of the criteria and to the supporting text. The modifications to the supporting text take account of the helpful response from the Parish Council to my Clarification Note.

Replace the initial element of the policy with the following:

‘Proposals for residential development on the site as shown in Map 11 will be supported subject to the following criteria:’

Translate the HS1a-HS1d sub policies into criteria each preceded by its own bullet point.

Replace the criteria with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately six dwellings;

The houses should be set back at least 4.5 metres from the southern boundary of the site except for the house that would sit immediately adjacent to the eastern boundary of the site which should be set back at least 7 metres from the southern boundary of the site; and

The development should consist of either bungalows or two-storey terraced or semi-detached houses.

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

‘Policy SSHS1 sets out the basis on which the site should be developed. In particular the third criterion sets out important guidance on the form and layout of the site. It should be developed to respect its linear form and in a single plot deep format. The different spacing of the easternmost property is designed to achieve the objective set out in the preceding paragraph.’

Policy SSHS2

- 7.53 This policy sets out detailed guidance for the development of allocated site HS2 (the redundant farmyard site adjacent to the Old Parlour). The site is located on the northern edge of the village off Main Road and is adjacent to agricultural buildings. It was previously the farmyard of Malford Farm. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.54 I am satisfied that the development of this site for housing purposes is appropriate. The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.
- 7.55 Within the context set by Policy SSHS1 I recommend a series of modifications to the policy.

Replace the initial element of the policy with the following:

‘Proposals for residential development on the site as shown in Map 12 will be supported subject to the following criteria:’

Translate the HS2a-HS2d sub policies into criteria each preceded by its own bullet point

Replace the first and third criteria with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately six dwellings; [formerly HS2a]

The development should consist of either bungalows or two-storey terraced or semi-detached houses. [formerly HS2c]

In the first and second sentences of the second criterion (formerly HS2b) replace ‘to’ with ‘should’.

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

‘Policy SSHS2 sets out the basis on which the site should be developed. In particular the second and fourth criteria set out important guidance on the form and layout of the site. It should be developed to respect its context in the wider environment and to facilitate the development of housing allocation HS3 to its south-west.

Policy SSHS3

- 7.56 This policy sets out detailed guidance for the development of allocated site HS3 (the redundant farmyard adjacent to Fordlands). The site is located on the northern edge of the village off Main Road. It consists of a series of farm buildings. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.57 I am satisfied that the development of this site for housing purposes is appropriate. The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.
- 7.58 Within the context set by Policy SSHS1 I recommend a series of modifications to the policy.

Replace the initial element of the policy with the following:

‘Proposals for residential development on the site as shown in Map 13 will be supported subject to the following criteria:’

Translate the HS3a-HS3d sub policies into criteria each preceded by its own bullet point.

Replace the first criterion with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately four dwellings; [formerly HS3a]

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

'Policy SSHS3 sets out the basis on which the site should be developed. In particular the second and third criteria set out important guidance on the form and layout of the site. It should be developed to respect its context in the wider environment. Development proposals should have particular regard to the design, character and location within the site of the stone building which abuts Main Street. The comprehensive development of the site could retain the building and convert it into residential use. In the event that the building is redeveloped a dwelling should be positioned in the same location and scale within the site'

Policy SSHS4

- 7.59 This policy sets out detailed guidance for the development of allocated site HS4 (the redundant farmyard at Mermaid Farm). The site is located on the northern edge of the village off Main Road. It consists of a series of farm buildings. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.60 I am satisfied that the development of this site for housing purposes is appropriate. The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.
- 7.61 Within the context set by Policy SSHS1 I recommend a series of modifications to the policy.

Replace the initial element of the policy with the following:

'Proposals for residential development on the site as shown in Map 14 will be supported subject to the following criteria:'

Translate the HS4a-HS4d sub policies into criteria each preceded by its own bullet point.

Replace the first criterion with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately six dwellings; [formerly HS4a]

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

'Policy SSHS4 sets out the basis on which the site should be developed. In particular the second and third criteria set out important guidance on the form and layout of the site. It should be developed to respect its context in the wider environment. Development proposals should have particular regard to the design, character and location within the site of the brick-built buildings on the east and west boundaries of the site. The comprehensive development of the site should respect the existing arrangements of buildings on the site. This matter is captured in the third criterion'.

Policy SSHS5

- 7.62 This policy sets out detailed guidance for the development of allocated site HS5 (land to the east of Malford Farmhouse). The site is located on the northern edge of the village off Main Road. It is currently grassed. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.63 I am satisfied that the development of this site for housing purposes is appropriate. The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.
- 7.64 Within the context set by Policy SSSH1 I recommend a series of modifications to the policy.

Replace the initial element of the policy with the following:

‘Proposals for residential development on the site as shown in Map 15 will be supported subject to the following criteria:’

Translate the HS5a-HS5c sub policies into criteria each preceded by its own bullet point.

Replace the criteria with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately four dwellings;

The development should consist of either bungalows or two-storey terraced or semi-detached houses; and

The houses should be set back at least 10 metres from the northern boundary of the site.

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

‘Policy SSSH5 sets out the basis on which the site should be developed. In particular the third criterion set out important guidance on the form and layout of the site. It should be developed to respect its context in the wider environment. It is important that the site retains its current open aspect. It is on this basis that the third criterion expects that the new dwellings will be set back at least 10 metres from Main Road.’

Policy SSSH6

- 7.65 This policy sets out detailed guidance for the development of allocated site HS6 (land to the west of The Bakehouse). The site is located on the northern edge of the village off Main Road. It is the site of the former Mermaid Inn. It will represent an appropriate and sensitive addition to the housing stock in the Plan area.
- 7.66 I am satisfied that the development of this site for housing purposes is appropriate. The policy is very well detailed and is accompanied by a site location plan. This will assist WC in the exercise of its development management roles throughout the Plan period.

- 7.67 Within the context set by Policy SSHS1 I recommend a series of modifications to the policy.

Replace the initial element of the policy with the following:

‘Proposals for residential development on the site as shown in Map 15 will be supported subject to the following criteria:’

Translate the HS6a-HS6c sub policies into criteria each preceded by its own bullet point.

Replace the criteria with the following:

The development of the site respects the character of the surrounding area in general terms and delivers approximately four dwellings;

The development should consist of either bungalows or two-storey terraced or semi-detached houses; and

The houses should be set back at least 10 metres from the northern boundary of the site.

At the end of the final paragraph of the supporting text preceding the policy insert a new paragraph to read:

‘Policy SSHS6 sets out the basis on which the site should be developed. In particular the third criterion sets out important guidance on the form and layout of the site. The site should be developed to respect its context in the wider environment. It is important that the site retains its current open aspect. It is on this basis that the third criterion expects that the new dwellings will be set back at least 10 metres from Main Road

Non-land use policies

TR1 – Traffic and Transportation

- 7.68 This recommendation relates to a painted walkway on the northern end of Station Road to connect with existing footpaths. The proposal is distinctive to the Plan area and represents a very useful initiative.

General Comments

- 7.69 This report has recommended a series of modifications both to the policies and to the supporting text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for WC and the Parish Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly. This is particularly the case in four areas.

- 7.70 In the first instance the Plan uses a range of terminology to describe the settlement boundary. It would be helpful for clarity to use 'settlement boundary' in a consistent fashion.
- 7.71 In the second instance there are a variety of references to Phases 1 and 2 following their introduction as a concept in Policy HSP1. They should be either deleted or made to read in a consistent fashion with the recommended modification to that policy
- 7.72 In the third instance Appendix C lists the Plan's policies. It should be amended to take account of my recommendations to delete certain policies in the Plan.
- 7.73 In the fourth instance the Plan refers to several planning applications that were being determined at the time that the Plan was being prepared. These details should be updated where appropriate.

Modification of general text (where necessary) to achieve consistency with the modified policies.

8. Summary and Conclusions

Summary

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2035. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following my independent examination of the Plan I have concluded that the Christian Malford Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.
- 8.3 This report has recommended modifications to the policies in the Plan. Nevertheless, it remains fundamentally unchanged in its role and purpose.

Conclusion

- 8.4 On the basis of the findings in this report I recommend to Wiltshire Council that subject to the incorporation of the modifications set out in this report that the Christian Neighbourhood Plan should proceed to referendum.

Referendum Area

- 8.5 I am required to consider whether the referendum area should be extended beyond the Plan area. In my view, the neighbourhood area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by Wiltshire Council on 6 November 2014.
- 8.6 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft
Independent Examiner
18 December 2017**