

Wiltshire Council

Corsham

Neighbourhood Plan 2016-2026

Independent Examiner's Report

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29 July 2019

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Summary

I have been appointed as the independent examiner of the Corsham Neighbourhood Development Plan.

Corsham is a market town that has experienced considerable growth over recent years. It is in a rural setting with high quality and attractive landscape. With strong links to Bath and Chippenham, it has relatively poor transport connections. The MOD has a strong presence in the area.

The Plan is presented well and takes an ambitious approach with a strong, overarching vision aimed at being forward looking and revitalising the area. It is accompanied by a Design Guide which has been community-led and a Batscape Strategy which recognises the importance of bats in the locality.

The Plan has unfortunately been significantly delayed and the examination paused whilst clarity over the position with habitats regulations was sought; a source of considerable frustration for everyone concerned. The basic condition introduced in December 2018 has meant that the Plan could proceed and as a result it must be one of the few neighbourhood plans to have an appropriate assessment carried out.

It has been necessary to recommend some modifications. In the main these are to help ensure that the Plan is a workable document that provides a practical framework for decision making as required by national policy and guidance. My reasoning is set out in detail in this report. The modifications do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wiltshire Council that the Corsham Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
29 July 2019



1.0 Introduction

This is the report of the independent examiner into the Corsham Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wiltshire Council (WC) with the agreement of the Town Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.² It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check³ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁴

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

² Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

³ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

⁴ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

A helpful timeline sets out the key milestones in Plan preparation.⁵ This shows that work began on the Plan in 2014 after a SWOT analysis exercise to see if a neighbourhood plan was the right way forward for Corsham. This was an interesting exercise to undertake and to make a conscious decision that a neighbourhood plan was the right choice and one that I recommend to others.

A Steering Group was formed with membership drawn from the Town Council and local residents. The Consultation Statement includes a number of 'principles' about the community engagement process⁶ which I commend to others.

In 2014 and 2015, a number of workshops were held around the Plan area. These raised awareness, promoted engagement opportunities and gathered initial issues of concern to the community. Specific organisations such as schools were also directly contacted.

A questionnaire was sent out. Character Assessments were undertaken and directly fed into the Design Guide. A Business Questionnaire was sent to 230 local businesses.

Summaries of the issues raised were produced and workshops held to refine the visions, objectives and policy areas.

A dedicated website was established. Regular updates given to the Town Council and Corsham Area Board. Updates have been placed in the Town Council newsletter as well as sent to those who had asked to be kept informed of progress.

Pre-submission (Regulation 14) consultation took place between 1 November – 13 December 2017. As well as a display in the Town Hall and Community Campus, events were held around the Parish. A newsletter was produced and sent to every household and business in the Parish. The consultation period was publicised through posters and banners around the town.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 12 April – 25 May 2018.

The Regulation 16 stage resulted in 51 representations. I have considered all of the representations and taken them into account in preparing my report.

⁵ Consultation Statement page 5

⁶ Ibid page 13

4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).⁷ PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁸ Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

I sought clarification on a number of matters from the Parish Council and WC in writing and my list of questions is attached to this report as Appendix 2.

I am very grateful to both Councils who have provided me with comprehensive answers to my questions. The responses received (all publicly available) have enabled me to examine the Plan without the need for a hearing.

Last year NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for the Town Council to make any comments; it is only if they wish to do so. The Town Council did submit some comments.

I made an unaccompanied site visit to familiarise myself with the Plan area on 30 May 2019.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in ***bold italics***.

As a result of some modifications consequential amendments may be required. These can include changing section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

⁷ PPG para 055 ref id 41-055-20180222

⁸ Ibid

⁹ PPG para 056 ref id 41-056-20180222

¹⁰ Ibid

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Corsham Town Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

Plan area

The Plan area is coterminous with the administrative boundary for the Parish. WC approved the designation of the area on 22 May 2017. This is a modified Plan area to one approved on 22 September 2015 so that the Plan area aligns with changes to the parish boundary made through the WC (Reorganisation of Community Governance) Order 2016 and effective from 1 April 2016.

The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 14 of the Plan.

I note the representation from the Defence Infrastructure Organisation on behalf of the Ministry of Defence and the points raised about operational Crown land. However, my remit is to check whether the Plan has been prepared for an approved area rather than to determine the appropriateness of that area which is a matter for WC.

Plan period

The Plan period is 2016 – 2026. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the

community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹

The Plan includes a section called "Community Aspirations". However, this section is a summary of the main issues of importance to the community. I discuss this later in the report.

6.0 The basic conditions

Regard to national policy and advice

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised last July.

Paragraph 214 in Annex 1 of that document explains that:

"The policies in the previous Framework published in March 2012 will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned."

Footnote 69 explains that for neighbourhood plans "submission" means where a qualifying body submits a plan proposal to the local planning authority in accordance with regulation 15 of the Neighbourhood Planning (General) Regulations 2012.

As the Plan was submitted before 24 January 2019, it is clear that it is the previous NPPF published in 2012 that is relevant to this particular examination. Any references to the NPPF in this report refer to the NPPF published in 2012 unless otherwise stated.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the strategic development needs set out in Local Plans, plan positively to support local development, shaping and directing development that is outside the strategic elements of the Local Plan and

¹¹ PPG para 004 ref id 41-004-20190509

identify opportunities to use Neighbourhood Development Orders to enable developments that are consistent with the neighbourhood plan to proceed.¹²

The NPPF also makes it clear that neighbourhood plans should be aligned with the strategic needs and priorities of the wider local area. In other words neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. They cannot promote less development than that set out in the Local Plan or undermine its strategic policies.¹³

The NPPF indicates that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.¹⁴

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at <https://www.gov.uk/government/collections/planning-practice-guidance> which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous¹⁵ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the context and the characteristics of the area.¹⁶

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.¹⁷ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.¹⁸

Whilst this has formed part of my own assessment, the Basic Conditions Statement identifies each policy against the relevant part of the NPPF.

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development. The NPPF as a whole¹⁹ constitutes the Government's view of what sustainable development means in practice

¹² NPPF paras 14, 16

¹³ Ibid para 184

¹⁴ Ibid para 17

¹⁵ PPG para 041 ref id 41-041-20140306

¹⁶ Ibid

¹⁷ Ibid para 040 ref id 41-040-20160211

¹⁸ Ibid

¹⁹ NPPF para 6 which indicates paras 18 – 219 of the Framework constitute the Government's view of what sustainable development means in practice

for planning. The Framework explains that there are three dimensions to sustainable development: economic, social and environmental.²⁰

Whilst this has formed part of my own assessment, the Basic Conditions Statement indicates that a Sustainability Appraisal has been carried out which helps to demonstrate how the Plan has sought to meet this basic condition.

General conformity with the strategic policies in the development plan

The development plan relevant to this examination includes the Wiltshire Core Strategy Development Plan Document (CS) and the saved and retained policies of the North Wiltshire Local Plan 2011 (LP) identified in Appendix D of the CS. The CS was adopted on 20 January 2015 and the LP was adopted in June 2006.

The CS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy. It identifies 20 Community Areas and the Plan area falls within the Corsham Community Area.

Core Policy 1 of the CS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland. Corsham is identified as a 'Market Town' which have "the potential for significant development that will increase the jobs and homes...in order to help sustain and where necessary enhance their services and facilities and promote better levels of self containment and viable sustainable communities".²¹

Gastard and Neston are identified as 'Small Villages'. These are settlements with a low level of services and facilities and few employment opportunities. Development is limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.

Core Policy 2 sets out the delivery strategy; the indicative housing development requirement for Corsham town is 1, 220 and for the rest of the area 175. There is a presumption in favour of sustainable development at Market Towns within defined limits of development. Outside the defined limits of development, development is not permitted other than by specific policies in a plan.

The CS's Corsham Area Strategy²² explains that the area is characterised by its rural setting, high quality landscape and historic built environment. It is located within the Cotswolds Area of Outstanding Natural Beauty (AONB) (a small part of which falls within the Plan area) and also protected by the Western Wiltshire Green Belt (which lies to the west of the Plan area, but does not fall within it). There is a large Ministry of Defence

²⁰ NPPF para 7

²¹ Core Strategy page 43

²² Ibid page 103

(MOD) site. Mining is important providing the famous Bath stone and the mines around Corsham and Gastard support bats which are protected by a Special Area of Conservation (SAC) designation.

Identified weaknesses are the transport network and provision of community and health facilities. Corsham has a large employment base.

Core Policy 11 seeks to deliver 6 hectares of new employment land including at the Leafield Industrial Estate and Fiveways Trading Estate and approximately 1, 395 new homes of which 1, 220 should be at Corsham.

WC confirms that this indicative housing requirement has been met. The overall housing requirement figure in the CS is a minimum and the area strategy figures indicative. The CS is clear that Plans should not be constrained by the housing requirements in the CS and that additional growth may be appropriate and consistent with the settlement strategy. The tenor of the CS is to enable community-led proposals to come forward.

Emerging planning policy

WC's website explains that there are a number of plans in preparation. A review of the CS (to be recast as the Wiltshire Local Plan) is underway. An initial consultation has been held on the issues that should be addressed. WC and Swindon Borough Council are also working together to prepare Statements of Common Ground.

In July 2018, WC submitted the draft Wiltshire Housing Site Allocations Plan, along with a schedule of proposed changes for examination. In response to a letter received from the Inspector, WC undertook consultation on the proposed changes along with a revised Sustainability Appraisal and an update to the Habitats Regulations Assessment Addendum. The purpose of this document is to support the delivery of new housing set out in the CS through the revision, where necessary, of settlement boundaries and site allocations.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²³ advises that the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore qualifying bodies and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.²⁴

²³ PPG para 009 ref id 41-009-20190509

²⁴ Ibid

European Union Obligations

A neighbourhood plan must be compatible with European Union (EU) obligations, as incorporated into United Kingdom law, in order to be legally compliant. A number of EU obligations may be of relevance including Directives 2001/42/EC (Strategic Environmental Assessment), 2011/92/EU (Environmental Impact Assessment), 92/43/EEC (Habitats), 2009/147/EC (Wild Birds), 2008/98/EC (Waste), 2008/50/EC (Air Quality) and 2000/60/EC (Water).

Habitats Regulations Assessment

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is relevant to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.²⁵ The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A Screening Report of March 2018 has been submitted. It concluded that the Plan would not have any likely significant effect on any European sites. It is not clear whether Natural England (NE) were consulted or responded if consulted on this screening opinion.

In any case, matters have now been superceded.

I wrote to WC on 10 July 2018 regarding the case of People Over Wind, Peter Sweetman v Coillte Teoranta.²⁶ That letter is attached at Appendix 3. I asked the Council to consider any implications arising from the judgment that meant that measures intended to avoid or reduce effects could not be taken into account at the screening stage when considering whether a plan would be likely to have a significant effect on a European site.

WC responded on 24 July 2018 indicating they considered that the Screening Report was legally compliant having reviewed it, but suggested some amendment to it in the interests of clarification.

Over the next few months, it became clear that there was confusion and uncertainty about neighbourhood plans and habitats issues arising from a series of European Court cases. It must be pointed out that this uncertainty applied across England and was not specific to WC or Corsham and resulted in many neighbourhood plan examinations being paused until the situation became clearer. During this time, WC sought advice on the situation and on 3 December 2018 confirmed that a further screening for HRA would be carried out.

²⁵ PPG para 001 ref id 65-001-20190722

²⁶ Case C-323/17

On 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.

I wrote to WC on 4 January 2019 drawing attention to this and asking whether this change to the basic conditions gave rise to any implications for the examination of this particular neighbourhood plan. My letter is attached as Appendix 4.

WC rescreened the Plan and confirmed on 31 January 2019 that the Plan was now 'screened in' and proceeded to undertake an Appropriate Assessment (AA). This identified that the Bath and Bradford on Avon Special Area of Conservation (SAC) designation extends across former stone mines which are hibernation and swarming sites for three species of bat identified as features of this SAC. The Plan area does not fall within the SAC and it is not immediately adjacent to it, but bat consultation zones have been identified to show where bat activity is focused as the bats roost and feed across a much wider area.

WC has prepared guidance "Bat Special Areas of Conservation" in 2015 and under this guidance all of the Plan area lies within one or more of the core areas for Greater Horseshoe bats. It is also likely that all three associated species use linear features around roosts and the core areas.

The AA concluded that there would be no adverse effects on the Bath and Bradford on Avon Bats SAC alone or in combination with other plans and projects. Natural England were consulted and agreed with the conclusions.²⁷ No further public consultation has been carried out; I am mindful that it is not mandatory to consult with the public or other bodies and it is the competent authority's decision as to whether it is appropriate to undertake such consultation.²⁸

I can therefore conclude that the requisite requirements have been met in relation to HRA and that the prescribed basic condition is complied with.

Strategic Environmental Assessment

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

²⁷ Email from Natural England dated 8 March 2019

²⁸ Regulation 63(4) of the Conservation of Habitats and Species Regulations 2017

An Environmental Report (ER) of February 2018 has been submitted. This explains that a Scoping Report was produced in November 2016. A draft Environmental Report was produced in November 2017 to accompany the pre-submission version of the Plan. It concludes that the Plan is likely to lead to significant positive effects in relation to the Population and Community, Health and Wellbeing and Historic Environment and Landscape SEA themes.

The ER has been prepared independently and has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.²⁹ In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

However, as explained above, a new basic condition was effective from 28 December 2018. This resulted in an AA being carried out. PPG³⁰ explains that “if the plan is determined to require an appropriate assessment then it will normally also require a Strategic Environmental Assessment.”.

I therefore asked WC to consider whether any further work was needed on the SEA. WC prepared a note which confirms that a review of the ER has been carried out. This explains that as both the ER and AA conclude no changes to any policies are needed, no revision to the ER is required.

WC has, in effect, reviewed the SEA work in the light of the Plan requiring an AA and WC has reached the conclusion that no further work or implications arise.

I am therefore of the view that EU obligations in respect of SEA have been satisfied.

European Convention on Human Rights (ECHR)

There is nothing in the Plan that leads me to conclude there is any breach of the fundamental rights and freedoms guaranteed under the ECHR or that the Plan is otherwise incompatible with it or does not comply with the Human Rights Act 1998.

PPG³¹ confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

²⁹ PPG para 030 ref id 11-030-20150209

³⁰ Ibid para 047 ref id: 11-047-20190722

³¹ Ibid para 031 ref id 11-031-20150209

7.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in **bold italics**.

The Plan is generally presented well and there is a useful contents page at the start.

The Plan is currently presented in three parts; part one is titled “Core Policies”, part two is titled “Corsham Design Guide” and part three is titled “Corsham Batscape Strategy”. It is important to understand that documents such as the Design Guide and the Batscape Strategy do not have statutory status unless taken through the Supplementary Planning Document process with a local planning authority. Therefore, the purpose of these documents is restricted to providing guidance for developers and decision-takers. The documents can therefore be referenced and attention drawn to them, but they should be regarded as appendices or accompanying documents and not referred to as Part 2 and Part 3.

In addition, consequential amendments will need to be made to the Plan (currently Part 1) and the Design Guide and Batscape Strategy to remove any references to the statutory status of these two documents. I do not repeat this modification at every juncture; rather I have the expectation that such editing and revision will be carried out.

There is a second related issue. Many of the individual policies refer to both the Design Guide and the Batscape Strategy. As part of my questions of clarification, I indicated it was my intention to insert an overarching policy referring to both parts into the Plan. I invited wording for such a section and policy.

I have amended the wording of the text and new policy put forward for my consideration. This is because both the Design Guide and the Batscape Strategy are guidance documents aimed at informing and influencing development as explained above. This is apparent in the documents themselves and it is recognised that they set out principles to guide development.

Whilst it is up to the Town Council to determine where precisely to insert this section and policy, I suggest that the new text and policy would fit well before the Business and Economy section.

- **Delete references to the Plan being in three parts and any references to Part 1, Part 2 and Part 3 throughout the Core Policies, Design Guide and Batscape Strategy referring instead to these documents as “the Plan”, the “Design Guide” and the “Batscape Strategy”**
- **Delete any text that explains that Parts 2 and 3 have statutory status across the three documents**

- Insert a new section that reads:

“The Corsham Neighbourhood Plan has been led by local evidence and extensive community involvement. As a result, the conservation of the natural and historic built environment lie at the heart of the plan’s vision and objectives, which reflect:

- 1. The international importance of the Bath and Bradford on Avon Bats Special Area of Conservation; and***
- 2. The locally distinct characteristics that are highly valued by the local community to maintain a sense of place and identity for the area.***

One of the key concerns of the local community is that these important features and assets could be eroded by the impact of incremental or inappropriate development. This is particularly the case for the bat population, which is highly sensitive to changes to the local environment, including features of existing buildings and their surrounds.

In recognition of the importance of these issues the neighbourhood plan is accompanied by a Design Guide and a Batscape Strategy. These documents are for guidance and support the Plan. It is expected that the Design Guide and the Batscape Strategy will be fully taken into account by applicants and decision makers, in accordance with Policy CNP – XX.”

- Insert new Policy CNP- XX which reads:

“Proposals for development should take into account the Corsham Design Guide and Corsham Batscape Strategy.

Applicants must demonstrate how their proposals will:

- i. take account of the principles and guidance in the Corsham Batscape Strategy to help ensure that their development preserves and, where possible, enhances landscape permeability and connective habitats within the Corsham area (including details of measures to preserve and, where possible, enhance wildlife corridors, especially with regard to foraging areas, priority flight lines and maternity roosts); and***
- ii. be of high-quality design, reflecting the distinctive character and features of the local area (design, scale, materials, colours and proportion respect the prevailing historic context) identified in the Corsham Design Guide and, where possible, result in improvements to existing features that are considered to be detractors.”***

Core Policies

Executive Summary

This well written section provides a summary of the various elements and topics covered in the Plan.

1 What is the Corsham Neighbourhood Plan?

This is a helpful introductory chapter that sets the scene for the Plan and its accompanying documents.

An overall vision for Corsham is set out and is:

“By 2026 Corsham will achieve development of high quality homes, education, health and wellbeing opportunities, and a thriving economy providing employment locally, all of which are supported by improved transport infrastructure and sustainable and sensitive use of our environment, whilst preserving its heritage. Corsham, will be a place where people will continue to enjoy living and working and plan to spend their future.”

The vision is supported by seven overarching objectives. All are clearly articulated.

There is one modification recommended in the interests of accuracy. Paragraph 8 indicates that once made the Plan will form part of the development plan which is correct, but then indicates that it should be given “significant weight”. The weight to give to a plan or policy is up to the decision maker.

- **Delete the words “...and should be given significant weight in decision making” in paragraph 8 on page 11 of the Plan**

2 Business and Economy Policies CNP BE1 – BE4

The Plan explains that Corsham has a large employment base for a town of its size. A key element of the Plan’s aspirations is to ensure that the town remains an important employment location and within this includes enhanced retail and service provision as well as tourism. Corsham is also home to the MOD.

The CS Core Policy 11 indicates that 6 hectares of new employment land will be provided in the Corsham Community Area including support for the Principal Employment Areas of the Leafield Industrial Estate and the Fiveways Trading Estate in accordance with CS Core Policy 35.

Reference is also made to mining and Figure 2 provides information about mineral planning permissions within the Plan area. If this figure is to be retained, it needs to be future proofed so that a practical framework is provided. A modification is made to address this point.

The section includes a more detailed vision and objectives on this topic. All are expressed clearly. Four policies then follow in this section. They are preceded by the objectives they relate to. The objectives here are termed “key objectives” and numbered. In the interests of consistency, the terminology and numbering should be included in the section on objectives. However, the numbering used on page 18 for the objectives is too close to the system used to identify the planning policies. A modification is made to ensure that the Plan is clear.

Four policies then follow. Policy CNP BE1 supports development which strengthens and supports Corsham’s economy subject to a number of criteria.

Policy CNP BE2 supports a hotel close to a site safeguarded for a future railway station (which is subject to a later policy in the Plan). The safeguarded site is shown on Figure 17. Whilst the objective of this policy is supported, the language is imprecise and I can envisage many arguments about what constitutes “close to”. Therefore a modification is made to make this a little more precise.

Policy CNP BE3 supports the vitality and identity of West Corsham. In addition to economic development, and in particular new small and medium enterprises with ICT or defence specialisms, the creation of an active frontage to Westwells Road is promoted alongside improved connections. One criterion on strengthening the “urban arrangement with Green Buffers” is not clear or precise and it is difficult to know how this element of the policy might be complied with.

Policy CNP BE4 focuses on the town centre. Leading on from work on the Corsham Area Framework of June 2016, the enhancement of the Martingale Centre, new coach parking and remodeling of car parks, a new supermarket, start up units, gateways into the town (also the subject of Policy CHP HE3) and links between commercial locations in the town and Plan area are sought.

The Plan explains that the proposals which are shown on Figure 3, are based on the Community Area Framework Document but do not replicate exactly the contents of that document. In response to one of my queries, the Community Area Framework does not have any formal planning status, but has been subject to significant evidence gathering and stakeholder involvement. It is an important document which has informed proposals and Policies CNP BE2, BE4 and T3 and T4.

Whilst the provision of a supermarket has generated many letters of objection and concern, all four policies seek to proactively drive and support sustainable economic development in line with a core planning principle of the NPPF.³² They encourage

³² NPPF para 17

economic growth, seek to identify barriers including poorer environments to inward investment, plan for existing and new sectors including the technology industry.³³ The Plan recognises that visitors to the area will help to retain and promote vitality as well as setting out a policy to assist with the town centre.³⁴

These policies therefore take account of national policy and guidance. They are in generally conformity with the CS and in particular CS Core Policies 36, 40 and 57. They will help to achieve sustainable development. However, some modifications are required to help with the precision and clarity of the policies and to remove repetition.

With these modifications, this section of the Plan and its policies will meet the basic conditions.

- **Add a sentence to Figure 2 on page 17 of the Plan that reads: “*Information correct at February 2018. Up to date information should always be sought from the relevant authorities.*”**
- **Add the word “*Key*” to the title for subsection 2.4 on page 16 of the Plan and number the seven objectives “*BEKO1, BEKO2*” and so on**
- **Add the words “*Employment related*” at the start of Policy CNP BE1 and substitute “*sustainably located*” instead of “*well located*” in the first sentence of the policy**
- **Delete the words “*...close to...*” and substitute “*...in a convenient and sustainable location within walking distance of the site...*” and delete the words “*...where the proposal is in accordance with the Corsham Design Guide and Corsham Batscape Strategy and thus seeks to address the biodiversity and geodiversity sensitivities of the location.*” from Policy CNP BE2**
- **Delete the words “*...Proposals must be in accordance with the Corsham Design Guide and Corsham Batscape Strategy and...*”, capitalise “*Where*”, add “*proposals should*” after “*Where applicable...*” and delete criterion d) in Policy CNP BE3**
- **Add the words “*Employment related*” at the start of Policy CNP BE4, delete criterion f), delete the words “*...must be in accordance with the Corsham Design Guide and...*”, add the word “*should*” after “*Proposals...*” and add the words “*...and provided...*” after “*...will need to be identified...*” in the last paragraph of the policy**

³³ NPPF paras 19, 21

³⁴ Ibid para 23

3 Environment

Policies CNP E1 – E5

For the same reasons given earlier in this report, reference to the amount of weight which should be given to the document should be deleted.

In line with earlier recommendations about the similarity between the numbering of objectives and policies, a modification is suggested to align the language used and to create distinction. In addition, the ordering will need to change so that the system used is consistent. Furthermore the objectives in section 3.5 should replicate those found in section 3.4 and so some such as (existing) key objective E5 will need to be altered.

This section contains five policies. Policy CNP E1 offers blanket support to any proposals which protect and enhance the habitats of the protected bat species. I feel sure this is not the intention of the policy and so suggest a modification to address this concern.

Policy CNP E2 sets out a number of criteria for new development. It reflects one of the core planning principles in the NPPF³⁵ that supports the transition to a low carbon future and to encourage the use of renewable resources including through the development of renewable energy.

However, the Government announced in a Written Ministerial Statement (WMS) of 25 March 2015, that it is not appropriate to refer to any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings in neighbourhood plans. Whilst the policy applies to other types of development, some criteria need to be more flexible or changed to reflect the WMS to encourage, rather than require, some of the matters sought.

Policy CNP E3 covers a number of different issues ranging from the Cotswold AONB and public rights of way to landscaping. Nevertheless it is a clearly worded policy that seeks to ensure that new development conserves and, where possible, enhances the landscape characteristics and setting of the Plan area. Modifications are made to increase flexibility and to remove imprecise requirements and duplication.

Policy CNP E4 seeks to protect green spaces identified on Figure 6. Figure 6 relates to green infrastructure. I had a number of queries about this policy. Both Councils consider the policy to be broadly consistent with CS Core Policy 52, but suggest amendments to the wording of the policy to make it clearer. I agree that greater precision is needed to provide a practical framework for decision-making. However, both CS Core Policy 52 and Figure 6 refer to green infrastructure which includes more than spaces. To be consistent, modifications are made to reflect this.

³⁵ NPPF para 17

Policy CNP E5 defines a Rural Green Buffer shown on Figure 5. I do not interpret this policy as one that seeks to particularly deal with landscape, but one that seeks to address coalescence as well as linking to the Batscape Strategy. This policy has attracted objection.

First of all, whether or not there is a track record of green wedges in local authority level plans or strategies, I consider it is, in principle, appropriate for neighbourhood plans to identify such areas of importance at the neighbourhood level. I am aware many other neighbourhood plans have included similar policies.

Coalescence is a recognised planning issue. It is important to prevent neighbouring settlements merging into one another and for local identity and distinctiveness to be reinforced and promoted. This reflects CS Core Policy 51 and its recognition of the separate identity of settlements.

In my view, the proposed designation is made validly. Whilst it can always be argued that more or different evidence could be available, the designation takes account of national policy and guidance insofar as reinforcing local identity and distinctiveness are recurring aims of the NPPF, it is in general conformity with the CS and will help to achieve sustainable development.

The definition of the Rural Green Buffer is in itself therefore acceptable, but its extent requires modification so that it has a clear purpose in relation to coalescence of settlements (the bat habitat is satisfactorily covered elsewhere).

Many of the areas identified as part of the Rural Green Buffer were self-evident at my visit and acted as important gaps. However, an area identified to the north of the A4 served no obvious purpose in relation to coalescence and should be deleted.

The MOD has also objected to the inclusion of operational land within the Green Buffer. I consider that to include such land would, given the wording of the policy, be inappropriate and at odds with the NPPF³⁶ and the CS and CS Core Policy 37 in particular. CS Core Policy 37 refers to military establishments and supports development at operational facilities that enhance or sustain their operational capacity. Redevelopment of redundant sites is also supported subject to a number of criteria including of relevance to this debate, the effect of development or redevelopment on the character of the site and the surrounding area. A modification is made in this respect.

De Vernon Trustees objects to the inclusion of land north of Potley Lane/Upper Potley within the Green Buffer, seeking its allocation as a housing site. In my view this site is important to the setting of the town and is appropriately included.

Turning now to the wording of the policy, this is similar to LP Policy NE3 on Local Rural Buffers (no longer a saved policy) and is sufficiently clear.

³⁶ NPPF para 164

WC also considers that the role of the Corsham Area Framework in proposing the Green Buffer should be explained. I asked both Councils to agree wording for a new paragraph to be inserted if it was felt appropriate. This helps to set out the background to the designation.

Finally, whilst flooding is referred to in a number of places, Figure 4 on page 21 of the Plan is not referred to in any of the text or policies. It is difficult to read. Furthermore the information on it may quickly become out of date. As a result I recommend deletion of this Figure.

Subject to these modifications, the five policies and the supporting text in this section will meet the basic conditions as they seek to contribute to and enhance the natural and local environment,³⁷ and retain existing open space, sports and recreational buildings and land.³⁸ They generally conform to the CS and in particular Core Policies 41, 50, 51, 52, 57 and 67 and will help to achieve sustainable development.

- **Delete the words “...and should be given significant weight in decision making” in paragraph 29 on page 20 of the Plan**
- **Add the word “Key” to the title for subsection 3.4 on page 21 of the Plan and number the six objectives “EKO1, EKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between section 3.4 and 3.5**
- **Change the wording of the key objectives in section 3.5 such as E5 to ensure they reflect the exact wording of those objectives found in section 3.4**
- **Add the words “Otherwise acceptable” at the start of Policy CNP E1 and delete the words “...provided they are in accordance with the Corsham Batscape Strategy and the Corsham Design Guide.”**
- **Reword Policy CNP E2 to read:**

“All new development *should* seek to contribute to the achievement of sustainable development.

Proposals should:

- a) Safeguard and, where possible, enhance biodiversity and geodiversity;**
- b) Adopt best practice in sustainable urban drainage;**
- c) *Reduce flood risk and ensure* that the design and location of new development is resilient to the effects of flooding**

[continues on next page]

³⁷ NPPF para 109

³⁸ Ibid para 74

Proposals are encouraged to demonstrate:

- d) *Innovative design which seeks to achieve low carbon sustainable design;*
 - e) *The promotion of the efficient use of natural resources, the re-use and recycling of resources, and the production and consumption of renewable energy;*
 - f) *Grey water re-use; and*
 - g) *The development of low and zero carbon energy through a range of technologies."*
- In Policy CNP E3 add the words "*wherever possible*" to the end of criteria a) and b), delete criterion c) and the words "...in accordance with the Corsham Design Guide and the Corsham Batscape Strategy."
 - In Policy CNP E4 change "green spaces" to "green *infrastructure*", delete the word "accessibility", add the words "*as a minimum*" after "...would only be permitted if...", change "...suitable replacement green space..." to "suitable replacement green *infrastructure*" and delete "...or gain significant social, economic or environmental benefits from an alternative facility."
 - Delete the words "...new development will be strictly controlled.", change "Approval" to "approval", delete "...or the loss of bat foraging habitat." and the last sentence from Policy CNP E5
 - Rename Figure 5 "*Rural Green Buffer*"
 - Remove the area north of the A4 and MOD land from the Rural Green Buffer shown on Figure 5
 - Insert a new paragraph on page 24 of the Plan which reads:

"The concept of a Rural Green Buffer came out of a desire to protect green spaces and preserve important gaps between settlements and identify and protect ecologically sensitive sites and wildlife habitats, enhancing biodiversity through more nature areas and green networks. The Corsham Area Framework contributed by highlighting areas of relatively undeveloped land which would protect against the coalescence of settlements and protect the integrity of the villages, preserving the green setting and character of settlements. The area included in the Rural Green Buffer has been refined to exclude areas that were not closely associated with an existing settlement and MOD land."
 - Delete Figure 4 on page 21 of the Plan

4 Health and Wellbeing Policies CNP HW1 – HW8

This section has eight policies sitting underneath a vision and a number of objectives, some of which are more development and use of land related than others. The non-planning matters should be removed.

In line with earlier recommendations, the numbering system for the objectives should differ from the policy numbering and the objectives tie up with those in the preceding text. In Section 4.5 some of the objectives do not reflect those in the text section and I have recommended deletion of some. Therefore some revisions will be necessary.

Policy CNP HW1 seeks to protect the green infrastructure network. Green infrastructure has an important multi-functional role. It delivers a wide range of environmental and quality of life benefits including supporting healthy lifestyles, helping to address climate change and as part of flood risk management.

Policies CNP HW2 and CNP HW3 seek appropriate healthcare facilities, but duplicate each other.

Policy CNP HW4 refers to the community green space identified on Figure 6. It seeks to safeguard these spaces and enhance them through new development. However, some of these spaces are also subject to Policies CNP E4 and CNP E5. I found Figure 6 difficult to read and asked for more detailed maps to be provided. I am grateful for the work that has gone into producing the maps at Annex 5 in the Councils' response to my queries. These maps should be included as appendices to the Plan.

Policy CNP HW5 seeks to support inclusivity and dementia friendly schemes. In January 2017, the Royal Town Planning Institute published Practice Advice recognising that some 850,000 people live with dementia in the UK and this figure is likely to increase to two million by 2051. It explains that evidence shows how good quality housing and well planned, enabling local environments can have an enormous impact on the quality of life of those living with dementia. CS Core Policy 46 seeks to meet the needs of vulnerable and older people.

Policy CNP HW6 deals with crime. The NPPF seeks high quality design which creates safe and accessible environments where crime, and the fear of crime, do not undermine quality of life or community cohesion.³⁹

Policy CNP HW7 refers to public art. It seeks the inclusion of public art and contributions to the delivery of the Corsham Creative Strategy which supports the role of culture in Corsham. A modification to increase flexibility is suggested to ensure that the policy is applied appropriately.

³⁹ NPPF paras 58, 69

Policy CNP HW8 refers to allotments, seeking to safeguard the overall amount and quality of provision. Allotments promote healthy communities in line with the NPPF and, as well as providing a meeting place and shared space and recreation facility, they provide the opportunity to grow food and can promote biodiversity.

The NPPF identifies that the social dimension of sustainable development is about supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.⁴⁰ It is clear that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities.⁴¹ This section is aimed at supporting these objectives.

The policies also generally conform to the CS and Core Policies 3, 11, 46, 52 and 57 in particular.

A number of modifications are recommended; these are to remove duplication and repetition, resolve internal conflicts, ensure the policies provide a practical framework for decision-making and are clear and precise.

With these modifications, this part of the Plan and its policies will meet the basic conditions and particularly help to achieve sustainable development.

- **Delete the first, second and fifth bullet points under the vision in paragraph 45**
- **Delete the first bullet point under “Designing for health and wellbeing” objectives on affordable warmth**
- **Delete the fifth bullet point under “Recreation and leisure” objectives on stiles**
- **Add the word “Key” to the title for subsection 4.4 on page 25 of the Plan and number the objectives “HWKO1, HWKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between sections 4.4 and 4.5**
- **Change the wording of the key objectives in section 4.5 to ensure they reflect the exact wording of those objectives found in section 4.4**
- **Delete the words “...provided they are in accordance with the Corsham Design Guide and Corsham Batscape Strategy.” from Policy CNP HW1**
- **Delete Policy CNP HW2**

⁴⁰ NPPF para 7

⁴¹ Ibid para 69

- Add the words “*and shown in more detail on Maps X to X in Appendix X*” after “...Figure 6 (on page 28...” in Policy CNP HW4 and include these maps as an appendix towards the end of the Plan [for the avoidance of doubt these are maps contained in Annex 5]
- Add the words “*Otherwise acceptable*” at the start of Policy CNP HW5 and delete “...where they are in accordance with the Corsham Design Guide.”
- Add the words “*Otherwise acceptable*” at the start of Policy CNP HW6
- Add the words “*Where appropriate*” at the start of Policy CNP HW7 and change “...Creative Corsham Strategy 2016” to “...Creative Corsham Strategy 2017 – 2022”
- Delete the words “...in the Corsham Neighbourhood Plan Area” from Policy CNP HW8

5 Heritage

Policies CNP HE1 – HE4

Starting with an explanation of the heritage, a vision and accompanying objectives are set out. As with previous recommendations, better distinction is needed between the identification system for the objectives and policies and they need to be consistent. There are five Conservation Areas within the Plan area, but none have had a Conservation Area Appraisal or Management Plan prepared.

Policy CNP HE1 simply requires all development to accord with the Design Guide and Batscape Strategy so this now duplicates earlier recommendations.

Policy CNP HE2 is duplicated by a large extent to Policy CNP E3 and those elements which are not repeated elsewhere are ambiguous or covered by Policy CNP HE3.

Policy CNP HE3 sets out design criteria. However, it has some duplication with other policies.

Key views are referred to and shown on Figures 13 and 14. I saw at my visit that these views have been identified wisely, but I could not readily find view 10 on Figure 13 on the ground. It has been confirmed in response to my query that the arrows for view 10 should be clearer and in line with an amended map in Annex 6.

View 21 on Figure 14 appears to cover land outside the Plan area. It has been confirmed that this was plotted incorrectly and should appear as per the amended map in Annex 7. I consider that this can be done without undue prejudice to any party.

The language used is also relatively vague and so a modification is made to address this.

Policy CNP HE4 supports innovative proposals. Although the language used is ambiguous, it is seeking to reflect the NPPF's support for innovative design which can also help to raise the standard of design more generally in the wider area.⁴²

With these modifications, this section of the Plan will take account of the NPPF's stance on good design which the NPPF indicates is a key aspect of sustainable development and indivisible from good planning.⁴³ In particular these policies set out the quality of development which is expected for the area whilst avoiding unnecessary prescription.⁴⁴ It seeks to add a local context and uphold and enhance local distinctiveness and is a local expression of CS Core Policies 57 and 58 in particular and will help to achieve sustainable development.

- **Add the word “Key” to the title for subsection 5.4 on page 33 of the Plan and number the objectives “HEKO1, HEKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between sections 5.4 and 5.5**
- **Change the wording of the key objectives in section 5.5 to ensure they reflect the exact wording of those objectives found in section 5.4**
- **Delete Policies CNP HE1 and CNP HE2**
- **Delete criterion e) and the sentence that reads “All proposals should be in accordance with the Corsham Design Guide and Corsham Batscape Strategy.” from Policy CNP HE3**
- **Reword criterion f) of Policy CNP HE3 to read: “Taking into account the key views identified on Figures 13 and 14 and ensuring that any development within these views respects the key features of the views.”**
- **Change the arrow(s) for view 10 in Figure 13 to that shown in Annex 6 and the position of the arrow for view 21 in Figure 14 to that shown in Annex 7**
- **Amend the first sentence of Policy CNP HE4 to read: “Innovatively designed proposals...”, delete the word “design” which appears later in the policy and delete “...and are in accordance with the Corsham Design Guide and Batscape Strategy.” at the end of this policy**

⁴² NPPF paras 60, 63

⁴³ Ibid para 56

⁴⁴ Ibid paras 58, 59

6 Housing Policies CNP H1 – H4

The Plan explains that Core Policy 2 of the CS sets out the housing targets for the County and indicative requirements for each Community Area. At the time the Plan was written it was decided to only support what it describes as “a very limited level of housing growth”.⁴⁵ No allocations are made. Whilst I appreciate these figures are minimum and likely to change, neighbourhood plans do not have to make site allocations for housing or any other use.

WC helpfully has confirmed that the most recent Housing Land Supply Statement of March 2018 (base date April 2017) confirms the position remains the same. This later information could be updated in the Plan if so desired.

The Plan explains that small-scale schemes in Gastard and Neston on rural exception sites are supported.

There is a vision which is supported by a number of objectives. Two objectives do not reflect the WMS referred to earlier in relation to housing standards.

Once again the objectives across sections 6.4 and 6.5 should align and be differentiated from the numbering system for the policies themselves.

Policy CNP H1 permits up to 12 houses per village on small-scale schemes of less than 10 dwellings on rural exception sites in Gastard and Neston. It is not clear to me why only these two villages have been selected; rural exception sites are by their very nature exceptions. In addition, the policy would in effect mean that only two schemes would be permitted per village. The limit to 12 dwellings seems to be without any evidential basis; any rationale for this is not included in the supporting text. I do not consider this takes account of national policy and guidance or reflects CS Core Policy 44. As such this policy does not meet the basic conditions and should be deleted.

Policy CNP H2 supports brownfield development in Corsham and small infill sites in Gastard and Neston subject to three criteria. With some modifications in the interests of clarity and to ensure the wording accords with the WMS referred to above, the policy will meet the basic conditions.

Policy CNP H3 is very similar to Policy CNP HE3. Other aspects of it such as criteria d), e) and f) are covered by other policies. Therefore this policy is unnecessary.

The final policy CNP H4 refers to the need for all housing developments to have an assessment of their impact on existing infrastructure. The policy would, as currently written, apply to all types of housing development including residential extensions. Together with the limited development supported by the Plan, this then is an onerous requirement that is made without foundation. Furthermore this places a burden on the

⁴⁵ The Plan page 38

local planning authority as in addition to the national requirements for planning applications, local planning authorities can set out further information in a local list.⁴⁶ For various reasons then this is not acceptable or in line with national policy.

With these modifications, this section and policies of the Plan will meet the basic conditions.

- **Change the word “require” to “encourage” in the fourth bullet pointed objective in section 6.4 on page 39 of the Plan**
- **Change the words “only permit” to “encourage” in the last bullet pointed objective on page 40 of the Plan**
- **Add the word “Key” to the title for subsection 6.4 on page 39 of the Plan and number the objectives “HKO1, HKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between sections 6.4 and 6.5**
- **Change the wording of the key objectives in section 6.5 to ensure they reflect the exact wording of those objectives found in section 6.4**
- **Delete Policy CNP H1**
- **In Policy CNP H2 delete the words “...within the villages identified above...” and replace with “in Gastard and Neston”, change the word “complimentary” to “complementary” and replace the words “would achieve” in criterion b) with “are encouraged to achieve”**
- **Delete Policy CNP H3**
- **Delete Policy CNP H4**

7 Lifelong Learning Policies CNP L1 – L2

The vision and objectives are supported by two policies. Again there is too much similarity between the objectives and policies and they do not reflect the earlier text.

Policy CNP L1 requires development proposals to identify their impact on infrastructure, services and educational facilities. There is some overlap with Policy CNP H4 and for the same reasons, this policy does not meet the basic conditions.

⁴⁶ PPG para 023 ref id 14-023-20140306

The second policy, CNP L2, supports the expansion of Bath Spa University and other higher and further education facilities. In principle this takes account of national policy's stance on the provision of such facilities and to have a balance of land uses in an area.⁴⁷ In line with the NPPF, transport should be added and other more minor amendments are made in the interests of clarity.

With these modifications, this section of the Plan will meet the basic conditions.

- **Add the word “Key” to the title for subsection 7.4 on page 44 of the Plan and number the objectives “LKO1, LKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between sections 7.4 and 7.5**
- **Change the wording of the key objectives in section 7.5 to ensure they reflect the exact wording of those objectives found in section 7.4**
- **Delete Policy CNP L1**
- **Add the word “establishments” after “...other higher and further education...”, delete the words “...within the Corsham Neighbourhood Plan Area”, add the words “transport and” before “footpath network” and delete the final sentence in Policy CNP L2**

8 Transport Policies CNP T1 – T4

Four policies in this section reflect the vision and six objectives. Overall an integrated transport system is supported. The links with the economy and town centre are made.

In line with the other policy topics, modifications are made to improve the clarity between objectives and policies.

Policy CNP T1 supports any development which maintains or improves traffic safety and transport services and refers to the Design Guide and Batscape Strategy. I feel sure this is not what is intended. The policy then requires proposals to mitigate the “negative impacts” of traffic in the area. This latter element therefore goes beyond what can reasonably be required as it seeks new development to rectify or mitigate pre-existing problems. A modification is therefore made to include this as an overarching traffic and transport policy.

Policy CNP T2 supports pedestrian and cycle routes and is similar to Policy CNP HW1. Some changes are therefore proposed so it does not duplicate or conflict with the other policy.

⁴⁷ NPPF para 37

Policy CNP T3 refers to the provision of the “Corsham Link”. It is clearly worded. It refers to developer contributions in the form of Section 106 agreements to help fund the Corsham Link where developments directly affect the route and via the Community Infrastructure Levy (CIL) mechanism where they do not. However, a developer cannot pay for the same infrastructure under both schemes. This element of the policy should be deleted in the interests of clarity.

Policy CNP T4 safeguards a site for a railway station. This is in line with CS Core Policy 66, but has attracted a number of representations objecting or expressing concern about it. It refers to this stimulating sustainable development to the south of the railway line. It makes an unfounded assumption about the location of development in the future. A modification is made to address this.

With these modifications, this section of the Plan will meet the basic conditions in that it reflects the stance of the NPPF, is a local expression of CS Core Policies 60, 61, 62, 66 and will help to achieve sustainable development.

- **Add the word “Key” to the title for subsection 8.4 on page 45 of the Plan and number the objectives “TKO1, TKO2” and so on**
- **Ensure that the system of numbering and titling is used consistently between sections 8.4 and 8.5**
- **Reword Policy CNP T1 to read: “*Development proposals that generate a significant amount of traffic movement must be accompanied by evidence that sets out the transport issues relating to the development including the measures to be taken to deal with the anticipated transport impacts of the scheme. If the impact cannot be satisfactorily mitigated the proposal will be resisted.*”**
- **Reword Policy CNP T2 to read: “*Developments should provide safe pedestrian and cycle routes and improve connections within and to the town and surrounding area wherever appropriate and possible. Developments will also be expected to provide suitable cycle parking facilities in a convenient location.*”**
- **Delete the sentences which begin “Developer contribution...” and “Delivery of the Corsham Link...” from Policy CNP T3**
- **Delete the second sentence of Policy CNP T4 which begins “The safeguarding of this site...”**

9 Conclusion

This is a useful end to the Plan which explains the Plan will be reviewed every five years. Whilst monitoring and review is not yet a formal requirement for neighbourhood plans, I regard this as good practice and commend this to others.

10 Monitoring and Review of the Plan

Further to my comments above, this section explains that annual monitoring will take place.

11 Community Aspirations

Although this section is clearly titled “Community Aspirations”, it simply repeats and summarises what the Plan contains. It serves no particular purpose as far as I can see. Furthermore the title of the section is confusing as I was anticipating it would contain the non-planning aspects and actions. It does not help to provide a practical framework for decision-making and so should be deleted as it currently stands.

I am mindful though that a number of bullet points under “vision” or “objectives” have been recommended for deletion. If the Town Council so wished these bullet points under any vision and objectives sections could be included in a “Community Aspirations” section, but this is not a matter on which I need to make a recommendation.

A number of policies have also been deleted. In my view, it would not be appropriate for these to be included in a “Community Aspirations” section unless I have specifically made this recommendation at the appropriate juncture in the report. In addition, for clarity, unless I have specifically indicated a bullet point under “vision” or an objective is to be deleted, it can be retained in the main body of the Plan.

- **Delete Section 11**

Appendices

Appendix 1 is a set of policy matrices and evidence base. There is just one anomaly in that Key Objective E5 on page 54 of the Plan is not the same as the objective on page 21. However, an earlier modification in relation to this point should remedy this discrepancy and ensure the document is internally consistent.

Design Guide

The Design Guide is an ambitious document which sets out guidance for 22 character areas across Corsham.

A representation requests that information about approved development is added to the section on Character Area 1, Hartham Park. I consider this would be useful to do in the interests of completeness.

I have already indicated that the Design Guide does not form part of the statutory plan. The Design Guide should be reviewed to ensure that this modification (made earlier in the report) is implemented. Consequential amendments to this document will be required.

- **After “...small businesses...” in the first paragraph on page 58 of the Design Guide, add the words “*Planning permission was also granted in 2014 for the redevelopment of the land and buildings to create an Institute of Education.*”**
- **Add a new bullet point that reads: “*Educational and related uses*” under the “Uses and Activities” section on page 63**

Batscape Strategy

The Batscape Strategy currently sits alongside the Plan and Design Guide. It states that it will become part of the statutory development plan, but that it provides guidance on how Policy CNP E1 should be applied. It is intended to act as supplementary advice to the Bat Special Areas of Conservation Planning Guidance for Wiltshire of September 2015 prepared by WC and NE. It will be regularly reviewed. I note it has the support of both WC and NE.

I have already discussed the principle of an accompanying document of this nature. I have recommended a number of modifications to include a new policy, to alter other policies and Policy CNP E1 which particularly relates to this issue.

Consequential amendments to this document will be required.

8.0 Conclusions and recommendations

I am satisfied that the Corsham Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Corsham Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Corsham Neighbourhood Development Plan should proceed to a referendum based on the Corsham Neighbourhood Plan area as approved by Wiltshire Council on 22 May 2017.

Ann Skippers MRTPI
Ann Skippers Planning
29 July 2019

Appendix 1 List of key documents specific to this examination

Corsham Neighbourhood Plan 2016 – 2026 Submission Draft V. 1 February 2018 Core Policies

Corsham Design Guide

Corsham Batscape Strategy

Basic Conditions Statement January 2018

Community Consultation Statement January 2018

Strategic Environmental Assessment Environmental Report February 2018 (AECOM)

Habitats Regulations Assessment Screening March 2018

Habitats Regulations Assessment January 2019

WC Note on the submitted Corsham Neighbourhood Plan Strategic Environmental Assessment 12 March 2019

WC Letter Update to HRA of 11 March 2019

Wiltshire Core Strategy adopted 20 January 2015

North Wiltshire Local Plan 2011 adopted June 2006

Community Area Framework June 2016

Wiltshire Housing Site Allocations Plan Pre-submission Draft Community Area Topic Paper – Corsham June 2017

Revised Wiltshire Planning Obligations SPD October 2016

Creative Corsham Strategy 2017 - 2022

List ends

Appendix 2 Questions of clarification from the examiner

Corsham Neighbourhood Plan Examination

Questions of clarification from the Independent Examiner to the Town Council and WC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please would WC confirm the status of the Community Area Framework June 2016.
2. Policy CNP E4 refers to green spaces identified on Figure 6. A number of queries arise:
 - a. Figure 6 is a diagram of areas important for green infrastructure. The policy would allow these areas to be lost, but this seems to be in direct conflict with the principles of green infrastructure and the areas identified and scored by WC on this figure. How might this issue be remedied?
 - b. Should Policy E4 apply to the areas referred to in paragraph 36 of the Plan instead? If so, these areas should all be shown clearly on a map please.
 - c. It is very difficult to identify any individual areas because of the scale of the map on Figure 6. However, given my concern above, it is not at this stage necessary to provide larger scale maps.
 - d. Figure 6 seems to score areas based on their value for green infrastructure; is this correct and if so, why does this information need to be included in the Plan?
3. Policy CNP E5 refers to a Green Buffer.
 - a. Please point me in the direction of the evidence for the areas which have been identified.
 - b. Please provide me with a map at a larger scale showing the proposed Green Buffer and the land referred to by the MOD in their representation so I can see where the two areas overlap.
 - c. Please provide me with a map at a larger scale showing the proposed Green Buffer and the land referred to by De Vernon Trustees in their representation so I can see where the areas overlap.
 - d. Please update me in relation to any planning permissions affecting the proposed Green Buffer granted since the submission of the Plan indicating any areas on a map so I can see where the land is in relation to the Green Buffer.
 - e. WC representation indicates that the role of the Corsham Area Framework in proposing the Green Buffer should be explained. Please explain this and provide text suitable for inclusion in the Plan if appropriate.
4. Policy CNP HW4 refers to community green spaces identified in Figure 6. These are not readily identifiable on Figure 6 – as I have already mentioned, the scale of Figure 6 makes it hard to see individual areas. Please provide a larger scale map which shows the green spaces intended to be the subject of Policy CNP HW4.
5. What is the Creative Corsham Strategy? Please provide me with a copy of this or a link to it.

6. Is there any other supporting information on the key views referred to in Policy CNP HE3 and shown on Figures 13 and 14? Please confirm the accuracy of Figures 13 and 14; at my visit View 10 on Figure 13 did not seem correct and View 21 on Figure 24 seems to be outside of the Plan area.
7. Is the information in paragraph 51 of the Plan still up to date? If not, what should it be now please?
8. I would like to invite the Town Council to briefly comment on the points made by Savills in relation to the Design Guide. Should it be revised in the way suggested?
9. Please provide a copy of Natural England's response to the Habitats Regulations Assessment of January 2019.
10. It is my present intention to insert an overarching policy referring to the Design Guide and Batscape Strategy into Part 1 of the Plan. Would the Town Council with WC like to suggest wording for such a policy for my consideration?

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses. Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

With many thanks.
Ann Skippers
24 June 2019

Appendix 3 Letter from the examiner

Letter to Carolyn Gibson
Spatial Planning
Economic Development and Planning
Wiltshire Council
The Council House
Bourne Hill
Salisbury SP1 3UZ

cc Corsham Town Council

10 July 2018

Dear Carolyn,

Examination of the Corsham Neighbourhood Plan

I am writing to draw your attention to a recent judgment of the Court of Justice of the European Union.

In the case of *People Over Wind, Peter Sweetman v Coillte Teoranta*, the Court ruled that Article 6 (3) of the Habitats Directive must be interpreted as meaning that mitigation measures (referred to in the judgment as measures which are intended to avoid or reduce effects) should be assessed within the framework of appropriate assessment (AA) and that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage.

Earlier case law had established that reduction or avoidance measures could be taken into account when considering whether a plan or proposal would be likely to have a significant effect on a European site. However, the implications of the more recent judgment is that this is no longer the case.

I would therefore be grateful if the Council could consider the HRA Screening Report and advise me on whether it considers it to be legally compliant in the light of the judgment. If it is considered not to be legally compliant and to have fallen foul of the judgment, I would ask that the Council advises me of what further work would be required to rectify this, together with an indicative timescale for that work, including any further consultation.

I will clearly reach my own view on this matter as well. Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of this Neighbourhood Plan.

Your early response would be appreciated. This letter is of course a matter of public record and should be placed on the relevant websites.

With many thanks,

Ann Skippers MRTPI
Independent Examiner

Appendix 4 Letter from the examiner

Letter to Carolyn Gibson
Wiltshire Council

4 January 2019

Dear Carolyn,

Examination of the Corsham Neighbourhood Plan Amendment to the Basic Conditions

I am writing to draw your attention to the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28 December 2018.

Amongst other things, these Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) which stated:

- The making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site either alone or in combination with other plans or projects.

The Regulations substitute a new basic condition which states:

- **The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.**

The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European site. If the plan is 'screened in' because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site's conservation objectives. Consent for the plan can only be given if it is 'screened out' at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.

Case law (*People Over Wind*, *Peter Sweetman v Coillte Teoranta*) ruled that it is not permissible to take account of measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage. This represented a move away from what was common practice. Any 'mitigation' measures can now only be considered at the appropriate assessment stage.

This resulted in some confusion as to whether neighbourhood plans 'screened in' could progress because of the wording of the basic condition.

The substituted basic condition removes this confusion; it gives certainty that those neighbourhood plans which have been 'screened in' and therefore require appropriate assessment can continue to progress (provided that the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 are met).

The process for appropriate assessment of neighbourhood plans is the same as assessments for Local Plans.

There are no transitional arrangements and so the substituted basic condition applies from 28 December 2018. It will therefore apply to any neighbourhood plans currently at examination or those submitted for examination on or after 28 December 2018.

As all basic conditions must be met by a neighbourhood plan before it can proceed, I would be grateful if you would consider this change to the basic conditions and let me know of any implications arising from it for the examination of this neighbourhood plan. I will reach my own view on this matter as well.

Once you have had an opportunity to consider what, if any, further work needs to be undertaken, I suggest that we agree a way forward for the examination of the Neighbourhood Plan, including any new timescales should further work be required.

This letter should be placed on the relevant Council websites.

With many thanks,

Ann Skippers MRTPI
Ann Skippers Planning
Independent Examiner