

# **Cricklade Neighbourhood Plan 2017-2026**

**A report to Wiltshire Council on the Cricklade  
Neighbourhood Plan**

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## **Executive Summary**

- 1 I was appointed by Wiltshire Council in September 2017 to carry out the independent examination of the Cricklade 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 the vitality and viability of the town centre. The Plan proposes the designation of a series of local green spaces.
- 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 Cricklade 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**  
**1 December 2017**

## **1 Introduction**

- 1.1 This report sets out the findings of the independent examination of the Cricklade Neighbourhood Plan 2017-2026 (the Plan).
- 1.2 The Plan has been submitted to Wiltshire Council (WC) by Cricklade Town 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 Town Council, to conduct the examination of the Plan and to prepare this report. I am independent of both WC and the Town 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. 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 and their responses are included within the screening report. This is best practice.
- 2.8 WC has also undertaken a Habitats Regulations Assessment (HRA) screening report on the Plan. The original report was updated by a separate letter in March 2017. This report concluded that the Plan was not likely to have any significant effect on a European site. 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 Open Space Audit
- the SEA/HRA Screening reports.
- the representations made to the Plan.
- the Wiltshire Core Strategy 2015
- the saved policies from 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 Town Council has prepared a Consultation Statement. This Statement is proportionate to the Plan area and its policies. It also provides specific details on the consultation processes that took place on the pre-submission version of the Plan (November 2016 to January 2017).
- 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 first consultation process in April 2013 (Appendix 1)
  - the second consultation process (on housing matters) in November 2014 (Appendix 2)
  - the third consultation process (to targeted groups) (Appendix 3)
- 4.4 The Statement also reproduces the various letters and leaflets that were used throughout the consultation process. It also reproduces newspaper articles. This provides a real sense of interest and context to the Statement. It also provides interesting photographs of the Plan's Steering Committee and the Town Cryer.
- 4.5 Pages 13 to 25 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 September 2017. This exercise generated comments from the following organisations:

- National Farmers Union
- Ms Margaret Hunt
- Nathan Hobbs
- Gloucestershire County Council
- Mrs Julie Norman
- John Harmer
- Bloor Homes
- Streamcross Homes
- Historic England
- Gladman Developments
- Hannick Homes and Developments Limited
- Cricklade Town Council
- Thames Water Property Services
- Natural England
- Wiltshire Council

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 Cricklade. In locational terms the neighbourhood area sits approximately 4 km north of the northern outskirts of Swindon and to the immediate south west of the A419 trunk road connecting the M4 and Swindon with Cirencester, the M5 and Cheltenham/Gloucester. The town is located to the immediate south of the River Thames. Its population in 2011 was 4227 persons living in 1767 houses. It was designated as a neighbourhood area on 28 February 2013.
- 5.2 The Plan area is mainly in agricultural use and sits within a pleasant landscape setting. The town is the principal focus of built development and sits in the east of the Plan area. As the Plan describes there is a pocket of industrial and commercial uses at Chelworth Lower Green to the south and west of the town.
- 5.3 The town itself has a fascinating history which translates into its current character and appearance. It was planned, built and fortified around 890AD and is one of the finest examples of a Saxon town in the UK. The locations of several sections of the town wall have been preserved as open spaces and are safeguarded as Scheduled Ancient Monuments. High Street remains at the very heart of the town. It displays a range of building types and ages that reflect both its heritage and its strong vernacular traditions. The majority of the historic core of the town is within the Cricklade Conservation Area. As the Conservation Area Character Appraisal commented in 1999 Cricklade ‘presents itself as a charming and quiet town’. Little has changed since that assessment and the town continues to justify its motto of ‘In Loco Delicioso’.

### *Development Plan Context*

- 5.4 The Wiltshire Core Strategy 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 2011. It is this development plan context against which I am required to examine the submitted Neighbourhood Plan. The following Core Strategy policies are particularly relevant to the Cricklade Neighbourhood Plan:

CP1	Settlement Strategy
CP2	Delivery Strategy
CP19	Spatial Strategy (Royal Wootton Bassett and Cricklade)
CP39	Tourist Development
CP40	Hotels and bed and breakfast
CP43	Providing affordable homes
CP45	Meeting Wiltshire’s Housing Needs
CP48	Supporting Rural Life

CP51	Landscape
CP52	Green Infrastructure
CP53	Wiltshire's Canals
CP57	Ensuring High Quality Design and Place Shaping
CP60	Sustainable Transport

- 5.5 The Plan area is located within the Royal Wootton Bassett and Cricklade Community Area in the Core Strategy (CP19). Cricklade is identified as a Local Service Centre at Core Policy 1. Paragraph 5.102 of the Core Strategy identifies a series of important issues to be addressed in planning decisions in the community area. In relation to Cricklade the protection of the separate identities of towns and villages, improvements to recreational facilities, the safeguarding of historic canal and railway routes and the impacts of HGV traffic on the local road network are important considerations. Core Policy 19 identifies how these and other matters will be addressed in a policy context.
- 5.6 The development plan also consists of several saved policies from the North Wiltshire Local Plan 2011. 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 Royal Wootton Bassett and Cricklade Community Area identifies that it has already met its strategic housing requirement. On this basis no housing sites are proposed in the Plan. It proposes a series of minor alterations to the Cricklade settlement boundary in its Appendix A.
- 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 District. 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 A419. This gave me the opportunity to see the Plan area within its wider strategic context and to understand the local concerns about HGV traffic. I parked in Waylands off High Street. Given the compact nature of the town I was able to carry out the majority of the visit on foot.

- 5.11 I looked initially at the town centre so that I could understand the nature and significance of policies B1, B2 and B4. I saw first-hand its vibrancy and attractiveness. I looked at the Police station. I saw that little had changed from the 1999 Conservation Area Character Appraisal which described it as ‘an out of character modern building which sits uneasily within the High Street setting’. I was also presented with several attractive options for a lunch break.
- 5.12 I then walked to the northern end of High Street to the River Thames and the St John the Baptist Priory. I saw the remarkably sharp transition between the town and the surrounding countryside in this location.
- 5.13 I then walked through the areas proposed to be designated as local green spaces in this part of the town (Hallsfield Meadow and Long Close and Hall Close, North Wall). These areas highlighted the historic significance of the town and its inherent pleasantness.
- 5.14 I then carried on walking to the south. I saw the school, St Sampson’s Churchyard and the Saxon town cross. I saw the lantern vault inside the Church and the supporting flying buttress outside.
- 5.15 I then looked at the other proposed local green spaces as I finished my walk around the locations of the former Saxon walls. My understanding and interpretation of these and other features were significantly improved by the various information boards spread throughout the town.
- 5.16 I finished my visit by driving to the Chelworth Commercial Area. This helped to give me a better understanding of some of the issues addressed in the Plan.

## 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 very professional 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 Cricklade 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 District Local Plan.
  - 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 the town centre's vitality and viability. It also includes distinctive policies for the designation of local green spaces and to promote

tourism development. 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 the town centre (B1/B2), for the redevelopment of the Police Station site (B4) and for general business development (B5). In the social role, it includes a policy on housing mix (H4), affordable housing (H5) and specialist housing (H7/8). In the environmental dimension the Plan positively seeks to protect the natural, built and historic environment. It has policies on the separation of settlements (H2), design (H3) and on local green spaces (LAF4). These and other matters are addressed in Table 3 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 Local Plan. Section 4 of the Basic Conditions Statement helpfully relates the Plan's policies to policies in the Core Strategy/saved North Wiltshire 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 Town 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 (41-004-20140306) which indicates that neighbourhood plans must address the development and use of land.
- 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 1-3)*

- 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 Plan 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 and to the adopted Core Strategy and to the saved policies of the North Wiltshire District Local Plan.
- 7.10 Section 1.6 helpfully sets out the production of the Plan and its key stages. It provides a context to the submitted Consultation Statement.
- 7.11 Section 2 sets out key information about the Plan area. Its history is helpfully described in paragraphs 2.2 to 2.5 together with the extent to which it continues to influence current circumstances. The remainder of this part of the Plan provides information on the Plan area's population together with car ownership and the high levels of home ownership.
- 7.12 Section 3 sets out the Community Vision for the Plan area. It is clear, concise and proportionate. Its overall aim is underpinned by various objectives. These objectives

are grouped into the four topic themes – Settlement and Housing; Traffic and Transport; Business and Look and Feel. These objectives provide the context for the Plan's policies.

- 7.13 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.
- 7.14 The policies are then set out in section 4. The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### Policy H1: The Settlement Boundary

- 7.15 This policy sits at the heart of the Plan. It supports new development within the identified settlement boundary. It only supports new development outside the settlement boundary where that development would comply with other development plan policies.
- 7.16 The concept of a settlement boundary is a long-standing component of strategic planning policy in the County. The Core Strategy saves the settlement boundary for Cricklade from the North Wiltshire Local Plan. The Town Council has suggested some changes to the boundary as part of its comments on the informal consultation on the proposed revised settlement boundaries (in 2014). The proposal now presented by the Town Council is set out in paragraph 4.1.3 of the Plan. It is the settlement boundary proposed by Wiltshire Council (in 2014) with the addition of two fields to the south of The Forty where planning permission has now been granted.
- 7.17 The use of a settlement boundary in the Plan and the approach adopted in this policy has attracted a representation from Gladman Developments. It argues that the approach is inflexible, contrary to national policy and will not boost significantly the supply of housing land in the Plan area. I am not convinced by this argument. In the first instance it is the approach adopted in the development plan. In the second instance WC has advised that the remainder of the Royal Wootton Bassett and Cricklade Community Area has already delivered its strategic indicative housing requirement. In the third instance the geography and the urban design of Cricklade lend themselves to a settlement boundary.
- 7.18 I raised the matter of the identification of the settlement boundary in my Clarification Note. It is identified in Figure 5 in the submitted Plan. I was able to look at the boundary based on the Town Council's description in paragraph 4.1.3 of the Plan. However, for day-to-day development management purposes throughout the Plan period far more geographic clarity will be required. I recommend that the settlement boundary is shown on a map of appropriate scale so that all concerned in the development process can have full clarity on this important matter.
- 7.19 I also recommend that 'permitted' is replaced with 'supported' in the second part of the policy. As submitted the wording is very absolute. It may detract from WC's ability

to balance all material planning considerations in coming to a view on planning applications.

- 7.20 I also recommend a format change to the policy. As submitted the policy itself flows straight from the policy title. The effect of the modification will be that the policy takes on the same format as that in Policy H2 where there is a very clear distinction between the policy title and the policy itself. This will bring the clarity required by the NPPF.

**Modify the policy title/policy relationship so that the policy presents as follows:**

**Policy H1: The Settlement Boundary**

**The Settlement boundary shown on figure 5....**

**In the second part of the policy replace 'permitted' with 'supported'**

*Replace figure 5 with a plan of appropriate scale and definition to show the settlement boundary.*

Policy H2: Visual Separation of Settlements

- 7.21 This policy continues the approach adopted in Policy H1. In particular it seeks to ensure that Cricklade remains separate from other settlements in the immediate locality. Its principal intention is to maintain separation between Cricklade and Swindon to the south in general and the Tadpole Farm development in particular.
- 7.22 I am satisfied that the policy is appropriate to the circumstances of the Plan. As WC has advised the Town Council has considered the provisions of the North Wiltshire Landscape Character Assessment in adopting this approach. I can also see that the submitted policy is in general conformity with Policy 51 of the adopted Core Strategy. In particular it directly refers to the commentary in paragraph 6.85 of the Core strategy's supporting text.
- 7.23 I recommend two modifications to the policy. The first ensures that it adopts a policy format. As submitted it does not have the clarity required by the NPPF. The second brings similar clarity to the remainder of the policy.

**Replace the policy to read:**

**Development will not be supported where it would reduce the visual and physical separation between Cricklade and surrounding settlements in general and between Cricklade and the strategic housing development at Tadpole Farm in Swindon in particular.**

Policy H3: Design of New Housing

- 7.24 This policy sets out design expectations for new housing development. The design of new housing was a specific matter raised during the consultation exercises on the Plan.

- 7.25 The policy identifies six design criteria with which new developments are expected to comply. They include accessibility, building heights, the retention of burgage plots and open space issues.
- 7.26 I am satisfied that the policy is fit for purpose in general terms and will contribute towards the delivery of high-quality and distinctive development in the Plan area. One of the 12 core planning principles in the NPPF (paragraph 17) is ‘(always seek) to secure high-quality design and a good standard of amenity for all existing and future occupants of land and buildings’. Furthermore, the approach adopted in the policy has regard to the more detailed design elements of the NPPF. In particular, it plans positively for high quality and inclusive design (paragraph 57), it has developed a robust and comprehensive policy (paragraph 58), it proposes outlines of design principles (paragraph 59) and does so in a locally distinctive yet non-prescriptive way (paragraph 60).
- 7.27 Nevertheless I recommend modifications to the format of the policy so that it has the clarity required by the NPPF. In particular I recommend that the introduction to the policy is recast so that it is clear that a developer would need to meet all the various design requirements where they are appropriate to the development concerned. In doing so I recommend consequential modifications to the opening of each of the criteria. In the fourth criterion I recommend that the burgage plot and the infill site issues should be separated. They address very different issues.

**Replace the introduction to the policy to read:**

**Proposals for new housing development in the Plan area should be designed in a way that integrates them effectively into the existing fabric of the town and its footpath network. Development proposals will be supported where they include good quality design that responds to the character of its immediate locality and, as appropriate to the site concerned, incorporates measures to:**

- **Provide cycle...**
- **Ensure that....**
- **Ensure that...**
- **Ensure that the integrity of historic burgage plots remains intact**
- **Ensure that infill developments within the town safeguard the amenities of surrounding residential properties**
- **Incorporate open spaces.... (delete ‘will be required’)**
- **Ensure that new housing provides private outdoor space.....**

**Policy H4: Housing Mix on Sites**

- 7.28 This policy sets out the Plan’s approach to the delivery of different types of new houses. In doing so it has taken account of the 2011 Strategic Housing Market Assessment and the 2012 Housing Needs Survey, both of which fed into the production of the Core Strategy. It also addresses some of the issues raised during local consultation exercises. Its focus on the delivery of smaller houses reflects these various elements of those consultation processes.

- 7.29 I recommend modifications to the policy so that it adopts a policy format and deletes elements that are narrative in format. This will bring the clarity to the policy that is required by the NPPF.

**Replace the policy to read:**

**New housing developments should demonstrate the extent to which they address current and future housing needs in the Plan area.**

**New residential developments that meet other policies in this Plan will be supported where they have a concentration on the provision of 1, 2 and 3-bedroom dwellings.**

Policy H5: Affordable Housing

- 7.30 This policy seeks to incorporate local planning policy in respect of affordable housing into the neighbourhood plan. As submitted it comments that proposals of ten or more dwellings will be expected to provide a minimum of 40% affordable housing on the site.
- 7.31 WC advises that it is now giving greater weight to national policy on affordable housing rather than the approach set out in Core Policy 43. This follows the publication of the written ministerial statement of November 2014 and its eventual incorporation into Planning Practice Guidance (ID: 23b-031- 20161116). On this basis I recommend a modification to the policy so that it relates to schemes of eleven units or more rather than ten units or more. I also recommend that the associated floorspace threshold should be included in the policy to ensure that it has regard to national policy.

**In the first sentence replace ‘ten’ with ‘eleven’.**

**In the first sentence insert ‘and which have a combined floorspace of more than 1000 square metres (gross internal area)’ between ‘dwellings’ and ‘will’.**

**In the second sentence replace ‘will’ with ‘should’.**

Policy H6: Local Connection and Strong Communities

- 7.32 This policy has been included in the submitted Plan under the heading of Local Connection and Strong Communities. It requires that new housing developments of five or more open market dwellings should be offered to local people prior to being offered for general sale.
- 7.33 I have some sympathy for the approach adopted in the Plan. However, the Town Council was unable to provide any specific evidence for the appropriateness of this policy, evidence for its need or any guidance on the size threshold proposed. In any event neighbourhood plans are designed for land use purposes. The sales and marketing of new dwellings is not a land use issue. On this basis I recommend that the policy is deleted. Plainly there is nothing to prevent housebuilders adopting such

a sales technique if they so wished. Equally there is nothing to prevent local persons from purchasing properties in the Plan area when they are initially offered for sale.

### **Delete policy**

Policy H7: Housing for the Elderly and Disabled

- 7.34 The policy offers support for housing proposals that promote and maintain housing choice and independence for older people. In particular it supports proposals to convert or adapt an existing building to enable its occupation by older persons. More fundamentally it goes on to set a policy context whereby schemes of ten or more dwellings should provide at least 10% of its yield to be suitable for elderly or disabled persons.
- 7.35 Both WC and Gladman Developments query the evidence for the ten-house proposed threshold and the 10% of overall yield for houses suitable for the elderly or disabled. I sought clarification on this matter from the Town Council. I was signposted to the 2011 Census figures on the age profile of the Town's population in the town (Figure 4 of the Plan).
- 7.36 Whilst I have sympathy with the approach taken in the Plan a simple linear approach in terms of percentages of houses in new developments and the percentage of persons aged 60 and above living in the town is insufficient to justify what would be a very prescriptive policy. As such I recommend that it approach is made more general. In any event many of the facilities that the policy seeks to include within new housing are increasingly addressed by the Building Regulations as a matter of course. In addition, the policy does not anticipate that the 10% of housing it requires for elderly or disabled persons should only be sold to such persons. I also recommend that the various use of the word 'encouraged' is replaced by 'supported'. This will bring the clarity required by the NPPF. Finally, I recommend that the design criteria included at the end of the policy are deleted and repositioned into the supporting text.

**In the first part of the policy replace 'encouraged' with 'supported'**

**In the third part of the policy delete 'ten dwellings or more' and 'by requiring....design guidelines'**

**In the third part of the policy replace 'is generally.... wheelchair use' with 'for elderly or disabled persons will be supported'**

**Delete the fourth part of the policy (design criteria).**

*At the end of paragraph 4.1.13 add the following additional text:*

*Policy H7 addresses a range of initiatives that offer the opportunity to deliver housing to meet these demographic requirements. In relation to the third element of the policy the following design and locational criteria are particularly important for such houses in the Plan area:*

*[List the six criteria at this point as originally included in the submitted policy]*

#### Policy H8: Nursing Home Provision

- 7.37 The policy offers support for the development of a nursing home in the Plan area. Its second part suggests that where affordable provision for local need is to be provided the proposal could be considered as an exception housing site and therefore be located adjacent to the settlement boundary.
- 7.38 Plainly the principle of the first part of the policy is appropriate in general terms. It is already addressed in Core Policy 46. In that context that policy requires such proposals to be in sustainable locations and within settlements. It also identifies the potential for exception schemes to come forward outside but adjacent to the Principal Settlements and the Market Towns.
- 7.39 The policy makes reference to Core Policy 44 of the Wiltshire Core Strategy. However, that policy refers only to traditional affordable housing proposals.
- 7.40 Taking all these factors into account I recommend that the policy is deleted as it is not in general conformity with the strategic policies in the development plan. In any event Core Policy 46 already provides sufficiently robust policy guidance on this important matter within the neighbourhood area. Plainly if a proposal for a nursing home were to come forward outside but adjacent to the settlement boundary within the Plan period it would be determined against the development plan in operation at that time together with all the other material planning considerations relevant to the planning application concerned.

#### **Delete policy**

#### Policy H9: Residential Car Parking

- 7.41 This policy applies WC car parking policies and standards in the Plan area. It also includes three design criteria for the resulting car parking spaces. These criteria relate to the positioning of the parking spaces in relation to the houses concerned and to communal parking areas. I am satisfied that these criteria are appropriate to the Plan area and meet the basic conditions.
- 7.42 I recommend modifications to the policy so that it has the clarity required by the NPPF.

**In the first sentence replace ‘will be required to’ with ‘should’.**

**In the second sentence add ‘spaces or areas’ after ‘car parking’, replace ‘suit’ with ‘respect’ and insert ‘its’ after ‘development and’.**

**In the second bullet point delete ‘be kept small and’.**

#### Policy H10: Foul Water Management

- 7.43 This policy, together with Policy H11, has been included within the submitted Plan to reflect concerns about local surface water run-off issues. These issues are

associated with the presence of flood zones 2 and 3 to the immediate north of the town. There is also limited available capacity within the town's sewerage system.

- 7.44 The two policies would require the submission of technical confirmation from Thames Water, Wiltshire Council and the Environment Agency that residential developments can proceed satisfactorily within this strategic context. I sought clarification from the Town Council on the role and purpose of these policies and the extent to which they represented planning application validation requirements rather than policies. The Town Council provided helpful information in response and highlighted the impacts of recent developments.
- 7.45 Having considered all the information on this matter, including the comments made by Thames Water to the Plan I recommend that the two policies are combined and modified. In particular the modified policy deletes any references to proposals being accompanied by the types of technical information that are set out in the submitted policies. That approach does not have regard to national policy.
- 7.46 I can understand the Town Council's wish to address flooding and surface water issues as part of the preparation of the Plan. Nevertheless, the requirements of the policy would be excessively onerous for the majority of planning applications which will come forward within the Plan period. In any event most of those planning applications will be well away from either Flood Zones 2 or 3 and the Plan does not allocate sites for new housing development.

**Replace Policies H10 and H11 with the following:**

**Policy H10: Foul Water Management, Flood Risk and Surface Water Management.**

**'Proposals for new development will be required to demonstrate that they will not increase the risk of flooding or surface water run-off within the site or to any surrounding sites or areas in general.**

**The use of sustainable drainage systems and storm water tanks will be supported on development sites where the technical evidence identifies that the use of such facilities will prevent the potential for flooding or surface water run off within the site or elsewhere in the Plan area'.**

*Delete the final paragraph of the supporting text in Paragraph 4.1.17 and replace it with the following:*

*Policy H10 requires new developments to demonstrate that they will not increase flooding or surface water run-off. It also supports the use of sustainable drainage systems where they are necessary and appropriate.*

**Policy H11: Flood Risk and Surface Water Management**

- 7.47 I have addressed this policy within the round in the context of policy H10.
- 7.48 I recommend that the policy is combined with Policy H10 and modified accordingly. The recommended modification is set out in paragraph 7.46 above.

### Policy TT1: Traffic Impact

- 7.49 As the supporting text at 4.2.1 comments this policy aims to prevent significant increases in HGV traffic in the town centre or through the town that may arise from the development of new industrial or commercial proposals.
- 7.50 WC comments on the relationship between the submitted policy and both the NPPF and the adopted Core Strategy. In particular NPPF paragraph 32 comments that plans and decisions should take account of whether (amongst other things) ‘improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development’. It goes on to comment that ‘development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.
- 7.51 Plainly any new commercial development will naturally generate a degree of additional HGV traffic. In this context it would be unreasonable to expect commercial development to take place without its usual associated direct and indirect HGV and other traffic. I recommend a modification to the policy so that it adopts a more positive approach in identifying the measures that applications for new industrial and commercial development will need to address in highway terms.

#### **Replace the policy to read:**

**Proposals for industrial and commercial development will be supported where their traffic movements in general, and HGV movements in particular, can be satisfactorily accommodated in the strategic and local highway networks. Where appropriate, proposed developments should include measures to mitigate any identified traffic impacts in general terms, and those that would have impacts on pedestrians, cyclists and other vulnerable road users in particular.**

### Policy TT2: Traffic Calming

- 7.52 This policy offers support for developments that would improve the road environment, road safety and assisting in enforcing 20mph speed controls. Six junctions are highlighted as needing traffic calming.
- 7.53 I sought clarification from the Town Council on this policy. In particular I sought to understand whether or not the policy was of a land use nature. It is the Town Council’s view that the policy is land use based.
- 7.54 I have considered this matter carefully. However, I am not persuaded by the Town Council’s case. As submitted the policy offers support for unspecified developments that would bring about improvements to the six identified junctions. In my judgement it does not have the clarity required by the NPPF as it does not identify the developments concerned. In addition, the outcomes or expectations of the policy are

traffic calming measures at a series of junctions. They are highways matters rather than planning, land use related matters.

- 7.55 On this basis I recommend that the policy is deleted. However, in recognition of the significance of this matter in the town I recommend that it is repositioned as a non-land matter in a separate part of the Plan.

### **Delete the policy**

*Reposition a modified version into a separate non-land use part of the Plan:*

*Proposals for traffic calming at the following junctions will be supported:*

*[List the six locations as set out in Policy TT2]*

Policy TT3: Off-road routes in Cricklade

- 7.56 This policy requires that new residential development must provide improved pedestrian and cycle routes to the town centre and other community facilities.
- 7.57 The policy should be seen within its wider context. The Plan does not allocate land for housing. On this basis (and in accordance with its policies H1, H4 and H5) housing proposals are likely to be of a small, infill nature. Developments of this nature are unlikely to generate the need for such new routes. In any event their costs may affect the viability of the schemes concerned. I recommend modifications to the policy to take account of these matters.

### **Insert 'Where appropriate and viable' at the start of the policy**

#### **Replace 'must' with 'should'**

Policy B1: The Primary Shopping Area

- 7.58 This policy refers to the town's primary shopping area as shown on Figure 13. Its ambitions are two-fold. Firstly, it actively supports the opening of new retail units in this area. Secondly it seeks to resist the loss of retail and commercial uses to residential or other uses. The Plan proposes a small physical extension to the Primary Shopping Area as identified in the adopted Core Strategy.
- 7.59 The policy reflects the layout of the primary shopping area and its current range of uses. It is a vibrant, traditional High Street offering a healthy range of retail, commercial and other service facilities.
- 7.60 The policy has regard to national policy and is in general conformity with strategic policies in the Core Strategy. In particular the policy will play a major role in safeguarding the vitality and viability of Cricklade as a Service Centre in the County hierarchy.
- 7.61 I recommend a series of modifications to the policy so that it has regard to national policy in general terms, and has the clarity required by the NPPF in particular. In the

first instance national policy has become more flexible in recent years with regard to changes of use between different commercial use types. Permitted development rights have been extended, and further changes to this regime may occur during the Plan period. On this basis, I recommend a modification that reflects that some proposals anticipated by the policy may not need planning permission. I also recommend a modification to the relationship between the policy title and the policy itself for the same reasons as in Policy H1.

**Modify the policy title/policy relationship so that the policy presents as follows:**

**Policy B1: The Primary Shopping Area**

**The Primary Shopping Area within the Town Centre is shown on figure 13....**

**Insert 'Insofar as planning permission is required' before 'Within this area'**

*Insert the following at the end of paragraph 4.3.3:*

*'Policy B1 takes account of the increased flexibility that now exists on the range and mix of retail and commercial uses in town centre locations. It has also been designed to be future-proof in the event that national policy changes within the Plan period'*

Policy B2: The Town Centre Area

- 7.62 This policy addresses the area to the immediate north and south of the Primary Shopping Area as defined in Policy B1. It recognises that the character of the High Street in these locations becomes less commercial and more transitional as it increasingly takes on a residential character.
- 7.63 I recommend a series of modifications to the policy so that it has regard to national policy in general terms, and has the clarity required by the NPPF in particular. In the first instance I recommend that 'permitted' is replaced with 'supported' in the second part of the policy. As submitted the wording is very absolute. It may detract from WC's ability to balance all material planning considerations in coming to a view on planning applications. I also recommend a modification to the final sentence of the policy. As submitted it rather vaguely comments that all development proposals should maintain the viability and vitality of the town centre. Finally, I recommend a modification to the relationship between the policy title and the policy itself for the same reasons as in Policy H1

**Modify the policy title/policy relationship so that the policy presents as follows:**

**Policy B2: The Town Centre Area**

**The Town Centre Area is defined on figure 13. In this area proposals...**

**Replace 'permitted' with 'supported'.**

**End that sentence after 'supported'.**

**Replace the remainder of the policy as follows:**

**'Proposals for other development in this Area which would promote tourism will also be supported where it would contribute towards the wider viability and vitality of the Town Centre and be complementary to its wider offering of retail, commercial and other services'.**

### Policy B3: Town Centre Car Parking

- 7.64 This policy reflects the existing car parking arrangement in the Town. It enjoys free car parking for the user.
- 7.65 Paragraph 4.3.7 advises that there is local support for town centre parking from local residents and the Chamber of Commerce. It is on this basis that the policy offers support to developments that would increase free parking availability. I have sympathy for the approach adopted. However, the policy's thrust is not land use based. Its focus is on the availability, use and pricing regime of the parking facilities rather than on any proposed development itself. On this basis I recommend the deletion of the policy.

### Delete policy

### Policy B4: Police Station Site

- 7.66 This policy has a specific focus on the Police Station site. It is located on High Street in the Primary Shopping Area. As the Plan describes the Police Station is not in keeping with the character and appearance of the High Street and the wider conservation area. I recommend a modification to the policy so that any development retains the open spaces at the rear of the site in order to retain this traditional aspect of the arrangement of buildings in this part of the conservation area.
- 7.67 The policy sets out support for the redevelopment of the site. It appropriately identifies design and material considerations. It also requires that a 'significant part of the development should be commercial in nature with a ground floor retail frontage'.
- 7.68 I sought clarification from the Town Council about the commercial and retail floorspace expectations. As submitted the policy does not read with the clarity required by the NPPF and would therefore be difficult for WC to apply with any degree of assurance. I recommend a modification on the basis of the very helpful response from the Town Council.
- 7.69 The response to the Clarification Note also provided some additional information on the likelihood of the implementation of the policy. In the Estates Strategy 2017-2021 (published in August 2017) the Wiltshire Police and Crime Commissioner signalled the intention to close the Police Station.

### **Insert a new sentence after the first sentence to read:**

**'Any redevelopment of the Police Station should retain the existing open space to the rear (east) of the site'.**

### **Replace the second sentence (in the submitted Plan) to read:**

**'The ground floor of redevelopment proposals should be commercial in nature (Use Classes A1-A5) with a retail frontage to comply with the provisions of Policy B1 of this Plan'.**

Policy B5: Promotion of Business

- 7.70 This policy supports the development of new small and medium sized businesses. Proposals for tourism development are particularly supported.
- 7.71 The policy's support is conditional upon the proposals not affecting residential amenity or increasing HGV traffic. I recommend modifications to the policy so that it has the clarity required by the NPPF. There may be some impacts on residential amenity which are acceptable. In addition, it would be unreasonable to attempt to seek to prevent an increase in HGV traffic generally. The recommended modification adopts a different approach in ensuring that any new business development can be satisfactorily developed within the capacity of the highway network.

**Replace the policy to read:**

**'Proposals for the establishment of new small and medium sized enterprises will be supported where they do not have an unacceptable impact on residential amenity in the immediate locality and where traffic movements that would be generated by the development can be satisfactorily accommodated in the highway network. Proposals that would contribute towards the tourism and visitor economy will be particularly supported'.**

Policy B6: The Chelworth Commercial Area

- 7.72 This policy refers to the Chelworth Commercial area. It is located off Braydon Lane around 800 metres to the south-west of the town. As paragraph 4.3.10 comments the various businesses generate employment on the one hand and traffic movements and visual impacts on the other hand.
- 7.73 The policy has two parts. The first prevents further extensions of the Commercial Area into the countryside. The second supports new uses for the various buildings where those uses would reduce traffic movements and would result in a lower visual impact than that caused by the existing use. I looked at the Commercial Area when I visited the Plan area. I saw first-hand the issues raised in the Plan and in particular the challenges of accessing the Area from the A419 trunk road.
- 7.74 I recommend a series of modifications to the policy. In the first instance I recommend the deletion of several aspects of narrative text which are not of a policy nature. I also recommend that the policy takes account of the flexibility that exists for changes of use between different variations of industrial and commercial uses. Finally, I recommend a modification to the relationship between the policy title and the policy itself for the same reasons as in Policy H1

**Replace the policy and modify the policy title/policy relationship so that the policy presents as follows:**

**Policy B6: The Chelworth Commercial Area**

**The Chelworth Commercial Area is defined on figure 14. In this Area proposals to extend the uses in the Commercial Area into the surrounding countryside will not be supported.**

**Insofar as planning permission is required proposals for the conversion or change of use of existing buildings within the defined Commercial Area to other commercial uses will be supported where the resulting new uses would have a reduced visual impact on the rural environment and would generate a lower level of commercial and/or HGV traffic.**

**The conversion or change of use of existing buildings in the Commercial Area for residential uses will not be supported.**

*Insert the following additional text at the end of paragraph 4.3.11:*

*Policy B6 sets out to prevent further expansion of employment development in the Chelworth Commercial Area. It takes account of the flexibility that exists for commercial uses to adapt to changing business circumstances without the need for planning permission. The conversion of existing premises for residential use will not be supported. The Commercial Area is located in an inherently unsustainable location.*

#### Policy LAF1: Open Space

- 7.75 This policy is underpinned by an extensive and comprehensive Open Space Audit. Paragraph 4.4.2 provides helpful commentary on the use of various open spaces and the measures that the Town Council is putting in place to enhance their use and management.
- 7.76 The policy identifies and safeguards a range of open spaces. It then indicates that development on the sites concerned will only be supported if alternative provision is made elsewhere in the town. It meets the basic conditions.
- 7.77 Policy LAF4 later in the Plan identifies and designates five local green spaces. Those five sites are also included within the schedule of open spaces. I sought clarification from the Town Council on this matter. It agrees that the various open spaces should sit either in the context of Policy LAF1 or LAF4 both for clarity and as the policy implications are different. On this basis I recommend that the proposed local green spaces are deleted from Policy LAF 1 and from Figure 16. I address the local green spaces later in this report.

*Delete the five sites proposed to be designated as local green spaces in Policy LAF4 from figure 16*

#### Policy LAF2: Allotments

- 7.78 This policy addresses the need for new residential developments to provide land for allotments to a specific standard. It provides for flexibility for on or off-site provision. The policy is based on Wiltshire Council standards. It also reflects the Town Council's administration of allotment provision in the town and the current waiting list.

- 7.79 I am satisfied that the principle of the policy meets the basic conditions. In coming to this judgement, I have taken the representation by Gladman Developments on viability into account. However, I recommend modifications to the policy so that it has the clarity required by the NPPF. In particular I recommend that the policy includes a degree of flexibility for schemes of 10 dwellings or less to make off site contributions that may assist in the operational efficiency of existing allotment provision. This will have the benefit of reducing the disproportionate impact of this policy on such smaller schemes both for on-site provision or in sourcing a site of 50 square metres for off-site provision.

**Replace ‘will be required’ with ‘should’.**

**Delete ‘and proportionate...above 10 dwellings’**

**Delete ‘Provision may.... horticultural land’ with:**

**The provision of the necessary land for new allotments will be supported both on site or off site as appropriate to the development concerned. Where provision is made off site the identified site should be accessible within the town and on land suitable for allotment uses.**

**Where appropriate sites of ten houses or less will be supported where they include proportionate financial contributions towards improvements in the operation or efficiency of existing allotments to the same financial extent that would be required for the provision of an off-site facility.**

Policy LAF3: Provision of Public Open Space

- 7.80 This policy addresses the provision of new public open spaces as part of new development proposals. Whilst it largely repeats the provisions of Core Policy 52 I am satisfied that it adds an important local dimension on this matter. The policy also sits within the wider context provided by policies LAF1-4.
- 7.81 The approach adopted in the policy meets the basic conditions in general terms. Nevertheless, I recommend modifications so that the policy has the clarity required by the NPPF. In particular I recommend that the second part of the policy (its fourth sentence) is repositioned into the supporting text. It is not a policy in its own right.

**In the first sentence replace ‘shall’ with ‘should’**

**In the third sentence replace ‘Improvement’ with ‘Improvements’ and ‘may’ with ‘will’.**

**Delete the fourth sentence**

*Reposition the fourth sentence of the policy into the supporting text at the end of paragraph 4.4.8. In doing so replace ‘not normally.... open space’ with ‘not be considered as public open space’.*

#### Policy LAF4: Local Green Spaces

- 7.82 This policy proposes the designation of five local green spaces (LGSs). The supporting text to the policy describes the reasoning that underpins the proposed designations. Whilst it does not directly make reference to the tests set out in paragraphs 76-78 of the NPPF for LGS designation it is clear that this has been the focus of the analysis. The supporting text concentrates on the extent to which the various sites are ‘demonstrably special to the local community and hold a local significance’. From the Open Space Audit 2016, I was able to understand how the Town Council had assessed the proposed LGS sites on the first of the two NPPF criteria (proximity to the community they serve and demonstrably special to the local community and holds a particular local significance). The Town Council provided me with information on their various sizes in response to my Clarification Note.
- 7.83 I am satisfied that the analysis that has been undertaken is proportionate to the task involved. In particular I am satisfied that all the sites meet the NPPF criteria on proximity. They are within walking distance of the town centre. In many cases they are located immediately adjacent to residential areas. In the same way I am satisfied that the five sites are local in character and not extensive tracts of land. The Town Council provided me with information on the size of Hallsfield Meadow in response to my Clarification Note. The sizes of all the other proposed LGSs were included in the Open Space Audit (see Policy LAF1).
- 7.84 The analysis of the sites against the second of the NPPF criteria is very informative. Proposed LGSs C/D/E are designated due to their relationship to the position of the historic Saxon Town wall, and which is a Scheduled Ancient Monument. Other neighbourhood plans have proposed LGSs on the basis of their historic significance with different levels of success based on the evidence concerned. In this case the evidence is copper-bottomed and incontrovertible.
- 7.85 I recommend a modification to the policy so that it has regards to national policy as set out in paragraph 78 of the NPPF.

**In the opening part of the policy delete ‘and development...be permitted’  
After the schedule of the five LGSs include:  
New development will not be supported on land designated as Local Green Space except in very special circumstances.’**

#### Policy LAF5: Sustrans Cycleway 45 and Thames Path National Trail

- 7.86 This policy reflects Cricklade’s location on the Sustrans Route 45 from Salisbury to Chester. In the Plan area it uses the former railway route from Swindon to Cirencester. It also reflects the town’s location on the Thames Path National Trail. Many walkers stop overnight in Cricklade when walking the Trail from the River’s source. The policy supports developments that would promote the use of the two routes.

- 7.87 I recommend modifications to the policy. The first repositions supporting text to the end of paragraph 4.4.10. The second brings the clarity required by the NPPF to the heart of the policy.

**Delete ‘The local and tourist...recognised, and’**

**Replace the remainder of the policy with:**

**Proposals that will enhance and promote the Sustrans Cycleway 45 and the Thames Path National Trail and their use in the Plan area will be supported where they comply with other policies in this Plan.**

*Insert the following additional text at the end of paragraph 4.4.10:*

*The local and tourism benefits of the two routes are recognised in Policy LAF5. It supports developments that would enhance them and promote their use.*

Policy LAF6: Cricklade Canal

- 7.88 This policy indicates that the development/reinstatement of the canal in the Plan area should include tourism and leisure uses. Paragraphs 4.4.11/4.4.12 provide a context to the policy in general, and to the activities of the Wiltshire, Swindon and Oxfordshire Canal Partnership in particular.
- 7.89 As submitted the policy is not in general conformity with strategic policies in the Core Strategy in general terms and with Core Policy 53 in particular. That policy has a clear focus on proposals designed to develop the Canal’s recreation and nature conservation potential and the use of the former route of the Canal for walking and cycling purposes. The submitted Plan’s approach towards the promotion of unspecified tourism and leisure uses may have unintended consequences. Such uses could be in conflict with Core Policies 38 and 39.
- 7.90 Taking these various matters into account I recommend modifications to the policy. They will ensure that the policy results in the promotion of sustainable development and which in turn would be in in general conformity with policies in the Core Strategy.

**Replace the policy to read:**

**Proposals for the formation of a new Cricklade Canal will be supported. Proposals for recreational and nature conservation measures along its route will be particularly supported.**

*Insert the following additional supporting text at the end of paragraph 4.4.13:*

*Policy LAF6 is included in the Plan to consolidate the approach taken in Core Policy 53. Its focus is on sustainable recreation and nature conservation measures within the context of a new canal route. Any more significant proposals for leisure or tourism development that may be associated with the formation of a new canal will be assessed against Core Policies 38 and 39 respectively.*

#### Policy LAF7: Swindon and Cricklade Railway

- 7.91 This policy takes a similar approach to that taken in Policy LAF6. In this case the development plan policy is Policy TM3 of the saved Local Plan. That policy indicates that the route of the former railway line between Swindon and Cricklade will be restored subject to it not causing demonstrable harm to the various nature conservation interests along its route.
- 7.92 As with policy LAF6 the submitted Plan's approach towards the promotion of unspecified tourism and leisure uses (in this case in relation to the restoration of the former railway line) may have unintended consequences and be in conflict with Core Policies 38 and 39.
- 7.93 Taking these various matters into account I recommend modifications to the policy. They will ensure that the policy results in the promotion of sustainable development and which would be in in general conformity with policies in the Core Strategy.

#### **Replace the policy to read:**

**Proposals for the restoration of the former Swindon to Cricklade railway line to the south of the town will be supported. Restoration proposals along its route should incorporate the established National Cycle Route 45.**

**In all instances the nature conservation interests along the route should be safeguarded in a manner that is consistent with the restoration of the railway line.**

*Insert the following additional supporting text at the end of paragraph 4.4.14:*

*'Policy LAF7 is included in the Plan to consolidate the approach taken in policy TM3 of the saved North Wiltshire Local Plan 2011. Its focus is on sustainable recreation and nature conservation measures within the context of a restored railway route. Any more significant proposals for leisure or tourism development that may be associated with the formation of a new canal will be assessed against Core Policies 38 and 39 respectively.'*

#### Policy LAF8: Community Facilities

- 7.94 This policy seeks to retain or enhance the use of existing Assets of Community Value and other community facilities in the town unless it can be demonstrated that they are no longer commercially viable. The facilities concerned are properly identified in Figure 18.
- 7.95 I am satisfied that in general terms the policy is appropriate and meets the basic conditions. In particular the range of community facilities listed in figure 18 is entirely appropriate to the Plan area.
- 7.96 I recommend a modification to the opening part of the policy. As submitted it refers to the prospect of the 'redevelopment' of the community facilities. Whilst this may be one of the options envisaged by the authors of the Plan it is not the only one which

the policy will need to address. In particular other proposals for the change of use of the facilities listed to other non-community uses may be received in the Plan period. Plainly the impacts of such proposals would be the same as the redevelopment of any of the facilities in terms of the loss of the asset or facility concerned. I also recommend modifications to the second sentence of the policy so that it has the clarity required by the NPPF.

**In the opening part of the policy replace ‘Redevelopment of’ with ‘Proposals that would affect’**

**In the second sentence replace ‘remove or reduce’ with ‘would involve the loss of or the reduction in the scale or operation of’**

**In the second sentence replace ‘permitted’ with ‘supported’.**

#### General Comments

- 7.97 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 Town Council to have the flexibility to make any necessary consequential changes to the general text. I recommend accordingly.

*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 2026. 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 Cricklade 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 Cricklade 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 28 February 2013.
- 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**  
**1 December 2017**