

LANGLEY BURRELL NEIGHBOURHOOD PLAN 2016 - 2026

**The Report of the Independent Examiner to Wiltshire Council on the Langley
Burrell Neighbourhood Plan**

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4th July 2017**

Summary

I was appointed by Wiltshire Council, in agreement with the Langley Burrell Parish Council, in May 2017 to undertake the Independent Examination of the Langley Burrell Neighbourhood Plan.

The Examination has been undertaken by written representations. I visited the Neighbourhood Area on 22nd May 2017.

The Neighbourhood Plan proposes a local range of policies and seeks to bring forward positive and sustainable development in Langley Burrell. There is an evident focus on safeguarding the very distinctive character of the area whilst accommodating future change and growth.

The Plan has been underpinned by extensive community support and engagement. The social, environmental and economic aspects of the issues identified have been brought together into a coherent plan which adds appropriate local detail to sit alongside the Wiltshire Core Strategy.

Subject to a series of recommended modifications set out in this Report I have concluded that the Langley Burrell Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.

I recommend that the referendum should be held within the Neighbourhood Area.

Report Index

	<i>Page</i>
Introduction	3
The Role of the Independent Examiner	3
Langley Burrell Neighbourhood Area	5
Consultation	5
Representations Received	5
The Neighbourhood Plan	7
Basic Conditions	8
The Plan in Detail:	8
The front cover	8
1. Executive Summary	8
2. Introduction and Background	8
2.1 Document Structure	8
2.2 What is Neighbourhood Planning	9
2.3 Preparation of the Plan	9
2.4 Evidence, conformity and community involvement	9
2.5 Next Steps	10
3. Sustainable Development for Langley Burrell	10
4. The Designated Neighbourhood Plan area	10
5. History of the Parish	10
6. Our Vision	11
7. Objectives	11
8. Objective 1 – Built Environment	11
8.1 Background	11
8.2 Policies	12
9. Objective 2 – Rural Landscape	16
9.1 Background	16
9.2 Policies	17
10. Objective 3 - Heritage	19
10.1 Background	19
10.2 Policies	19
11. Objective 4 - Natural Environment	21
11.1 Background	21
11.2 Policies	21
12. Objective 5 – Local Economy	23
12.1 Background	23
12.2 Policies	23
Appendix 1: Community policies	25
Annex A – Matrix of Planning Policies and Evidence	25
Annex B – Matrix of Community Policies and Evidence	25
Annex C – Mapping of policies from Consultation Draft Plan	25
Annex D – Guidelines for good hedge trimming and maintenance	25
Annex E – Listed Buildings and Scheduled Monuments	25
Other matters raised in representations	25
EU and ECHR Obligations	26
Conclusions	27
Listing of Recommendations	28

Introduction

This report sets out the findings of the Independent Examination of the Langley Burrell Neighbourhood Plan 2016-2026. The Plan was submitted to Wiltshire Council by Langley Burrell Parish Council in its capacity as the 'qualifying body' responsible for preparing the Neighbourhood Plan.

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 incorporated within the National Planning Policy Framework (NPPF) in 2012 and this continues to be the principal element of national planning policy.

This report assesses whether the Langley Burrell Neighbourhood Plan is legally compliant and meets the 'basic conditions' that such plans are required to meet. It also considers the content of the Plan and, where necessary, recommends modifications to its policies and supporting text. This report also provides a recommendation as to whether the Langley Burrell Neighbourhood Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome, the Langley Burrell Neighbourhood Plan would then be used to determine planning applications within the Plan boundary as an integral part of the wider development plan.

The Role of the Independent Examiner

The Examiner's role is to ensure that any submitted neighbourhood plan meets the legislative and procedural requirements. I was appointed by Wiltshire Council, with the consent of the Langley Burrell Parish Council, to conduct the examination of the Langley Burrell Neighbourhood Plan and to report my findings. I am independent of both the Wiltshire Council and the Langley Burrell Parish Council. I do not have any interest in any land that may be affected by the Plan.

I possess the appropriate qualifications and experience to undertake this role. I have over 40 years' experience in various local authorities and third sector bodies as well as with the professional body for planners in the United Kingdom. I am a Chartered Town Planner and a panel member for the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). I am a member of the Royal Town Planning Institute.

In my role as Independent Examiner I am required to recommend one of the following outcomes of the Examination:

- the Langley Burrell Neighbourhood Plan is submitted to a referendum; or
- the Langley Burrell Neighbourhood Plan should proceed to referendum as modified (based on my recommendations); or
- the Langley Burrell Neighbourhood Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.

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. In noting here that there are three outcome options open to me, I am addressing the assertion of at least one of the consultation representations which suggested that if one part of the Plan content fails to meet the Basic Conditions then I should be obliged to recommend that the whole Plan should not go to referendum; that is not the case. I will look to recommend modifications to effect corrections, to ensure clarity and in order to ensure that the basic conditions are met. Whilst making my recommendations I will seek to ensure that the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body, the Parish Council.

If recommending that the Neighbourhood Plan should go forward to referendum, I must then consider whether or not the referendum area should extend beyond the Langley Burrell Neighbourhood Area to which the Plan relates.

In examining the Plan, I am also required, under paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, to check whether:

- the policies relate to the development and use of land for a designated Neighbourhood Area in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004;
- the Neighbourhood Plan meets the requirements of Section 38B of the 2004 Act (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);
- the Neighbourhood 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.

These are helpfully covered in the submitted Basic Conditions Statement and, subject to the contents of this Report, I can confirm that I am satisfied that each of the above points has been properly addressed and met.

In undertaking this examination I have considered the following documents:

- Langley Burrell Neighbourhood Plan as submitted
- Langley Burrell Neighbourhood Plan Basic Conditions Statement (with Appendices)
- Langley Burrell Neighbourhood Plan Consultation Statement (with Appendices)
- Langley Burrell Neighbourhood Plan Strategic Environmental Assessment Screening Report (May 2016)
- Langley Burrell Neighbourhood Plan Habitats Regulations Assessment (HRA) Screening Report (undated)
- Langley Burrell Heritage and Character Assessment Report (February 2016)
- Content at www.langleyburrell.co.uk
- Representations made to the Regulation 16 public consultation on the Langley Burrell Neighbourhood Plan
- Wiltshire Core Strategy (January 2015)
- Chippenham Site Allocations Plan (May 2017)
- Chippenham Landscape Setting Assessment (LSA) (December 2014)
- National Planning Policy Framework (March 2012)
- Neighbourhood Planning Regulations (2012)
- Planning Practice Guidance (March 2014 and subsequent updates)

I carried out an unaccompanied visit to the Plan area on 22nd May 2017. I looked at the villages of Langley Burrell and Kellaways within the larger Plan area and its hinterland. I also viewed the character of the Conservation Area and all the various sites identified in the Plan document.

The legislation establishes that, as a general rule, neighbourhood plan examinations should be held without a public hearing, by written representations only. Having considered all the information before me, including the representations made to the submitted plan which I felt made their points with clarity, I was satisfied that the Langley Burrell Neighbourhood Plan could be examined without the need for a public hearing and I advised Wiltshire Council accordingly. The Council and the Qualifying Body have provided me with a few extra facts to meet my needs.

Langley Burrell Neighbourhood Area

A well-presented map showing the boundary of the Langley Burrell Neighbourhood Area is provided on page 10 of the Neighbourhood Plan. Further to an application made by Langley Burrell Parish Council, Wiltshire Council approved the designation of Langley Burrell as a Neighbourhood Area on 13th March 2015. This satisfied the requirement in line with the purposes of preparing a Neighbourhood Development Plan under section 61G(1) of the Town and Country Planning Act 1990 (as amended).

Consultation

In accordance with the Neighbourhood Planning (General) Regulations 2012, the Parish Council has prepared a Consultation Statement to accompany the Plan. This records that the Langley Burrell Residents Association was delegated by the Parish Council to progress the plan-making; the Residents Association in turn established a Neighbourhood Plan Steering Group. The Residents Association has reported back to the Parish Council at all decision-making points and that is shown in the records of the meetings of the Parish Council.

It is clear that community involvement has been at the heart of the Plan's production, a task made easier by the small Parish population. The summary in the Plan and the Consultation Statement itself show a varied and extensive approach to community engagement and a range of formal and informal approaches and media has been used to invite participation. I note in particular that in August 2015 all 124 homes in the Parish received a questionnaire by post together with a pre-paid reply envelope with a final response rate of 45%. Then in December 2015, a public meeting was held both to discuss the results of the questionnaire survey and to consider the next steps in the plan-making process. Subsequently, a draft Plan was hand delivered to all households and mostly by email to all other interested parties in the Parish and public events promoted the public consultation on the Pre-Submission Draft Plan and the various supporting documents on the village website. In total 42 statutory and non-statutory bodies and local businesses were invited to comment on the together with all residents of the Parish. Comments received were noted and addressed, as recorded in the Consultation Statement. The representation from Wiltshire Council raises a question as to whether the record of consultation is as complete as it should be in relation to submissions from individuals; I am satisfied that draft Plan was properly reviewed in the light of submissions and that the Regulation 16 Consultation has provided a further opportunity for everyone to make their contribution, reiterating points if needs be.

Overall, the degree of commitment by all participants illustrates the potential of neighbourhood planning to give "communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need" (para 183, National Planning Policy Framework). From all the evidence provided to me for the Examination, I can see that an inclusive and comprehensive approach has been taken to obtaining the input and opinions of all concerned throughout the process. Comments were pro-actively sought and those received were duly considered. I can see that there has been a documented record of the ways that consultation has benefitted the Langley Burrell Neighbourhood Plan. I am therefore satisfied that the consultation process accords with the requirements of the Regulations.

Representations Received

Consultation on the submitted Plan, in accordance with Neighbourhood Planning Regulation 16, was undertaken by Wiltshire Council from 13th February to 27th March 2017. I have been passed representations – 16 in total - received from the following:

- Southern Water
- Mrs Julia Mannering

- Wessex Water
- Mrs Deana Box
- Mr David Mannering
- Mrs Katerina Johnstone
- Wiltshire Council
- Savills on behalf of Langley Estates
- Mr Richard Walker
- Gladman Developments
- Amec Foster Wheeler on behalf of Robert Hitchins Ltd.
- KBC Developments LLP
- Historic England
- Mrs Nicola Johnson
- Mr Peter Burgess
- Mr Edward Barham.

The Neighbourhood Plan

The Langley Burrell Parish Council are to be congratulated on their extensive efforts to produce a Neighbourhood Plan for their area that will guide development activity over the period to 2026. It is evident that a sustained effort has been put into the dialogue with the Langley Burrell Parish community to arrive at actions and policies that can help to ensure that, by 2026, Langley Burrell will “continue to thrive as an historic, vibrant and physically distinct rural village along with its associated hamlets, to continue to respect and reflect the views of its community, to evolve and expand whilst retaining its unique and distinctive character, heritage assets, notable literary links and to provide an outstanding quality of life for current and future generations of residents”. The Plan document is well presented with a combination of images and text that is engaging for the reader and, subject to the specific points that I make below, set out in appropriate and clearly themed sections. Although not a matter that need concern me, I have enjoyed the brief quotations from Kilvert’s Diary that have helped to contribute to the distinctiveness of the Plan for Langley Burrell. The Plan has been kept to a manageable length by not overextending the potential subject matter and the coverage of that.

A representation suggests, at some length, that the Plan has not been positively prepared and “concentrates solely on the ‘protection’ of the countryside and environmental assets including landscape and heritage and is predicated on preventing further development beyond [the northern boundary of Chippenham]”. Whilst I accept that the wording of content & Policies is not always as well-expressed as one might wish, that is not uncommon in a community prepared planning document and something that can readily be addressed. It is an expectation of Neighbourhood Plans that they should address the issues that are identified through community consultation, set within the context of higher level planning policies. There is no prescribed content and no requirement that the robustness of proposals should be tested to the extent prescribed for Local Plans. Where there has been a failure by the Qualifying Body to address an issue in the round, leading to an inadequate statement of Policy, it is part of my role wherever possible to see that the community’s intent is sustained in an appropriately modified policy. It is not part of my role to extend the coverage of the community’s Plan to other prospective policy areas. It is evident that the community has made positive use of “direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (PPG paragraph: 001 Reference ID: 41-001-20140306). It is evident that the Qualifying Body understands and has addressed the requirement for sustainable development.

Having considered all the evidence and representations submitted 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 works from a positive vision for the future of the Neighbourhood Area and promotes policies that are proportionate and, subject to some attention, sustainable. The Plan sets out the community needs it will meet whilst safeguarding Langley Burrell’s distinctive features and character. The plan-making had to find ways to reconcile the external challenges that are perceived as likely to affect the area with the positive Vision agreed with the community. All such difficult tasks were approached with transparency and care, with input as required and support from Wiltshire Council.

However, in the writing up of the work into the Plan document, it is often the case that the phraseology is imprecise, not helpful, or it falls short in justifying aspects of the selected policy, and I have been obliged to recommend modifications so as to ensure both clarity and meeting of the ‘basic conditions’. In particular, Plan policies as submitted may not meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17). I bring this particular reference to the fore because it will be evident as I examine the policies individually and consider whether they meet or can meet the ‘basic conditions’.

Basic Conditions

The Independent Examiner is required to consider whether a neighbourhood plan meets the “basic conditions”, as set out in law following the Localism Act 2011. In order to meet the basic conditions, the Plan must:

- have regard to national policies and advice contained in guidance issued by the Secretary of State;
- contribute to the achievement of sustainable development;
- be in general conformity with the strategic policies of the development plan for the area;
- be compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

The submitted Basic Conditions Statement has very helpfully set out to address the issues in the same order as above and, where appropriate, has tabulated in Appendices the relationship between the policy content of the Plan and its higher tier equivalents.

I have examined and will below consider the Neighbourhood Plan against all of the Basic Conditions above, utilising the supporting material provided in the Conditions Statement and other available evidence as appropriate.

The Plan in Detail

I will address the aspects of the Neighbourhood Plan content that are relevant to the Examination in the same sequence as the Plan. Recommendations are identified with a bold heading and italics and I have brought them together as a list at the end of the Report.

Front cover

A neighbourhood plan must specify the period during which it is to have effect. I note that there is a clear reference to the period on the front cover.

1. Executive Summary

Paragraph 4: to be retained as a relevant summary, paragraph 4 needs to be revisited and revised in the light of the incorporation of recommended modifications to the main content of the Plan.

Recommendation 1:

Revisit and revise paragraph 4 of the Executive Summary prior to the Referendum in the light of modifications made to the content of the Plan.

Paragraph 5 in this section is both inaccurate (eg the Planning Inspectorate is not involved) and overtaken by events; it should be omitted.

Recommendation 2:

Delete paragraph 5 in the Executive Summary.

2. Introduction and Background

Setting out a brief background to the preparation of the Plan is helpful both to provide a context for the themed sections that follow but also to signpost to related documents with which the Plan ought to be read for completeness. Some modifications ought to be made for accuracy/clarity and to ensure that the wording is current and appropriate for the submission/referendum version.

2.1 Document Structure

Para 8, final sentence

Although the sentence when written was accurate, the Chippenham Site Allocations Plan has subsequently been adopted and become part of the Development Plan; therefore the sentence needs to be updated.

Recommendation 3:

Replace the final sentence in section 2.1 with:

9. This Plan was prepared to be in general conformity with the revised submission draft of the Chippenham Site Allocations Plan (CSAP) (May 2016); in May 2017 the CSAP was adopted as part of the Wiltshire Development Plan.

Renumber subsequent paragraphs.

2.2 What is Neighbourhood Planning?

Para 9, opening

Acts of Parliament are normally referenced with their year of enactment, and so the Localism Act 2011.

Recommendation 4:

In para 9 replace 'The Localism Act' with 'The Localism Act 2011'.

2.3 Preparation of the Plan

Para 10, opening

For accuracy and so as not to mislead, para 10 at the outset ought to say that the Plan has been prepared on behalf of the Parish Council as the Qualifying Body.

Recommendation 5:

Amend para 10 to start: 'The Langley Burrell Neighbourhood Plan has been prepared on behalf of the Parish Council (the Qualifying Body) by a Neighbourhood Planning Steering Group including.....'.

Para 19, third line

A stray full stop has crept into the text of this paragraph.

Recommendation 6:

Correct the typographic error in para 19 – remove a stray full stop mid-sentence.

Para 21, last sentence

Since the Plan has now reached submission, wording relevant only to earlier consultation drafts needs to be amended.

Recommendation 7:

Amend para 21, last sentence to read:

This Submission Version of the LBNP reflects the outcomes from the whole consultation and review process and has been approved by the Parish Council for submission to WC.

2.4 Evidence, conformity and community involvement

Para 22

Whilst I appreciate that this is a brief, opening explanation, to avoid any confusion criterion 2 ought to be saying that policies must be supported by evidence, some of which may have been obtained through community feedback.

Recommendation 8:

Replace criterion 2 in para 22 with:

2. There must be supporting evidence some or all of which might be derived from community consultation.

Paras 23 & 24

Given that the High Court (ref: CO/6112/2016) has determined that the Barrow Farm Appeal decision is quashed and that the Appeal must be reheard, it is inappropriate for the Plan document to make reference to the related Appeal document. And, given that the replacement Appeal is still pending, any references to the matter will quickly be out of date and should therefore be omitted from a Plan with a 10 year time horizon.

Recommendation 9:

Restrict policy matters referenced in paras 23 & 24 and the related Annex A solely to national and Wiltshire policies.

2.5 Next Steps

Paragraphs 27 & 28 in this section are overtaken by events; they should be omitted and subsequent paragraphs renumbered appropriately. I suggest that section 2.5 is retitled 'Delivery & Monitoring'.

Recommendation 10:

Delete paras 27 & 28, renumber subsequent paragraphs, and retitle section 2.5 as 'Delivery & Monitoring'.

Para 29.3: as this paragraph has the first reference in the Plan to the Community Infrastructure Levy (CIL) this needs to be set out in full in this instance.

Recommendation 11:

In para 29.3 replace 'CIL' with 'Community Infrastructure Levy (CIL)'.

3. Sustainable Development for Langley Burrell

Particularly given the national policy context, it is helpful to address the dimensions of sustainable development in the introductory paragraphs. However, this is also a useful point to cross-reference to the Basic Conditions Statement accompanying the Plan.

Recommendation 12:

In Section 3 add a cross-reference to the Basic Conditions Statement along these lines: 'More detail on the ways in which this Plan addresses sustainable development is included within the Basic Conditions Statement that accompanies the Plan.'

4. The Designated Neighbourhood Plan Area

Para 40 provides some detail relating to Figure 1. It refers to an area identified in red which was omitted from the Neighbourhood Area but, quite appropriately, that area is not actually identified on the map. Reference to the 'red area' needs to be omitted from the text (as is already the case with the map).

Recommendation 13:

Omit from para 40 the second sentence which starts: "The red area....".

5. History of the Parish

Within this section there are numerous references to "the village" the understanding of which relies on reference back to the opening of the previous section which points out that the Parish has the village of Langley Burrell at its centre.

Recommendation 14:

Review section 5 with a view to ensuring clarity as to the importance of the village of Langley Burrell to the history of the Parish.

6. Our Vision

Para 56, sentence 4 refers to Barrow Farm and given that the matter is still pending, it needs to be omitted.

Recommendation 15:

Delete the 4th sentence of para 56 referring to Barrow Farm.

7. Objectives

Given that the objectives have been derived from extensive inter-action with the community, section 7 would be a useful point to cross refer to the Consultation Statement that accompanies the Plan.

Recommendation 16:

In Section 7 add a cross-reference to the Consultation Statement along these lines: 'More detail on the ways in which these Objectives have been derived is included within the Consultation Statement that accompanies the Plan.'

8. Objective 1 – Built Environment

8.1 Background

Para 63 is now out of date and needs amending.

Recommendation 17:

Replace para 63 with: 'In May 2017 the Chippenham Site Allocation Plan was formally adopted by WC to sit alongside the WCS and this allocates sites to meet the requirements identified in the Core Strategy'.

Para 64 as written is not entirely accurate eg not all the land subsequently referenced is within the Parish boundary.

Recommendation 18:

Replace the opening of para 64 with: 'Wiltshire Council has granted, or is the process of granting, planning permission for at least 1450 of Chippenham's new homes on or adjacent to its boundary with the Langley Burrell Parish as follows:.....'

It is important to ensure that there is an unambiguous read-across from the text to Figure 2 which illustrates the detail in para 64. The quality of the map needs to be improved for clarity and accuracy of site boundaries, the title needs to be revised since not all of the sites indicated are, as written, "developments", one listed site is omitted, and the wording of the key needs to be thoroughly consistent with the text eg Rawlings Green or Rawlings Farm?

Recommendation 19:

Revise Figure 2 to ensure it is capable of clear reproduction in the Plan, that the site boundaries are accurately drawn and there is an accurate title and key both of which exactly align with the related text.

Para 65 is now out of date although the proposal is clearly relevant in the context of the objective.

Recommendation 20:

Replace para 65 with: 'A planning application for land at Barrow Farm (WC 14/10433/OUT) to include 500 homes was refused by WC in February 2016; at the time of the submission of this Plan an Appeal against this decision is pending.'

Paras 66 & 67: As noted above, there needs to be good read-across from the text to the related map(s). Oakhurst is used in the text as a village reference point but is not actually

shown on any of the maps, and “north of Maud Heath’s Causeway” doesn’t assist greatly either since it has an extensive length.

Recommendation 21:

Review paras 66 & 67 so as to ensure that the description of the village is evident on the illustration map – either the existing Ordnance Survey extract or a more diagrammatic layout derived from it.

The end of para 69 includes detail which has been overtaken by events; since the detail has already been included earlier in this section, there is no benefit in repeating the reference here.

Recommendation 22:

Delete the final two sentences and the related footnote from para 69; renumber subsequent footnotes.

8.2 Policies

There are three general points relating to the setting down of all Policies within the Plan:

- Policies must meet the obligation to “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).
- The content in bold must include **all** the detail on which the Local Planning Authority will subsequently rely when assessing applications against it; other contextual paragraphs must not be used to convey detail which should be within the Policy; for clarity I will make recommendations to address this matter each time the issues arise with the statements of policy.
- It is unhelpful for the policy content in bold to have multiple reference numbers (paragraph and policy specific) within the Plan document; such numbering could be confusing when the Policy is necessarily referenced or quoted by developers and in Committee Reports and decision letters. As with the WCS it is common for Policy statements to be set in text boxes to help them stand out.

Recommendation 23:

Remove paragraph numbers (occasionally multiple) from Policy statements and renumber the explanatory text paragraphs accordingly.

The footnote to para 73 references a Locality document but that in turn derives from the authority of the Government’s Planning Practice Guidance (PPG); it is the latter on which the Plan content should be based.

Recommendation 24:

Replace footnote 7 on p 16 with: ‘Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20160519’.

Parish Build Policy 1 (PB1)

It is challenging that the first policy statement under an objective related to the “built environment” is primarily concerned with the open countryside (undefined) and is expressed as a “presumption against” when the ‘golden thread’ running through the NPPF is ‘a presumption in favour of sustainable development’. A further difficulty with the policy as expressed is that there is no clarity as to its relationship to the higher level WCS policy which is referenced in the subsequent para 77 nor any acknowledgement of critical exceptions such as utilities. These are matters raised directly or indirectly in more than one representation.

One of the Core Planning Principles on which the NPPF builds (para 17) acknowledges that planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it”; however, even within the very protected areas of Green Belt there are some excepted circumstances where development may be considered appropriate (para 89).

Echoing the expectation of national policy, WCS (para 6.129) establishes that: “Wiltshire has a rich built heritage and its vibrant towns and villages are set within large expanses of open countryside which is valued for its tranquillity and beauty as well as its environmental value. Enhancing the character of Wiltshire’s countryside and settlements is of the utmost importance and, in order to do this, development must be informed by a thorough understanding of the locality and the development site.” The WCS also notes (para 4.16) that “there is a general presumption against development outside the defined limits of development of the Principal Settlements [includes Chippenham], Market Towns, Local Service Centres and Large Villages”. And further, the WCS Core Policy 10 relating to the Chippenham Community Area says that “Areas for growth and site allocations will be guided by (*inter alia*): 5. Has an acceptable landscape impact upon the countryside and the settings to Chippenham and surrounding settlements, improves biodiversity and access and enjoyment to the countryside”. But the Plan document itself at para 77 acknowledges that the WCS context for PB1 includes a number of ‘exception policies’ whereas the wording of Policy PB1 fails to acknowledge these.

The Chippenham Site Allocation Plan is intended to provide a plan-led protection against further development in the open countryside up to 2026 by defining sufficient areas for new development to meet or exceed the objectively assessed need for the Chippenham Community Area.

It is evident therefore that the generality of the respect for the value of the open countryside – which is at the heart of PB1 - is already well addressed in national and local planning policy but the exceptions allowed for within higher level policies are not acknowledged and the wording of PB1 itself is not nuanced as to locality. But PB1 is not the only Plan Policy addressing this issue: PB2 addresses harmful expansions, LP1 addresses rural character, HP3 & NE4 address the protection of the area defined as Langley Common, HP4 addresses the settings of hamlets and groups of buildings in the countryside. These other Policies are more nuanced as to locality and, in combination (subject to my recommendations relating to them) can give effect to the neighbourhood policy objectives sought but ill-defined at PB1.

Recommendation 25:

In order that the Basic Conditions are met with respect to the obligations from the higher level plans, delete Policy PB1 (paras 76 – 78) and instead rely on the neighbourhood detail of related policies elsewhere within the Plan; renumber subsequent paragraphs.

Policies VB1 & VB2 set down where and how within the Parish appropriate development will be accommodated, and therefore this would provide the appropriate start for the Policies section. The core purpose of a Neighbourhood Plan is after all to give “communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area” (PPG paragraph: 001 Reference ID: 41-001-20140306). It is especially important that I quote this purpose here since one representation has suggested that it is not appropriate for the LBNP to seek to limit the potential growth that could be achieved over the Plan period; in fact the Plan will quite properly shape the development and growth within Langley Burrell as an integral part of the Development Plan.

The LBNP policies do not seek to allocate specific sites for development; however the Chippenham Site Allocations Plan (May 2017) allocates land within the Neighbourhood Area that is on the edge of Chippenham. Therefore, whilst Parish land is contributing very substantially to the meeting of housing needs in particular, the LBNP itself does not contribute directly to addressing the need for 149 houses as identified in the WCS to be delivered outside of Chippenham but within the Chippenham Community Area. Instead the LBNP Policies VB1 & VB2 have been designed to positively locate some growth within the village of Langley Burrell in part to address the risk that this might otherwise be located so as to effect the coalescence of Langley Burrell and Chippenham.

The strategic context for VB1 is provided at WCS CP2:

“At the Small Villages [of which Langley Burrell is one] development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:

- i) Respects the existing character and form of the settlement
- ii) Does not elongate the village or impose development in sensitive landscape areas
- iii) Does not consolidate an existing sporadic loose knit area of development related to the settlement.”

In its representation WC notes that the rationale and guidance for a small village such as Langley Burrell is: “Small Villages have a low level of services and facilities, and few employment opportunities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities”.

I note some confusion in the supporting text between the content of Policy VB2, which is specifically about housing, & VB1 which seems to be about building in general but implies ‘houses’ when it says “properties”. Policy VB1 relates well to the WCS expectations by providing appropriate local detail. However, since VB2 also relates to the “Scale and character of development” that is the subject of VB1 I suggest that the two are combined for clarity and reduced duplication.

On housing provision, the subject of VB2, WCS does not make any specific demands on Langley Burrell village to accommodate new housing, other than within the context of community needs noted above. Planning Practice Guidance (Paragraph: 001 Reference ID: 50-001-20160519) is encouraging but confirms the importance of context: “all settlements can play a role in delivering sustainable development in rural areas A neighbourhood plan can allocate additional sites to those in a Local Plan where this is supported by evidence to demonstrate need above that identified in the Local Plan and the plan proposal meets the basic conditions.”

I note that the housing survey for the Parish showed a low level of housing needs to be met, although of course every community is likely to have additional needs over a 10 year Plan period. Further, the LBNP seeks to be accommodating of limited, appropriate development to relieve pressures that might otherwise ultimately result in the coalescence of Chippenham & Langley Burrell; the views of the community on the unacceptability of coalescence have been consistently expressed. The representation from WC acknowledges that whilst the WCS delivery strategy defines the level of housing growth appropriate within the built up area of small villages as infill, an exception to this approach will be through neighbourhood plans. WCS concludes that the difference in approach to infill between the WCS and the LBNP is not considered to be “so significant as to undermine the sustainable spatial strategy in the WCS”. I agree with this assessment.

As noted earlier, the policy content in bold must include all the detail on which the Local Planning Authority will subsequently rely when assessing applications against it; as the representation from Wiltshire Council points out, the local detail in paras 85 & 86 as to scale of developments could only be effective within the Policy itself. I note that you have not provided evidence to support the cumulative total figures for new housing. However, a representation on behalf of a local landowner has illustrated that, within realistic constraints and broadly speaking, there is the level of new dwelling capacity within the village that the LBNP suggests. It is not my role to assess the specifics of this submission but I am able to conclude that there is evidence that the desired policy approach is deliverable. Accordingly, my recommended amendment seeks to clarify and address the local manner in which WCS policies – in particular Core Policy 2 – is to be given effect (as well as correcting a drafting error pointed out in more than one representation).

A representation from Wessex Water expresses a concern that Policies VB1 (and PB1 addressed later) should allow for the fact that infrastructure development by utility companies by its nature needs to be functional and considerations such as security and health and safety must take precedence over appearance. I believe that the proper provision of essential infrastructure is adequately addressed in higher level policies and there are no specific, local exceptions that need to be included in the LBNP.

Recommendations 26 & 27:

Combine VB1 & VB2 to form a new VB1 as follows:

Policy Village Build 1 (VB1) – Scale and character of development

Proposals for new development will be supported within the heart of Langley Burrell village provided that:

- i) the village is not elongated, the limits to development being defined by the inside of the red lines shown in figure 3; and*
- ii) the site accords with the existing street layout and plot sizes and is located on an otherwise built-up frontage; and*
- iii) the cumulative total of new developments across the plan period is appropriate to local needs and the scale of the existing village; and*
- iv) the design of the buildings, including scale, shape and finishing materials, is respectful of its neighbours and in keeping with the vernacular form of the village buildings; and*
- v) for residential developments the above factors suggest that:
 - (a) individual proposals should be for one or two dwellings, or exceptionally up to five if a site has a suitable setting; and*
 - (b) appropriate off-street parking for at least two cars per dwelling should be capable of being integrated within the site; and*
 - (c) cumulatively, phased over the Plan period, there should be capacity for approximately 20 new dwellings.**

The justification detail for the consolidated policy VB1 (presently paras 85 to 88) should be edited and re-ordered appropriately to support the single policy, along these lines:

Policy VB1 articulates residents' expressed concern for the new development they wish to accept within the village to be of a scale appropriate to a small, rural community. Residents' perception is that a small, rural village is more susceptible to some harms that might be generally acceptable in an urban landscape; for instance changes in noise and light levels that might go un-noticed in a town, represent a relatively large and therefore more noticeably harmful change in a village.

Sub-policy (iv) draws appropriate attention to the fact that Langley Burrell is an estate village that has a distinct architectural style to many properties, as described in the Aecom Assessment⁹. It is important to residents that new developments are sympathetic to their immediate location and setting and are inserted so as to be visually harmonious.

Sub-policy (v) addresses residents' concerns that new residential development should be entirely in keeping with the scale, setting and character of the village and its layout.

As revised Policy VB1 meets the Basic Conditions.

In relation to Policy PB2, para 78 appears to acknowledge that there is a WCS policy that can effectively address the matter of inappropriate expansion whilst para 80 suggests there is evidence of mitigation measures already being deployed, and yet a further policy is proposed within the LBNP. At the core of PB2 are two apparently hypothetical scenarios for which no *evidence* has been provided to establish their substance; para 80 seems to be concerned to restrict an existing site solely to the current uses; para 81 seems to anticipate some rearrangement of uses on the same site for which further, unsubstantiated measures of mitigation are urged. Planning decisions are made on the basis of fact and degree and, by definition, these cannot be assessed in advance of specific proposals.

In support of some aspects of your concerns the Chippenham Site Allocations Plan (May 2017) says (para 4.17): “The evidence suggests that further development north [from the site known as North Chippenham] would have detrimental landscape and ecological effects, in particular with respect to cumulative impacts on the value of Birds Marsh Wood County Wildlife site, and fails to meet Criterion 5 (Landscape) of Core Policy 10 without offering significant benefit over and above the development already permitted.”

I can well appreciate the awkwardness from a Parish perspective of having the urban fringe of Chippenham now sitting within the Parish and I can understand that it is important to the community to assert its rural credentials. But to meet the Basic Conditions Plan policies must “provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17) and in order for them to be effective they must be justified. Accordingly Policy PB2 needs a different approach.

Recommendations 28 & 29:

Renumber and reword Parish Build Policy PB2 as:

Parish Build Policy 1 (PB1) – development proposals at the urban fringe

The urban edge of Chippenham within the rural Parish of Langley Burrell is a sensitive planning location. Development proposals at the boundary will have a significantly different impact on the rural as distinct from the urban part of their setting. Applicants must therefore ensure that proposals (inter alia) consider, assess and address from a rural perspective their impact in terms of degrees of harm, cumulative impacts, appropriate measures of mitigation and essential landscaping.

Replace para 82 with an amended justification along these lines:

As Chippenham expands to the north there is a need to consider and address the impact of this on the rurality of the Parish. Residents’ perception is that a small, rural village is more susceptible to some harms that might be generally acceptable in an urban landscape; for instance changes in noise and light levels that might go un-noticed in a town, represent a relatively large and therefore more noticeably harmful change for a village.

As revised Policy PB1 meets the Basic Conditions.

9. Objective 2 – Rural Landscape

9.1 Background

It is unclear the extent to which the detail here is drawn from the Landscape Setting Assessment (LSA) but where significant claims are made (eg “The Kellaways exposures are of great international and historical significance and constitute the most important single Callovian locality in Britain”) it is always wise to briefly reference the source with a footnote. Also, it would be helpful to the appreciation of the text to have a related map showing in outline the significant landscape features such as the SSSI, Birds’ Marsh Wood, the woodland of Kilvert’s Parsonage, etc.

Recommendations 30 & 31:

Add as a footnote(s) the source reference(s) for significant landscape facts.

Add a figure showing the location of the landscape features noted in the text and renumber subsequent figures.

Paras 100 & 109: As the Appeal relating to Barrow Farm has been quashed the references to the Appeal Report should be removed.

Recommendation 32:

In para 100 remove the second sentence and the footnote relating to the Barrow Farm Appeal and remove para 109 (and renumber subsequent paragraphs).

It is confusing that extensive parts of the section sub-headed as 'Future Concerns' (commencing at para 100) actually relate to descriptions of the landscape character of the Parish, effectively duplicating the section titled 'Contemporary Characteristics' (paras 98 & 99). It is also confusing that paras 106 & 108 appear to be addressing the same things as para 111 but with some differences of wording. I note that the content at para 111 is drawn from the LSA section describing "the special qualities of the landscapes around Chippenham" and not, as described, the section noting "special qualities that need to be safeguarded" which is in the tabulated section 5. Whichever style of categorisation that is chosen, the pre-ambles to the Policies at 9.2 needs to be accurate, without repetition and pertinent to justifying the policy approach.

Recommendation 33:

Review the pre-ambles to the Policies at 9.2 to ensure clarity, accuracy against the source material, removal of duplication and direct relevance to the policy content that follows.

9.2 Policies**Landscape Policy 1 (LP1)**

As noted earlier, the policy content in bold must include all the detail on which the Local Planning Authority will subsequently rely when assessing applications against it; therefore the cross-referencing to parts of the pre-ambles text is not appropriate. The absolute policy thresholds of 'no harms', 'no reductions' and 'preserving' for Policy LP1 are unrealistic and do not accord with the NPPF – even permitted development will bring with it some change but at a level which is considered nationally acceptable. As you note, both national and WCS policies support the retention of a rural landscape with a distinctive character, but they require that issues are looked at the round, balancing benefits and harms. The justification for the Policy is in some parts more helpfully worded than the Policy itself. To allow for the Basic Conditions to be met, Policy LP1 must be reframed.

A representation expresses a concern that "the key viewpoints appear simply to be based on restricting development between Chippenham and Langley Burrell", but that interrelationship is a matter properly addressed by the CSAP. I have visited all the viewpoints referenced and can appreciate that they identify as well as illustrate the landscape character and rural setting of the Neighbourhood Area, matters to which planning policies at all levels require appropriate regard, and that is what the LBNP is setting out.

The significance of views is difficult to illustrate successfully; for instance, without a frame and with poor foreground lighting View 6 appears nondescript. Policy LP1 needs to be absolutely clear as to the significance of the views being referred to and the map at Figure 4 with its key below ought to be a clearer guide to the protected views of which the photos can give only a partial representation ie the viewpoint must be accurately positioned and no part of the arc may extend beyond the Neighbourhood Area boundary. The requirement is that the Policy as a whole must "provide a practical framework within which decisions on

planning applications can be made with a high degree of predictability and efficiency” (NPPF para 17).

Recommendations 34 & 35:

Rephrase Policy LP1 as follows:

Proposals for new development must respect the pastoral setting of the Parish and accordingly must assess and address, with mitigation where appropriate, the need to:

i) work with not against the grain and mature boundaries of the dispersed settlement of buildings and outlying hamlets in the area; and

ii) retain and not diminish the physical separation between Langley Burrell and Chippenham; and

iii) retain and enhance the important visual separations across the area between Chippenham toward Kington Langley and Langley Burrell; and

iv) retain and not detract from the dominance of the natural features that provide the setting for these settlements, such as the woodlands of Bird’s Marsh and Kilver’s Parsonage; and

v) retain the tranquillity of the rural landscape in particular where public footpaths allow access for recreation; and

vi) not diminish the significant views across open countryside shown in Figure 4.

Wherever possible, development should deliver enhancements to the landscape character.

Redraw Figure 4 to ensure that the arcs are accurately positioned and no part extends beyond the Neighbourhood Area boundary; within the key, reference the footpath numbering; add a NB below to qualify the value of the photographs as only limited representations of the views being protected. Address the reproduction quality of the photographs.

As recast the content of Policy LP1 meets the Basic Conditions.

There are a number of problems with the Policy justification text across paragraphs 114 – 133. As noted previously the text and footnote references to the quashed Barrow Farm Appeal need to be removed; the CSAP is the correct source for your purposes. The reference in para 114 to “vernacular building materials” is in the wrong section and should be removed. The meaning of para 116 is obscure and confuses rather than helps the justification for the Policy. The statement in para 117 is not appropriate since it goes considerably beyond what Policy LP1 does (and could) achieve. The reference to the quashed Barrow Farm Appeal must be omitted. Paras 119 – 121 need to work together and avoid duplication – it is unclear whether the selections from the CSLA are quotations and what relationship, if any, they have with the selected views; since specific views have been selected those are the ones that require a (brief) supporting justification.

Recommendation 36:

Review the wording of the text supporting Policy LP1 to remove out-of-date, now inappropriate and extraneous references and to revise and renumber in keeping with the modified Policy; amend subsequent paragraph numbers accordingly.

Landscape Policy 2 (LP2)

A representation was made objecting to the wording of LP2. It is not the role of a Neighbourhood Plan – which is designed to influence development up to 2026 - to appear to determine or re-determine specific planning applications; the law places that responsibility on the Local Planning Authority. LBNP Policy PB2 has already addressed the issue of the urban – rural fringe and that will become part of the Development Plan once the LBNP is made.

Recommendation 37:

In order to meet the Basic Conditions delete Policy LP2 and the related paras 124 & 125; amend subsequent paragraph numbers accordingly.

10. Objective 3 – Heritage

10.1 Background

The subheading 'Future Concerns' has become detached from its related content starting at para 142.

Para 144: for reasons noted previously this paragraph relating to the Barrow Farm Appeal should be deleted.

Recommendation 38:

Above para 142, insert the Section number before the sub-heading 'Future Concerns' and reformat so that the title sits adjacent to the paragraph (142) to which it relates; delete para 144 and its footnote and amend subsequent paragraph numbers accordingly.

10.2 Policies

Heritage Policy 1 (HP1)

As noted in representations, the threshold for your heritage Policy HP1 exceeds that provided for in the NPPF which is based on degrees of significance. As the Planning Practice Guidance (Paragraph: 002 Reference ID: 18a-002-20140306) notes: "the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development". Whilst the concern of Policy HP1 is already fully addressed in the NPPF and WCS it is evident that local heritage is of a particular interest to the local community and so rather than delete the Policy I am recommending a suitable rewording so that the Policy is Langley Burrell centred and to allow the Basic Conditions to be met.

Recommendation 39:

Reword Policy HP1 as follows:

Listed buildings and their settings, and the Conservation Area and its setting, will be conserved or enhanced to reinforce the quality and character of Langley Burrell.

All development shall be of a high quality of design, which complements and enhances Langley Burrell's distinct historic character and identity. This shall be achieved by development which:

- i. positively interfaces with the street and streetscape in which it is located; and*
- ii. maintains the positive contributions to character of existing buildings and structures; and*
- iii. has regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.*

As recast the content of Policy HP1 meets the Basic Conditions.

Heritage Policy 2 (HP2)

With a slight re-ordering to improve readability, Policy HP2 can be acceptable. I note that the setting where the Causeway crosses the Avon has already been addressed within Policy LP1 but it can readily be appreciated that the contexts are different.

Recommendation 40:

Alter Policy HP2 to read:

Outside of Langley Burrell village, the listed Maud Heath's Causeway is set in a landscape with fields on both sides, mainly bounded by hedgerows, interspersed with the occasional isolated dwelling (or in one or two cases, a few dwellings located together). A path, properly 'the Causeway', runs continuously along the road on one side or the other. At the elevated section of the Causeway across the River Avon, the setting is wider in terms of being visible

across the open fields around St Giles Church and the views down towards the river from the Causeway.

Development within or affecting the setting of the Causeway must address and have appropriate regard for this locally distinct and listed feature; proposals which do not demonstrate such regard will not be permitted.

As revised Policy HP2 meets the Basic Conditions.

Heritage Policy 3 (HP3)

As I will explain later in this Report, I cannot conclude that Langley Common, as now defined, meets the NPPF criteria for designation as a Local Green Space. It therefore falls to the heritage Policy HP3 to encapsulate the community's understandable desire to recognise the area known as Langley Common, which seems appropriate since the inherent attraction of the Common as a distinct part of the countryside stems from its historic origins and the later but still historic associations with Kilvert's times as recorded in his diaries. The cohesive area also links the protected settings of several listed buildings which are important in their own right and establishes the appropriately rural setting for Langley Burrell village. As you note, the area has further potential as a tourist attraction and the WCS CP 39 fully recognises this: "Wiltshire's built and natural environment is a key part of the tourism product and the future success of the area's tourism industry is, in many ways, dependent on the effective management and conservation of the environment"; recognition of the Common area may therefore be seen as contributing to sustainable development.

It is evident that a great deal of research – some beyond that presently referenced in the LBNP document - has gone into establishing the historic extent of Langley Common but, as you acknowledge in para 141, the indicated boundary in Figure 6 is "approximate"; there are historic references that might indicate either smaller or larger areas. Nothing in the Policy should therefore imply that there is a hard boundary to the area delineated – a simple cross-hatching on the map would be appropriate. Additionally, the paper copied to me, "The historic boundaries of The Common in Langley Burrell from map evidence held in the Heritage Centre in Chippenham", should be made available via the LBNP website.

Planning Practice Guidance (Paragraph: 039 Reference ID: 18a-039-20140306) recognises that there are buildings, monuments, sites, places, areas or landscapes identified as having a degree of significance meriting consideration in planning decisions but which are not formally designated heritage assets. Further, Historic England in its publication 'Conservation Principles, Policies and Guidance' (2008) very pertinently notes (para 163): "The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, not only are its heritage values eroded or lost, but so is its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment". The LBNP Policy HP3 clearly draws from and gives local expression to this expert advice and guidance, as is acknowledged in the representation from Historic England.

The LBNP should therefore give Langley Common as a heritage character area the status of a local, non-designated heritage asset. In doing this Figure 6 would need to be relocated adjacent to the Policy and would need to be reviewed to ensure that the southern boundary does not encroach onto any area with an extant permission for development.

Recommendations 41 & 42:

Rephrase Policy HP3 as follows:

The area of the historic Langley Common (as indicated by cross-hatching in Figure 6), of particular local interest due to its associations with Kilvert, is recognised as a local, non-designated heritage asset. As a key feature that contributes to the character of Langley

Burrell, the location and design of new development must have appropriate regard for the significance of this asset and the setting it provides for listed buildings and the village.

Relocate Figure 6 to be adjacent to Policy HP3 (and amend references at para 141 appropriately) and review the southern boundary of the Common area to ensure that it does not encroach at any point onto an area with an extant permission for development. Ensure that the paper "The historic boundaries of The Common in Langley Burrell from map evidence held in the Heritage Centre in Chippenham" is made available to the public via the LBNP website (and on request).

As revised Policy HP3 meets the Basic Conditions.

Heritage Policy 4 (HP4)

To be effective this Policy must have a related map identifying the properties listed; this could be combined with the location map for Langley Common to form a new Figure 6 provided there is a key to separate out the two matters of policy interest. Please also address the punctuation in paras 150 & 151 and add a source reference for the core definition of the setting for heritage assets (for example: <https://historicengland.org.uk/advice/hpg/has/setting/>)

Recommendations 43 & 44:

For Policy HP4 add a map or suitable amend Figure 6 so as to indicate clearly the location of the places listed within the Policy.

Correct the punctuation of paras 150 & 151 to ensure that the full stops are correctly located.

As recast the content of Policy HP4 meets the Basic Conditions.

11. Objective 4 – Natural Environment

I note that the numbering of this section – 11 – has been omitted.

Recommendation 45:

Insert the Section number before Objective 4.

11.1 Background

Para 157 addresses matters outside of planning control and therefore it would be appropriate to cross-refer to the related provisions in the community policies in Appendix 1.

Recommendation 46:

*Add to the end of para 157 a reference along these lines:
This issue is considered amongst the non-planning policies in Appendix 1.*

11.2 Policies

Natural Environment Policy 1 (NE1)

The Policy as written is essentially a statement of fact since both the NPPF and WCS address the issues of wildlife and diversity and there is no local aspect highlighted. Whilst I appreciate that the community raised the subject matter there is no good reason for the Plan to precis, and thereby potentially confuse, existing national or local policies.

Recommendation 47:

Delete Policy NE1 and renumber subsequent Policies in this section; delete para 159 and its footnote and amend subsequent paragraph numbers accordingly.

Natural Environment Policy 2 (NE2)

As written there is an implication from Policy NE2 that a poor development proposal can be made acceptable merely by the inclusion of a proposal for nature conservation; this cannot be the case since development proposals will be assessed in the round. Some rewording is therefore required to avoid expressing your positive stance as a basis for potential compromise.

Recommendation 48:

Reword Policy NE2 as follows:

Development proposals in Langley Burrell must assess and address their impact on nature conservation and in so doing should go further than measures of mitigation and look to make a positive contribution to the conservation of wildlife and biodiversity to benefit future generations.

As amended the Policy NE2 meets the Basic Conditions.

Natural Environment Policy 3 (NE3)

Similar problems as noted for NE1 & NE2 potentially arise with the wording of Policy NE3. Some rewording is therefore required to deliver what is better outlined in the supporting text.

Recommendation 49:

Reword Policy NE3 as follows:

Langley Burrell has a rich network of footpaths and bridleways that are extensively used by the resident and neighbouring communities. Particular emphasis will therefore be placed on the local implementation of Wiltshire Core Strategy Policy CP52 which says, inter alia: "Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained."

Natural Environment Policy 4 (NE4)

The NPPF provides for local communities to designate appropriate areas as 'Local Green Space' (para 76) but such sites need to meet specific criteria and, the Planning Practice Guidance notes, "If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space" (Paragraph: 011 Reference ID 37-011-20140306). The NPPF specifies (para 77): "The Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:

- where the green space is in reasonably close proximity to the community it serves;
- where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- where the green area concerned is local in character and is not an extensive tract of land."

Details of how the chosen sites meet the NPPF criteria have been included at para 166 (but there is no para 165?). It is helpful that the criteria are addressed in the same sequence as the NPPF but I note that criterion 2 has been compromised since the Plan version has omitted reference to the requirement that the green area "holds a particular local significance". Having said that, a clear case has been presented in support of the designation of the village sports field and the Oakhurst open space. More than one representation however questions whether the criteria have been met for the designation of Langley Common and, as noted earlier, I must agree that at least one of the criteria has not been met, in which case the designation cannot proceed. Given that the boundaries of Langley Common, as noted earlier, have taken extensive research to establish

“approximately”, I must conclude that it is at least arguable that the area defined does not hold a *particular* local significance (my emphasis). But further I must conclude that an area substantially larger than the area of the village to which it is adjacent cannot be other than, relatively speaking, more than local and an extensive tract of land.

Planning Practice Guidance (Paragraph: 015 Reference ID: 37-015-20140306) sets out guidance on the matter of the scale and size of a local green space. The Guidance is very clear that “there are no hard and fast rules about how big a Local Green Space can be because places are different and a degree of judgement will inevitably be needed”. On this basis it would be inappropriate to take an examiner’s judgement on proposed local green spaces in other Neighbourhood Plans as a definitive guide, but I note (from representations and my own enquiries) that very significantly smaller spaces elsewhere have been assessed as not meeting the ‘extensive tract’ criterion. The Guidance goes on to say that “blanket designation of open countryside adjacent to settlements will not be appropriate. In particular, designation should not be proposed as a ‘back door’ way to try to achieve what would amount to a new area of Green Belt by another name”. Whilst no issue of Green Belt arises in this case, the Wiltshire Council representation notes that “it is important to consider the strategic nature of Chippenham as a location for growth” and “the NDP should not sterilise development around Chippenham”. I must conclude that ‘blanket designation of open countryside’ is a fair description of what is proposed in the case of Langley Common. And as I recommended earlier, there is a more appropriate route to recognising the special status of the Common in planning terms.

Recommendations 50 & 51:

Amend Policy NE4 to omit references to Figure 6 and to Langley Common, remove the related supporting text on page 38.

Renumber the supporting text paragraph(s) appropriately and correct the description of criterion 2 from Para 77 of the NPPF.

As amended the Policy NE4 meets the Basic Conditions.

12 Objective 5 – Local Economy

12.1 Background

Footnote 16, page 39: as noted earlier the map (apparently) referenced here does not show the red line mentioned and that is quite appropriate since the purpose of the map is to show the Neighbourhood Area.

Recommendation 52:

Delete ‘(marked red on the map)’ from footnote 16.

12.2 Policies

Economy & Infrastructure Policy 1 (E11)

I note that WCS Core Policy 34 provides strategic support for new employment developments in some rural locations and at Small Villages but with a number of conditions attached; the directly relevant provisions are:

“....developments will be supported that.....

- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; ...Where they:
 - a. meet sustainable development objectives as set out in the policies of this Core Strategy and
 - b. are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and

- c. are supported by evidence that they are required to benefit the local economic and social needs and
- d. would not undermine the delivery of strategic employment allocations and
- e. are supported by adequate infrastructure.”

You do not provide any evidence that would suggest that a different set of criteria should be applied in Langley Burrell and I imagine that you share the concerns that this WCS Policy addresses. Therefore your Policy EI1 cannot (and I suspect was not intended to) imply that any site within the Parish might be acceptable for new businesses, subject to relevant measures of mitigation.

I also note that even LBNP Policy PB1 (as revised) takes a more cautious approach than EI1 when considering the urban fringe. LBNP Policy VB1 will also apply, and until this point it had appeared that you wished to encourage all/most new development to be concentrated within the bounds of the village.

Recommendation 53:

Amend Policy EI1 as follows:

Within the framework provided by WCS Core Policy 46 and subject to the requirements for Langley Burrell village set down in LBNP Policy VB1 and for elsewhere all other LBNP Policies, development proposals for small businesses to establish and grow will be supported.

As amended the Policy EI1 meets the Basic Conditions.

Economy & Infrastructure Policy 2 (EI2)

Whilst I can understand that the threat of flooding is of concern, no evidence is provided as to the extent of flooding within the Parish nor any indication that the related Policies within the NPPF and the WCS cannot adequately address this. The NPPF sets strict tests to protect people and property from flooding which all local planning authorities are expected to follow. Where these tests are not met, national policy is clear that new development should not be allowed.

Recommendation 54:

Delete Policy EI2 in the absence of evidence that the Basic Conditions are met; renumber subsequent Policies in this section; delete para 175 and amend subsequent paragraph numbers accordingly.

Economy & Infrastructure Policy 3 (EI3)

The NPPF (para 97) provides support for “community-led initiatives for renewable and low carbon energy, including developments being taken forward through neighbourhood planning”. As noted previously, it should not be implied by Policy EI3 that a poor development proposal can be made acceptable merely by the inclusion of a proposal for renewable energy; some rephrasing is therefore required.

Recommendations 55:

Rewrite the Policy EI3 as follows:

Development proposals should consider the potential for and address the incorporation of provision for renewable energy thus ensuring that proposals can meet the design obligations set out in VB1 whilst making an appropriate contribution to addressing the impacts of climate change.

As amended the Policy EI3 meets the Basic Conditions.

Appendix 1: Community policies

A representation supports the inclusion of the content in Appendix 1 “as a useful reference for developers so that the wider context is understood”. It is appropriate that, in accord with Planning Practice Guidance (Ref: 41-004-20140306), the parts of the Plan document that relate to non-land use matters are separated and “clearly identifiable” within an Appendix.

Annexes

Annex A - Matrix of Planning Policies and Evidence.

This matrix may be helpful to prospective developers and others to better understand the context within which LBNP Policies are set. However, the matrix needs to be brought in line with the revision to Policies arising from my recommendations.

Recommendation 56:

Revise Annex A to bring the content in line with the LBNP after incorporation of the recommendations from the Examination. Recommendation 9 also applies.

Annex C - Mapping of policies from Consultation Draft Plan

Whilst this matrix was helpful in explaining the transition to the submission version of the Plan it is no longer relevant for the Referendum and can be deleted.

Recommendation 57:

Delete Annex C.

Annex D – Guidelines for good hedge trimming and maintenance

As this content relates exclusively to Appendix 1 I suggest that Annex D is incorporated within Appendix 1.

Recommendation 58:

Incorporate Annex D within Appendix 1 as a new section A5.

Annex E – Listed Buildings and Scheduled Monuments

As this list relies on an authoritative source that source needs to be referenced.

Recommendation 59:

Provide the source and reference for Annex E.

Other matters raised in representations

A number of representations have been supportive of the LBNP as a whole or substantial part which helps to support the view that the consultation processes have been attentive to community input.

European Union (EU) and European Convention on Human Rights (ECHR) Obligations

A further Basic Condition, which the Langley Burrell Neighbourhood Plan must meet, is compatibility with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

There is no legal requirement for a neighbourhood plan to have a sustainability appraisal. The Langley Burrell Neighbourhood Plan does not seek to allocate land for development and therefore significant environmental impact is unlikely. However, in May 2016 Wiltshire Council produced the Langley Burrell Neighbourhood Plan Strategic Environmental Assessment Screening Report and in July 2016 a Habitat Regulations Assessment Screening Report. The purpose of these reports was to determine whether or not the contents of the Langley Burrell Neighbourhood Plan required a Strategic Environmental Assessment (SEA) (in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004) and/or a Habitat Regulations Assessment (HRA) (in accordance with Article 6(3) and (4) of the EU Habitats Directive 92/43/EEC). A copy of each Report was included as a supporting document for the Neighbourhood Plan.

With regard to Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, the conclusion of the SEA Screening Report produced by Wiltshire Council was that the LBNP is not likely to have significant environmental effects and therefore an SEA is not required. The consultation responses in relation to this Screening Report from Natural England, Historic England and the Environment Agency supported this conclusion.

With regard to Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora and Directive 2009/147/EC on the conservation of wild birds, the conclusion of the HRA Screening Report produced Wiltshire Council was that the LBNP would have no likely significant effects upon the Natura 2000 network alone or in combination and no appropriate assessment is currently required.

Particularly in the absence of any adverse comments from the statutory bodies or the Core Strategy authority, I can confirm that the screening undertaken was appropriate and proportionate and confirm that the Plan has sustainability at its heart.

The Langley Burrell Neighbourhood Plan has regard to fundamental rights and freedoms guaranteed under the ECHR and complies with the Human Rights Act 1998. No evidence has been put forward to demonstrate that this is not the case.

Taking all of the above into account, I am satisfied that the Langley Burrell Neighbourhood Plan is compatible with EU obligations and that it does not breach, nor is in any way incompatible with the ECHR.

Conclusions

This Independent Examiner's Report recommends a range of modifications to the Policies, as well as some of the supporting text and figures, in the Plan. Modifications have been recommended to effect corrections, to ensure clarity and in order to ensure that the Basic Conditions are met. Whilst I have proposed a significant number of modifications, the Plan itself remains fundamentally unchanged in the role and direction set for it by the Qualifying Body, the Parish Council. Where deletions have been recommended because of inappropriate repetition of Core Strategy content, the policy requirements within the Wiltshire Core Strategy will still be effective.

I therefore conclude that, subject to the modifications recommended, the Langley Burrell Neighbourhood Plan:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to the achievement of sustainable development;
- is in general conformity with the strategic policies of the development plan for the area;
- is compatible with European Union (EU) and European Convention on Human Rights (ECHR) obligations.

On that basis I *recommend* to the Wiltshire Council that, subject to the incorporation of modifications set out as recommendations in this report, it is appropriate for the Langley Burrell Neighbourhood Plan to proceed to referendum.

Referendum Area

As noted earlier, part of my Examiner role is to consider whether the referendum area should be extended beyond the Plan area. I consider the Neighbourhood Area to be appropriate 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 the Wiltshire Council on 13th March 2015.

Recommendations: (this is a listing of the recommendations exactly as they are included in the Report)

Recommendation 1:

Revisit and revise paragraph 4 of the Executive Summary prior to the Referendum in the light of modifications made to the content of the Plan.

Recommendation 2:

Delete paragraph 5 in the Executive Summary.

Recommendation 3:

Replace the final sentence in section 2.1 with:

9. This Plan was prepared to be in general conformity with the revised submission draft of the Chippenham Site Allocations Plan (CSAP) (May 2016); in May 2017 the CSAP was adopted as part of the Wiltshire Development Plan.

Renumber subsequent paragraphs.

Recommendation 4:

In para 9 replace 'The Localism Act' with 'The Localism Act 2011'.

Recommendation 5:

Amend para 10 to start: 'The Langley Burrell Neighbourhood Plan has been prepared on behalf of the Parish Council (the Qualifying Body) by a Neighbourhood Planning Steering Group including.....'.

Recommendation 6:

Correct the typographic error in para 19 – remove a stray full stop mid-sentence.

Recommendation 7:

Amend para 21, last sentence to read:

This Submission Version of the LBNP reflects the outcomes from the whole consultation and review process and has been approved by the Parish Council for submission to WC.

Recommendation 8:

Replace criterion 2 in para 22 with:

2. There must be supporting evidence some or all of which might be derived from community consultation.

Recommendation 9:

Restrict policy matters referenced in paras 23 & 24 and the related Annex A solely to national and Wiltshire policies.

Recommendation 10:

Delete paras 27 & 28, renumber subsequent paragraphs, and retitle section 2.5 as 'Delivery & Monitoring'.

Recommendation 11:

In para 29.3 replace 'CIL' with 'Community Infrastructure Levy (CIL)'.

Recommendation 12:

In Section 3 add a cross-reference to the Basic Conditions Statement along these lines: 'More detail on the ways in which this Plan addresses sustainable development is included within the Basic Conditions Statement that accompanies the Plan.'

Recommendation 13:

Omit from para 40 the second sentence which starts: “The red area....”.

Recommendation 14:

Review section 5 with a view to ensuring clarity as to the importance of the village of Langley Burrell to the history of the Parish.

Recommendation 15:

Delete the 4th sentence of para 56 referring to Barrow Farm.

Recommendation 16:

In Section 7 add a cross-reference to the Consultation Statement along these lines: ‘More detail on the ways in which these Objectives have been derived is included within the Consultation Statement that accompanies the Plan.’

Recommendation 17:

Replace para 63 with: ‘In May 2017 the Chippenham Site Allocation Plan was formally adopted by WC to sit alongside the WCS and this allocates sites to meet the requirements identified in the Core Strategy’.

Recommendation 18:

Replace the opening of para 64 with: ‘Wiltshire Council has granted, or is the process of granting, planning permission for at least 1450 of Chippenham’s new homes on or adjacent to its boundary with the Langley Burrell Parish as follows:.....’

Recommendation 19:

Revise Figure 2 to ensure it is capable of clear reproduction in the Plan, that the site boundaries are accurately drawn and there is an accurate title and key both of which exactly align with the related text.

Recommendation 20:

Replace para 65 with: ‘A planning application for land at Barrow Farm (WC 14/10433/OUT) to include 500 homes was refused by WC in February 2016; at the time of the submission of this Plan an Appeal against this decision is pending.’

Recommendation 21:

Review paras 66 & 67 so as to ensure that the description of the village is evident on the illustration map – either the existing Ordnance Survey extract or a more diagrammatic layout derived from it.

Recommendation 22:

Delete the final two sentences and the related footnote from para 69; renumber subsequent footnotes.

Recommendation 23:

Remove paragraph numbers (occasionally multiple) from Policy statements and renumber the explanatory text paragraphs accordingly.

Recommendation 24:

Replace footnote 7 on p 16 with: ‘Planning Practice Guidance Paragraph: 044 Reference ID: 41-044-20160519’.

Recommendation 25:

In order that the Basic Conditions are met with respect to the obligations from the higher level plans, delete Policy PB1 (paras 76 – 78) and instead rely on the neighbourhood detail of related policies elsewhere within the Plan; renumber subsequent paragraphs.

Recommendation 26:

Combine VB1 & VB2 to form a new VB1 as follows:

Policy Village Build 1 (VB1) – Scale and character of development

Proposals for new development will be supported within the heart of Langley Burrell village provided that:

- i) the village is not elongated, the limits to development being defined by the inside of the red lines shown in figure 3; and*
- ii) the site accords with the existing street layout and plot sizes and is located on an otherwise built-up frontage; and*
- iii) the cumulative total of new developments across the plan period is appropriate to local needs and the scale of the existing village; and*
- iv) the design of the buildings, including scale, shape and finishing materials, is respectful of its neighbours and in keeping with the vernacular form of the village buildings; and*
- v) for residential developments the above factors suggest that:*
 - (a) individual proposals should be for one or two dwellings, or exceptionally up to five if a site has a suitable setting; and*
 - (b) appropriate off-street parking for at least two cars per dwelling should be capable of being integrated within the site; and*
 - (c) cumulatively, phased over the Plan period, there should be capacity for approximately 20 new dwellings.*

Recommendation 27:

The justification detail for the consolidated policy VB1 (presently paras 85 to 88) should be edited and re-ordered appropriately to support the single policy, along these lines:

Policy VB1 articulates residents' expressed concern for the new development they wish to accept within the village to be of a scale appropriate to a small, rural community. Residents' perception is that a small, rural village is more susceptible to some harms that might be generally acceptable in an urban landscape; for instance changes in noise and light levels that might go un-noticed in a town, represent a relatively large and therefore more noticeably harmful change in a village.

Sub-policy (iv) draws appropriate attention to the fact that Langley Burrell is an estate village that has a distinct architectural style to many properties, as described in the Aecom Assessment⁹. It is important to residents that new developments are sympathetic to their immediate location and setting and are inserted so as to be visually harmonious.

Sub-policy (v) addresses residents' concerns that new residential development should be entirely in keeping with the scale, setting and character of the village and its layout.

Recommendation 28:

Renumber and reword Parish Build Policy PB2 as:

Parish Build Policy 1 (PB1) – development proposals at the urban fringe

The urban edge of Chippenham within the rural Parish of Langley Burrell is a sensitive planning location. Development proposals at the boundary will have a significantly different impact on the rural as distinct from the urban part of their setting. Applicants must therefore ensure that proposals (inter alia) consider, assess and address from a rural perspective their impact in terms of degrees of harm, cumulative impacts, appropriate measures of mitigation and essential landscaping.

Recommendation 29:

Replace para 82 with an amended justification along these lines:

As Chippenham expands to the north there is a need to consider and address the impact of this on the rurality of the Parish. Residents' perception is that a small, rural village is more susceptible to some harms that might be generally acceptable in an urban landscape; for instance changes in noise and light levels that might go un-noticed in a town, represent a relatively large and therefore more noticeably harmful change for a village.

Recommendation 30:

Add as a footnote(s) the source reference(s) for significant landscape facts.

Recommendation 31:

Add a figure showing the location of the landscape features noted in the text and renumber subsequent figures.

Recommendation 32:

In para 100 remove the second sentence and the footnote relating to the Barrow Farm Appeal and remove para 109 (and renumber subsequent paragraphs).

Recommendation 33:

Review the pre-ambule to the Policies at 9.2 to ensure clarity, accuracy against the source material, removal of duplication and direct relevance to the policy content that follows.

Recommendation 34:

Rephrase Policy LP1 as follows:

Proposals for new development must respect the pastoral setting of the Parish and accordingly must assess and address, with mitigation where appropriate, the need to:

- i) work with not against the grain and mature boundaries of the dispersed settlement of buildings and outlying hamlets in the area; and*
- ii) retain and not diminish the physical separation between Langley Burrell and Chippenham; and*
- iii) retain and enhance the important visual separations across the area between Chippenham toward Kington Langley and Langley Burrell; and*
- iv) retain and not detract from the dominance of the natural features that provide the setting for these settlements, such as the woodlands of Bird's Marsh and Kilvert's Parsonage; and*
- v) retain the tranquillity of the rural landscape in particular where public footpaths allow access for recreation; and*
- vi) not diminish the significant views across open countryside shown in Figure 4.*

Wherever possible, development should deliver enhancements to the landscape character.

Recommendation 35:

Redraw Figure 4 to ensure that the arcs are accurately positioned and no part extends beyond the Neighbourhood Area boundary; within the key, reference the footpath numbering; add a NB below to qualify the value of the photographs as only limited representations of the views being protected. Address the reproduction quality of the photographs.

Recommendation 36:

Review the wording of the text supporting Policy LP1 to remove out-of-date, now inappropriate and extraneous references and to revise and renumber in keeping with the modified Policy; amend subsequent paragraph numbers accordingly.

Recommendation 37:

In order to meet the Basic Conditions delete Policy LP2 and the related paras 124 & 125; amend subsequent paragraph numbers accordingly.

Recommendation 38:

Above para 142, insert the Section number before the sub-heading ‘Future Concerns’ and reformat so that the title sits adjacent to the paragraph (142) to which it relates; delete para 144 and its footnote and amend subsequent paragraph numbers accordingly.

Recommendation 39:

Reword Policy HP1 as follows:

Listed buildings and their settings, and the Conservation Area and its setting, will be conserved or enhanced to reinforce the quality and character of Langley Burrell.

All development shall be of a high quality of design, which complements and enhances Langley Burrell’s distinct historic character and identity. This shall be achieved by development which:

- i. positively interfaces with the street and streetscape in which it is located; and*
- ii. maintains the positive contributions to character of existing buildings and structures; and*
- iii. has regard to the form, function, structure and heritage of its context – including the scale, mass, orientation, pattern and grain of surrounding buildings, streets and spaces.*

Recommendation 40:

Alter Policy HP2 to read:

Outside of Langley Burrell village, the listed Maud Heath’s Causeway is set in a landscape with fields on both sides, mainly bounded by hedgerows, interspersed with the occasional isolated dwelling (or in one or two cases, a few dwellings located together). A path, properly ‘the Causeway’, runs continuously along the road on one side or the other. At the elevated section of the Causeway across the River Avon, the setting is wider in terms of being visible across the open fields around St Giles Church and the views down towards the river from the Causeway.

Development within or affecting the setting of the Causeway must address and have appropriate regard for this locally distinct and listed feature; proposals which do not demonstrate such regard will not be permitted.

Recommendation 41:

Rephrase Policy HP3 as follows:

The area of the historic Langley Common (as indicated by cross-hatching in Figure 6), of particular local interest due to its associations with Kilvert, is recognised as a local, non-designated heritage asset. As a key feature that contributes to the character of Langley Burrell, the location and design of new development must have appropriate regard for the significance of this asset and the setting it provides for listed buildings and the village.

Recommendation 42:

Relocate Figure 6 to be adjacent to Policy HP3 (and amend references at para 141 appropriately) and review the southern boundary of the Common area to ensure that it does not encroach at any point onto an area with an extant permission for development.

Ensure that the paper “The historic boundaries of The Common in Langley Burrell from map evidence held in the Heritage Centre in Chippenham” is made available to the public via the LBNP website (and on request).

Recommendation 43:

For Policy HP4 add a map or suitable amend Figure 6 so as to indicate clearly the location of the places listed within the Policy.

Recommendation 44:

Correct the punctuation of paras 150 & 151 to ensure that the full stops are correctly located.

Recommendation 45:

Insert the Section number before Objective 4.

Recommendation 46:

Add to the end of para 157 a reference along these lines:

This issue is considered amongst the non-planning policies in Appendix 1.

Recommendation 47:

Delete Policy NE1 and renumber subsequent Policies in this section; delete para 159 and its footnote and amend subsequent paragraph numbers accordingly.

Recommendation 48:

Reword Policy NE2 as follows:

Development proposals in Langley Burrell must assess and address their impact on nature conservation and in so doing should go further than measures of mitigation and look to make a positive contribution to the conservation of wildlife and biodiversity to benefit future generations.

Recommendation 49:

Reword Policy NE3 as follows:

Langley Burrell has a rich network of footpaths and bridleways that are extensively used by the resident and neighbouring communities. Particular emphasis will therefore be placed on the local implementation of Wiltshire Core Strategy Policy CP52 which says, inter alia: "Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained."

Recommendation 50:

Amend Policy NE4 to omit references to Figure 6 and to Langley Common, remove the related supporting text on page 38.

Recommendation 51:

Renumber the supporting text paragraph(s) appropriately and correct the description of criterion 2 from Para 77 of the NPPF.

Recommendation 52:

Delete '(marked red on the map)' from footnote 16.

Recommendation 53:

Amend Policy EI1 as follows:

Within the framework provided by WCS Core Policy 46 and subject to the requirements for Langley Burrell village set down in LBNP Policy VB1 and for elsewhere all other LBNP Policies, development proposals for small businesses to establish and grow will be supported.

Recommendation 54:

Delete Policy EI2 in the absence of evidence that the Basic Conditions are met; renumber subsequent Policies in this section; delete para 175 and amend subsequent paragraph numbers accordingly.

Recommendations 55:

Rewrite the Policy EI3 as follows:

Development proposals should consider the potential for and address the incorporation of provision for renewable energy thus ensuring that proposals can meet the design obligations set out in VB1 whilst making an appropriate contribution to addressing the impacts of climate change.

Recommendation 56:

Revise Annex A to bring the content in line with the LBNP after incorporation of the recommendations from the Examination. Recommendation 9 also applies.

Recommendation 57:

Delete Annex C.

Recommendation 58:

Incorporate Annex D within Appendix 1 as a new section A5.

Recommendation 59:

Provide the source and reference for Annex E.