

Draft Malmesbury Neighbourhood Plan

Consultation Version 2.0, 26-September-13

Report to Wiltshire Council on the Independent Examination of the draft Malmesbury Neighbourhood Plan

August-September 2014

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Summary of main findings

0.1 It is a requirement of the Localism Act that this report should contain a summary of its main findings. The reasons for each of the recommendations are given in the following sections of the report.

0.2 The principal finding in this report are that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in the 1990 Act, does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

0.3 The recommended modifications largely relate to the need to ensure that the plan is up-to-date, especially taking account of developments which have occurred since the final plan was prepared in September 2013 and the position with regard to the emerging Wiltshire Core Strategy. Other modifications are to ensure that the policies in the plan provide a clear context for the taking of decisions on planning applications, as required in the NPPF and PPG.

0.4 Two recommendations are that policies or parts of policies should be deleted or significantly amended on the basis that the submitted plan policy was not fully consistent with national policy and advice, which is one of the basic conditions. The first (recommendation 12) is that a specific allocation of land for the erection of five workshops as part of the site 3A should not be made as a matter of policy on the basis that there is an alternative allocated site with permission which should meet any demand for such units. The second (recommendation 9) is that the negative stance taken in Policy 5 relating to supermarket development is not compatible with the NPPF and should be replaced by a criterion based policy.

Introduction

Appointment

1.1 I have been appointed by Wiltshire Council, acting as the Local Planning Authority, under the provisions of the Localism Act 2011, to carry out an independent examination of the draft (or proposed) Malmesbury Neighbourhood Plan. The proposed plan, sub-titled 'Consultation Version 2.0, 26-September-13' and was submitted to the Local Planning Authority on 21 November 2013. Wiltshire Council carried out publicity for the proposed plan for 6 weeks between 20 January and 12 March 2014 giving details of how representations might be made, in accordance with Regulation 16 of the Neighbourhood Plans (General) Regulations 2012 ('the 2012 Regulations'). I was sent the documentation required under Regulation 17 on 6 August 2014, which includes copies of all of the representations received under Regulation 16. I have taken that documentation into account in carrying out the examination.

1.2 I am a Chartered Town Planner (Member of the Royal Town Planning Institute) with over 40 years post-qualification professional experience in local and central Government. I am independent of the three parish councils making up the Malmesbury Neighbourhood Area and of the Local Planning Authority. I have no land interests in any part of the plan area.

My rôle as an examiner

1.3 The terms of reference for the independent examination of a Neighbourhood Development Plan are statutory. They are set out in the Localism Act and in the 2012 Regulations. As an examiner I must consider whether the plan meets what are called 'the basic conditions'. In summary, these require me to:-

- Have regard to national policies and to advice contained in guidance issued by the Secretary of State;
- Consider whether the making of the plan contributes to the achievement of sustainable development;

- Consider whether the plan is in general conformity with the strategic policies contained in the development plan for the area;
- Ensure that the plan does not breach, and is otherwise compatible with EU obligations relating to Strategic Environmental and Habitats Assessment and that the plan is compatible with Convention rights, within the meaning of the Human Rights Act 1998.

1.4 The legislation states that the 'general rule' is that the examination of the issues by the examiner should take the form of the consideration of written representations. However, an examiner must hold a hearing 'for the purpose of receiving oral representations about an issue' where he or she considers a hearing 'is necessary to ensure adequate examination of the issue or a person has a fair chance to put a case'. In this examination I took the view that the written representations submitted under Regulation 16 in relation to the allocation of land on sites 3A and 15 at Backbridge under plan policy 1 raised significant issues as to the sustainability and deliverability of the development and that a hearing should be held to allow further oral representations on those issues. Accordingly, I held a public hearing in Malmesbury Town Hall on Thursday 18 September 2014 with an accompanied site visit in the late afternoon. Prior to that, on Wednesday 17 September, I had spent the afternoon walking around the town assessing both its townscape and landscape setting and the possible effect of the plan proposals.

1.5 I am required by legislation that my report on the draft plan should contain one of the following recommendations:-

- a) the draft plan is submitted to a referendum, or
- b) that modifications are made to the draft plan and the modified plan is submitted to a referendum, or
- c) that the proposal for the plan is refused.

I may make recommendations for modifications which I consider need to be made to secure that the plan meets the basic conditions or for compatibility with EU obligations and (Human Rights) Convention Rights. The only other modifications which I may recommend are those to correct errors.

Preparation of the plan and pre-submission consultation process

2.1 The plan area is the three parishes of Malmesbury Town, St. Paul Malmesbury Without and Brokenborough. After consultation during late 2012 formal designation by Wiltshire Council of the three parishes as one Neighbourhood Area took place on 16th January 2013. The plan period is specified as until 2026 to align with the emerging Wiltshire Core Strategy. The plan does not relate to mineral extraction or waste development nor to nationally significant infrastructure.

2.2. Work on the plan started in 2012 following the formation of the Malmesbury Neighbourhood Steering Group (MNSG), with terms of reference agreed in February 2012. As a 'front runner', assistance in the preparation of the Neighbourhood Plan was provided by the Prince's Foundation for Building Community.

2.3 As required by legislation, the MNSG have submitted a Consultation Statement which sets out in considerable detail the process of public engagement from the initial public meeting in February 2012 through to the modifications made to take account of the pre-submission (Regulation 14) consultation which took place between 5 March and 26 April 2013.

2.4 The range of consultation techniques employed by the steering group is commendable, ranging from workshops and exhibitions to an opinion survey. There has also been a positive attempt to involve under-represented groups within the local population, including the young with an engagement event at the secondary school. Press coverage has been extensive. Despite that, there are still representations from people who say they didn't know what was going on or that the MNSG was unrepresentative or has misrepresented views in some way. I find these criticisms to be unjustified. Although there was no direct mailing to each household, bearing in mind cost limitations it is difficult to envisage a more comprehensive effort at community engagement.

The Plan

3.1 In paragraph 1.3 above I have set out the terms of reference for my examination of the plan in accordance with the relevant Act and Regulations. In doing so I will first consider the consistency of the plan with the Human Rights Act and then whether EU Regulations have been complied with.

3.2 I then turn to the extent to which the plan meets the basic conditions. Wiltshire Council have indicated that, in their opinion, the plan proposal is in general conformity with the strategic policies of the statutory development plan but also urge my consideration of conformity with the policies of emerging Wiltshire Core Strategy (Local Plan). I discuss this aspect in more detail below.

3.3 The requirement to consider whether the plan contributes to the achievement of sustainable development is fundamental to all planning assessments. Indeed, it is stated in paragraph 6 of the National Planning Policy Framework ('the NPPF') that the purpose of planning is to help achieve sustainable development and that paragraphs 18 to 219 in the NPPF, taken as a whole, constitute the Government's view of what sustainable development means in practice. Thus achieving sustainable development is closely allied with the regard which should be paid to national policies and guidance, the latter now found in Planning Practice Guidance ('PPG'). I will consider the policies of the plan in turn in the context of both the NPPF and the PPG.

The Human Rights Act and EU Obligations

3.4 The MNSG have submitted an Equality Impact Assessment which, although not referring explicitly to the requirements of the Human Rights Act, demonstrates the extent to which community needs will be met through the plan, recognising the need for high quality housing. There is nothing to suggest that the approach taken in the plan is other than fully compatible with Convention Rights.

3.5 EU Regulations require plans and programmes to be subject to Strategic Environmental Assessment (SEA). A screening determination is required to be consulted upon as to whether the plan is likely to have significant environmental

effects¹. Although it appears that a formal screening determination was not issued, the statement in the Scoping Report for the Sustainability Appraisal that there would be such effects and that an SEA 'will be undertaken' is tantamount to such a determination and has been consulted upon as required in the Regulation. On that basis I am satisfied that the requirements of the EU SEA Directive have been met. There is certainly no breach. The MNSG have, in fact, gone further and commissioned a full Sustainability Appraisal (SA) which tests alternative policies against a wide range of social, economic and environmental objectives. Although there has been some criticism of the detailed methodology used for the SA I find it to be largely robust.

3.6 In a similar vein the plan-making body must consider the provisions of the Habitats Regulations². A Habitats Regulations Assessment (HRA) screening opinion on a pre-consultation version of the plan was issued by Wiltshire Council on 28 February 2013 in which some concern was expressed about traffic increases, especially from major employment allocations, and the resultant increase of Nitrogen Oxides and ammonia emissions. That determination was that there would be unlikely to be significant effects on Natura 2000 sites provided a policy was included in the plan which required air quality assessments for any new plans or projects at the planning application stage, individually and in combination with other approved housing, retail and employment development.

3.7 The submitted plan does not include the required policy. I, therefore, requested that a further HRA screening be undertaken. Wiltshire Council confirmed by letter dated 21 August 2014 that in view of the data available from the detailed traffic assessment carried out in connection with the planning application for the expansion of the Dyson factory, for which permission was granted, it was no longer considered necessary to include the policy caveat required previously. The revised screening opinion³ is that the Neighbourhood Plan would not have any likely significant effects on the Natura 2000 network either alone or in combination with other plans and projects. No amendments or additions to the plan are required and an appropriate assessment is not required. It is to be noted that consultation with

¹ Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations, 2004

² The Conservation of Habitats and Species Regulations, 2010 ('the Habitats Regulations')

³ In accordance with Regulation 102 of the Habitats Regulations

Natural England is not required prior to the issue of an HRA screening opinion, only should the screening result in the requirement for an 'appropriate assessment'.

3.8 On the above basis, and in the absence of any evidence to the contrary, I am satisfied that the submitted plan meets EU environmental obligations and does not breach Convention Rights.

General conformity with the strategic policies of the Development Plan for the Area

3.9 In the paragraph A.2 of the plan it is stated that the plan is 'governed' by the Wiltshire Core Strategy (CS). The MNSG basic conditions statement also refers to the CS. However, although the Inspector's main modifications to the plan have been consulted upon, a further hearing has been arranged and there is no date for the issue of the Inspector's final report. The statutory development plan for the purposes of my examination of the Neighbourhood Plan constitutes the saved policies of the North Wiltshire Local Plan 2011 (NWLP). Wiltshire Council have stated that the saved policies of the NWLP are the 'strategic policies' of the development plan for the purpose of my consideration of the basic conditions.

3.10 Wiltshire Council have opined that the Malmesbury Neighbourhood Plan is in general conformity with the strategic policies of the NWLP. That plan, as adopted in 2006, has an 'end date' of 2011 and, as might be expected, those site specific policies which provide for a quantum of development to take place within a time frame are no longer of relevance. This applies specifically to policies for housing and employment land provision. NWLP policies H1, H3 and H4 provide for housing development. Policy H4 restricts development outside the settlement framework and, in proposing housing sites beyond the Local Plan boundaries there is a degree of conflict in that regard but, as the NWLP provides a context for provision only until 2006, little weight is attached to that factor. Policy BD3 of the NWLP recognises Malmesbury as a sustainable location for business development and the Neighbourhood Plan is consistent with NWLP policies for retail development, infrastructure and design. Overall, in so far as the strategic policies of the statutory local plan are still applicable, I am satisfied that the Neighbourhood Plan is in general conformity with those policies.

Consistency with the emerging Wiltshire Core Strategy

3.11 It is good practice to give consideration to the degree to which the Neighbourhood Plan is consistent with the strategic policies of the emerging local plan, in the shape of the Wiltshire Core Strategy. It is stated in the paragraph 009 of the section of the PPG which deals with Neighbourhood Planning that a Neighbourhood Plan can be produced before or at the same time as a local planning authority is producing its local plan. A draft Neighbourhood Plan is not tested against the policies in an emerging Local Plan although the reasoning and evidence informing the Local Plan process may be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested.

3.12 Wiltshire Council have verified by letter that there has been a close working relationship with the steering group and a sharing of evidence. The Neighbourhood Plan has been updated as the production of the Core Strategy has progressed. The Neighbourhood Plan includes several references to complementary policies in the Core Strategy. Equally, policies in the emerging Core Strategy provide guidance on the rôle of Neighbourhood Plans.

Housing provision

3.13 The table under paragraph 1.1.2, at the top of page 10 in the Neighbourhood Plan shows the housing requirements for the Malmesbury Community Area with the figures taken from Core Policy 13 of the submitted Core Strategy. It shows that sites for 242 houses in Malmesbury town were still to be identified. In fact, land for 270 dwellings is allocated in the plan and this exceeds the Core Strategy figure. That is in line with paragraph 184 of the NPPF which states that Neighbourhood Plans should not provide for less development than the local plan or undermine its strategic policies.

3.14 Representation has been made that the potential of Malmesbury for housing development is significantly greater than that proposed in the submission Core Strategy especially taking account of the net inward flow of workers to the town, largely because of the presence of Dyson's, a major employer, which has permission for further expansion. In that regard, the town is recognised as a main employment centre in policy C4 of the adopted local plan and three principal employment areas

are listed in CS Core Policy 13. However, the overall level of housing development is properly a matter for the Core Strategy.

3.15 In that regard, the Wiltshire Core Strategy has reached an advanced stage of the examination process. A consultation on the Inspector's proposed main modifications has been carried out although a further hearing is to be held into certain issues arising. As they stand the proposed main modifications include an increase in the total housing provision for Wiltshire and in the Malmesbury Community Area the requirement for the period 2006-2026 would be modified to 885 dwellings (from 760) in Malmesbury Town⁴ and 510 (from 440) for the remainder of the community area, which is larger than the Neighbourhood Plan area. The figures are stated to be indicative to allow flexibility for Neighbourhood Plans.

3.16 It is argued in a representation that to meet the requirement of 885 dwellings 2006-26 in Malmesbury Town, the plan should identify land for a further 97 dwellings ($885-518=367$; $367-270=97$). However on 11 July a decision of the Court of Appeal in favour of Gleeson's Strategic Land re-instituted a grant of planning permission for 180 dwellings at Filands which had not been included in the commitment figure. The provision of an additional 180 dwellings would be more than sufficient to meet the proposed modified figure.

3.17 Once the Core Strategy has been adopted the Neighbourhood Plan should be in general conformity with its strategic policies. The overall provision of housing is one such. However, at this point in time it is not appropriate for me to pre-judge the outcome of the Inspector's deliberations on representations made during the consultation on the proposed main modifications. The figures given above could be changed in the Inspector's final report and recommendations. Nevertheless, unless the final figure was to be increased by 87⁵ or more the plan would still meet the requirements.

3.18 I have already concluded that the draft Neighbourhood Plan is in general conformity with the statutory development plan. Legislation⁶ does not require a

⁴ The definition of 'Malmesbury Town' is given on page 10 of the plan. It includes Burton Hill, Cowbridge and Common/Foxley Roads, within St Paul Without Parish.

⁵ The updated (April 2014) figure, also taking account of Filands, is that there remained sites for 183 dwellings to be identified in the Malmesbury Town area. The plan allocates land for 270 dwellings, a surfeit of 87.

⁶ Section 10(3)(a) of Schedule 4B to the Town and Country Planning Act 1990

Neighbourhood Development Plan be in general conformity with the strategic policies of an emerging Local Plan. However, bearing in mind the advanced stage reached in the Inspector's examination of the Wiltshire Core Strategy it is highly desirable that the plan should be brought up-to-date so that it is likely to be in general conformity with the Core Strategy when adopted. I discuss this further below.

The achievement of sustainable development and consistency with national policy and guidance

GENERAL COMMENTS

3.19 Overall the plan is very comprehensive, well presented and professional in its appearance. The basic conditions statement refers to the consistency of the plan with the twelve Core Planning Principles set out in paragraph 17 of the NPPF. I am satisfied that the approach taken in the Neighbourhood Plan broadly aligns with those principles. The achievement of sustainable development is to the fore.

3.20 Paragraph 17 of the NPPF applies to all levels of plan-making including Neighbourhood Development Plans. In the first bullet point of the paragraph it is stated that plans should be kept up-to-date. Some parts of the plan, including some of the policies, have already, since submission, been overtaken by events and require updating. For the most part these have been signalled by the MNSG. If the plan were not up-to-date it would be inconsistent with paragraph 17 of the NPPF and, therefore, I am able to make recommendations for updating so that the basic condition is met. However, as Wiltshire Council have a degree of scope to agree the precise nature of modifications⁷ following receipt of my report I have not felt it necessary to specify the exact wording of any updating text and recommend updating in general terms.

3.21 There are also some aspects of policy which require modification to ensure full consistency and for clarity. The definition of a Neighbourhood Plan in legislation is that is 'a plan which sets out policies in relation to the development and use of land'⁸ National Practice Guidance, in paragraph 43 of the section on Neighbourhood

⁷ Sections 12(5) and 12(6) of Schedule 4B to the Town and Country Planning Act 1990

⁸ Section 38A(2) of the Town and Country Planning Act (as amended)

Planning states that the policies in the plan should be clear and unambiguous. The plan should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. For this reason policies should be distinct and clearly distinguishable from other sections of the plan. As far as possible the recommendations I make within this category are for precise wording.

3.22 The technique used in the plan to distinguish between objectives and tasks is by the use of colour within boxes which also include policies (with numbers). Even though the policies and tasks are set out again in separate coloured boxes for emphasis there is not a clear distinction between the nature of tasks and policies. The means to implement the policies through planning decisions is not always clear and some are worded more in the form of tasks. In the converse, some of the tasks read as if they could be policies, bearing on planning decisions. I deal with these, as appropriate, below.

3.23 The majority of the representations relate to detailed points about the interpretation and application of the policies in the plan, which I will consider in relation to the individual policies in the following paragraphs.

SECTION A. INTRODUCTION

3.24 The first few pages of the document are not numbered and include a cover letter from Councillor Simon Killane which it would not be appropriate to include in the final version. On the other hand, the final contents pages should be included. For the purpose of the examination I have assumed that the plan starts at page 1, section A. Although most of the section holds true, paragraph A.4. 'Next steps' is now out-of-date and will not be appropriate once the plan-making process has been concluded. It should be deleted to avoid confusion.

Recommendation 1

Delete paragraph A.4.1.

CHAPTER 1. SUSTAINABLE DEVELOPMENT IN THE RIGHT PLACES.
POLICIES 1 AND 2.

3.25 As indicated above the statistical references in this section of the plan, especially to housing numbers, were drawn up to reflect the submitted (publication) version of the Core Strategy. Ideally, they should relate to the requirements of the adopted Core Strategy but, failing that, to the latest known position when the final stage of Neighbourhood Plan preparation is reached. This applies, in particular, to the statistics given in paragraphs 1.1.1., 1.1.2 (including the table), 1.1.4 and 1.2.1. The section on page 17 under 'Key considerations' also requires updating to reflect the permission now granted to Dyson's.

Recommendation 2

Update all of the dwelling numbers given in paragraphs 1.1.1, 1.1.2, 1.1.4 and 1.2.1 of the plan to be consistent with the requirements of the latest version of the Wiltshire Core Strategy. Also update the text under 'Key Considerations' on page 17 to reflect the recent permission granted for the expansion of Dyson's.

Paragraph 1.1.6 – Objectives, Policies and Tasks.

3.26 The first objective to allocate sites for a minimum of 195 new dwellings in Malmesbury Town has, in terms of the quantum, been overtaken by events, for the reasons given above. The intention of the objective was, clearly, to meet the housing requirements for Malmesbury of the submitted Core Strategy. To ensure that the plan is up-to-date and also to allow flexibility should the eventually adopted Core Strategy include a different figure, the objective (also in paragraph 1.1.7) should refer simply to allocating sites which are at least sufficient to meet the Core Strategy requirement for housing supply.

Recommendation 3

Re-word the objectives in paragraphs 1.1.6 and 1.1.7 to read “allocate sites for housing to at least meet the dwelling requirement for Malmesbury Town set out in the Wiltshire Core Strategy.”

3.27 Taken together policies 1 and 2 allocate land for 220 dwellings with a further 50 'extra care apartments' at Burnham House. As indicated in paragraph 3.17 above, that is likely to be sufficient to meet Core Strategy requirements.

Policy 1. The allocation of land for 170 dwellings and 5 small workshops on sites 3A and 15 at Backbridge.

3.28 This allocation is central to the plan strategy and, in view of the nature and scope of the representations on it and the need for further information, was subject to a hearing. The issues, as listed below, are discussed in turn thereafter.

- a. the sustainability characteristics of the site, including the validity of the site selection method (scoring) particularly with regard to the likely access arrangements and the provision of walking and cycling routes to schools, employment (Dyson), bus routes and the town centre;
- b. the design concept, layout and visual impact of the development including its possible effect on the Cotswolds AONB and the 'employment buffer';
- c. the justification for a policy requirement for 5 small workshops to be developed within the allocated area;
- d. whether the proposal to expand Malmesbury CE Primary School onto the adjacent land (site 15) remains the most appropriate in all the circumstances;
- e. the viability and deliverability of the plan proposal.

3.29 *a. Sustainability characteristics.* Although there is criticism of the robustness of the site selection criteria used to assess the alternative sites put forward, this has been used as no more than a tool to assist the prioritisation of sites against the chosen criteria. The process has been independently validated and made subject to an open consultation process to verify and validate the weighting accorded to the 18 site selection criteria. In any such process it is always possible to argue that should a different weight be given to a certain factor it would suggest another site might be preferable, but the input from the community is invaluable and it is the essence of the Neighbourhood Planning process.

3.30 Nothing in the representations convinces me that the process used to inform the choice of sites for allocation is so badly flawed that the plan would fail to comply

with the basic conditions. The test is whether the proposed plan allocation represents sustainable development not whether some alternative might, with an adjustment to weightings, be 'more sustainable'. The larger site (including parts of site 3B) advocated by Persimmon in their 'concept plan'⁹ was suggested only as part of formal representation on the final draft plan and has not been subject to community engagement; it would take up a larger area of land extending further west towards the AONB than the plan allocation and, although contained by hedges, would occupy somewhat higher ground. Moreover, at the hearing, the developers' agents re-stated their support for the plan proposal.

3.31 As submitted, the plan is vague about the proposed access arrangements for the site, although under 'key considerations' it is stated that the development would involve the introduction of a major access route along the southern and western boundaries of the Dyson Headquarters complex. Under examination it has been clarified that this would involve the construction of an access road from point B (the 'Business Park access') as shown on the plans on pages 16 and 18. That would be the only vehicular access to the site, whereas at earlier stages it seemed that there might be proposals for vehicular access to the east. There would be no access through Beuttell Way (point F) or to point E, which is not available. As very strongly stressed in representations there is no public right of access along Tetbury Hill Gardens which is an unsurfaced private road from point D on the plans. The plan diagrams need correction in that regard.

3.32 The provision of pedestrian and cycle access from the site to the south and east, for access to schools, bus routes and the town centre is of great importance and critical to the sustainability credentials of the site. If such links could not be provided the site would be isolated from the town with access only by the road to point B. The assumptions underlying the site selection criteria would be seriously at fault with no encouragement whatsoever for residents to walk or cycle, contrary to national (NPPF) policy.

3.33 I heard from the Chairman of the Governors of Malmesbury CE Primary School that there would be no difficulty in the shared use of part of the school access for pedestrian and cycle use, linking to point C. Potentially it would provide

⁹ Reference P.0892_02-1C

alternative access for the Tennis Club to avoid Tetbury Hill Gardens. The access could be fenced off to maintain security for schoolchildren. Access might also be gained by way of an existing public footpath 'MALM 24' to a point on the roundabout at the bottom of Tetbury Hill. The path also leads south across the river to the rear of the Co-op store (point A) and there is de-facto access along the service road on the south side of the Co-op leading to the football ground and boxing club. In the longer term, should the football ground be re-located there might be access along the north bank of the river from that point. Furthermore, I am assured there is no impediment to the construction of a new pedestrian bridge across the River Avon to Park Road for easy access to Malmesbury Secondary School.

3.34 From the evidence given on these matters I am satisfied that there is every possibility that the required pedestrian and cycle links would be secured through development. However, the links are so critical to the sustainability of the site that there should be a policy requirement for their provision which takes precedence over some of the other requirements set out on pages 18 and 19 of the plan. Revised versions of the plans on pages 16 and 18 showing the correct access points have been supplied by the MNSG and they are included in Appendix A to this report. They should be substituted for the originals by way of correction, as recommended below.

3.35 It was also clarified at the hearing that the pedestrian links to the Dyson employment site, including the recently approved expansion site, would be by way of footways along the main access road rather than directly from the south where there is a secure perimeter. Much of the western expansion site is currently in use as a temporary staff car park and there is a footway across what would be the site access road to a pass operated pedestrian gate which is expected to remain. It is, therefore, true to say that there will be an improved pedestrian link to Dyson's which, with the bridge to Park Road, would encourage walking or cycling to work by any Dyson's employees living in the Newton Grove area of the town.

3.36 *b. The design concept, layout and visual impact.* During the plan-making process, The Prince's Foundation took a leading rôle in facilitating discussion, through workshops, of the options for new the design of the new development and, more generally, to prepare a design guide which forms Part II of the plan. Certain

principles for the layout of the Backbridge site are also covered in the bullet points on pages 18 and 19.

3.37 Together sites 3A and 15 cover 6.91 hectares of land. With approximately 170 dwellings the gross density would be rather low but the proposal also includes provision for five workshop units and the expansion of the primary school (on site 15) as well as a landscaped 'buffer' zone between the residential area and Dyson's complex. An important consideration stressed at the hearing was that the design principles, including forming a streetscape and built form to reflect the pattern and character of the historic town, are primary considerations. Density is a product of the design process, not a determinant. Allowance has to be made for a mix of housing types, including affordable housing, which might well be towards the higher end of the density range. The 'approximate' figure of 170 dwellings is no more than an estimate and is neither a minimum or maximum.

3.38 National policy remains to maximise the efficient use of land, which might suggest the figure should be regarded as a minimum but there is a need to balance that with the emphasis given in the NPPF to the importance of good design. The emerging Core Strategy includes 'indicative' figures to give flexibility for Neighbourhood Plans and there is room for manoeuvre in that, together with commitments, it seems likely that the plan will surpass the strategic requirements. Taking those factors into account I conclude that referring to an approximate figure is not inconsistent with the NPPF and hence with a basic condition.

3.39 Concern has been expressed that the site selection process did not adequately take account of the possible impact on the AONB and the statutory requirements relating to that designation. The 'Camlin' settlement assessment does refer to the importance of the AONB and, although there is no separate criterion relating to the AONB, it is clearly a factor taken into account as part of criterion 13 'landscape setting, views etc.' in the MNSG site selection methodology. Both the Cotswold Conservation Board and Natural England consider that a more detailed Landscape Visual Impact Assessment (LVIA) should have been undertaken for all sites which might affect the setting of the AONB, which boundary follows Backbridge Lane, but I consider such an approach would be disproportionate especially taking account of the scope for mitigating visual impact through detailed layout and design

at the planning application stage. The plan allocation (site 3A) is well contained by hedgerows which could be retained. The LVIA undertaken by Barton Willmore to support the Persimmon representation seeking a larger site is an illustration of that. It concludes there would be no adverse impact on the AONB even including development on land closer to the AONB than that proposed in the plan. I consider that the evaluation undertaken by the MNSG has been adequate for the purpose and the proposed allocation does not breach any statutory requirement or basic condition. However, in line with national policy, the policy should require development to minimise the impact on the AONB and I recommend accordingly.

3.40 The concept of an undeveloped 'buffer' of land to the south and west of the Dyson land has been taken forward in the recently approved application for an expansion area to the west and the company have confirmed that there would be no conflict with those plans.

3.41 At the hearing, the MNSG explained that the restriction of development to below the 85 m. contour derived from recommendations in the 'Camlin' assessment which was a factor in the site selection process (the proportion of any site above that height). From my own observations, I am of the opinion that, although the skyline around the abbey is very important in protecting the special character of the town, that does not necessarily justify a 'blanket' restriction above 85 m. Not all sites are equally sensitive and development would not always impinge on the skyline or views of the abbey. MNSG themselves agree that the reference under policy 1 to the 85 m. contour was not intended to be a policy restriction in its own right and might be deleted. Such a blanket restriction is not consistent with the NPPF and I agree that the reference should be deleted for that reason.

3.42 *c. Allocation for 5 small workshops.* The MNSG stress the sustainability benefits of providing small workshops in close association with residential development within easy cycling/walking distance of people's homes. Mixed development of this type is fully in accordance with the NPPF. The justification derives from the results of the business survey undertaken during the plan preparation process which identified a need for smaller business premises of this type. Although the town is an important employment centre with a net inward movement of workers, it is mainly to larger employers, such as Dyson.

3.43 The allocation does not sit comfortably with the permission for 10 Class B1 office/workshops adjacent to the Persimmon offices off the Tetbury Road which would have direct access to the A4014 and which have not, to date, been successfully marketed. It is an allocated employment site in the NWLP carried forward in the draft Core Strategy. As Persimmon's agents state, if there is a demand for this kind of unit it might be expected that a site with easy vehicular access might be more attractive than one reached along a residential distributor road. Against that, a development within the Backbridge site would be more easily accessible on foot and by cycle from the new housing and from older parts of the town. It is a fine balance.

3.44 As the policy stands it requires land to be set aside within the development specifically for workshops. I do not find the conclusions from the business survey to be so clear-cut and compelling to justify preventing alternative uses for the land, such as housing, given the existence of the Persimmon site and its continued plan allocation. Although the NPPF gives general encouragement to economic development, paragraph 21 stresses the need for flexibility to allow for changing circumstances; the final bullet point in that paragraph referring to flexible working practices, such as the construction of live/work units. It is far from clear, in the terms of paragraph 22 of the NPPF, that there is reasonable prospect of the land being used for the allocated purpose. The Persimmon site is not so far removed from the proposed development area and, when developed, should satisfy the need for small business B1 units at least in the short term. B2 uses are, by definition, not usually compatible with residential uses due to traffic generation (HGVs etc.), noise or smell. On balance, I consider that there are alternative ways, such as live/work units, to provide for small scale B1 employment uses within the residential area and which would be more compatible with the NPPF. For that reason I have to conclude that an allocation for 5 workshops as part of Policy 1 would not meet the basic condition and should be deleted, i.e. omitted from a revised policy.

3.45 *d. Primary education provision.* There have been a number of meetings held to discuss the options for the provision of additional primary school capacity in the town to accommodate growing pupil numbers as the result of development which has, and is proposed, to take place. Only in July, after submission of the

Neighbourhood Plan, planning permission was confirmed, after Court action, for 180 dwellings on a site at Filands in the north-eastern part of Malmesbury which included an offer to set aside land there for a new school. However, it has been confirmed following a meeting in early September that the preferred community option remains for the expansion of the existing Church of England primary school to the west on part of site 15, Punter's Farm, whose owner is supportive and with whom negotiations are at an advanced stage. I consider that to be a sustainable option and it is clear that alternatives have been fully considered by the community.

3.46 *e. Viability and deliverability.* Persimmon, as the prospective developers, have confirmed that although they would prefer there to be a somewhat larger allocation, that proposed in the plan is a viable option even with the requirement for a relatively long access road to the Tetbury Road utilising the access point approved for Dyson's expansion (point B). Negotiations with landowners are at an advanced stage and there is no known encumbrance to the development of the site along the lines envisaged in the plan. Although there may not be detailed evidence available on viability I consider the assurances of the prospective developers to be sufficient for the purposes of preparing a Neighbourhood Plan. From the statements made on the issue I am satisfied that the site is deliverable.

3.47 *Policy wording.* There are minor differences in the wording of the policy in the burgundy coloured box under paragraph 1.1.7 and that given under 'Policies and Tasks' in the pink box under paragraph 1.1.6. More significantly, it is not clear what weight a decision maker should accord to the large number of bulleted points listed under 'Policy 1 requirements' on pages 18 and 19 of the plan. Some of them are of the nature of supplementary guidance to assist in the drawing up of a comprehensive masterplan for the site, others are critical for the successful delivery of a sustainable development, as indicated above. On that basis, to be consistent with the NPPF/PPG requirements for the interpretation of the policy to be clear to decision takers (paragraph 3.21 above refers), I recommend a restructured policy. Updates are also required, including the removal of references to the Technology Park which has been overtaken by the grant of permission to Dyson's since submission of the Neighbourhood Plan.

Recommendation 4

Replace Policy 1 in the boxes under paragraphs 1.1.6 and 1.1.7 with a new policy to read as follows:-

Land to the north-west of Malmesbury, south of the Dyson Limited research and development facility and west of Malmesbury CE School (sites 3A and 15) is allocated for approximately 170 dwellings of mixed types and tenures and for an extension to Malmesbury CE School, subject to the following requirements:-

- a. The development shall be designed to be in keeping with the character of the historic town centre and the overall approach to build form, street layout and landscape and to minimise any visual impact on the setting of the town and the Cotswolds AONB.**
- b. The site layout shall include provision for the construction of a new bridge suitable for pedestrians and cyclists across the River Avon to Park Road and for the provision of pedestrian and cycle links to Tetbury Hill and the town centre by way of the school access and public footpath 'MALM 24'.**
- c. A comprehensive masterplan shall be submitted to the Local Planning Authority for approval which ensures a fully integrated and co-ordinated development. The masterplan should:**
 - Respect the buffer zone around Dyson Limited and ensuring this buffer will be designated as a natural boundary;**
 - Show land for public access along the river including a local nature reserve plus foot and cycle paths;**
 - Retain the river meadows and valleys ...**
 - Ensure that the existing hedgerows ...**

(Continue the bulleted points on page 19 in so far as they remain relevant and do not duplicate or overlap with the wording under a. and b. above)

Planning permission will be granted provided the above requirements are met and the development proposal conforms with the principles of the approved masterplan.

Recommendation 5

By way of correction substitute the plans included at Annex A to this report for those on pages 16 and 18 to show the now proposed access points and, as an update, remove the reference to a technology park under ‘key considerations’ on page 17 of the plan (penultimate paragraph, left hand column)

Policy 2. Allocation of land at Burton Hill for approximately 50 dwellings on sites 6, 10 and 11

3.48 The issues raised in the representations in connection with these sites concern the effect on of the popular public footpath across the field forming site 10; the effective enclosure of the relatively newly constructed Primary Care Centre by development and so preventing future expansion and the safety of any access point to site 10 so close to the roundabout at the junction of the A429 with the B4042 road.

3.49 I walked the footpath across site 10 and I could see that it provides a pleasant route into the countryside to the east. However, the line follows the rear of houses on the A4042 and the buildings of the Primary Health Centre are very much in evidence to the south. In that respect the field is already enclosed and the truly open countryside is not reached until the end of the ribbon of housing on the A4042. It is not at all unusual for former field footpaths to be incorporated within development. The length involved is relatively short.

3.50 I have no submission from the Primary Health Trust to suggest that development which encloses their site would pose any difficulty. Indeed, the plan proposal specifically envisages a development which would be suitable for independent living for the elderly, for which proximity to health facilities, including a pharmacy would be an undoubted benefit. The proposals take account of the setting of Athelston House.

3.51 In view of comments about safety of the access for site 10 close to the A429 roundabout I requested further views from the Highway Authority. They have responded that negotiations are under way to provide access directly to the B4042 Swindon Road and that there would also be access from site 6 through site 11. That would suggest that an acceptable access solution is available and that the reference to access on page 31 of the plan may require amendment.

3.52 Otherwise I am satisfied that the development of this site provides a good opportunity with minimal visual impact; it would be sustainable and accord with national policy. However, there appears to be an error in the plan in so far as within the box under paragraph 1.1.6. it is stated 'Site 10 Land NE PCC, Site 6 Land E PCC, Site 11 Burton Hill Police Station' when it is site 11 which is east of the Health Centre. For the sake of clarity in implementation, in accordance with the NPPF and for consistency with the approach taken in Policy 1, I recommend a revised policy wording incorporating the bulleted 'requirements' on page 21 with the exception of the reference to designing the central area of the Primary Care Centre as a community open space because that is not within the proposal site and there appears to be no means to ensure implementation. There is a controlled zebra crossing on the A429.

Recommendation 6

Replace Policy 2 in the boxes under paragraphs 1.1.6 and 1.1.7 (page 20) with a policy to read as follows:-

Land at Burton Hill to the north (site 10), east (site 11) and south (site 6) of the Primary Health Centre is allocated for approximately 50 mixed cottage-type dwellings, a majority of which will be to permit independent living by elderly members of the community, subject to the following requirements:-

- a. there shall be provision for safe pedestrian links across the A429 to the Burton Hill House site;**
- b. pedestrian safety on the roundabout shall be ensured;**
- c. adequate car parking shall be provided.**

Plan section 1.2. Housing in the remainder of the Plan Area.

3.53 As the MNSG have recognised there is an error in that the 'Policies and Tasks' relating to housing development in the part of the Neighbourhood Area which lies outside Malmesbury Town. These are given against the objectives in the box under paragraph 1.1.6 and ought to have been reproduced, for the sake of clarity, in paragraph 1.2.1. The MNSG have also indicated in response to a query from me that there should be a policy in this section.

3.54 Milbourne and Corston are identified as 'small villages' under policy CP13 in the emerging Core Strategy and questions relating to the appropriateness of that status are not for this plan. There is a risk that a policy restriction on the scale of development in the smaller villages of Milbourne and Corston, to 'single figures' might prejudice the delivery of the quantum of development expected in the Malmesbury Community Area under the Core Strategy. Although the published draft modification to the Core Strategy would result in a modest increase in the requirement for the 'remainder' area from 440 to 510 dwellings, the updated (2014) figure for 'housing to be identified' (table para. 1.1.2) shows a reduction of 3 to 151. As sites for 182 dwellings are identified in the Strategic Housing land Availability Assessment, there would appear to be little risk of the CS requirement not being met. 'Windfall' sites are, by definition, not ones subject to allocation through the plan process. In the circumstances, by way of correction and for the sake of clarity in decision making, I agree that an additional policy should be included along the lines suggested by the MNSG, which provides flexibility subject to the effect of development on the rural character of the villages, which is in line with the emerging Core Strategy.

Recommendation 7

Delete the wording included under 'Policies and Tasks' against the objective for the 'remainder' area and replace by a new policy; also to be included under the objective in paragraph 1.2.1. The new policy to be worded as follows:-

Housing development in each of the two designated small villages within the Plan Area (Milbourne and Corston) shall be on 'windfall' sites and the number of dwellings should ideally not exceed single figures in order to preserve the rural character of the villages.

CHAPTER 2. A HOUSING MIX TO SUIT THE AGES AND NEEDS OF LOCAL PEOPLE. POLICIES 3 and 4.

3.55 The objective (paragraph 2.1.3) that housing development should respond to the identifiable needs of the changing population is a laudable one and clearly fully reflective of national policy as expressed in paragraph 50 of the NPPF. In so far as associated policies 3 and 4 are related to the determination of planning applications they accord with paragraph 183 of the NPPF. The MNSG have clarified their intended operation.

3.56 It is suggested in a representation that the reference at the top of page 25 to the requirement for 40% affordable housing under CS policy CP43 may require amendment but the published main modifications indicate that Malmesbury would be within a 40% zone (Chippenham).

3.57 I have drawn attention to the fact that some of the tasks in section 2.2 of the plan read as though they might be intended as policies. Most significant of these is the redevelopment of Burnham House for 50 'extra care' housing units, especially as those are part of the total plan housing provision to meet Core Strategy requirements. It is not necessary to include a policy in this section for sites 6, 10 and 11 as that is covered by Policy 2 which I recommend be re-worded to cover the points raised by the MNSG. It may remain as a task. For clarity in the plan, to provide clear guidance in the determination of planning applications, as required by the NPPF and PPG, I recommend the introduction of policies to replace tasks as suggested by the MNSG. I agree that the final task and accompanying text which relates to the Design Guide is covered by Policy 10 and may be deleted by way of correction.

Recommendation 8

Delete the 'tasks' in the box under paragraph 2.2.3 and as repeated under paragraphs 2.2.4 and 2.2.5, except the second task in support of suitable sites for older people's housing, and replace by new policies as follows:-

Paragraph 2.2.4. POLICY: The redundant Burnham House site is allocated for redevelopment to provide approximately 50 dwellings as the first choice for Extra Care Housing.

POLICY: Planning permission will be granted for the development of dementia-specific accommodation on suitable new sites or by the extension of an existing care home or site of older people's housing.

POLICY: All new accommodation for older people must be well connected with the town.

Paragraph 2.2.5. POLICY: all new housing for older people must be sustainable.

By way of correction deleted the final 'task' and accompanying text on page 29 of the plan.

CHAPTER 3. SHOPPING WITH REAL CHOICE AND A PROSPEROUS TOWN CENTRE. POLICY 5.

Paragraph 3.1 and Policy 5.

3.58 As indicated in paragraph 3.1.1., in May 2013, planning permission was granted for a new 2500 sq.m. (gross) supermarket for Waitrose at Avon Mills. The site was an option consulted upon at earlier stages in the plan preparation process. A re-write was required for the final draft plan. A year has now elapsed since the plan was finalised and on my visit to Malmesbury I found that the supermarket is now open for trading. A further update of section 3.1 of the plan is clearly required to reflect this.

3.59 In the light of what was a very recent permission and the conclusions of the GVA (2011) study that only 284 sq.m. net additional retail floorspace would be required to 2026, it is not surprising that the plan-makers should state that 'no further supermarket is required' (policy 5). However, such a categorical statement is not appropriate in a policy and the stance that 'Permission should not be given for any further supermarkets' is in direct conflict with the positive approach to development required under the NPPF, specifically paragraph 23 in relation to retail development. It may well be that additional supermarket development (no size threshold is given, but I recommend that it should be) in Malmesbury prior to 2026 would be harmful to the vitality and viability of the town centre but to comply with the NPPF a positive

criterion based approach is necessary. As submitted policy 5 does not meet the basic conditions. The MNSG have accepted this and suggested that the criteria should be the first four economic conditions listed under the task box in paragraph 3.1.4 on page 32. I agree.

Recommendation 9

Delete Policy 5. Replace it by a new policy as follows:-

Planning permission will be granted for an additional supermarket (size to be defined) only if the following four economic conditions are met:-

(List the first four bulleted economic conditions under the ‘task’ box in paragraph 3.1.4 on page 32 of the plan, retaining the definition of ‘long term’)

Update the text in the whole of section 3.1 of the plan to reflect the fact that the new Waitrose supermarket has opened for trading.

Section 3.2 Policies for a prosperous Town Centre

3.60 Despite the heading above, this section does not include any policies, only tasks. That is appropriate because the tasks are not worded in such a way as to determine decisions on planning applications. However, one such task is ‘Re-align town centre boundary’ and the diagram as part of the task shows, in yellow, a southerly extension. The reasoning follows in the first column on page 36.

3.61 On site I observed that retail and class A uses extend only a short distance to the south of the Ingram Street junction, entirely within the existing secondary frontage. The proposed extension, at the bottom of High Street down to the junction with Kings Wall, appears to have had retail premises in the past. There are wooden fascias and deep windows now curtain covered, all in residential use.

3.62 The objective to enable sustained (retail) growth on High Street accords with the NPPF and paragraph 23 (third bullet) continues to support the identification of primary and secondary frontages. I note that policy R2 of the NWLP permits retail development on secondary frontages but policy R4, which applies outside, is much more restrictive. Those policies are under review but, in the meantime, I accept that the development of the Waitrose supermarket at Avon Mills may encourage additional footfall at the bottom of High Street and that, should there be any demand

for additional retail units in the area, policy R4 might prevent change of use from residential.

3.63 It is not open to the Neighbourhood Plan to 'propose' an 'extension' to the secondary frontages because that is a matter for Local Plan review. That appears to be recognised in the text on page 36. It is, in effect, an advocative statement intended to influence the on-going review of boundaries. The issue is primarily one of procedure. All that is required is a correction in the key to the diagram on page 35, to replace the word 'proposed' by 'suggested'.

Recommendation 10

By way of correction, amend the key to the Town Centre Boundary plan on page 35 against the yellow box, to read 'Suggested extension to Secondary Frontage'.

CHAPTER 4. A DIVERSIFIED LOCAL ECONOMY THAT PROVIDES MORE EMPLOYMENT. POLICIES 6 and 7.

3.64 The inclusion of policies for economic development is very much in line with the emphasis given by the Government to economic growth. However, the MNSG have acknowledged that Chapter 4 in the submitted Neighbourhood Plan has been overtaken by events in that Wiltshire Council have given planning permission for the expansion of the Dyson factory, with car parking, onto the site identified in the plan under Policy 6 as a 'Technology Park'. In the words of the MNSG 'Policy 6 needs to be withdrawn'. That is clearly necessary to ensure that the plan is up-to-date. As a general rule, plan proposals do not include sites for which planning permission has already been granted.

3.65 Policy 7 duplicates the proposal in Policy 1 for the provision of five workshops as part of a mixed housing development. I have analysed that proposal in paragraphs 3.42-44 above and come to the conclusion that the allocation of land for the workshops cannot be justified. In the circumstances, for consistency and for the same reasons, I recommend the deletion of Policy 7.

3.66 The second objective in the box under paragraph 4.1.3, the associated task and paragraph 4.1.5, relate to the provision of broadband capability to support businesses. It is a laudable objective but the provision of cabling is permitted development and the roll out of broadband services is not a matter which can be influenced by, nor delivered through, the town and country planning system. It is not, therefore, an issue which can be covered in a statutory Neighbourhood Plan. Should it remain the steering group's intention to promote broadband in this way it would need to be included in a separate non-statutory supplement or appendix.

Recommendation 11

Update Chapter 4 in the light of Wiltshire Council's decision to grant planning permission for the expansion of the Dyson factory onto the site allocated under Policy 6 for a 'Technology Park'; delete policy 6 and all references to a Technology Park.

Recommendation 12

Delete Policy 7.

Recommendation 13

Remove the second objective and associated task relating to the provision of superfast broadband to businesses from the box under paragraph 4.1.3. and delete paragraph 4.1.5.

CHAPTER 5. SUPPORTING THE COMMUNITY WITH KEY INFRASTRUCTURE IMPROVEMENTS. POLICIES 8 AND 9.

3.67 Generally the provisions within this chapter have been recognised as an important to facilitate the balanced development of the town. There are only two policies which relate to school provision, most of the text setting 'tasks' a number of which outline further work to be done. In so far as they involve land-use it might be expected that those would be brought forward in a future revision of the plan.

3.68 Policy 8 is covered by Policy 1 but the duplication is a matter of emphasis within the plan. There is, however, an error in so far as the wording in paragraph 5.1.3 is not the same as in paragraph 5.1.4. MNSG indicate that the wording in 5.1.3 is correct. I recommend a slight variation for clarity.

3.69 I accept that Policy 9 of the Neighbourhood Plan would be an important factor for education planners in bringing forward proposals for the expansion of Malmesbury CE School. As housing development proceeds funding should become available through s106/CIL. Keeping educational provision in step with demand arising from new housing reduces distances travelled to school and enhances sustainability.

3.70 MNSG accept that section 5.8 on superfast broadband should be deleted. In any event, it is covered by the considerations in paragraph 3.66 above.

Recommendation 14

To correct an error and for clarity re-word policy 8 in both paragraphs 5.1.3 and 5.1.4 to read as follows:-

Land is allocated for the expansion of Malmesbury CE Primary School in conjunction with land proposed for housing on sites 3A and 15 (see Policy 1)

Recommendation 15

Delete section 5.8

CHAPTER 6. PROTECTING MALMESBURY'S HERITAGE AND SETTING POLICY 10.

3.71 Malmesbury is a special place the heritage and setting of which it is essential to preserve and enhance as properly recognised in this section of the plan. This is fully in accord with section 12 of the NPPF. Representations give support to Policy 10 which links to Part II of the plan (Section 8) which is a Design Guide. However, there are representations about the over-prescriptive nature of Policy 10 and about some of the detailed elements within Part II, such as a preference for garage courts.

3.72 The MNSG have now clarified that Part II is intended as a form of Supplementary Guidance and put forward a revised wording for Policy 10 which would require the Design Guide to be 'taken into consideration' rather than it 'must be followed'. That provides flexibility for proposals to take account of the particular circumstances prevailing whilst still meeting the overall objective to achieve a high quality of design in keeping with the special character of Malmesbury. The revised policy would be more closely aligned with national (NPPF) policy and thus meet the basic conditions.

Recommendation 16

Re-word Policy 10 as follows:-

Replace the words 'must be followed' by 'should be taken into consideration' and add the words 'to ensure a high quality of design that respects the specific character of Malmesbury Town and the surrounding area.'

FORMAL CONCLUSION, RECOMMENDATIONS AND CONSIDERATION OF REFERENDUM AREA

Conclusion

4.01 I conclude that the draft plan, subject to the modifications recommended in this report, meets the basic conditions as set out in Schedule 4B to the Town and Country Act 1990 (as amended), does not breach and is otherwise compatible with EU obligations and is compatible with Convention Rights.

Recommendation

I recommend that the modifications specified in section 3 of this report be made to the draft Malmesbury Neighbourhood Plan and that the draft plan as modified be submitted to a referendum.

4.02 As I have recommended that the draft plan as modified be submitted to a referendum I am also required under s10(5)(a) of Schedule 4B to the Town and Country Planning Act 1990 to recommend as to whether the area for the referendum should extend beyond the neighbourhood area.

4.03 There have been no representations seeking an extension of the referendum area and it is notable that the neighbourhood area covers three parishes the residents of which are the most likely to have an interest in developments in Malmesbury itself. I do not, therefore, consider it necessary to extend the referendum area beyond the three parishes, i.e. the neighbourhood area.

Recommendation

The area for the referendum should not extend beyond the neighbourhood area to which the plan relates.

Signed:

John R Mattocks

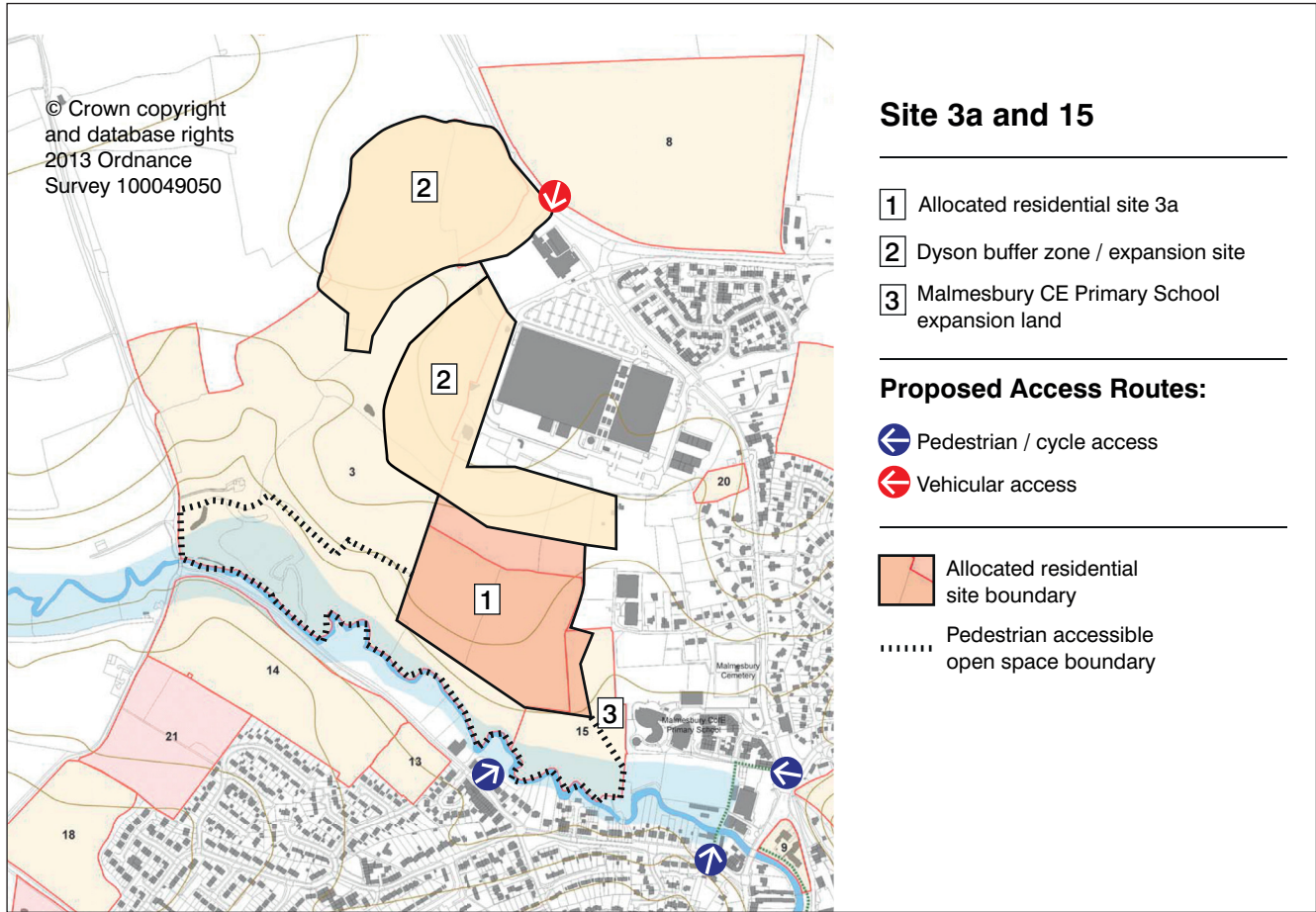
JOHN R MATTOCKS BSc DipTP MRTPI FRGS

26 September 2014

ANNEX A

Replacement plans for pages 16 and 18 (Policy 1 requirements)

1. Sustainable development in the right places



The water meadows at the southern edge of the site are subject to flooding. No build development should take place in this area.

Policy 1: Requirements

