

LYDIARD MILLICENT NEIGHBOURHOOD PLAN DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

- 1.1. Pursuant to the Wiltshire Council constitution and in particular Part 3B, the Executive Director for Growth, Investment and Place within whose remit Spatial Planning falls is authorised to make decisions on Neighbourhood Plan proposals following the examination of a Neighbourhood Plan proposal in accordance with the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012 (as amended) and all other relevant legislation.

2. BACKGROUND

- 2.1. The designated area for the Lydiard Millicent Neighbourhood Plan comprises the whole of the parish of Lydiard Millicent. On 20 September 2017 Wiltshire Council formally approved that the 'Lydiard Millicent Parish Neighbourhood Area' (i.e. the land within the parish of Lydiard Millicent) be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. Lydiard Millicent Parish Council – the 'qualifying body', submitted the Lydiard Millicent Neighbourhood Plan – 'submission draft March 2019' (2018-2036), along with supporting documents, to Wiltshire Council on 21st May 2019 for consultation, independent examination and the remaining stages of the draft Plan's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.3. Following submission of the draft Lydiard Millicent Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 8th July 2019 to 19th August 2019.
- 2.4. In September 2019, Wiltshire Council appointed an independent examiner, Ms Liz Beth, to examine the draft Plan and consider whether it should proceed to referendum.
- 2.5. The examiner's report was received in October 2019 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the Lydiard Millicent Neighbourhood Area (the parish area) is an appropriate area within which to hold a referendum.
- 2.6. In accordance with legislation, Wiltshire Council must consider each of the recommendations made in the examiner's report, decide what action to take in response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authority is satisfied then a referendum must be held.

Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

- 3.1. Wiltshire Council must be satisfied that the neighbourhood plan meets the Basic Conditions, is compatible with the Convention rights and complies with the provision made by or under sections 61E (2), 61J and 61L of the Town and Country Planning Act 1990, or that the draft order would meet those conditions, be compatible with those rights and comply with that provision if modifications were made to the draft order.
- 3.2. Wiltshire Council has considered the examiner's recommendations and reasons for them. Wiltshire Council has decided to make the examiner's modifications with additional modifications by the Council to the draft Lydiard Millicent Neighbourhood Plan, for the purpose of correcting errors (which includes amendments necessary to achieve accuracy and consistency in the wording of policies and supporting text) and to ensure that it meets legal requirements, including the Basic Conditions as set out in legislation. **Appendix 1** sets out these modifications, together with the reasons for them.
- 3.3. The Council is satisfied that the Neighbourhood Plan, as modified, complies with the legal requirements and can proceed to referendum.
- 3.4. The Council also agrees with the examiner that the referendum area should reflect the extent of the parish of Lydiard Millicent.
- 3.5. I declare that I have no private interest in respect of this matter that would prevent me from making this decision.

Signed:

Sam Fox

Sam Fox
Director of Economic Development and Planning
Wiltshire Council

Dated: 27th November 2019

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Guidance for using this document

The following table sets out the modifications that are required to be made to the Lydiard Millicent Neighbourhood Plan (2018 - 2036) (submitted 21 May 2019) together with the explanation and reason for modification. This should be read alongside the report (October 2019) of the independent examiner, Liz Beth to Wiltshire Council on the Lydiard Millicent Neighbourhood Plan.

Throughout the table, specific changes that are required are shown as follows:

- text in **bold and underlined** identifies new text to be added to the Plan.
- text that is shown as ~~*italic strikethrough*~~ identifies text to be deleted from the Plan.

The relevant paragraph, policy and page numbering relates to the draft Lydiard Millicent Neighbourhood Plan (2018-2036) ('Submission Version March 2019'), hereafter referred to as the 'LMNP', as submitted to Wiltshire Council on 21st May 2019. For each change, the table sets out the examiner's recommendation as set out in her report together with the modification that is required to be made to the neighbourhood plan.

The final LMNP to be published for the purposes of the referendum, will need to renumber the policies and paragraphs as appropriate following the insertion of changes.

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Reference number	Page in Examiner's Report	Related LMNP page / section	Recommendation and proposed modification	Reason for modification
R1	Page 8	<p>Foreword Page 4 and preliminary chapters of the LMNP.</p> <p>Page 6, Para 1.1</p>	<p><u>EXAMINER COMMENT:</u></p> <p>The LPA will be aware that it is authorised to correct minor errors that may have been missed so far [Town and Country Planning Act 1990 Schedule 4B section 12(6)] and should use it for factual updating (for example in the Foreword and para 3.5) and amending text in the light of modifications as needed.</p> <p>The power is also available [to the LPA] to facilitate minor alterations suggested by the LPA at Reg16 which have been agreed by the qualifying body.</p> <p><u>REQUIRED MODIFICATIONS:</u></p> <ul style="list-style-type: none"> • Delete the last sentence of the third paragraph of the Foreword, so that the Plan will remain up to date as follows: <p><i>"From the work done for the North East Wiltshire-Villages (NEW-V) Plan started in 2012 right the way through until now a lot of people have contributed. I would like to thank all the people that have taken part in the preparation of this plan, whether it has been in gathering data to be used in the plan, writing the plan, replying to questionnaires and turning up for the consultations that have been held. We are now not far away from submitting our plan for scrutiny and hope soon to have a positive result to enable us to bring it to referendum."</i></p> <ul style="list-style-type: none"> • Amend paragraph 1.1 to reflect the current situation, as follows: <p><i>"1.1 Lydiard Millicent Parish Council is preparing a Neighbourhood Plan for the Neighbourhood Area was designated by the local planning authority, Wiltshire Council, on 20 September 2017. The plan is being was prepared in accordance with the Neighbourhood Planning (General) Regulations of 2012 (as amended)."</i></p>	<p>Factual updates and correction of errors, in the interest of accuracy and clarity.</p>

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		Page 6 Para 1.3	<ul style="list-style-type: none"> Paragraph 1.3 – Amend text, as follows, to reflect the current situation in relation to the Joint Spatial Framework for Wiltshire Council and Swindon Borough Council. <p>“1.3 The purpose of the a Neighbourhood Plan is to set out a series of planning policies that will be used to determine planning applications in the area in the period to 2036. The Neighbourhood Plan once made will form part of the development plan for the Parish which currently covers the period to 2026. The Development Plan for Wiltshire is the Wiltshire Core Strategy which covers the period up to 2026. The emerging plan (Wiltshire Local Plan) will plan for the period up to 2036. Taking the existing reasoning and evidence base of the emerging Wiltshire Local Plan Review and the Swindon and Wiltshire Joint Spatial Framework into account, it seems sensible for the Neighbourhood Plan to cover the same period. However, the Parish Council has committed to an early review of the Neighbourhood Plan should it be necessary, as these forthcoming documents advance towards adoption.</p>	
		Page 7 Para 1.5	<ul style="list-style-type: none"> Amend paragraph 1.5, to update the tense and explanations so that the Plan will remain up to date as follows: <p>“1.5 In addition, the Parish Council will need to must demonstrate to an independent examiner that it has successfully engaged with the local community in preparing the Plan. If the examiner is satisfied that it has, and considers the Plan meets the above conditions, then the Plan will go to a referendum of the local electorate Basic Conditions and other requirements set out by law, the examiner will recommend that the plan proceeds to the referendum stage. If a simple majority of the turnout votes in favour of the Plan, then it becomes adopted as formal planning policy for the Parish. more than 50% of those voting in the referendum area vote yes, then the neighbourhood plan becomes part of the statutory development plan for the area.”</p>	

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		Page 7 Para 1.6	<ul style="list-style-type: none"> Amend paragraph 1.6 and the sub-title above it to reflect the current stage of the LMNP: <p>"The Pre-Submission Plan <u>The Plan preparation process</u></p> <p>1.6 The Parish Council consulted on a Pre-Submission version of the Plan in December 2018 – January 2019. Comments were received from local people and from some statutory bodies and landowners. It is clear that there is support from the local community for the Plan, but a few changes have been were needed prior to the submission of the Plan, necessary to improve the clarity and application of policy wording that will ensure the Plan meets the Basic Conditions. ..."</p>	
		Page 8 Para 2.6	<ul style="list-style-type: none"> Delete the second sentence of paragraph 2.6 in the interests of clarity and accuracy amend the paragraph as follows: <p>"There are buildings in the village that are not formally listed, including the Sun Inn, The Street (pictured overleaf), that has developed an importance as the social centre to the village and is of historic interest. The Neighbourhood Plan Steering Group are pursuing the designation of such buildings as non-designated heritage assets through a separate process with Wiltshire Council. <u>In a future review of the Neighbourhood Plan it will be beneficial to consider listing local non-designated heritage assets.</u>"</p>	
		Page 15 Para 3.2	<ul style="list-style-type: none"> Amend paragraph 3.2 in the interest of clarity and accuracy in relation to the status of the National Planning Policy Framework (NPPF), as follows: <p>"The National Planning Policy Framework (NPPF) published by the government in 2019 is an important guide in the preparation of neighbourhood plans. In July 2018 the government published an updated Framework, which sets out the transitional arrangements for Neighbourhood Plan examinations. Plans that are submitted to the Local</p>	

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		Page 15 Para 3.5	<p><i>Planning Authority after 24 January 2019 will be examined under this new Framework. The Submission version of this Plan is expected to be submitted in March 2019 and therefore reflects the provisions in this new Framework.</i> The following paragraphs of the NPPF 20198 are considered <i>especially</i> relevant: ..."</p> <ul style="list-style-type: none"> Amend paragraph 3.5 and insert footnote as follows: <p>"3.5 Any development at "small" Villages will be carefully managed by Core Policy 2 and the other relevant policies of the plan. At this time, The most recently published "Housing Land Supply Statement – Base date: April 2018, Published August 2019", like its predecessor, released in March 2017 has identified at Appendix 6 – (Summary assessment of supply and remaining housing to be identified (by Community Area settlements and rural remainders) – that in the Royal Wootton Bassett and Cricklade Community Area there is a 0 shortfall in dwellings in the plan period between 2006 and 2026. [Footnote to hyperlink to the document: http://www.wiltshire.gov.uk/spp-housing-land-supply-statement-2018-published.pdf]</p>	
		Page 16 Para 3.6	<ul style="list-style-type: none"> Amend paragraph 3.6 as follows: <p>"3.6 Wiltshire Council is currently undertaking a Local Plan Review. The 'Wiltshire Local Plan Review: Consultation Paper' (Nov 2017) [insert footnote to link to the document: http://www.wiltshire.gov.uk/planning-policy-local-plan-review] sets out the proposed scope ..."</p>	
		Page 16 Para 3.8	<ul style="list-style-type: none"> Amend paragraph 3.8 to avoid duplication of information already set out in paragraph 3.7 as follows: <p>"3.8 It will not be the purpose of the review to change or remove strategic objectives or policies that remain in accordance with national policy and support the delivery of sustainable development. The former district local plans were only originally intended to be in place until 2011. Many</p>	

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		Page 16/17 Para 3.10, 3.11, 3.12 and 3.13	<p>policies have simply been rolled forward until they are replaced by consistent policy across Wiltshire. The Wiltshire Local Plan Review will complete the review of all saved policies and ensure consistency of planning policy across Wiltshire. The review will also enable adopted local plan policies to be reviewed in the light of more recent changes to national planning policy and guidance to improve conformity."</p> <ul style="list-style-type: none"> • Delete paragraph 3.10, 3.12 and 3.13, and amend paragraph 3.11 as follows: <p>"3.10 The Joint Spatial Framework will guide the overall pattern of development across the wider area of the two Councils, setting out a distribution of new jobs, homes and infrastructure. It will provide evidence to inform the Councils' individual local plan reviews. However, decisions over detailed site allocations will be made through the Councils' individual local plan reviews.</p> <p>3.11 The NPPF specifically requires that each Local Plan is based on an objective assessment of need 3.10 -In addition, in order to help gauge future levels of housing and employment growth and inform the review of the Local Plans, Swindon Borough Council and Wiltshire</p> <p>Consequently, the Councils' have jointly prepared two evidence base reports:</p> <ul style="list-style-type: none"> • The Swindon and Wiltshire Strategic Housing Market Assessment 2017 (SHMAA) • The Swindon and Wiltshire Functional Economic Market Area Assessment 2017 (FEMAA) <p>3.12 Both documents have been prepared to support this consultation on the scope of the Local Plan reviews and provide the current evidence of the need for new homes and jobs in Swindon and Wiltshire from 2016 up to 2036.</p> <p>3.13 Elsewhere, the foremost priorities of the adopted Wiltshire Core Strategy and Swindon Local Plan are broadly to support rural</p>	

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		<p>Page 17 Para 3.14</p> <p>Page 19 Para 5.4</p>	<p><i>communities by development geared towards meeting local needs or to constrain it in order to preserve the countryside and ensure a sustainable pattern of growth across the plan areas that minimises the need to travel by car.</i></p> <ul style="list-style-type: none"> Amend paragraph 3.14 as follows: <p><i>"The Neighbourhood Plan is expected to be examined prior to the adoption of these emerging documents, however its The reasoning and evidence base set out by Wiltshire Council in the consultation undertaken in Nov-Dec 2017 has been taken into consideration in the preparation of the Neighbourhood Plan. While ..."</i></p> <ul style="list-style-type: none"> Amend paragraph 5.4, to clarify that national and local policies apply to all planning issues, including those that are also the focus of the neighbourhood plan. <p><i>"5.4 The policies avoid repeating existing national or local planning policies and therefore focus on a relatively small number of key planning issues in the Parish. For all other planning matters, the nNational and local policies will continue to be used apply to all planning issues, including those that are also the focus of this neighbourhood plan. In this respect, the local community is content with the spatial strategy of the emerging Local Plan."</i></p>	
R2	Page 12	Page 20, Policy LM1	<p>EXAMINER RECOMMENDATION: The first paragraph of Policy LM1 is to be amended as follows:</p> <p><i>"Any development proposals in Lydiard Millicent, as defined on the Policies Map, must sustain and enhance the distinctiveness of the village and where appropriate the character and appearance of the Lydiard Millicent Conservation Area and its setting. ..."</i></p> <p>Criteria vi. to be deleted.</p>	To ensure the policy meets the Basic Conditions with regard to regard for national policy and guidance and is general compliance with the development plan.

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM1 as follows and delete criteria vi only: <p><u>"LM1 – Managing Design in Lydiard Millicent</u></p> <p>Any development proposals in Lydiard Millicent, as defined on the Policies Map, must sustain and enhance the distinctiveness of the village and where appropriate the character and appearance of the Lydiard Millicent Conservation Area and its setting.'</p> <p>vi. the importance of the rural outlook in the centre of the village."</p>	
R3	Page 12	Page 28/29, Policies Map	<p><u>EXAMINER RECOMMENDATION:</u> The Policies Map Inset A to remove the blue/grey shaded area designating the limits of Lydiard Millicent for the purposes of Policy LM1.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the Policies Map, to remove the blue/grey shaded area designating the limits of Lydiard Millicent for the purposes of Policy LM1. 	To ensure the policy meets the Basic Conditions with regard to regard for national policy and guidance and is general compliance with the development plan.
R4	Page 13	Page 20, Policy LM2	<p><u>EXAMINER RECOMMENDATION:</u> The first paragraph of Policy LM2 to be amended as follows:</p> <p>"Any development proposals in Lydiard Green, as defined on the Policies Map, must sustain and enhance the distinctiveness of the village and where appropriate the character and appearance of the Lydiard Green Conservation Area and its setting."</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM2 as follows: 	To ensure the policy meets the Basic Conditions with regard to regard for national policy and guidance and is general compliance with the development plan.

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			<p><u>"LM2 – Managing Design in Lydiard Green</u></p> <p>Any development proposals in Lydiard Green, as defined on the Policies Map, must sustain and enhance the distinctiveness of the village and where appropriate the character and appearance of the Lydiard Green Conservation Area and its setting."</p>	
R5	Page 13	Page 28/29, Policies Map	<p><u>EXAMINER RECOMMENDATION:</u> The Policies Map Inset A to remove the blue/grey shaded area designating the limits of Lydiard Green for the purposes of Policy LM2.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the Policies Map to remove the blue/grey shaded area designating the limits of Lydiard Green for the purposes of Policy LM2. 	To ensure the policy meets the Basic Conditions with regard to regard for national policy and guidance and is general compliance with the development plan.
R6	Page 16	Page 21-22, Policy LM3	<p><u>EXAMINER RECOMMENDATION:</u> Policy LM3 to be amended as follows:</p> <p>"The Neighbourhood Plan defines the following A Local Gaps, is defined as shown on the Policies Map for the purpose of preventing the coalescence of the village of Lydiard Millicent with Swindon.</p> <ol style="list-style-type: none"> The Street/Holborn, Lydiard Millicent and Middleleaze, Swindon Park Lane, Lydiard Millicent and Towkesbury Way, Swindon <p>Development proposals within the Local Gap will only be supported if they do not harm, individually or cumulatively, its open character."</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM3 as follows: <p><u>"LM3 – Local Gaps</u></p>	For clarity required of policy in the NPPF [para 16]. To ensure policy complies with the Basic Conditions.

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			<p><i>The Neighbourhood Plan defines the following A Local Gaps, is defined as shown on the Policies Map for the purpose of preventing the coalescence of the village of Lydiard Millicent with Swindon.</i></p> <p><i>i. The Street/Holborn, Lydiard Millicent and Middleleaze, Swindon</i></p> <p><i>ii. Park Lane, Lydiard Millicent and Tewkesbury Way, Swindon</i></p> <p>Development proposals within the a Local Gap will only be supported if they do not harm, individually or cumulatively, its open character."</p>	
R7	Page 16	Page 28/29, Policies Map	<p>EXAMINER RECOMMENDATION: The Policies Map to show the Local Gap as one contiguous area covering the previously identified areas.</p> <p>REQUIRED MODIFICATION:</p> <ul style="list-style-type: none"> Amend the Policies Map as per the Examiner's recommendation, to show the Local Gap as one contiguous area covering the area of the two previously identified local gaps. 	For clarity required of policy in the NPPF [para 16]. To ensure policy complies with the Basic Conditions.
R8	Page 16	Page 21-22 supporting text of Policy LM3.	<p>EXAMINER RECOMMENDATION: Justification text and Annex B to be amended as appropriate to describe the single area. To also accurately set out the current policy situation with regard to Policy NE13 from the NWLP2006 being replaced by a reference to WCS CP52; NWLP2006 Policy NE15 not being a saved policy; the relevant criteria iii) and iv) of WCS CP51 to be detailed in supporting evidence.</p> <p>COUNCIL COMMENT: Amend the supporting text to set out the current policy situation with regard to Policy DP13 (which is no longer saved) and to reference the relevant detail of adopted Core Policy 51.</p>	To ensure the policy is supported by evidence and to ensure the Plan, so that it meets the Basic Conditions in relation to clarity of the policy and conformity with the strategic policies of the Local Plan.

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend supporting text on Pages 21-22 to describe the single area covered by the Local Gap, and to accurately set out the policy context, as follows: <p>5.10 This policy defines two <u>an</u> areas of land to the east of the village that <u>plays</u> an especially important role in preventing development that will undermine the visual integrity of the gap to the point that there is a coalescence of Lydiard Millicent with Swindon. See the 'Local Gaps' report attached as Appendix B for further details.</p> <p><u>5.11 The land designated as a 'Local Gap' covers an area between the eastern end of Lydiard Millicent (to the north and south of 'The Street'/'Holborn', Lydiard Millicent), and the parish boundary where it adjoins 'Tewkesbury Way' and 'The Elms' at Middleleaze, Swindon. The area of land is considered to be the effective space preventing coalescence between Lydiard Millicent and the larger urban area of Swindon, which abuts the parish boundary. Designation of this area of land is intended to ensure that the visual openness of the space between Lydiard Millicent and Swindon is protected. Although not immediately a threat from development, the gap is still sufficiently small in visual terms that development that may otherwise be acceptable in the countryside may be inappropriate here, especially in relation to its height or massing and visual coalescence with Swindon. The area of land designated as the 'Local Gap' is considered to be the minimum area necessary for the policy to have effect.</u></p> <p>5.11 <u>5.12</u> The policy gives local effect to the Wiltshire Core Strategy Policies CP19 and CP51, which together seek to maintain the long-established policy of protecting the distinct character and identity of the villages and settlements in the Royal Wootton Bassett and Cricklade Community Area from the outward expansion of Swindon. <u>Open</u></p>	

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			<p><u>countryside should be maintained to protect the character and identity of the area in accordance with WCS Core Policy 51, which refers to the need to conserve and enhance “the locally distinctive character of settlements and their landscape settings” and “the separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe”. These policies have replaced the former Structure Plan Policy DP13 ‘The Swindon Rural Buffer’ and North Wiltshire Local Plan Policy NE15 ‘The Landscape Character of the Countryside’, which was prepared in accordance with it. The former policies provided a starting point for consideration of the area that is considered necessary to maintain the distinct character and identify of the villages. See the ‘Local Gaps’ report (at Appendix B) for further details.</u> such a policy being first established in the North Wiltshire Structure Plan, specifically policy DP13, ‘The Swindon Rural Buffer’. It Policy LM3 defines the extent of the areas that is considered to be essential to protect the character and identity of Lydiard Millicent from the continued growth of Swindon.</p> <p>5.12 5.13 Both areas The ‘Local Gap’ area lies within Character Area 3, the Swindon Fringe, which is described as “...higher ground lies to the west of the urban area of Swindon, lying at between 90- 155m AOD. It is defined on the western and northern side by a steep scarp slope overlooking the Thames lowlands. To the south it is defined by the edge of Wootton Bassett and the higher ground overlooking the shallow valley of the Brinkworth Brook. It includes the town of Wootton Bassett and the more straggling villages of Purton, Hook and Lydiard Millicent.” (North Wiltshire Landscape Character Assessment, Volume 1, June 2004). The document also confirms that overall objectives for this Character Area restricting development to maintain the separation between settlements and restoring the integrity of the rural landscape. As required by Core Policy 51, any development in this area will be informed by and sympathetic to the relevant Landscape Character Assessment and any other relevant studies and assessments. Again, the separate ‘Local Gaps’ report attached as Appendix B will be relevant and</p>	

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			<p>demonstrates the views that these this open areas offers to the Marlborough Downs, and highlights the special character of this agricultural landscape around Lydiard Millicent as set out in a number of published Landscape Character Assessments.</p> <p>5.13 5.14 Defined as a "small village" Lydiard Millicent does not have a settlement boundary; however, the Swindon Urban Area boundary is drawn on the parish boundary of Lydiard Millicent. The Policy therefore anticipates development pressures that may arise from the growth of Swindon and acknowledges that some types of development that are suited to the countryside may therefore be appropriate. However, this policy requires that its effects - by way of its height, scale and massing for example – should not lead to any visual coalescence between the village and Swindon.</p> <p>5.15 The whole of the Parish also lies within the Great Western Community Forest and the policy aligns itself well with the objectives of the Great Western Community Forest Plan for this area in terms of repairing and improving the declining countryside character at the urban fringe surrounding the urban conurbation of Swindon. <u>As required by Core Policy 52 any development within the Local Gap will be required to show that it does not compromise the objectives of the Great Western Community Forest Plan.</u></p> <p>5.14 The first – the area of land between The Street/Holborn, Lydiard Millicent (to the north of Holborn) and the Parish Boundary with Middleleaze, Swindon – is especially precious, given the Urban Area Boundary and development of Middleleaze adjoins the Parish Boundary. Here, it is considered that this area is the only effective space preventing Lydiard Millicent adjoining the larger urban area of Swindon. The land included in the gap is considered to be the minimum to ensure that the visual openness of the space between Lydiard Millicent and Swindon is protected.</p>	

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			<i>5.15 The second covers an area of land between the eastern end of Lydiard Millicent (to the south of Holborn) and the Parish Boundary with Towkesbury Way, Swindon. Although not immediately a threat from development, the gap is still sufficiently small in visual terms that development that may otherwise be acceptable in the countryside may be inappropriate here, if its height or massing begins to coalesce with Swindon. Again, the land shown is considered to be the minimum necessary for the policy to have effect.</i>	
R9	Page 16	Page 33, Appendix B, Local Gaps Report 2018.	<p>EXAMINER RECOMMENDATION: Justification text and Annex B to be amended as appropriate to describe the single area. To also accurately set out the current policy situation with regard to Policy NE13 from the NWLP2006 being replaced by a reference to WCS CP52; NWLP2006 Policy NE15 not being a saved policy; the relevant criteria iii) and iv) of WCS CP51 to be detailed in supporting evidence.</p> <p>REQUIRED MODIFICATIONS:</p> <p>Make amendments to Appendix B to accurately set out the current policy situation, and to describe the single Local Gap area:</p> <ul style="list-style-type: none"> Amend the first section of Appendix B (and its title), as follows, using references to the Wiltshire and Swindon Structure Plan 2016 (instead of the Wiltshire and Swindon Structure Plan 2011), as it is the most up to date and readily available document. <p><u>“Wiltshire Structure Plan 2011, Adopted January 2001 and Wiltshire and Swindon Structure Plan 2016, Adopted 2006 (both now revoked)</u></p> <p><u>Although no longer in force, these plans provided a starting point for consideration of the area of land needed to maintain the character and identity of villages and settlement surrounding Swindon.</u> Policy DP13 – The Swindon Rural Buffer, states... The extent</p>	For accuracy of the evidence base, which will ensure that the policy complies with the Basic Conditions.

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			<p>of the area will be limited to only identifying land that would be essential to protect the named settlements from the continued growth of Swindon [4.77 4.107]. Where settlement area in close proximity it may be appropriate to identify a combined buffer [4.78 4.108].”</p> <ul style="list-style-type: none"> Amend second section as follows: <p>“Wiltshire Core Strategy 2034 2026 Adopted January 2015 Core Policy 51-Landscape states: ...”</p> <ul style="list-style-type: none"> Amend fourth section as follows: <p>“Landscape Character Assessments Both The proposed areas (see below) lies within ... are identified as opportunities (National Character Area Assessment, Natural England, September 2014). The two proposed areas also lies within Character Area 3, ... In the Wiltshire Landscape Character Assessment, December 2005. Two areas have An area of land has therefore been identified that contributes to the opportunities and management objectives identified by the Landscape Character Assessments above.”</p>	
R10	PAGE 16	Basic Conditions Statement, Page 12, Table C, LM3: Local Gaps	<p><u>EXAMINER RECOMMENDATION:</u></p> <ul style="list-style-type: none"> To also accurately set out the current policy situation with regard to Policy N13 from the NWLP2006 being replaced by a reference to WCS CP52; NWLP2006 Policy NE15 not being a saved policy; the relevant criteria iii) and iv) of WCS CP51 to be detailed in supporting evidence. <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Basic Conditions Statement, Table C. “Local Gaps” to ensure the evidence base is factually correct, as follows: 	For accuracy of the evidence base, which will ensure that the policy complies with the Basic Conditions.

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			<p>“North Wiltshire Local Plan Saved Policy NE13 ‘Development shall only be permitted where it does not prejudice the implementation of the Great Western Community Forest Plan.’</p> <p>North Wiltshire Local Plan Saved Policy NE15 ‘Development shall take into account: iv) The topography of the area avoiding sensitive skylines, hills and not detracting from important views.’</p> <p>Wiltshire Core Policy 51 ‘Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures. Proposals should be informed by and sympathetic to the distinctive character areas identified in the relevant Landscape Character Assessment(s) and any other relevant assessments and studies. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:</p> <ul style="list-style-type: none"> ii. <u>The locally distinctive character of settlements and their landscape settings.</u> iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe. iv. <u>Visual sensitive skylines, soils, geological and topographical features</u> v. <u>Important views and visual amenity.</u> <p>Wiltshire Core Policy 52 ‘Development will not adversely affect the integrity and value of the green infrastructure network, ...’</p>	

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R11	Page 16	Page 23, Policy LM4	<p><u>EXAMINER RECOMMENDATION:</u> Policy LM4 to be amended as follows:</p> <p>“The Neighbourhood Plan identifies Important Views on the Policies Map. Where development proposals may impact on them they should demonstrate how they have taken account of the Important Views. In particular, where appropriate, development proposals should set out details on how they take into account the important views by way of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines.”</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM4 as follows: <p>“The Neighbourhood Plan identifies Important Views on the Policies Map. Where dDevelopment proposals may impact on them they should demonstrate how they have taken account of the Important Views. In particular, where appropriate, development proposals should set out details on how they take into account the important views by way of building layouts, built form, height, mass, scale, building line, plot size, elevational design, materials, streetscape and rooflines.”</p>	To ensure regard is given to the need for positive planning (NPPF para 16) and realistic costs (NPPG ID 41-048-20140306) and in order that Policy LM4 complies with the Basic Conditions.
R12	Page 18	<p>Page 23, Policy LM5 and supporting text.</p> <p>Page 28/29, Policies Map.</p> <p>Appendix D, page 47.</p>	<p><u>EXAMINER RECOMMENDATION:</u> Policy LM5 and its justification to be amended as follows:</p> <p>Site i) to be removed from the policy, and other sites renumbered accordingly in the policy and on the proposals map.</p> <p><u>COUNCIL COMMENT:</u> Local Green Spaces Report 2018 (Appendix D) to be amended to reflect the conclusions that two of the Local Green Spaces considered have been designated as Local Green Spaces in the Neighbourhood Plan, and one (The Field behind the Sun Inn) may be more suitable to be registered as a community asset along with the Sun Inn pub.</p>	To ensure the policy complies with the Basic Conditions, in relation to the criteria for the designation of Local Green Spaces set out in the NPPF (paras 99-100).

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			<p>Appendix D to be removed from the Neighbourhood Plan and kept as a supporting document.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM5, as follows: <p><u>“LM5 – Local Green Spaces</u></p> <p>The Neighbourhood Plan designates the following locations as Local Green Spaces, as shown on the Policies Map:</p> <p>i. The Field behind the Sun Inn; #. i. The Recreation Field on Chestnut Springs; ##. ii. The Community Field adjacent to the Parish Hall.</p> <p>New development will be resisted on land designated as Local Green Space except in very special circumstances.”</p> <ul style="list-style-type: none"> Amend supporting text at paragraph 5.18 as follows and add justification: <p>“5.18 The policy identifies three two important open spaces for designation as Local Green Spaces in line with §99 of the NPPF. The separate Local Green Spaces Report attached as Appendix D, demonstrates how each space is considered to meet the tests of §100 of the NPPF.</p> <p><u>5.19 The Recreation Field on Chestnut Springs, is valued for its recreational purpose, club house and beauty, including a distinctive view to across Swindon the hill beyond</u></p> <p><u>5.20 The Community Field next to the Parish Hall is not presently used but the community plans to use it as a parish park. A key</u></p>	

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			<p><u>feature of this site is its historic value as part of the rural setting of the listed church and village conservation area, evidenced by its inclusion within the designated conservation area.</u></p> <p><u>5.21</u> 5.19 The designation has the policy effect of the equivalence of the Green Belt ...”</p> <ul style="list-style-type: none"> • Amend the Policies Map to remove ‘The Field behind the Sun Inn’ in relation to Policy LM5. • Amend the final row of the table in Appendix D on page 47, to include the following: <p><u>A key feature of this site is its historic value as part of the rural setting of the listed church and village conservation area, evidenced by its inclusion within the designated conservation area.</u></p> <ul style="list-style-type: none"> • Add paragraph at the end of Appendix D, after the section on ‘Outline Process’ on page 47, as follows: <p>“ ... residents identified green spaces and areas within the village they believed of particular value or interest.</p> <p><u>Conclusion</u> <u>After consideration of the merits of each of the sites in relation to the criteria set out in the NPPF, two of the Local Green Spaces considered have been designated as Local Green Spaces in the Neighbourhood Plan, and one (The Field behind the Sun Inn) more suitable to be included as a ‘Community Facility’ in Neighbourhood Plan policy LM7, and / or registered as a community asset along with the Sun Inn pub.</u></p> <ul style="list-style-type: none"> • Remove Appendix D from the Neighbourhood Plan Document and make available as supporting documentation. 	

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R13	Page 18	Page 27, Policy LM7	<p><u>EXAMINER RECOMMENDATION:</u> Policy LM7 designation v. to be rewritten as follows:</p> <p>“v. The Sun Inn and Field Behind, The Street, Lydiard Millicent, Swindon, SN5 3LU”</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy LM7 as follows: <p>“v. The Sun Inn and Field Behind, The Street, Lydiard Millicent, Swindon, SN5 3LU”</p>	To ensure the community value of the field is recognised in the LMNP in a way that complies with national policy and the Basic Conditions.
R14	Page 18	Page 26, Policy LM8	<p><u>EXAMINER RECOMMENDATION:</u> The second paragraph of Policy LM8 to read as follows:</p> <p>“... Development proposals that lie within the broad location of these Routes will be required to align their connectivity requirements with existing paths and rights of way its objectives, so that the development it contributes to improved connectivity and its successful formation and maintenance of the network, and where appropriate provides better cycle provision as well.”</p> <p><u>REQUIRED MODIFICATION</u></p> <ul style="list-style-type: none"> Amend Policy LM8 as follows: <p>“<u>LM8 – Movement Routes</u> ... Development proposals that lie within the broad location of these Routes will be required to align their connectivity requirements with existing paths and rights of way its objectives, so that the development it contributes to improved connectivity its successful formation and maintenance of the network and where appropriate provides better cycle provision as well. ...”</p>	To ensure clarity of the policy.

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R15	Page 19	Page 26, Policy LM9 and paragraph 5.29. Paragraph 6.4	<p><u>EXAMINER RECOMMENDATION:</u> The LPA may wish to make adjustments if felt necessary to the text of policy in light of recent amendments to the CIL Regulations and the test for S106 contributions.</p> <p><u>REQUIRED MODIFICATIONS:</u></p> <ul style="list-style-type: none"> Amend policy text as follows: <p>“Where appropriate and directly related to new development, enhancements to Movement Routes will be in accordance with the opportunities identified in the Movement Routes Report and agreed with the Parish Council. These will be delivered secured by way of Section 106 agreements or Community Infrastructure Levy contributions as appropriate and /or Community Infrastructure Levy contributions as appropriate.”</p> <ul style="list-style-type: none"> Amend paragraph 5.29 as follows: <p>“Where improvements to Movement Routes, identified in Policy LM8, are required, contributions will be sought through S106 agreements, subject to compliance with the Community Infrastructure Regulations 2010 (as amended), or via CIL contributions as appropriate and will CIL contributions received by the Parish Council may also be used to part-fund these and lever in match funding from other sources where possible.”</p> <ul style="list-style-type: none"> Amend paragraph 6.4 as follows: <p>“... there may be opportunities through S106 agreements (or through any the Community Infrastructure Levy that the Parish Council receives as a result of development within the parish) to secure financial contributions ...”</p>	To ensure that the policy aligns with CIL Regulations.

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R16	Page 8	Page 27 Para 6.2 & Para 6.3	<p><u>EXAMINERS RECOMMENDATION:</u></p> <p>The LPA will be aware however that it is authorised to correct minor errors that have been missed (Town and Country Planning Act 1990 Schedule 4B section 12(6)).</p> <p><u>WILTSHIRE COMMENTS:</u></p> <p>Regarding paragraph 6.3 the Secretary of State cannot call-in a planning application that Wiltshire Council has already granted. Referring to 'matters of national policy significance', the Neighbourhood Plan policies are not strategic policies and not 'national'. It is suggested that this paragraph is deleted so that it does not contravene the NPPF and Planning Policy Guidance and thereby the Neighbourhood Plan meets the Basic Conditions in this regard.</p> <p><u>REQUIRED MODIFICATIONS:</u></p> <ul style="list-style-type: none"> • Amend para 6.2 as follows: <p>6.2 The Wiltshire Council will use a combination of the Local Plan and this Neighbourhood Plan policies to inform and determine its planning application decisions. The Parish Council is a statutory consultee on planning applications made in the Parish and it will be made aware of any future planning applications or alterations to those applications by the planning authority. It will seek to ensure that the Neighbourhood Plan policies have been identified and applied correctly by applicants and by officers in their decision reports.</p> <ul style="list-style-type: none"> • Delete para 6.3 <p>6.3 Where necessary, the Parish Council may seek to persuade the Secretary of State to call-in a planning application that it considers is in conflict with the Neighbourhood Plan but which the planning authority has</p>	Factual updates and correction of errors, in the interest of accuracy and clarity.

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			<i>deemed to consent. Similarly, it may also seek to persuade the Secretary of State to recover an appeal of a refused application, where the conflict with one or more Neighbourhood Plan policies has been important in the reasons for refusal. In both cases, the Parish Council will do so if it considers matters of national policy significance (for neighbourhood planning) are raised.</i>	
R17	N/A	All	REQUIRED MODIFICATIONS: Amend paragraph and section numbers as necessary, as a result of modifications set out in this report. Also ensure plan annexes in logical order.	Consequential change