

# **Lydiard Millicent Neighbourhood Plan**

**Submission Version 2018 – 2036**

**Report of Examination**

**October 2019**

**Undertaken for Wiltshire Council with the support of Lydiard Millicent Parish Council on the submission version of the plan.**



**Independent Examiner:**

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### **Abbreviations used in the text of this report:**

The Lydiard Millicent Neighbourhood Plan is referred to as ‘the Plan’ or ‘LMNP’.

The Qualifying Body, Lydiard Millicent Parish Council, is also referred to as the ‘Parish Council’.

The Local Planning Authority, Wiltshire Council, is abbreviated to ‘LPA’.

The National Planning Policy Framework is abbreviated to ‘NPPF’.

The National Planning Practice Guidance is abbreviated to ‘NPPG’.

The Wiltshire Core Strategy 2015 is abbreviated to ‘WCS’ or ‘Wiltshire CS’

The North Wiltshire Local Plan 2006 is abbreviated to NWLP2006

## Summary

- I have undertaken the examination of the LMNP during September and October 2019 and detail the results of that examination in this report.
- The Qualifying Body have undertaken extensive consultation on this Plan, and it complies with legislative requirements. The Plan is focused on nine key policies and issues for the Parish and is well organised and illustrated. The Wiltshire Core Strategy (WCS) provides a current strategic policy framework.
- I have considered the comments made at the Regulation 16 Publicity Stage, and where relevant these have to an extent informed some of the recommended modifications.
- Subject to the modifications recommended, the Plan meets the basic conditions and may proceed to referendum.
- I recommend the referendum boundary is the designated neighbourhood plan area.

**Acknowledgements:** Thanks to Local Authority and qualifying body staff for their assistance with this examination. My compliments to the local community volunteers and Lydiard Millicent Parish Council, who have produced a concise and extensively evidenced Plan, suited to local needs.

# 1. Introduction and Background

## 1.1 Neighbourhood Development Plans

1.1.1 The Localism Act 2011 empowered local communities to develop planning policy for their area by drawing up neighbourhood plans. For the first time, a community-led plan that is successful at referendum becomes part of the statutory development plan for their planning authority.

1.1.2 Giving communities greater control over planning policy in this way is intended to encourage positive planning for sustainable development. The National Planning Policy Framework (NPPF para 29) states that:

“neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood Plans can ... help to deliver sustainable development”.

Further advice on the preparation of neighbourhood plans is contained in the Government’s Planning Practice Guidance website:

<http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/>

1.1.3 Neighbourhood plans can only be prepared by a ‘qualifying body’, and in Lydiard Millicent that is the Lydiard Millicent Parish Council. Drawing up the Neighbourhood Plan was undertaken by a steering group, working to the Parish Council.

## 1.2 Independent Examination

1.2.1 Once the Parish Council had prepared their neighbourhood plan and consulted on it, they submitted it to Wiltshire Council. After publicising the plan with a further opportunity for comment, Wiltshire Council were required to appoint an Independent Examiner, with the agreement of the Parish Council to that appointment.

1.2.2 I have been appointed to be the Independent Examiner for this plan. I am a chartered Town Planner with over thirty years of local authority and voluntary sector planning experience in development management, planning policy and project management. I have been working with communities for many years, and have recently concentrated on supporting groups producing neighbourhood plans. I have been appointed through the Neighbourhood Plan Independent Examiners Referral Service (NPIERS). I am independent of any local connections to Lydiard Millicent and Wiltshire Council, and have no conflict of interest that would exclude me from examining this plan.

1.2.3 As the Independent Examiner I am required to produce this report and recommend either:

- (a) That the neighbourhood plan is submitted to a referendum without changes; or
- (b) That modifications are made and that the modified neighbourhood plan is submitted to a referendum; or
- (c) That the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.2.4 The legal requirements are firstly that the Plan meets the 'Basic Conditions', which I consider in sections 3 and 4 below. The Plan also needs to meet the following requirements under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990:

- It has been prepared and submitted for examination by a qualifying body;
- It has been prepared for an area that has been properly designated by the Local Planning Authority;
- It specifies the period during which it has effect;
- It does not include provisions and policies for excluded development;
- It does not relate to land outside the designated neighbourhood area.

The Lydiard Millicent Neighbourhood Plan (LMNP) complies with the requirements of Paragraph 8(1). The Neighbourhood Area was designated on 20<sup>th</sup> September 2017 by Wiltshire Council. The Parish Council had been part of a wider consortium of Parish Councils looking to produce a joint neighbourhood plan, but when this began to break up, they decided to continue with a Plan for their parish on its own. The plan does not relate to land outside the designated Neighbourhood Area. It specifies the period during which it has effect as 2018 – 2036 and has been submitted and prepared by a qualifying body and people working to that qualifying body. It does not include policies about excluded development; effectively mineral and waste development or strategic infrastructure.

1.2.5 I made an unaccompanied site visit to Lydiard Millicent to familiarise myself with the area and visit relevant sites and areas affected by the policies. This examination has been dealt with by written representations, as I did not consider a hearing necessary.

1.2.6 I am also required to consider whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to a referendum. I make my recommendation on this in section 5 at the end of this report.

## **1.3 Planning Policy Context**

1.3.1 The Development Plan for Wiltshire, not including documents relating to excluded mineral and waste development, is the Wiltshire Core Strategy (WCS) 2015 and the saved policies of the North Wiltshire Local Plan (NWLP2006) adopted 2006. The Core Strategy's policies are strategic, and the LPA have advised me that they consider saved policies H4, R1 and R2 in the NWLP2006 as strategic. The Local Plan Review is an emerging policy document, and therefore not yet directly relevant to my Basic Conditions review of the Lydiard Millicent NP.

1.3.2 The National Planning Policy Framework (NPPF) sets out government planning policy for England, and the National Planning Practice Guidance (NPPG) website offers guidance on how this policy should be implemented. The recent revision of the NPPF applies for this Plan and examination.

1.3.3 During my examination of the LMNP I have considered the following documents:

- National Planning Policy Framework (NPPF) 2019
- National Planning Practice Guidance (NPPG) 2014 and as updated
- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- The Localism Act 2011
- The Neighbourhood Planning Regulations 2012 (as amended)
- Submission version of the Lydiard Millicent Neighbourhood Plan (LMNP)
- The Basic Conditions Statement submitted with the LMNP
- The Consultation Statement submitted with the LMNP
- The Strategic Environmental Assessment Screening Decision for the LMNP
- Neighbourhood Area Designation (map)
- Wiltshire Core Strategy 2015
- North Wiltshire Local Plan 2006 – saved policies
- Representations received during the publicity period (reg16 consultation)

## 2. Plan Preparation and Consultation

### 2.1 Pre-submission Process and Consultation

2.1.1 Lydiard Millicent is a village and parish in Wiltshire, immediately to the west of the boundary with the Borough of Swindon. The Parish also includes the hamlets of Lydiard Green, Lydiard Plain, Green Hill and Greatfield. The Parish has a linear shape, stretching east - west, but narrow in a north – south direction. Besides the village and settlements the surrounding countryside is agricultural with significant woodland areas.

2.1.2 The Parish Council had a Parish Plan, that had been updated before the power to develop neighbourhood plans came into being. Prior to the parish neighbourhood area being designated, consultation work was undertaken on a chapter for the Parish within a neighbourhood plan that was to cover a group of villages in the North East of Wiltshire (NEW-V group).

2.1.3 The Steering Group carried on from work on the NEW-V plan to develop the LMNP. Professional assistance was sought, and progress was reported back to the Parish Council monthly meeting and on the dedicated website. The Steering Group also had monthly meetings and reports of consultation events and other Plan news was reported in the monthly Lydiards Magazine.

2.1.4 The Consultation Statement sets out the nature and form of consultation prior to the formal Reg14 six week consultation. Community Meetings were held in 2017 and 2018, advertised in the Swindon Advertiser in March 2017, to present the latest draft of the LMNP. With the help of consultants, a pre-submission Plan was ready for consultation at the end of 2018.

2.1.5 As required by regulation 14 of the Neighbourhood Planning Regulations 2012, the formal consultation on the pre-submission LMNP ran from the 10<sup>th</sup> December 2018 to the 1<sup>st</sup> February 2019. The six weeks required for consultation was extended due to the Christmas and New Year holiday occurring within the consultation period. The draft Plan and notification of the consultation could be downloaded from the Neighbourhood Plan website. A leaflet was delivered to all properties in the Parish, detailing where the Draft Plan could be viewed, and how to respond to it by post, email, on the website or in person. Hard copies were available to view at several locations within the Parish. Statutory bodies and landowners were notified of the consultation by letter or email.

2.1.6 Ten Representations were received during the Reg14 consultation period, and with minor revisions to the Draft Plan, it went to the Parish Council for agreement to formal submission to the

LPA. I am satisfied that due process has been followed during the consultation undertaken on the Plan. The Consultation Statement details all consultation activities, and the record of comments and objections received during the regulation 14 consultation shows that these were properly considered.

2.1.8 As required, the amended plan, together with a Basic Conditions Statement, a Consultation Statement, the Screening Opinion and a plan showing the neighbourhood area was submitted to Wiltshire Council on the 21<sup>st</sup> May 2019.

## **2.2 Regulation 16 Consultation Responses**

2.2.1 Wiltshire Council undertook the Reg 16 consultation and publicity on the LMNP for six weeks, from the 8<sup>th</sup> July to the 19<sup>th</sup> August 2019. Eleven representations were received during this consultation. Five statutory bodies had no specific comments to make on this Plan but some offered general guidance. Five landowners, normally via agents commented on the Plan, and sometimes offered evidence to support those comments. The LPA offered detailed comments on accuracy and clarity, which the Qualifying Body have responded to, often accepting the points made.

2.2.2 Issues that comments and objections from the Reg16 consultation raise which are pertinent to my consideration of whether the Plan meets the basic conditions, are considered in sections 3 and 4 of this report. I am specifically limited by legislation to correcting with recommended modifications the Plan's compliance with the Basic Conditions and other legal requirements. Comments in the Reg16 responses suggesting significant additions, such as new sites or designations, are not something this examination is authorised to consider. Notification of minor corrections needed to the text are very useful, but again cannot be the subject of any modifications I recommend. The LPA will be aware however 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 to Policies as needed. This power is also available to facilitate minor alterations suggested by the LPA at Reg16 which have been agreed by the qualifying body.



### 3. Compliance with the Basic Conditions Part 1

3.1 General legislative requirements of the 1990 Town and Country Planning Act (TCPA) other than the Basic Conditions are set out in paragraph 1.2.4 above. The same section of this report considers that the LMNP has complied with these requirements. What this examination must now consider is whether the Plan complies with the Basic Conditions, which state it must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with and not breach European Union (EU) obligations including the habitats basic condition (2017 as amended) and comply with human rights law.

3.2 The Basic Conditions Statement has assessed each policy in terms of how far it promotes the social, economic and environmental goals of sustainable development, or whether it has a negative impact. The assessment considers the impact of policies either neutral or negative, with transport and design policies having a positive environmental impact. Local green space and community facilities policies are judged to have a positive social sustainability impact, while promotion of local shops and businesses has a positive impact on economic sustainability. I accept that the Plan does contribute to sustainable development in line with the Basic Conditions.

3.3 Screening opinions have been issued by Wiltshire Council which consider whether Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Appropriate Assessment are required for the LMNP. These environmental requirements in EU law are the main EU Directives that neighbourhood plans need to comply with. The Screening opinion states that:

“Wiltshire Council considers that the proposed Lydiard Millicent Neighbourhood Plan is unlikely to have significant environmental effects and accordingly does not require a Strategic Environmental Assessment.” (*para 5.3*)

The HRA Screening Report (*para 5.2*) states:

“The Lydiard Millicent Parish Neighbourhood Plan would have no likely significant effects upon the Natura 2000 network alone or in combination, and as such no appropriate assessment is considered necessary by Wiltshire Council as the competent authority.”

3.4 The LMNP in my view complies with Human Rights Legislation. It has not been challenged with regard to this, and the Basic Conditions Statement states that the Steering Group were mindful of the fundamental rights and freedoms guaranteed under the Human Rights Act during the preparation of the Plan.

## 4. Compliance with the Basic Conditions Part 2: National Policy and the Development Plan

4.1 The final and most complex aspect of the Basic Conditions to consider is whether the LMNP meets the requirements as regards national policy and the development plan. This means firstly that the Plan must have regard to national policy and guidance, which for this neighbourhood plan is the NPPF 2019 and the NPPG. Secondly the Plan must be in general conformity with the strategic policies of the development plan. The phrase ‘general conformity’ allows for some flexibility. If I determine that the Plan as submitted does not comply with the Basic Conditions, I may recommend modifications that would rectify the non-compliance.

4.2 The Plan and its policies are considered below in terms of whether they comply with the Basic Conditions as regards national policy and the development plan. If not, then modifications required to bring the plan into conformity are recommended.

Modifications are boxed in this report, with text to *remain in italics*, new text **highlighted in Bold** and text to be deleted ~~shown but struck through~~. Instructions for alterations are underlined.

4.3 Some updating of the Plan will be needed, for example in the Foreword, but generally the Plan reads well. Its introduction is comprehensive, and it then deals with chosen issues concisely with appropriate and clear illustrations and plans.

4.4 **Policy LM1 – Managing Design in Lydiard Millicent** The policy looks to promote good design that sustains and enhances local distinctiveness in Lydiard Millicent. The policy wording defines an area considered to be ‘Lydiard Millicent’ with reference to the Policies Map, on which an area with a clear boundary is shown. This definition on plan has been seen as a development boundary for Lydiard Millicent, and Policy LM1 does then go on to discuss ‘infill development within the built area of Lydiard Millicent’ being supported. A development boundary is not formally defined in Policy LM1, but the combined effect of the policy wording and showing a boundary to this design policy effectively produces one, without any evidence to support it.

4.4.1 The NWLP2001 showed a development boundary for Lydiard Millicent, but this policy was not saved and is now replaced by policies CP1 and CP2 of the WCS. The Core Strategy is clear in Appendix F that the settlement boundary for Lydiard Millicent has been removed. Effectively

showing a development boundary for Lydiard Millicent in this Plan is therefore not in general conformity with the development plan, and also does not have the clarity required of policy by the NPPF (para 16) or the evidential support required by the NPPG (ID 41-041-20140306).

4.4.2 An issue of clarity has also been raised with regard to criteria vi) of the policy and use of the term 'local vernacular'. The Character Appraisal for Lydiard Millicent and Lydiard Green gives enough indication of local vernacular in my opinion, but it does not expand on 'a rural outlook in the centre of the village'. In the absence of any further explanation of the concept criteria vi) is also not paying due regard to National Policy in that it does not have the required clarity of policy.

4.4.3 In order that Policy LM1 meets the Basic Conditions with regard to regard for national policy and guidance, and is in general compliance with the development plan, I recommend it and, the Policies Map, are amended as shown in Modification 1.

**Modification 1:** The first paragraph of Policy LM1 to be amended as follows:

*"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. ..."*

Criteria vi) to be deleted.

The Policies Map Inset A to remove the blue/grey shaded area designating the limits of Lydiard Millicent for the purposes of Policy LM1.

4.5 **Policy LM2 – Managing Design in Lydiard Green** The policy defines on the Policies Map the area considered to be the built area of Lydiard Green in the same way as Policy LM1 does for Lydiard Millicent. For similar reasons as given for Policy LM1 therefore, I recommend that Policy LM2 and the Policies Map is amended as shown in Modification 2 in order that the policy complies with the Basic Conditions and has due regard for national policy and guidance, and is in general compliance with the development plan. I have considered the criticism that the requirement for 'relatively large open green spaces between properties' could be taken to prevent small homes and gardens, but in fact the requirement is not requiring large gardens for each property, and could apply equally to the setting of a group of smaller homes.

**Modification 2:** The first paragraph of Policy LM2 to be amended as follows:

*“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.” ...*

The Policies Map Inset A to remove the blue/green shaded area designating the limits of Lydiard Green for the purposes of Policy LM2.

**4.6 Policy LM3 – Local Gaps** The policy defines a local gap which is shown on the Policies Map in order that the settlement of Lydiard Millicent does not coalesce with Swindon, which is about 500m distant from the nearest point of Lydiard Millicent. Although the policy actually defines two areas, to the north and south of the main road through the village, I could see no reason for the distinction as the overall gap defined is continuous.

4.6.1 The policy has been criticised as being contrary to the Basic Conditions because it is strategic. However Policy CP1 in the WCS states that development in Small Villages will be limited to infill within the existing build area, and Lydiard Millicent is defined as a Small Village. Policy CP51 criteria iii) states that development proposals will need to demonstrate that the following aspect of landscape has been conserved and where possible enhanced:

“The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe”.

Justification text for Policy CP51 (para 6.85) also invites neighbourhood plans to consider protection in the Community Area that includes Lydiard Millicent. Policy LM3 is therefore in general conformity with strategic policy in the development plan, and offering local detail for it – a key role of neighbourhood plans and specifically requested in the WCS.

4.6.2 Policy LM3 has also been criticised for being too restrictive of development and a ‘no development gap’ policy. In fact the policy wording does not ban any development, it states that development will not be supported if it harms the open character of the defined local gap. I find this wording consistent with the requirements of Policy CP51 of the WCS and therefore not any more restrictive than the WCS intended.

4.6.3 There is evidence supporting the policy in Appendix B, including from previous landscape character assessments, but the LPA have pointed out several instances where policy is quoted inaccurately, and the support offered by Policy CP51 of the WCS is not adequately indicated. In order that the Plan is seen to be supported by adequate evidence, as required by the NPPG (ID 41-041-20140306) corrections should be made as indicated in Modification 3.

4.6.4 A specific request has been made for the exclusion of a section of mainly woodland fronting and to the SW of Tewkesbury Way, on the basis that this land is not open agricultural land and does not contribute to the open character sought to be maintained by the policy. I have considered the policy requirement of LM3, which is looking to prevent the coalescence of settlements rather than the protection of agricultural land, all be it that most of the gap is open agricultural land. The strategic policy that supports Policy LM3, Policy CP51 in the WCS is looking to maintain the separate identity of settlements, and in this regard taking the boundary of the local gap up to Tewkesbury Way is visually sensible. The wooded nature of this small strip of land to the SW of the road is a visual barrier that helps maintain visual separation of the settlements. It's immediate proximity to the road and urban development on the northern side of Tewkesbury Way contributes to the transition between man-made and natural landscapes at the urban fringe required by criteria iii) of Policy CP51.

4.6.5 A further submission has offered alternative landscape evidence from Indigo Landscape Architects that proposes the local gap should be defined differently. The study has considered landscape form and topography, and looked at the area of separation needed to create a visual separation effect from the two roads heading to Swindon from Lydiard Millicent – Holborn and Stone Lane in Figure 7. I do not accept that the assertion in the key to Figure 7 that states these areas are the “area essential to maintain the physical separation of Lydiard Millicent and Swindon”, they are, as described in the title of Figure 7, the “essential landscape gap area along local roads”. Figure 6 of the same study has considered the area needed for a visual separation of the village from Swindon, and although this designated area often extends only 200m or less from the existing village, it wraps around the village to the north so that over a half of the boundary of the built form in Lydiard Millicent would be identified as the local gap.

4.6.6 The Indigo study is well presented and detailed, although I have reservations about the lack of consideration of the need for visual and physical separation of settlements along the public footpath network between Lydiard Millicent and Swindon as well as the road network. Separation

is not just needed for the view and living experience from dwellings on the edge of settlements, but from the experience of place more generally. Walking along a footpath more directly experiences a rural environment with several senses and for longer than views taken from a road.

4.6.7 This examination cannot so significantly alter the defined local gap as is proposed here, however detailed the evidence submitted. The proposed alteration and significant extension of the local gap has not had the benefit of any community consultation. For the purposes of my examination I have to decide if the proposed local gap meets the Basic Conditions which includes a consideration of whether it is supported by evidence, and is a reasonable application of policy in the development plan. Much of the proposed gap in the vicinity of Holborn (road and hamlet) is supported by the Indigo Study. My site visit along the footpaths leading SE from Lydiard Millicent, including path LMIL80 and LMIL84 confirmed for me that the field including these paths was reasonably included within the local gap as well. The evidence of Appendix B does not have the benefit of extensive landscape analysis, but it does quote landscape character studies that have identified coalescence as a potential threat. When policy considerations are amended as discussed above I am content that it is an adequate and proportionate evidence base for the policy. The development plan policy requirement that settlement coalescence be avoided, particularly in this Community Area, supports defining a local gap where visual separation and openness as well as physical separation is required. Drawing the boundaries of the gap around land identified on plan as the area where Swindon and Lydiard Millicent come closest is justified in circumstances where proximity is no more than 500m at the nearest point, and potential coalescence is clearly an issue, physically as well as visually. Boundaries have been drawn using existing features such as field boundaries, as is generally good practice.

4.6.7 Checking with the Qualifying Body during the course of this examination revealed that they were happy for the gap to be considered as a single entity. For the clarity required of policy in the NPPF [para 16] I recommend that Policy LP3 and the Policies Map are amended to show and describe the local gap as one area. Together with amendment of the evidence base, the policy will comply with the Basic Conditions. Deleted text describing the boundary may be added to the justification, which will also need to be amended by amalgamating paras 5.14 and 5.15 so that a single area is being described.

**Modification 3:** Policy LM3 to be amended as follows:

~~“The Neighbourhood Plan defines the following~~ **A Local Gap, is defined** *as shown on the Policies Map for the purpose of preventing the coalescence of the village of Lydiard Millicent with Swindon.*

~~i. The Street/Holborn, Lydiard Millicent and Middleleaze, Swindon~~

~~ii. Park Lane, Lydiard Millicent and Tewkesbury Way, Swindon~~

*Development proposals within the Local Gap will only be supported if they do not harm, individually or cumulatively, its open character.”*

The Policies Map to show the Local Gap as one contiguous area covering the previously identified areas.

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.

**4.7 Policy LM4 – Local Views** The evidence base for the identified views supports them well. The policy requirements are not unreasonable in situations where the views may be impacted by significant development, but at present the policy could be read as requiring all development proposals to undertake the extensive visual analysis of potential impact on them regardless of the appropriateness of this. For more minor developments this could increase the costs of a development to a point where government guidance on the need to avoid unrealistic costs and keep sustainable development deliverable has not been met. In order that due regard is given to the need for positive planning (NPPF para16) and realistic costs (NPPG ID 41-048-20140306) and Policy LM4 complies with the Basic Conditions, I recommend it is modified as shown in Modification 4.

**Modification 4:** Policy LM4 to be amended as follows:

*“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.”*



**4.8 Policy LM5 – Local Green Spaces** The policy has designated three areas of open space as Local Green Spaces (LGS), under powers granted to neighbourhood plans in the NPPF (paras 99-100). There is evidence provided for the reasons for designation in Annex D, although this evidence is not always as complete or in every case adequate.

4.8.1 Site i) the field behind the Sun Inn is justified for designation with reference to its use for certain community events that are very popular, and a footpath crossing it. My visit revealed no feature of it that could be considered ‘demonstrably special’ however, either for recreational use, or any other attribute suggested as a reason for designation by the policy in the NPPF. The designation is not therefore paying due regard to national policy in the NPPF. As the Sun Inn itself is proposed as a community facility, the field behind it could be added to this designation as it has community value.

4.8.2 Site ii) The recreational field on Chestnut Springs has extensive provision for recreational use, as stated in Annex D, and it is a suitable site for designation as LGS for its recreational value.

4.8.3 Site iii) The community field adjacent to the Parish Hall, and directly to the south of the listed All Saints Church is within the Lydiard Millicent Conservation Area. The reason given for designation are views obtained from it of the church and south out to the Marlborough Downs. Plans to landscape the area are also mentioned in support of designation, although designation has to be based on current attributes, not future plans. I find a key reason to designate this site as LGS 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. This reason should be added to the evidence quoted for designation, either in the justification text or within Annex D. On account of its historic value designation as LGS is justified.

4.8.4 In order that Policy LM5 and designation of LGS pays due regard to national policy and complies with the Basic Conditions, I recommend that it is amended as shown in Modification 5. I consider the use of the phrase ‘very special circumstances’ acceptable for protection of LGS; it would be understood to include works to improve the space and the reason for which it was designated, including the landscaping works proposed for the field adjacent to the Parish Hall.

**Modification 5:** Policy LM5 and its justification to be amended as follows:

Site i) to be removed from the policy, and other sites renumbered accordingly in the policy and on the proposals map.

The justification for site iii) to include mention of the historic value of the site.

**4.9 Policy LM6 – Local Shops and Employment Sites** Complies with the Basic Conditions.

**4.10 Policy LM7 – Community Facilities** As discussed above in para 4.8.1 of this report, the field behind the Sun Inn is not suitable for designation as LGS. However due to its community value it can be added to this policy as part of the Sun Inn designation as a community facility. I recommend that in order that the intended community value of the Field behind the Sun Inn is recognised in the LMNP in a way that complies with national policy and the Basic Conditions, Policy LM7 is modified as shown in Modification 6.

**Modification 6:** *Policy LM7 designation v. to be rewritten as follows:*

*“v. The Sun Inn **and Field Behind, The Street, Lydiard Millicent, Swindon SN5 3LU**”*

**4.11 Policy LM8 – Movement Routes** The policy has been criticised for being vague in places, and I agree that the second paragraph does not have the clarity required of policy by the NPPF. The Qualifying Body has suggested alternative wording, which is useful and has informed my recommendation. In order that Policy LM8 meets the Basic Conditions with regard to having due regard to national policy, I recommend that it is modified as shown in Modification 7.

**Modification 7:** The second paragraph of Policy LM8 to read as follows:

*“...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.”**...*

**4.12 Policy LM9 – Enhancements to Movement Routes** It has been suggested that the Policy may need adjusting in the light of recent amendments to the CIL Regulations and the test for s106 contributions. The LPA may make adjustments to the text if felt necessary, but my view is that the wording ‘as appropriate’ at the end of the policy allows for any adjustment required. The Policy complies with the Basic Conditions.

## 5. The Referendum Boundary

5.1 The Lydiard Millicent Neighbourhood Plan has no policy or proposals that have a significant enough impact beyond the designated Neighbourhood Plan Boundary that would require the referendum boundary to extend beyond the Plan boundary. Therefore I recommend that the boundary for the purposes of any future referendum on the Lydiard Millicent Neighbourhood Plan 2018 – 2036 shall be the boundary of the designated Neighbourhood Area for the Plan.