

MARLBOROUGH AREA NEIGHBOURHOOD PLAN

2021 – 2036

BASIC CONDITIONS STATEMENT

Published by Marlborough Town Council, Mildenhall Parish Council and Savernake Parish Council
under the Neighbourhood Planning (General) Regulations 2012 (as amended)

August 2021

1.INTRODUCTION

1.1 This statement has been prepared by Marlborough Town Council, Mildenhall Parish Council and Savernake Parish Council (“the Councils”) to accompany their submission of the Marlborough Area Neighbourhood Plan (“the Neighbourhood Plan”) to the local planning authority, Wiltshire Council, under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”).

1.2 The Neighbourhood Plan has been prepared by the Councils for the designated Neighbourhood Area, with Marlborough Town Council acting as the Qualifying Body in respect of the Regulations. The Area coincides with the parish boundaries of the Councils, and which was designated by Wiltshire Council on 18 November 2020 for this purpose (see Plan A overleaf). This designation replaced an earlier designation area boundary of 2016 following the withdrawal from the project of one of the original Parish Councils.

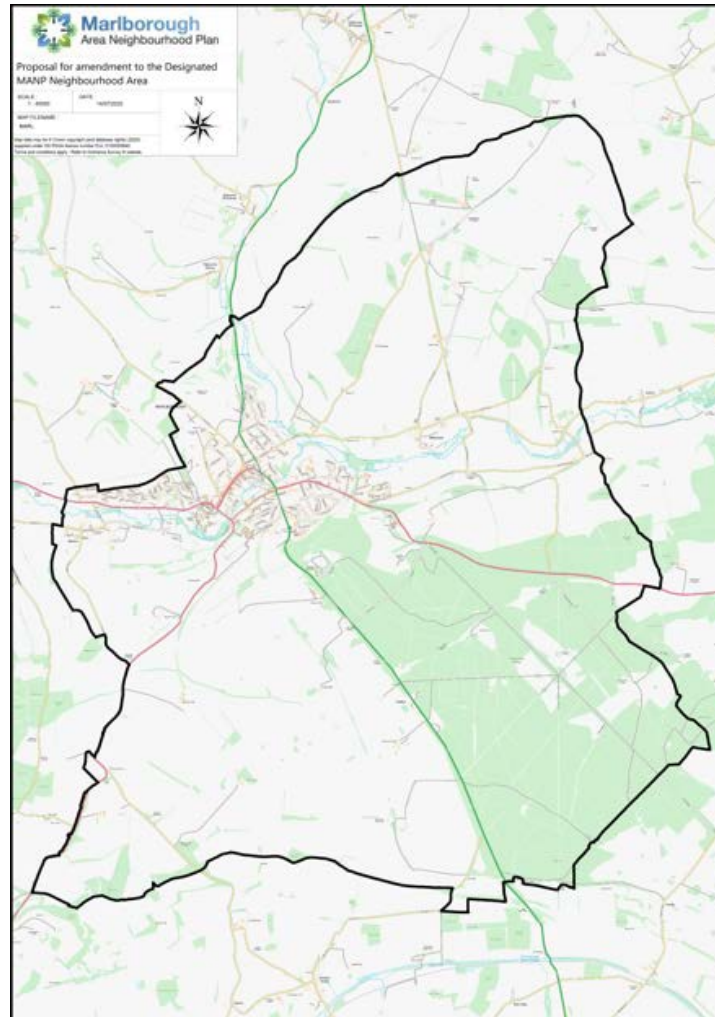
1.3 The Councils have informally and formally consulted the local community, the statutory bodies and other stakeholders throughout the preparation of the Neighbourhood Plan since 2016, as required by the Regulations. This is detailed in the Consultation Statement, which is published separately as part of the submission documentation.

1.4 The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. They do not relate to ‘excluded development’, as defined by the Regulations. The plan period of the Neighbourhood Plan is from 1 April 2021 to 31 March 2036, which corresponds with the end of the plan period of the emerging Wiltshire Local Plan.

1.5 The statement addresses each of the ‘Basic Conditions’ required of the Regulations and explains how the submitted Neighbourhood Plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Town & Country Planning Act. The Regulations state that a Neighbourhood Plan will be considered to have met the conditions if:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Development Plan,
- The making of the Neighbourhood Development Plan contributes to the achievement of sustainable development,
- The making of the Neighbourhood Development Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area),
- The making of the Neighbourhood Development Plan does not breach, and is otherwise compatible with EU obligations,

- The making of the neighbourhood plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017, which set out the habitat regulation assessment process for land use plans, including consideration of the effect on habitats sites.



Plan A: Designated Neighbourhood Area

2.BACKGROUND

2.1 The decision to proceed with a Neighbourhood Plan was made by the Councils in 2016. The key driver of this decision was a sense of wanting to plan positively for the future of the area, with the encouragement of Wiltshire Council to local communities across the County to prepare Neighbourhood Plans. The area has a range of environmental constraints which are vital to conserve and manage: the Area lies in the North Wessex Downs AONB, there is a wealth of nationally important heritage assets, part of the Savernake Forest SSSI lies in the Area, there are areas of flood risk and there are capacity constraints in the local infrastructure. At the same time, there has been a growing concern over the future sustainability of the town, borne out during the community engagement activities, especially in respect of access to affordable housing. The Councils have therefore brought forward the Neighbourhood Plan to tackle and balance these competing objectives.

2.2 A steering group was formed comprising the residents and Council representatives. The group has been delegated authority by the Councils to make day-to-day decisions on the preparation of the Neighbourhood Plan. However, the Councils have approved the publication of the Pre-Submission and Submission versions of the Neighbourhood Plan. The withdrawal of one of the original Parish Councils from the project in 2020 required the designation of a modified Neighbourhood Area. This has not had a significant effect on the project as few of the emerging policy proposals related to the former area and it comprised only a very small population in comparison to that of the original designated area.

2.3 The Councils have consulted local communities extensively over the duration of the project. They have also worked closely with officers of Wiltshire Council to collate and examine the evidence base; to design and iterate policy proposals; and to define an effective relationship between the Neighbourhood Plan and the strategic and non-strategic policies of the adopted Core Strategy and emerging Local Plan. This has resulted in Wiltshire Council generally supporting the Neighbourhood Plan proposals, but there remain some matters of disagreement and these are identified in Section 3.

2.4 The Neighbourhood Plan contains 19 land use policies, some of which are defined on the Policies Map. The Plan has deliberately avoided containing policies that unnecessarily duplicate saved or forthcoming development plan policies or national policies that are used to determine planning applications. The policies are therefore a combination of site-specific allocations or other proposals and of development management matters that seek to deliver national planning objectives and complement and refine Local Plan policies for this designated neighbourhood area.

3. SUMMARY OF LOCAL PLANNING AUTHORITY POSITION

3.1 This summary has been designed to make clear at the Regulation 15 stage the position of Wiltshire Council in respect of whether or not in its planning judgement the Neighbourhood Plan meets the basic conditions. The Project Steering Group has included in the Consultation Statement information on how it has responded to representations made at the Regulation 14 stage by Wiltshire Council for the benefit of the examiner (as the equivalent to a 'statement of common ground').

3.2 In this respect, the Project Steering Group acknowledges that the Planning Practice Guidance (§41-053) states that "it is only after the independent examination has taken place and after the examiner's report has been received that the local planning authority comes to its formal view on whether the draft neighbourhood plan meets the basic conditions." However, it is also mindful that, once submitted for examination, it has no further opportunity itself to modify the Neighbourhood Plan.

3.3 Further, S12(4) of Schedule 4B of the Town & Country Planning Act 1990 defines the local planning authority as the decision maker in respect of determining if the basic conditions have been met in order to make a neighbourhood plan, with modifications to the submitted plan as necessary. But, the Planning Practice Guidance regards the task of arriving at a planning judgement to be shared by the local planning authority, the qualifying body and examiner during the examination, in collectively considering if the basic conditions have been met (§41-070 and §41-074). In which case, it is vital that both the qualifying body and the examiner are left in no doubt as to the position of the local planning authority at the Regulation 15 stage.

3.4 The schedule below shows the final position that the Project Steering Group has reached with Wiltshire Council. It support for a policy may be subject to some minor modifications in respect of policy wording preferences. Where it does not support a policy, there is a summary explanation for why it considers one or more basic conditions are not met. The Councils' arguments in favour of those policies are included in the relevant section(s) of this Statement.

Policy No.	LPA Position	Explanation/Notes
MARL1	OBJECT	<ul style="list-style-type: none"> There is insufficient LVIA evidence to support the Salisbury Road and Barton Dene allocations so has not had regard to national policy There is insufficient ecology evidence to support the Salisbury Road allocation so has not had regard to national policy There is insufficient deliverability evidence to justify the safeguarding of land at Barton Dene for a new medical facility so has not had regard to national policy There is no overwhelming public benefit arising from the Salisbury Road or Barton Dene allocations to meet the exceptional circumstances of NPPF §177 so has not had regard to national policy The flood risk sequential test cannot be met by the Kelham Gardens allocation so has not had regard to national policy The Cherry Orchard allocation cannot deliver as many as 30 homes so has not had regard to national policy
MARL2	SUPPORT	
MARL3	SUPPORT	
MARL4	SUPPORT	<ul style="list-style-type: none"> Agreed that the emerging Local Plan will aim to take forward town centre planning policy from this interim policy position
MARL5	SUPPORT	
MARL6	SUPPORT	
MARL7	SUPPORT	
MARL8	SUPPORT	
MARL9	SUPPORT	
MARL10	SUPPORT	<ul style="list-style-type: none"> Agreed to carry out a review of the Conservation Area boundary when resources allow
MARL11	SUPPORT	
MARL12	SUPPORT	
MARL13	SUPPORT	
MARL14	SUPPORT	
MARL15	OBJECT (PART)	<ul style="list-style-type: none"> LGS 7 'Land at Barton Park' does not meet the NPPF §102 tests and so has not had regard to national policy
MARL16	OBJECT (PART)	<ul style="list-style-type: none"> Clause B is inconsistent with NPPF §80(e) in seeking to prevent isolated homes in the countryside and so has not had regard to national policy
MARL17	SUPPORT	
MARL18	SUPPORT	
MARL19	UNSURE	<ul style="list-style-type: none"> No comments have been made on the updated policy.

4. CONFORMITY WITH NATIONAL PLANNING POLICY

4.1 The Neighbourhood Plan has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of formulating Neighbourhood Plans. The NPPF was first published in 2012 and subsequently revised during the project in February 2019. It is this latter version that has guided the preparation of the Neighbourhood Plan. However, during the Councils' approval of the submission documentation, MHCLG published a 2021 edition. For completeness, this Statement now includes references to that latest version in this section.

4.2 In overall terms, there are four NPPF paragraphs (§13, §16, §28 and §29) that provide general guidance on neighbourhood planning, to which the Neighbourhood Plan has directly responded. Firstly, it has sought to anticipate and "support the delivery of strategic policies contained in the local plans ... (in order to) shape and direct development that is outside of these strategic policies" (§13). Secondly, the Neighbourhood Plan has been "prepared positively, in a way that is aspirational but deliverable", contains "policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals", and "serves a clear purpose, avoiding unnecessary duplication of policies" (§16).

4.3 Thirdly, its non-strategic policies "include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies" (§28). And finally, it does "not promote less development than set out in the strategic policies for the area or undermine those strategic policies" (§29).

4.4 Consideration has also had to be given to other changes made to the planning system since 2016, most notably in respect of the new Class E of the amended Use Class Order 1987 (from September 2020) and various changes to 'permitted development rights' under the amended General Permitted Development Order 2015 that have already been enacted or are due to come in force soon. In addition, the Councils are mindful of the Government's intentions to make further changes to the system (in its Planning White Paper of August 2020), including to the role and process of preparing development plans, that may be implemented earlier in the lifetime of the made Neighbourhood Plan.

4.5 The table below demonstrates how each policy is consistent with national policy. The commentary column indicates where a balancing exercise has been necessary.

Table A: Neighbourhood Plan & NPPF Conformity Summary		
No.	Policy Title	Commentary
MARL1	Delivering affordable homes in Marlborough	<p>The four sites allocated are a mix of brownfield and greenfield in and on the edge of the town. Collectively they will deliver approx. 130 new homes, including 61 (47%) affordable homes. In a Marlborough context the policy significantly boosts the supply of homes of a higher than normal proportion of affordable types in an area where they are needed (§60). A housing needs assessment has clearly shown the scale of that need is many hundreds of homes (§61), to which the policy can only partially respond given its acknowledged environmental constraints. Crucially, the Project Steering Group has used its leverage of those constraints to secure the support of the respective landowners for a 50% affordable proportion on the greenfield sites (compared to the Core Strategy 40%) and 40% on the brownfield sites (§63). This maximises the affordable housing outcome from the number of open market homes required to support their deliver, and is a central plank of the Neighbourhood Plan vision. The precise mix of affordable home types and tenures is left to Wiltshire Council's policies, but it was agreed with Marlborough College that a proportion of the homes would be made available to let to its employees as part of its own housing stock, which is an effective substitute in the local housing market for affordable homes. As the town's largest employer it is vital that it is able to recruit and retain staff.</p> <p>The policies identify key (but not all) development and design principles that are required to be addressed in subsequent planning applications if those proposals are to secure the benefit of being in conformity with the development plan. They may form planning conditions and obligations and in each case the landowner has agreed that such principles are necessary, relevant and reasonable (§56 - §58). In doing so, they have also each stated that the allocation policy is considered viable and so no separate viability assessment has been necessary. Given they are the landowners, not developers with options to maximise value, the community can be confident that these requirements will be priced into the value of the land and will not be traded off later in the development management process.</p> <p>In each case, the site assessment process (outlined in detail in the separate Site Assessment Report) has gathered and analysed relevant, up-to-date and proportionate evidence from the land interests and other (primarily Wiltshire Council) sources (§31). As ever, there is a desire to seek more evidence but the Project Steering Group is not resourced to do so even though it has maximised the value of its grant and technical support. It has therefore focused on the essential evidence, which includes the parallel Sustainability Appraisal (SA/SEA) that has been</p>

		<p>synchronised with the evolution of the site assessment process, as per the Regulations, PPG and §32.</p> <p>The timing of the Neighbourhood Plan has been such that it did not have a housing target to reach from Wiltshire Council as it predated the 2019 NPPF. Since then, Wiltshire Council has provided an indicative figure (§67) in the range of 50 – 250 homes for the period to 2036, which was used to frame the Pre-Submission work, and then, somewhat confusingly, a brownfield-only housing requirement figure of 160 homes in its Emerging Spatial Strategy of 2020. Throughout the process, although Wiltshire Council has understood the vision and objectives of the Neighbourhood Plan it has been clear that if left to its own planning judgement, it would plan for a total housing number for the period to 2036 of approx. 50 homes.</p> <p>The four sites are each regarded as small and medium sized sites (delivering between 10 and 50 homes each on net developable housing land of less than 2 Ha), which will each make an important contribution to the area (§69 and §70). In each case, the landowners have stated that they would expect to sell the sites once the Neighbourhood Plan has been made and each can be delivered within the first five years of the plan, thus contributing to local housing delivery.</p> <p>The Barton Dene allocation provides for the potential to deliver additional medical service capacity for the growing town (§93a). It provides a convenient location close to the town centre and adjoining the popular leisure centre, and is well served by public transport. As it has not been possible to agree a specific proposal with the existing surgery on George Lane, or with the Clinical Commissioning Group, within the timeframe of the Neighbourhood Plan, the policy does not prescribe whether or not the new facility will replace or be in addition to the existing facility. As noted in Section 6 ‘Implementation’ of the Neighbourhood Plan, the Town Council remains keen to address this once the Plan is made.</p> <p>The two larger, greenfield sites make provision for significant areas of new public open space and green infrastructure as part of their respective mitigation strategies (§98), enabling connectivity across a wider area to be achieved (§100).</p> <p>The Cherry Orchard and Kelham Gardens sites are brownfield and although relatively small may still contribute as many as 40 homes, including 16 affordable homes, to meet local housing need. Their allocation will go some way to meeting the emerging Local Plan target for using brownfield land for this purpose and is consistent with §120c.</p>
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		<p>The Kelham Gardens site lies within flood zones 2/3. As one of only two sites within the town boundary, it is a rare opportunity to deliver new homes and to reclaim land that was formerly part of the gas works. As such, and with the policy steering development to the only other available and suitable sites for housing, this site passes the sequential test (§161) and presents an opportunity to deliver a sustainability benefit in reusing and reclaiming urban land (§164a). The remainder of the exception test (§164b) will be applied at the planning application stage, but the landowner has provided information for the site assessment process to show that it is possible and viable in principle to design a redevelopment scheme (for the 'more vulnerable' housing use) that will be safe for occupants and will not increase flood risk elsewhere.</p> <p>In respect of conserving and enhancing the landscape and scenic beauty of the AONB, the Councils consider that the scale and extent of the development of the two greenfield sites on the edge of the town are limited in relation to the overall size of the existing town (§176). But, in any event, the sites have been assessed against the 'exceptional circumstances' tests for 'major development' as per §177. The Site Assessment Report provides more detail on how the tests are met, but concludes that there is a need for both schemes to contribute to meeting the local need for affordable homes, which is a national planning policy imperative. It notes that all of the Neighbourhood Area lies within the AONB and so there is no scope for developing outside it. And it concludes, as per the parallel SA/SEA, that in both cases the detrimental effects on the AONB of development in those specific locations is moderate given their context and can be successfully moderated through their design and landscape strategies.</p> <p>The assessment process and SA/SEA also noted the potential for harm to biodiversity at the Rear of Salisbury Road site, but which can be effectively mitigated through the requirements of the policy, which contains within the site area sufficient land to extend the mitigation strategy of the adjoining Marlberg Grange site (allocated in the Core Strategy) (§179).</p> <p>Clause B of the policy requires that each scheme contains proposals for contributing to mitigating the effects of traffic generated on the town's AQMA (§186). In practice, the total number of new homes is small in relation to the existing housing stock and much of the traffic problem in the town is generated by traffic neither originating in it or destined for it (but using the A346 and A4 to pass through). However, even though all four sites are well connected to the town centre to encourage walking and cycling, they will inevitably generate some traffic movements in the AQMA and it is therefore reasonable for the policy to require such contributions.</p>
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		<p>In heritage terms, none of the four sites lies within the Marlborough Conservation Area or its setting. But, the Barton Dene site contains a group of buildings at Barton Farm that are Grade II listed. The MANP Townscape Character Study identified the parameters within which proposals on the allocation site should seek to avoid harm to those heritage assets, which has been made a requirement of the policy (§190 and §195) and to which the Concept Plan provided by the landowner has responded. More generally, Clause C restates national policy on archaeological investigations (§189) at the request of Historic England, in recognition of the significance heritage importance of the town and its long history.</p> <p>Finally, its Clause D cross references to Policy MARL3 to make it clear that proposals to deliver specialist accommodation for older persons will not be supported on any of the four sites so that they can instead focus on meeting other housing needs (§63b).</p> <p>In summary, the policy seeks to balance the objective of conserving and enhancing the AONB with that of delivering the maximum number of affordable homes with the fewest open market homes. The Councils have attributed very substantial positive weight to delivering affordable homes and substantial positive weight to reusing brownfield land to deliver a third of them. They attribute significant positive weight to the opportunity to increase medical facility capacity on one site and significant positive weight to delivering walking and cycling connectivity improvements on another site. And they attribute moderate positive weight to the delivery of additional public open space, biodiversity net gain and green infrastructure.</p> <p>In terms of adverse effects, the Councils attribute moderate adverse weight to the residual effects of development on the AONB and attribute moderate adverse weight to the net additional traffic effects of development on the AQMA. They attribute minor level of less than substantial adverse weight to the residual harm of development to the setting of the designated heritage assets on one site (which is outweighed by the public benefit of delivering affordable homes and a potential increase in medical facility capacity). And they attribute minor adverse weight to the residual effects of development in an area of flood risk on one site.</p> <p>As a result, the Councils consider the positive provisions of this policy outweigh its harm.</p>
MARL2	Encouraging affordable homes in Mildenhall	<p>The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§62). The evidence collected during the preparation of the plan indicates that there is a need for homes for first time buyers (or those looking to rent their first home) in the village. The policy therefore gives effect to the direction of</p>

		<p>§62 in seeking to define the housing needs of different groups by securing the types of homes that are needed in the village (§63b). In practice, this is broadly in line with the Government's intent on introducing the new 'First Homes' and 'Entry Level Homes' products (§72) which cannot be delivered in this area due to its AONB status. The policy also sets out a number of requirements to conserve and enhance the historic (§190) and natural (§174) environments.</p>
MARL3	Meeting Local Housing Needs	<p>The 'size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies' (§62). The evidence collected during the preparation of the plan indicates that there is a need for smaller homes and family housing. The policy therefore gives effect to the direction of §62 in seeking to define the housing needs of different groups by securing the types of homes that are needed - 2 and 3 bedroom homes – and resisting the types of accommodation schemes that are now well provided for – single tenure, specialist accommodation (§63b).</p>
MARL4	Supporting a thriving town centre	<p>The policy reasserts the social and economic value and importance of the town centre by defining the 'extent of the town centre' area and Primary and Secondary Shopping frontages and by setting out 'the range of uses permitted in such locations, as part of a positive strategy for the future' including to 'encourage residential development on appropriate sites' and reflecting its 'distinctive character' (§86a) by way of conserving and enhancing its 'heritage assets' (§195).</p>
MARL5	Improving Public Parking	<p>The policy allocates land for a car park to meet the demand of local and visitors to the town centre thereby 'promoting the town centre's long-term vitality and viability...as part of a positive strategy for the future of the town centre' (§86). The policy also sets out criteria to be met to balance the use, and the benefits that would result from such a use on the local economy, and 'protecting and enhancing valued landscapes (the North Wessex Downs AONB) (§176), and 'the conservation and enjoyment of the historic environment' (§190). The 'scale and extent of' the proposal is considered to be 'minor' and therefore the §177 tests are not engaged.</p>
MARL6	Delivering new cemetery land	<p>The policy allocates land to extend the existing cemetery to 'provide...facilities and services the community needs' ensuring that this 'established facility and service is able to develop and modernise, and are retained for the benefit of the community' (§93). The 'scale and extent of' the allocation is considered to be 'minor' and therefore the §177 tests are not engaged. However, the policy does require proposals to 'protect and enhance valued landscapes', in this case the North Wessex AONB (§176).</p>

MARL7	Protecting and supporting community facilities	‘To provide the social, recreational and cultural facilities and services the community needs, planning policies ... should ... plan positively for the provision and use of ... community facilities (and) guard against the unnecessary loss of valued facilities and services’ (§93). The policy identifies those facilities in the MANP area to which these objectives apply. It seeks both to protect but also to enhance those facilities.
MARL8	Improving Sports Facilities	‘To provide the social, recreational and cultural facilities and services the community needs, planning policies ... should ... plan positively for the provision and use of ... community facilities (and) guard against the unnecessary loss of valued facilities and services’ (§93). The policy is intended to encourage proposals to come forward to improve the range and capacity of the town’s existing sports facilities to meet growing demand. It has not been possible during the preparation of the plan to identify land for specific, deliverable proposals. Given that demand, the policy also seeks to prevent the unnecessary loss of existing facilities.
MARL9	A Design Code for the Marlborough Conservation Area	‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’ (§127). The policy seeks to bring ‘clarity about design expectations’ within the Marlborough Conservation Area and its setting, as articulated in the 2003 Conservation Area Statement, and the 2021 Townscape Character Study which supplements the Statement by updating some of its content and adding other helpful guidance (§129). The specific matters included in the Statement and Study ‘provide a framework for creating distinctive places’ to deliver a ‘consistent and high quality standard of design’ (§128). More generally, the policy approach follows that of the new National Model Design Code in identifying those key attributes of the townscape that contribute to defining the essential character of the Conservation Area.
MARL10	A Design Code for Marlborough’s Areas of Special Quality	<p>‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application’ (§203). The policy identifies these Areas of Special Quality as such assets, derived from the 2021 Townscape Study, which describes the value of each area.</p> <p>‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’ (§127). The policy also seeks to bring ‘clarity about design expectations’ within the Areas of Special Quality, as articulated in the Study (§127). The specific matters included in the policy ‘provide a framework for creating distinctive places’ to deliver a ‘consistent and high quality standard of design’ (§128).</p>

MARL11	A Design Code for Manton	<p>‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’ (§127). The policy seeks to bring ‘clarity about design expectations’ within the Manton Conservation Area, as articulated in the 2003 Conservation Area Statement, which has been reviewed and remains valuable and up to date, and the 2021 Mildenhall & Manton Design Study (§128). The specific matters included in the policy ‘provide a framework for creating distinctive places’ to deliver a ‘consistent and high quality standard of design’ (§128). More generally, the policy approach follows that of the new National Model Design Code in identifying those key attributes of the townscape that contribute to defining the essential character of the Conservation Area.</p>
MARL12	A Design Code for Mildenhall	<p>‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’ (§127). The policy seeks to bring ‘clarity about design expectations’ within the Mildenhall Conservation Area, as articulated in the 2004 Conservation Area Statement, which has been reviewed and remains valuable and up to date and the 2021 Mildenhall & Manton Design Study (§128). The specific matters included in the policy ‘provide a framework for creating distinctive places’ to deliver a ‘consistent and high quality standard of design’ (§128). More generally, the policy approach follows that of the new National Model Design Code in identifying those key attributes of the townscape that contribute to defining the essential character of the Conservation Area.</p>
MARL13	Protecting Local Heritage Assets	<p>‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application’ (§203). The policy identifies a number of such assets, derived from the respective Conservation Area Statements, the 2021 Townscape Character Study, the 2021 Mildenhall & Manton Design Study and a review carried out by Savernake Parish Council in its area. In each case, the documents describe the value of each asset.</p>
MARL14	Protecting and improving green infrastructure	<p>‘Plans should ... take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure’ (§175). In addition, plans should ‘safeguard components of local wildlife-rich habitats and wider ecological networks’ (§179a). The policy identifies a series of green infrastructure attributes of the MANP area that are especially important to its biodiversity value.</p> <p>‘Planning policies should ... provide for high quality walking and cycling networks’ (§106d). The MANP area also benefits from an extensive network of public rights of way and other informal walking, cycling and riding routes. The policy seeks to protect those routes from unnecessary loss</p>

		or obstruction and to encourage suitably-located development schemes to respond positively to opportunities to improve route connectivity.
MARL15	Protecting Local Green Spaces	‘The designation of land as Local Green Space through ... neighbourhood plans allows communities to identify and protect green areas of particular importance to them’ (§101). The policy seeks to designate a number of spaces as Local Green Spaces, as it is considered to meet the tests set out in §102, as shown in the evidence base. The policy does not unduly constrain the deliver of new development, as Policy MARL1 makes provision for development of a scale that is in line with strategic policy. The proposed designation of Land at Barton Park is considered to meet the §102 tests, as set out in the Open Spaces report in the evidence base.
MARL16	Protecting Valued Community Open Spaces	The policy identifies ‘Existing open space, sports and recreational buildings and land, including playing fields, (that) should not be built on...’ (§99). Although the spaces identified do not meet the tests of Local Green Space designation, they continue to be recognised for their important public value in providing health and recreational benefit to people living and working nearby. The policy therefore seeks to avoid their loss unless the exceptional circumstances set out in §99 exist.
MARL17	Protecting the character of the local AONB landscape	<p>The North Wessex Downs AONB, which spans across the MANP area, has the ‘highest status of protection in relation to’ ‘conserving and enhancing landscape and scenic beauty.’ (§176). The policy identifies the special features that ‘contribute to and enhance the natural and local environment’ (§176).</p> <p>‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless the design is of exceptional quality, in that it is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area’ (§80e). The policy considers that there are no locations within the Neighbourhood Area where housing design standards are such that they require raising or where an ‘outstanding’ design would enhance its setting. It therefore seeks to prevent that justification being used by proposals but it does not prevent proposals being argued under any other clause of §80.</p>
MARL18	Achieving Dark Skies	‘Planning policies and decisions should also ensure that new development is appropriate for its location taking into account ... the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation’ (§185c). The policy reflects the importance

		of minimising the light pollution effects of the town and villages on the tranquil surroundings of the AONB.
MARL19	Building to the PassivHaus Standard	<p>The planning system should support the transition to a low carbon future in a changing climate ... It should help to shape places in ways that contribute to radical reductions in greenhouse gas Emissions ... Plans should take a proactive approach to mitigating ... climate change, taking into account the long-term implications ... Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts..." (§153/§154b). Although encouraging of this policy, the NPPF itself has been superseded by further Government policy announcements, notably the Energy White Paper, which has allowed greater discretion for development plans to create an interim policy framework for building performance, pending its future decisions on implementing the Future Homes Standard. As explained in depth in the supporting text of the policy, its approach is absolutely consistent with national policy and with the most leading edge of Local Plans (in Cornwall for example).</p> <p>However, the Councils are conscious of criticisms of previous attempts of development plans to take such an approach in respect of viability (§58). The national evidence base for zero carbon housing solutions of which PassivHaus is the most common clearly shows that the additional cost for delivering to this standard continues to fall and is now only 5-10% higher than a conventional build. But, it is acknowledged that the cost of retrofitting conventionally built homes in a few years' time will be significantly greater than that. Only small number of sites will not technically be able to deliver to this standard due to topography or overshadowing. The purpose of §58 is to make clear that all development plan policy provisions should be 'priced in' to future land values. With existing land values, especially for housing, in the MANP area being higher than the national average, there is no doubt that this provision is viable.</p>

4.6 In summary, the Councils consider that the policies have paid full regard to national planning, heritage, AONB and climate change policy provisions. In practice, the 2021 NPPF changes have not materially changed the context for this Neighbourhood Plan. In some policy instances, they have been required to strike a balance between competing policy objectives by weighing their likely positive and adverse effects. In each case, the schedule above has made explicit that balancing exercise for the benefit of the examiner and Wiltshire Council to consider during the examination.

5.CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

5.1 Wiltshire Council, in its screening opinion of August 2019 following a consultation period with the statutory bodies, confirmed that a Strategic Environmental Assessment (SEA) under the Environmental Assessment of Plans and Programmes Regulations 2004 is required. The Councils appointed independent consultants, AECOM, via the Neighbourhood Planning Support Programme to undertake an SEA, which has been scoped as a wider Sustainability Appraisal (SA/SEA) in agreement with the statutory bodies, as per the Regulations. A Draft SA/SEA ('Environmental Report') was published alongside the Pre-Submission Neighbourhood Plan for statutory consultation and a Final version has been prepared to assess the provisions of the Submission Neighbourhood Plan.

5.2 The Final SA/SEA report of July 2021 concludes:

"X."

5.3 As a result, the Councils consider that the basic condition of the Neighbourhood Plan contributing to the achievement of sustainable development has been met.

6. GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

6.1 The Neighbourhood Plan has been prepared to ensure its general conformity with the development plan for this part of the County, that is the few saved policies of the adopted Kennet Local Plan 2004 and the Wiltshire Core Strategy 2015 – 2026. The emerging Wiltshire Local Plan will replace the saved and adopted policies early in the time span of the Neighbourhood Plan, but the Neighbourhood Plan will be examined before that plan is adopted. In which case, its reasoning and evidence base have been taken into consideration during the preparation of the Neighbourhood Plan.

6.2 In that respect Wiltshire Council consulted on the Emerging Spatial Strategy (ESS) of its Local Plan Review (WLPR) in February 2021. The WLPR will roll forward strategic policy to 2036, hence the Neighbourhood Plan period has been chosen to coincide. The ESS and accompanying 'Planning for Marlborough' document confirm that there is no intention to significantly change the "market town" status of Marlborough. The latter provides a 'brownfield-only' indicative housing figure (as per NPPF §66) for part of the plan period (160 homes) but not one that directs the Neighbourhood Plan to seek housing land beyond the present development boundary. It also confirms that Manton will continue to be defined as a "small village" and development will be limited to that needed to help meet housing needs of the settlement and to improve employment opportunities, services and facilities. And although Mildenhall is not defined in the existing development plan, the ESS proposes to classify it as a "small village".

6.3 In which case, the Councils have concluded that in strategic policy terms, especially in respect of managing housing growth, there is no material change in direction between the Core Strategy and LPR. Both stress the importance of conserving the wealth of landscape (AONB) and heritage assets of the MANP area and do not regard Marlborough as a sustainable location for major housing growth.

6.4 The assessment of the general conformity of each policy with the strategic policies of the current development plan is contained in Table B below, and for completeness a reference to the LPR is also provided, where relevant.

Table B: Neighbourhood Plan & Development Plan Conformity Summary		
No.	Policy Title & Refs	Commentary
MARL1	Delivering affordable homes in Marlborough	<p>Wiltshire Core Policy 1</p> <p><i>"Market Towns have the potential for significant development that will increase the jobs and homes in each town in order to help sustain and where necessary enhance their services and facilities and promote better levels of self-containment and viable sustainable communities."</i></p> <p>The MANP policy has substantial conformity with this policy as its four housing site allocations aim to improve the self-containment of the town by increasing access (for employees and others in and beyond the town) to affordable housing. The evidence shows the scale of the problem, which employers from Marlborough College to retailers and restaurants have validated in the consultations.</p> <p>Wiltshire Core Policy 2</p> <p><i>"The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans".</i></p> <p>The MANP policy has substantial conformity with this policy, given it enables the Neighbourhood Plan to identify sites that in due course will require the alteration of the 'limits of development' in two of the four site locations.</p> <p>Wiltshire Core Policy 14</p> <p><i>"... future development should help to deliver early improvements to the existing infrastructure in the town. This may be achieved through direct delivery mechanisms and/or financial contributions. The existing GP surgery in the town is at capacity and will need to expand to allow any further growth to proceed ... sustainable and measured growth throughout the plan period that will also help to deliver affordable housing ... This will help to provide a local workforce for current and new employers moving to the area ... all development will need to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics ... an AQMA has been declared in the town and there are local concerns that development will lead to mandatory limits</i></p>

		<p>... being exceeded. Measures to improve air quality in Marlborough must be considered."</p> <p>The MANP policy has substantial conformity with part of this policy as one site (Barton Dene) seeks to address the GP surgery capacity problem and all of the sites will deliver affordable housing to an extent that will exceed the minimum requirement. The MANP policy has moderate non-conformity with another part of this policy in that two of the sites are greenfield sites on the edge of the town in the AONB. No development could conserve the AONB as it is, but the policy (as per NPPF §172) enables proposals to show that harm has been minimised through successful design and mitigation. The concept plans for each site show that this is possible, which has been validated by the SA/SEA and Site Assessment process. The full details of each scheme will be assessed at the planning application stage. The MANP policy has very minor non-conformity with another part of this policy in that the traffic generated by the new homes is bound to contribute to traffic movements in the AQMA. However, the quantum of development is small compared to the existing size of the town and a significant part of the air quality problems are caused by non-town traffic. The policy requires that at the planning application stage the proposals assess and mitigate their own impacts. In overall terms, the Councils consider that the substantial extent to which the MANP policy conforms with this policy outweighs the moderate extent to which it does not.</p> <p><i>Wiltshire Core Policy 35</i></p> <p><i>Wiltshire's Principal Employment Areas (including Marlborough Business Park, Pelham Court Site, and Wagon Yard) should be retained for employment purposes ... to safeguard their contribution to the Wiltshire economy and the role and function of individual towns".</i></p> <p>The Councils assessed the Pelham Court site as it had been made available for redevelopment and they were mindful of the drive for reusing brownfield land to meet housing need. However, given they were not able to identify and allocate land for new employment development, they considered that any allocation proposal that would lead to the loss of an existing employment area would be in significant non-conformity with the Core Strategy, and this was given no further consideration.</p> <p><i>Wiltshire Core Policy 36</i></p> <p><i>Regeneration of brownfield sites will be supported in the ... Market Towns ... where the proposed uses help to deliver the overall strategy for that settlement."</i></p>
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		<p>Two of the four allocation sites are brownfield sites – the only two such sites that were made available for this purpose that did not have a significant policy constraint (as noted above). The MANP policy therefore has substantial conformity with this policy.</p> <p><i>Wiltshire Core Policy 43</i></p> <p><i>On sites of five or more dwellings, affordable housing provision of at least 40% (net) will be provided on sites within the 40% affordable housing zone”.</i></p> <p>The MANP policy has very substantial conformity with this policy as it not only requires this policy is met on all four sites but it has agreed with the largest two site landowners that they will deliver a 50% proportion.</p> <p><i>Wiltshire Core Policy 50</i></p> <p><i>“Development proposals must demonstrate how they protect features of nature conservation and geological value as part of the design rationale ... All development proposals shall incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development ...”.</i></p> <p>The MANP policy has moderate conformity with this policy as the likely effects of development on nature conservation, and their mitigation measures, are known in principle through the site assessment process and the policy requires that satisfactory provision is made at the planning application stage.</p> <p><i>Wiltshire Core Policy 51</i></p> <p><i>“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 for development within or affecting the Areas of Outstanding Natural Beauty (AONBs) ... shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas”.</i></p> <p>The MANP policy has minor non-conformity with this policy in respect of two of the four allocation sites. Their location on the edge of the town will inevitably lead to a negative effect in landscape</p>
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		<p>character and to an effect on the AONB. However, the Councils consider that the proposals will be able to successfully mitigate/moderate the majority of those effects at the planning application stage, given the concept scheme proposals submitted for assessment.</p> <p>Wiltshire Core Policy 52</p> <p><i>“Development shall make provision for the retention and enhancement of Wiltshire’s green infrastructure network, and shall ensure that suitable links to the network are provided and maintained”.</i></p> <p>The MANP policy has moderate conformity with this policy as all of the proposals offer an opportunity to enhance local green infrastructure connectivity, both through new habitat creation and by installing new footpaths and cycleways.</p> <p>Wiltshire Core Policy 55</p> <p><i>“Development proposals, which by virtue of their scale, nature or location are likely to exacerbate existing areas of poor air quality, will need to demonstrate that measures can be taken to effectively mitigate emission levels in order to protect public health, environmental quality and amenity”.</i></p> <p>As noted above, the MANP policy has very minor non-conformity with this policy in that the traffic generated by the new homes is bound to contribute to traffic movements in the AQMA.</p> <p>Wiltshire Core Policy 58</p> <p><i>“Development should protect, conserve and where possible enhance the historic environment ... Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.”</i></p> <p>The MANP policy has significant conformity with this policy in that only one of the four sites has any potential for heritage effects by way of its location. The evidence indicates that the proposals at Barton Dene can be accommodated within the site without causing any harm to the setting of the listed Farm complex.</p> <p>Wiltshire Core Policy 61</p>
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		<p><i>"New development should be located and designed to reduce the need to travel particularly by private car, and to encourage the use of sustainable transport alternatives.."</i></p> <p>The MANP policy has substantial conformity with this policy in that they are each located within 800m of the town centre, with safe, direct and convenient routes to encourage walking and cycling. Furthermore, the combination of the Rear of Salisbury Road and Cherry Orchards allocation sites will significantly improve non-car access from existing residential areas on the southern part of the town to the town centre and to St. John's secondary school.</p> <p>Wiltshire Core Policy 67</p> <p><i>Development proposed in Flood Zones 2 and 3 ... will need to (provide) evidence ... to apply the sequential test in line with the requirements of national policy and established best practice"</i></p> <p>The MANP policy has only a minor conformity with this policy in that the smallest of the four sites lies in flood zones 2/3. However, it is a brownfield site, of which there are insufficient elsewhere within the town to meet local housing need and hence passes the sequential test. The site owners have provided information to show that it is possible in principle to meet the exception tests, and this will be addressed at the planning application stage.</p> <p>In summary, the policy seeks to balance the objective of conserving and enhancing the AONB with that of delivering the maximum number of affordable homes with the fewest open market homes. The Councils have attributed very substantial positive weight to delivering affordable homes and substantial positive weight to reusing brownfield land to deliver a third of them. They attribute significant positive weight to the opportunity to increase medical facility capacity on one site and significant positive weight to delivering walking and cycling connectivity improvements on another site. And they attribute moderate positive weight to the delivery of additional public open space, biodiversity net gain and green infrastructure.</p> <p>In terms of adverse effects, the Councils attribute moderate adverse weight to the residual effects of development on the AONB and attribute moderate adverse weight to the net additional traffic effects of development on the AQMA. They attribute minor level of less than substantial adverse weight to the residual harm of development to the setting of the designated heritage assets on one site (which is outweighed by the public benefit of delivering affordable homes and a potential increase in medical facility capacity). And they attribute minor adverse weight to the</p>
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		<p>residual effects of development in an area of flood risk on one site.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan as a whole.</p>
MARL2	Encouraging affordable homes in Mildenhall	<p>Wiltshire Core Policy 43 <i>"Tenure will be negotiated on a site-by-site basis to reflect the nature of the development and local needs as set out in Core Policy 45 (Meeting Wiltshire's housing needs).</i></p> <p>Wiltshire Core Policy 44 <i>"At settlements defined as Local Service Centres, Large and Small Villages (Core Policy 1), and those not identified within the settlement strategy, a proactive approach to the provision of affordable housing will be sought in conjunction with parish councils and working with local communities and other parties. This exception to policy allows housing for local need to be permitted, solely for affordable housing ..."</i></p> <p>Wiltshire Core Policy 45 <i>"New housing, both market and affordable, must be well designed to address local housing need incorporating a range of different types, tenures and sizes of homes to create mixed and balanced communities. Housing size and type, including any distinction between flats and houses, will be expected to reflect that of the demonstrable need for the community within which a site is located ..."</i></p> <p>The policy reflects the desire of the village community to see a small number of suitably located homes delivered in the village to maintain its vitality as a community. With the village missing most local services, it is not well suited to some types of affordable housing whose occupants may be more reliant on accessing those services than others, notably affordable or social rent. Instead, it wishes to see younger people move into the village to help balance its otherwise increasingly aging population. Hence the policy focuses on enabling the delivery of 2-3 bedroom discounted market sales or shared equity types of affordable housing. The supporting text notes that the AONB location of the village prevents the promotion of the Government's new 'First Homes' policy initiative and so the policy aims to achieve much the same outcome.</p> <p>As such, it refines Core Policies 43-45 to meet Mildenhall's specific housing policy objectives (rather than 'housing need' per se, although the wider MANP evidence base makes clear the case for delivering all types of affordable homes). It provides for a narrower range of affordable</p>

		<p>housing types and tenures than those policies but this is considered better to meet the specific circumstances of this village.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL3	Meeting Local Housing Needs	<p>Wiltshire Core Policy 45 <i>"Housing size and type, including any distinction between flats and houses, will be expected to reflect that of the demonstrable need for the community within which a site is located."</i></p> <p>The policy seeks to reflect the demonstrable need for new homes in the mid-size range in this area and to prevent any additional specialist accommodation schemes for the remainder of the plan period. The evidence base highlights the importance of meeting local affordable housing need and addressing the aging demographic of the area if its settlements, most obviously Marlborough, are to become more sustainable and vital. The housing market has attracted significant investment in recent years in specialist housing products that, although popular, are only serving to accentuate existing sustainability problems.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL4	Supporting a thriving town centre	<p>Kennet Local Plan Saved Policy ED18 <i>"Within the Prime Shopping Areas defined for ... Marlborough planning permission will not be given for the change of use of ground floor premises to uses other than Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 etc"</i></p> <p>Kennet Local Plan Saved Policy ED19 <i>"Outside the Prime Shopping Area and within the Town Centres defined for ... Marlborough, planning permission will be granted for the change of use or redevelopment of premises to uses other than Class A1 etc ..."</i></p> <p>The policy updates and replaces these saved policies as an interim measure pending the adoption of the new Local Plan. It takes forward the same policy approach to positively managing change in town centre uses but reflects the Use Class Order changes of 2020, i.e. the new Class E. Although the town appears to have survived the challenges of 2020/21 better than many, the long term trends of online shopping and changing consumer behaviour patterns may still require new policy attention. For the MANP it is too soon to be able to discern what this attention may look like, hence the expectation is that further updates to the new Local Plan</p>

		<p>evidence base on town centres – even the 2020 report is now out of date – will enable the Local Plan to provide a longer term positive policy framework for the town centre.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL5	Improving Public Parking	<p>Wiltshire Core Policy 14 <i>“Development proposals in the Marlborough Community Area will need to demonstrate the relevant issues and considerations listed in paragraph 5.78 will be addressed.”</i> Paragraph 5.78 <i>“the strategy supports Marlborough’s town centre to continue to function as a prominent retail centre within east Wiltshire... development proposals which improve tourist accommodation and facilities within the Marlborough area, in a sustainable manner, will be encouraged.”</i></p> <p>Wiltshire Core Policy 51 <i>“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...”</i></p> <p>Wiltshire Core Policy 58 <i>“Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance....”</i></p> <p>The policy is consistent with these strategic policies by allocating land for a new public car park to help support the town centre. Following a site search, the land was identified as the preferred option in a location that is convenient for walking to the town centre (via Kingsbury Street) and a site capable of being accommodated without causing landscape or heritage harm. The policy requirements set out a range of constraints to ensure this is the case.</p> <p>As a result, the Councils have attributed significant positive weight to its consistency with the town centre policy and minor adverse weight to the scale of the residual harm to the landscape and heritage and therefore consider the policy is in general conformity with the development plan as a whole.</p>

MARL6	Delivering new cemetery land	<p>Wiltshire Core Policy 1 <i>"The Settlement Strategy identifies the settlements where sustainable development will take place to improve the lives of all those who live and work in Wiltshire.... Market Towns are defined as settlements that have the ability to support sustainable patterns of living in Wiltshire through their current levels of facilities, services and employment opportunities.</i></p> <p>Wiltshire Core Policy 51 <i>"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..."</i></p> <p>The policy is consistent with these strategic policies by supporting a specific proposal to extend the existing cemetery in Marlborough to 'promote better levels of self-containment and viable sustainable communities' and by requiring proposals to avoid significant harm to the North Wessex Downs AONB.</p> <p>As a result, the Councils attribute moderate positive weight to improving an important local service and minor adverse weight to the scale of residual harm to the landscape and therefore consider the policy is in general conformity with the development plan as a whole.</p>
MARL7	Protecting and supporting community facilities	<p>Wiltshire Core Policy 49 <i>'Proposals involving the loss of a community service or facility will only be supported where it can be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.'</i></p> <p>The policy identifies these community facilities in the area and therefore refines the policy to make it clear to which buildings in the area it applies.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL8	Improving Sports Facilities	<p>Wiltshire Core Policy 49 <i>'Proposals involving the loss of a community service or facility will only be supported where it can</i></p>

		<p>be demonstrated that the site/building is no longer economically viable for an alternative community use. Preference will be given to retaining the existing use in the first instance, then for an alternative community use. Where this is not possible, a mixed use, which still retains a substantial portion of the community facility/service, will be supported. Redevelopment for non-community service/ facility use will only be permitted as a last resort and where all other options have been exhausted.'</p> <p>The policy aims to encourage local sports clubs and other stakeholders and landowner to work together to find ways of increasing the capacity of local facilities to meet the growing and changing demands of the local community. It does not make specific proposals as this was not possible during the project, despite efforts. Hence its provisions are little different to the core policy but the Councils are keen to have a policy that gives the issue attention.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL9	A Design Code for the Marlborough Conservation Area	<p>Wiltshire Core Policy 57 <i>"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality...."</i></p> <p>Wiltshire Core Policy 58 <i>"Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.... Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping)."</i></p> <p>The policy refines Core Policy 57 by identifying specific design features of the Conservation Area and by cross referring to the Conservation Area Statement and Town Character Study. Its provisions are also consistent with Core Policy 58 on heritage assets in relation to the Conservation Area and its listed buildings. It is derived from the Study prepared for the evidence base, which refreshes the 2003 Statement.</p>

		As a result, the Councils consider the policy is in general conformity with the development plan.
MARL10	A Design Code for Marlborough's Areas of Special Quality	<p>Wiltshire Core Policy 57 <i>'A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality....'</i></p> <p>Wiltshire Core Policy 58 <i>"Development should protect, conserve and where possible enhance the historic environment.... Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping)."</i></p> <p>The policy refines Core Policy 57 by identifying specific design features of each Area of Special Quality and by cross referring to the Town Character Study. In doing so, it re-instates the area specificity lost when that policy replaces the former Kennet Local Plan policy covering much the same areas. The Study identifies and describes the value of these Areas of Special Quality as non-designated heritage assets in the MANP area. By identifying and assessing these assets, it engages the adopted and forthcoming development plan policies.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL11	A Design Code for Manton	<p>Wiltshire Core Policy 57 <i>"A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality...."</i></p> <p>Wiltshire Core Policy 58 <i>"Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.... Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential</i></p>

		<p>contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping)."</p> <p>The policy refines Core Policy 57 by identifying specific design features of the Conservation Area and by cross referring to the Conservation Area Statement and new Design Study for the village. Its provisions are also consistent with Core Policy 58 on heritage assets in relation to the Conservation Area and its listed buildings. The Study was prepared for the evidence base to refresh the 2003 Statement.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL12	A Design Code for Mildenhall	<p>Wiltshire Core Policy 57 "A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality...."</p> <p>Wiltshire Core Policy 58 "Development should protect, conserve and where possible enhance the historic environment. Designated heritage assets and their settings will be conserved, and where appropriate enhanced in a manner appropriate to their significance.... Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping)."</p> <p>The policy refines Core Policy 57 by identifying specific design features of the Conservation Area and by cross referring to the Conservation Area Statement and new Design Study for the village. Its provisions are also consistent with Core Policy 58 on heritage assets in relation to the Conservation Area and its listed buildings. The Study was prepared for the evidence base to refresh the 2004 Statement.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>

MARL13	Protecting Local Heritage Assets	<p>Wiltshire Core Policy 58 <i>"Development should protect, conserve and where possible enhance the historic environment.... Distinctive elements of Wiltshire's historic environment, including non-designated heritage assets, which contribute to a sense of local character and identity will be conserved, and where possible enhanced. The potential contribution of these heritage assets towards wider social, cultural, economic and environmental benefits will also be utilised where this can be delivered in a sensitive and appropriate manner in accordance with Core Policy 57 (Ensuring High Quality Design and Place Shaping)."</i></p> <p>The policy identifies (via Appendix A) a number of 'non-designated heritage assets' in line with this core policy as well as the NPPF. They have been identified in the respective Conservation Area Statements and revalidated by the respective Studies prepared for this evidence base. By identifying and assessing these non-designated heritage assets, it engages the adopted and forthcoming development plan policies.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL14	Protecting and improving green infrastructure	<p>Wiltshire Core Policy 52 <i>"Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained ..."</i></p> <p>Kennet Local Plan Saved policy HH10 <i>"Within 'Areas of Minimum Change' planning permission will not be granted for development which would materially damage the character of the area."</i></p> <p>Kennet Local Plan Saved policy AT24 <i>"Development or redevelopment of land within 5 metres of the banks of the River Kennet within the Limits of Development of Marlborough, ... should contribute to the establishment of a riverside walk and the enhancement of the amenities of the riverside. Each riverside walk will form an integral part of the development of safe pedestrian networks serving these settlements."</i></p> <p>The policy refines the core policy by identifying the GI network in the MANP area on the Policies Map. This is based on the Councils' own research and that of Wiltshire Council in the evidence base of its emerging Local Plan. The policy wording is tighter than the core policy in setting out the requirements for proposals that may affect the network. It also makes explicit the carbon</p>

		<p>sequestering potential of parts of the network (as part of its multi-functionality) which are not referenced in the core policy. By including those parts of the area that were identified in saved policies HH10 and AT24 within the defined network, the policy updates and replaces those policies.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL15	Protecting Local Green Spaces	<p>Wiltshire Core Policy 52 <i>'Green infrastructure projects and initiatives that contribute to the delivery of a high quality and highly valued multi-functional green infrastructure network in accordance with the Wiltshire Green Infrastructure Strategy will be supported.'</i></p> <p>Although there is no specific development plan provision for designating Local Green Spaces the proposed spaces concept is consistent with this core policy on green infrastructure in relation to those relatively small number of green spaces that are especially cherished by the local community for protection.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL16	Protecting Valued Community Open Spaces	<p>Wiltshire Core Policy 52 <i>'Development shall make provision for the retention and enhancement of Wiltshire's green infrastructure network, and shall ensure that suitable links to the network are provided and maintained... If damage or loss of existing green infrastructure is unavoidable, the creation of new or replacement green infrastructure equal to or above its current value and quality, that maintains the integrity and functionality of the green infrastructure network, will be required.'</i></p> <p>The policy refines this core policy by identifying a number of green spaces in the area that serve an important recreational and/or amenity function for the local community and are also part of the GI network.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL17	Protecting the character of the local AONB landscape	<p>Wiltshire Core Policy 51 <i>"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 will</i></p>

		<p>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 ... (the) special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty..."</p> <p>The first clause of the policy refines this core policy by identifying the essential landscape characteristics of that part of the North Wessex Downs AONB that lies in the Area. The policy wording is consistent with that of the core policy (and of the NPPF). The characteristics are derived from the character assessment study of the AONB from 2002.</p> <p>The second clause asserts that in this area the provisions of §79(e) of the NPPF are in conflict with the core policy in that the Councils consider any proposal for an isolated dwelling in the AONB will have a harmful impact as there are no parts of the AONB in this area that require landscape remediation or improvement by development. No level of mitigation will be successful as it will inevitably require the hiding of the building from the surrounding landscape. The clause does not relate to any other part of §79 or of this or any other core policy (e.g. CP48 on rural dwellings).</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL18	Achieving Dark Skies	<p>Wiltshire Core Policy 51</p> <p>"... proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design ... measures(including) ... Tranquillity and the need to protect against intrusion from light pollution..."</p> <p>The policy refines the core policy in requiring specific attention is paid to the effect of light pollution on the AONB.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
MARL19	Building to the PassivHaus Standard	<p>Wiltshire Core Policy 41</p> <p>"New development, building conversions, refurbishments and extensions will be encouraged to incorporate design measures to reduce energy demand ...".</p>

		<p>The policy updates and replaces the first paragraph of the core policy, which is now out of date in respect of more recent national climate change commitments, but as an interim measure, pending the inclusion of a similar policy in the new Local Plan. The policy now requires rather than encourage all proposals to meet zero carbon building standards in terms of energy performance, unless it is not technically feasible to do. It also requires post occupancy evaluation tests for those buildings that cannot be built to the PassivHaus standard. The policy does not affect the other parts of the core policy.</p> <p>As a result, the Councils consider the policy is in general conformity with the development plan.</p>
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7. COMPATABILITY WITH OTHER LEGAL OBLIGATIONS

7.1 As set out in Section 4 the Councils have met their obligations in relation to the requirements for a Strategic Environmental Assessment (SEA).

7.2 Wiltshire Council's Habitat's Regulations Assessment (HRA) Screening of August 2019 concluded that an appropriate assessment would not be necessary in relation to the European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Conservation of Habitats and Species Regulations 2010 (as amended). However, it rescreened the Pre-Submission Neighbourhood Plan and concluded:

"... that the development allocated and supported by policies MARL1 to MARL6 could give rise to a likely significant effect upon the Kennet and Lambourn Floodplain Special Areas of Conservation (SAC). This is due to the allocation of five sites for residential development, totalling approximately 180 dwellings, proposed by way of policy MARL1, and on account of all the sites being situated within the catchment of the River Kennet and tributaries, within the Thames Water Swindon and Oxfordshire Water Resource Zone ..."

7.3 As advised by Wiltshire Council, the Councils obtained information from Thames Water and the Environment Agency on this specific matter and forwarded it to Wiltshire Council for a final screening. Wiltshire Council obtained further information from the Environment Agency. A copy of the final screening report of August 2021 is published as a separate document in the evidence base. It concludes that in the light of the information provided by Thames Water, validated by the Environment Agency, it is possible to screen out the potential for significant effects on the Kennet and Lambourn Floodplain SAC of the final version of the MANP policies, either on their own or in combination with other policies and projects.

7.4 The Councils have been mindful of the fundamental rights and freedoms guaranteed under the European Convention on Human Rights in process of preparing the Neighbourhood Plan and considers that it complies with the Human Rights Act.