



Marlborough Area Neighbourhood Plan

MANP SG Full Response to Examiners Initial Enquires

GENERAL

The MANP Steering Group (SG) is concerned that many of the examiner's questions raise matters that it considers have been addressed in detail in the submission documentation. The raising of a 'contentious issue' is especially concerning as it indicates a material misunderstanding of the position of the NP in relation to the adopted Core Strategy and emerging Local Plan Review. The SG notes that the Wiltshire Council (WC) response has answered part, but not all of the issue.

Although the examiner has not explicitly identified the 'issue' as a 'fundamental flaw' (as per the 2018 NPIERS Examiners Guidance), the SG considers his description and analysis of the issue is of a similar kind and consequence, warranting an exploratory meeting with the Qualifying Body and LPA as recommended in the guidance.

In the meantime, and to inform such a meeting, the SG offers an initial response below. Its analysis of those queries has resulted in it identifying 38 separate questions to be answered. For ease of reference, they have been numbered alongside the relevant policy. In preparing its response, the SG is grateful for the ongoing assistance of its professional advisors, O'Neill Homer Ltd and AECOM, and for the help of the respective land interests.

MARL 1 (Q3/Q37)

The SG notes the response from WC and assumes the issue is resolved. It has covered the issue in some detail in the Basic Conditions Statement, but in the context of the MANP proposing to allocate more (130) not fewer than WC's preferred target (of 50 homes), though well within the 250-home target range. The Statement, and parts of the MANP document, explain at length why the SG has arrived at its planning judgement on striking the balance between competing national and strategic policy objectives. The SG therefore sees no need to amend the planning period and nor has WC advised it to do so.

The SG has been mindful that the evidence supporting the allocations should be proportionate. It judges that this has been achieved on all the sites without making unreasonable requirements of land interests on detailed matters that is more appropriately addressed at the planning application stage (even though such work has been done in some cases). The supplementary statement by one of the land interests address this specific point (see appendices A). A further statement by the agent of a second interest is also expected , but was not available by the submission date of the 28th February.

The SG understands that it is common for Natural England and Historic England to judge what is proportionate in neighbourhood plan making for site allocations differently, and to demand LVIA's and Heritage Assessments. This misunderstands the difference between the tests of soundness in Local Plan making and the basic conditions tests of Neighbourhood Plan making, which critically alters how 'proportionate' is defined. It is not all or nothing but a judgement of the plan maker as to what is reasonable in the context of the plan.

Crucially, with limited technical resources, the assessment goal of neighbourhood plans in these circumstances is to maximise the value of the Sustainability Appraisal, using its evidence base and sustainability metrics, together with the site information (including scheme concepts provided by land interests). This is achieved by testing that information against the screening/scoping evidence base to identify any potential for harmful effects that are so significant they could not be satisfactorily mitigated at the planning application stage ('showstoppers').

In this respect, the SG notes WC's own site assessment work set out in its 'Marlborough – Pool of Potential Development Sites Selection Report' for the Local Plan Review. The report states that, *"Inevitably, in lots of cases, to meet the scale of need forecast, towns will also expand. A challenging part of planning for the future is therefore managing the loss of countryside by identifying the most appropriate land to develop on the edges of our settlements"* (§4, p3). It then *"concludes by showing a pool of reasonable alternative sites that could be appropriate for development around the built-up area of Marlborough ... The Council consider these sites to be the reasonable alternatives"* (§5, p3).

Its methodology considers, *"The most sustainable sites are those most likely to be suited to development. Sustainability appraisal may recommend sites, but it is also important to select sites that support the plan objectives and strategic priorities for a settlement."* (§19, p6). The report notes that sustainability appraisal will follow later, along with considerations of viability, if it is the Local Plan Review that will make site allocation proposals. However, WC acknowledges that where neighbourhood plans are coming forward intended to allocate land for development, as here, this work will be completed instead as part of those projects (per §13 of its 'Planning for Marlborough' report as part of the Local Plan Review).

The SG observes that the WC Sites Selection Report identifies the same sites in its Stage 1 assessment as did the MANP at its equivalent stage (see Fig 2, p8). It especially notes that the Stage 2 site sieving method was intended to filter out sites on the basis of their accessibility, wider impacts and strategic context. It therefore applied accessibility, flood risk, heritage, landscape and traffic tests for each site, but not any ecology test. Had the ecological value of a site been considered so important as to rule it out for further consideration as a 'showstopper', the SG would have expected WC to have included that as one of its filter tests.

The SG then notes the conclusions of the report shown on Fig 4 on p21 and summarised: *"From these sites may be selected those necessary to meet scales of growth and priorities for the town over the plan period. Only some of the sites, if any, will be developed and not every part of those sites will be developed due to the need to include land for mitigation."* Those sites comprise that part of Barton Dene within the Neighbourhood Area and the Rear of Salisbury Road site that are proposed to be allocated in MARL1, and land off Elcot Lane, which was proposed at Regulation 14 but deleted from the MANP following the consultation period. The other sites identified lie outside the Neighbourhood Area (although were inside the Area when the site assessment process started).

The SG understood from WC that the essential purpose of this exercise was to identify land for potential allocation that has no 'showstoppers' that would prevent any development proposal being able to mitigate any potential for harmful effects identified in a Sustainability Appraisal. This is precisely the same approach taken by the SG, which follows common practice in site assessment for neighbourhood plans. The SG therefore considers that WC's objection to its allocation at Salisbury Road on landscape and ecology grounds contradicts WC's own site assessment process.

The SG notes too that WC's objections are very similar to those arguments made by objectors to WC's own allocation of the main Salisbury Road (Marlberg Grange) site allocation in the previous Core Strategy. At that time, WC rigorously defended its allocation proposal, which was eventually part of the adopted plan. The MARL1 proposal will be less than one fifth of the size of that allocation on land that is a logical extension to that site and which has the same landscape characteristics and ecology constraints. As a result, the MARL1 policy expects that the mitigation strategy agreed for Marlberg Grange (and that is now being implemented on site) will be replicated in proposals for the MANP allocation and there has been no change in the ecology or other evidence base since the WC allocation. The supplementary statement provided by the Crown Estate to this effect is attached as Appendix A.

In support of this policy the SG has judged that the information contained in the Sites Report was sufficient for consultees to be informed of how those tests have been performed. Some of the land promoters (of Salisbury Road and Barton Dene) have provided more information than has been published to provide the SG with the confidence that they are serious about bringing forward proposals. The SG therefore provided AECOM with the Sites Report (including the concept plans) and AECOM verified that it had sufficient information to carry out a robust Sustainability Appraisal. Given AECOM's contractor status in the Neighbourhood Plan Support Programme and its track record in this matter, the SG has no reason to challenge its advice, which AECOM has been happy to reaffirm in response to the examiner's questions and the challenges made by WC, Natural England and Historic England.

Inevitably, over the course of a prolonged and complex assessment process, some information may be inadvertently missed from a report even if it is known and has been used in the assessment. Ultimately, the SG considers that it is the allocation policy provisions that matter, not the accidental omission of details in an evidence report. In the case of the reference to bats at Salisbury Road, that factor was fully known about by the SG (from the work of the Wiltshire Bats Group and from the Marlberg Grange planning applications and the land interest) and was acknowledged in the first site assessment (see Table AB.5 in Appendix B on p91). This resulted in the specific requirements in bullets 3, 4 and 7 of the allocation policy. It is unfortunate that the subsequent iterations of the assessments in Appendices C and D did not make the same reference but that did not mean that the factor was not known or had not been taken into proper account, hence the final policy wording.

In response to the Reg 16 representations on this matter AECOM has referred to its conclusions on p117 of its report and notes that the disused railway and priority habitat in the corner of the site are not designated, and as a result, it could not conclude there would be significant effects once mitigation has been taken into account. The SG has made provision for mitigation to be a key requirement in its policy and both it and AECOM therefore firmly reject Natural England's claim that the Sustainability Appraisal is 'flawed.'

The SG speculates that this matter highlights a more fundamental issue, that of who asserts planning judgement in neighbourhood plan making and how it is done. WC has previously advised the SG that were it to be a matter of its judgement alone (through the Local Plan Review) then it would likely strike the balance between delivering affordable housing and landscape conservation differently. But it has accepted that it is in the gift of the SG to come to a different (reasoned and evidenced) judgement on this balance and this explains its use of a range for its indicative housing target rather than a specific number.

The SG notes that the other statutory consultees have only a single organisational interest and are not required to make difficult policy trade-offs as plan makers. It observes that this can lead to demands for more proof that the plan maker's judgement is sound and to exaggerated claims that there is no evidence to support the proposals and to basic errors being made. For example, it cannot be disputed that the Salisbury Road site is well connected to the town centre for non-car trips and will enable more such trips from the surrounding area through better connectivity, rather than an inaccurate depiction of it being located 'in an upper valley away from the main settlement.'

The SG and AECOM are very confident that enough is known about the concept proposals and of the essential evidence base for their respective judgements, and for the process of arriving at those judgements, to be valid. If the basic conditions tests had required that a Qualifying Body could only arrive at the same judgement as would the LPA then the SG considers there would be no practical point in neighbourhood planning.

The SG considers that the NP, with its greater community consultation requirements and referendum, is the most effective means of defining and judging 'public benefit' in a specific locality. The fact that other parties may arrive at a different judgement is immaterial if they cannot demonstrate that the community's judgement is unreasonable or irrational in their proper legal meaning.

In respect of the examiner's reference to the Environment Act 2021, the SG can only assume it relates to its biodiversity net gain and local nature recovery provisions. The SG observes that these overall policy goals have been part of the NPPF for some time and will be addressed at the planning application stage. The SG notes that both the Salisbury Road and Barton Dene proposals comprise relatively small developable areas compared to their gross site areas, and both create opportunities to meet or even exceed the minimum requirements on site.

MARL 1 (Q4)

The 'brownfield target' is part of the emerging Local Plan Review. WC had not shared with the SG its intended approach before the publication of the 'Emerging Spatial Strategy,'. Fortunately however, the SG had from the beginning of its site assessment process looked to identify all available and suitable brownfield sites in line with national policy (especially the AONB) and its community consultations. The Sites Report explains that process and highlights that very few brownfield sites were made available for consideration. For some sites, a view was taken that the progress of planning applications on them would predate the making of the NP in any event. One site was given further consideration but was excluded, with WC's support, as being a scarce and valuable employment site. Both of the two remaining available and suitable brownfield sites at Cherry Orchard and Kelham Gardens are proposed for allocation.

The SG notes that WC accepts this approach is aspirational, rather than setting the type of housing target advised by NPPF §67, and WC has no evidence that this aspiration may be met from previously developed land becoming available in the short to medium term. But the SG shares WC's aspirations and this is expressed through the allocation of the only two available and suitable sites in the policy and in MARL3, which should ensure that when scarce 'windfall' sites do become available their full housing need and supply potential can be realised.

MARL 1 (Q5/Q6)

The SG has explained in the Basic Conditions Statement how the affordable housing element of the allocation will be delivered. There is no basis for considering its proposals naïve or optimistic when both landowners (not developers with options to negotiate at the planning application stage) have agreed to the requirements and understand the provisions of NPPF §58 in respect of how viability is addressed at the planning application stage. An applicant will not receive the benefit of this policy if the proposal does not meet this requirement and will have no grounds to argue otherwise.

Both of the greenfield landowners have also accepted that the SG requiring a higher percentage of affordable homes than the Core Strategy is a key element in the SG making the 'exceptional circumstance' case for major development in an AONB (see Q10 below). It will be for WC to make provision in its emerging Local Plan for this (and any other) neighbourhood plan to set its own affordable housing requirement, within the bounds of general conformity, so that the MANP policy is not superseded in this respect.

MARL 1 (Q8/Q9)

The SG remains surprised that WC and others appear to consider that the town does not have an affordable housing problem of a sufficient scale to warrant policy attention in the MANP. All the technical evidence, no matter what precise methodology is deployed, reinforces the considerable anecdotal evidence from the community and employers in the town of the difficulties in securing labour and from local families being unable to access local housing. Continuing to expect the town's affordable housing needs to be met elsewhere in the housing market area or Wiltshire is not a sensible, sustainable strategy.

The SG has requested a response from its expert advisers and authors of the 2020 study (Cobweb) and this is as follows:

"The 2020 study was concerned only with establishing the objective need for affordable housing - that is to say the level of need unmitigated by any considerations of cost of provision, feasibility or wider concerns such as the impact of development on the environment. That is the approach to housing need assessment required by planning guidance. Questions of whether, where and how affordable need should be met are subsequent and consequent matters, to be considered against a wider range of considerations before being set out in plan proposals. However, it is expected by guidance that identified affordable need will be met in some manner or place rather than being set aside unmet."

"The 2020 study used various approaches to apportion the Wiltshire affordable housing need identified in the SHMA. This was net need, which had already taken into account the supply of affordable relents across the county. Hence the 2020 estimate of affordable need in Marlborough is

also an assessment of net need, which has already taken relets into account. To deduct possible relets from this total would be double counting.”

“The 2020 study estimate of affordable housing requirement for Marlborough is higher than that for the area which was proposed by WC. The exact process by which WC arrived at its estimate of affordable provision for the Marlborough area is not set out but the figure probably takes into account WC’s view of land supply and environmental constraints (an approach which, as noted in point 1 above, is not relevant when assessing objective overall affordable housing need). WC did not disaggregate affordable need to produce a Marlborough figure, but the implication of its approach is that any affordable need arising in Marlborough in excess of what can be met locally will be met elsewhere in the county. The issues for the Neighbourhood Plan are therefore whether the aim should be (a) to accept WC’s proposal to meet only some of the affordable need arising in Marlborough within Marlborough (b) to meet only some, but more, than that proposed by WC or (c) to try to meet all local need. The 2020 study or indeed any housing need study cannot resolve this, as such studies are concerned with need not with provision.”

The SG agrees with this response and notes that its housing supply proposals in MARL1 follow the second (b) of those choices. For the reasons explained elsewhere, it is not sustainable for the existing acute problem of access to affordable housing – the worst in the county – to be accepted and provision made outside the area (a). On the other hand, the environmental constraints of the town are simply too great for the SG to plan for the many hundreds of open market homes that would be needed to deliver enough affordable homes to meet all of the town’s current and future needs in full (c).

MARL 1 (Q7/Q10)

The SG has fully set out its reasoning in the submission documents, notably §5.21 - §5.21 of the Site Assessment Report. It considers that it has given proper weight to landscape matters and, although it is debatable if NPPF §177 applies to either of the two allocations in question, given their small size in relation to the town, it has argued the exceptional circumstances case in any event. The SG notes that the NPPF makes no provision for ‘landscape-led’ site selection. It is for the plan maker to obtain what it judges to be sufficient, proportionate evidence across all relevant environmental, social and economic factors through the Sustainability Appraisal process in order to strike the right planning balance in its judgement of which sites to allocate and of the development principles to set out in each allocation policy.

In an area like MANP, all potential development sites lie in an AONB. Once the supply of available and suitable brownfield sites is exhausted, as here, only greenfield sites on the urban edge can be considered to support additional growth. It is inevitable that all will have a harmful landscape effect to some degree – the plan maker is obliged to find those sites that will have the least effect that can be mitigated but that also offer the potential for positive effects, informed by the Sustainability Appraisal.

The SG has sought to allay the concerns of WC and the AONB prior to submission. This has resulted in the SG deciding to reduce the overall scale of housing development allocations by almost one third by deleting the Elcot Lane site, where community support was absent. The SG considers that the AONB must accept that the town has exhausted the supply of land to deliver affordable homes within its built-up boundary and has to find land in the most sustainable locations that minimises the

harmful effects on the AONB. The SG advises the examiner that there are currently no other available and suitable sites within the town boundary that could have been considered.

The reference in §5.16 and §5.21 of the Site Assessment Report to the publication in the evidence base of detailed LVIAs is an error from an earlier draft of the document. Although some of that evidence has been prepared by the land interests, it was agreed with AECOM that it was not necessary for its appraisal of the spatial options and sites as reasonable alternatives. Instead, the concept plans showing the parameters for development of the two sites were deemed sufficient for this purpose.

MARL 1 (Q15/Q16)

Following a meeting with the surgery the SG discovered the comments were submitted by the CCG without the knowledge of the KAMP, and that their comments do not reflect the KAMPs position. The KAMP have confirmed their requirement for extra space for medical facilities in the town and that they do not object to the Barton Dene site being safeguarded as a suitable option for that purpose; they do not wish to comment on housing matters as this is not their remit. The land interest has confirmed that it remains happy for the policy to make provision for this use to encourage proposals to come forward until such a time that they are deemed undeliverable.

MARL 1 (Q17)

The SG has sought to strike the right balance between maximising the potential of this brownfield site and minimising its environmental harm. The constraints are known, and have been included in the Sustainability Appraisal assessment, which has informed the wording of mitigation measures in the allocation policy. The SG understands that proposals for a scheme of 24 homes is coming forward in a way that will be consistent with these policy provisions and with the broader housing supply strategy of MARL1.

MARL 1 (Q18)

The SG agrees that the site boundary should be clearer than shown on the existing plan and this will be corrected on the new Policies Maps. It notes that the land promoter has submitted a site plan in its Reg 16 response that accords with that included in the site assessment process.

The SG considers it has correctly applied the sequential and exception tests of the NPPF but the wording used to explain this may be improved. It has been demonstrated that there are insufficient available and suitable sites of a lower flood risk than this site to meet the NP housing supply strategy, thus the sequential test is passed. Whilst others may speculate on the availability of other sites, the SG must be clear on this matter and went to great lengths to ascertain availability in its assessment process. The SG notes WC's recent confirmation that its own data indicates there are no other available brownfield sites in the town. And as already noted, neither WC nor the AONB would support additional greenfield sites in Flood Zone 1 being allocated for housing.

In which case, as it is ‘not possible for development to be located in areas with a lower risk of flooding taking into account wider sustainable development objectives (as per NPPF §163)’, the exception test has been applied. In doing so, the SG has explained how the redevelopment of this eyesore, derelict, contaminated but very well-located site will ‘provide wider sustainability benefits to the community that outweigh the flood risk.’ The land promoter has reassured the SG that the emerging proposals ‘will be safe for the lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere.’ The allocation policy makes clear that a flood risk management will need to demonstrate this is the case at the planning application stage. The SG considers that it is not practical for a Qualifying Body or an LPA to carry out a technical assessment of detailed flood risk management proposals at the plan making stage and nor does the NPPF make it a requirement.

MARL 1 (Q19)

The SG notes others’ observations that the MANP contains no specific traffic management mitigation measures. Qualifying bodies have no access to independent transport expertise to judge cumulative effects and instead rely on the Sustainability Appraisal to identify the potential for significant effects and on LPAs to advise on these matters. Although transport assessments will be required of each of the site allocations, and any other proposals for major development, the SG wished to respond to comments raised at the Reg 14 stage and included this provision in the final policy.

It is especially mindful of the AQMA but considers that allocating sites that are relatively modest in size (130 homes in total, compared to the 250 homes of the Marlberg Grange scheme) and that are distributed around the town in locations that all lie within a reasonable walking and cycling distance of the town centre would be a self-evident mitigation strategy. Had WC disagreed then as highways authority it may have offered to model the effects for reassurance that the proposals will not lead to an unacceptable impact on highway safety, nor would their residual cumulative impacts on the road network be severe, as per NPPF §111.

MARL 2 (Q21)

The SG did include both Mildenhall and Manton in the original call for housing sites as there appeared from the early evidence gathering and community consultations that there may be support for some new homes for specific reasons. Two sites were submitted for assessment in Mildenhall (and others in Manton) and there was a public meeting with residents to discuss the principles and sites.

WC was not supportive of the MANP allocating land in either village but, at the Parish Council’s request, rather than remain silent the SG instead formulated a policy that encourages proposals for affordable housing to come forward. However, the supporting text notes that this is not to meet the specific needs for such housing from the existing community (although there is wider demand in the MANP area evidenced through the Housing Needs Assessment). Such housing is wanted instead to encourage younger people and families to move into the village to build its vibrancy.

Like many such villages, the community is seeing an aging and declining population and wishes to tackle this. This is subtly but importantly different to WC's rural exception site provisions, which require evidence of locally generated need, which it would define as Mildenhall Parish if a proposal were to be made. The text also notes that the most suitable planning product – now 'First Homes' since the submission of the MANP but also 'Entry Level Homes' – which is of the kind most desired by the community, cannot be delivered as exception sites on the edge of the village as both NPPF §72 (footnote 36) and PPG §70-025 preclude their provision in AONB locations like Mildenhall. The policy does include a criterion (4) that will help determine the extent to which the location and nature of the scheme will successfully stitch into the village fabric and meet AONB policy obligations. The SG did not consider that the policy could require a scheme to maintain the homes as affordable in perpetuity, given that it would not be a rural exception site that allows for such legal provision to be made.

MARL 3 & MARL1(D) (Q22)

The SG has explained and justified its case in the MANP and Basic Conditions Statement. Where there have been rare opportunities for significant brownfield site developments in the last decade or more, they have most often been developed for age-restricted, retirement complexes. The pricing of these developments has mostly excluded local residents who may wish to downsize (to replenish local supply) and instead has targeted households migrating into the town from locations well beyond Wiltshire. It is therefore not meeting local needs by releasing existing homes from downsizers to other household types, and nor can the occupancy of open market homes be controlled. It is also contributing to the increasing age profile of the town.

Worse, WC has been unable to require any affordable housing contributions from these schemes given their NPPF §65(b) exemption which has superseded WC's Core Policy 46. The conventional policy response of 'predict and provide' merely serves to reinforce the problem in towns that already have an older demographic and the pressures that places on local health services on the one hand and the relative decrease in working age population to occupy jobs in the town on the other. With so many recent schemes in the town, and with so much of the demand for this accommodation type being driven from outside the county, it seems reasonable to expect other suitable locations in the county to plan to meet it for the rest of the plan period. The SG notes that any unintentional or undesirable effects of the policy may be identified in monitoring the policy and any necessary corrective action may be taken in a future review of the MANP.

The SG accepts that the wording of the policy in relation to Clause D of MARL1 would benefit from greater clarity. It suggests that Clause D is deleted and MARL3 is modified to delete 'windfall' from its first sentence. This will make it clearer that MARL3 applies to any proposal for single tenure, specialist accommodation intended for older people, including on the allocated sites. In that respect, the SG disagrees with the land promoter at Kelham Gardens that an exception should be made for that site. It is clear that if not constrained in this way, the market will continue to regard the town as highly desirable for older persons accommodation. The SG has seen no evidence that this market constraint will render that allocation unviable.

MARL4 (Q24)

The SG confirms that the defined Town Centre Area has been derived from and matches that of the Kennet Local Plan Policies Map (policies ED18 and ED19). Although it did commission a town centre report in 2017 looking at a range of issues for its evidence base, including the car parking problem, the retail analysis was considered too out of date to justify changes to the various boundaries. In any event, as explained in the MANP and Basic Conditions Statement, the policy is intended as an interim measure to replace the saved Kennet policy and to reflect the provisions of the new Use Class Order. The SG accepts that some learning and non-residential institution uses (F1) and local community uses (F2) may also be appropriate in the defined Town Centre Area and a recommendation to this effect will be supported.

MARL 5 (Q25)

The SG accepts that no solution to addressing the town's parking needs will be entirely problem free. The chosen site is deliverable and is considered to be sufficiently close to the town to meet its purpose. The mitigation measures in the policy acknowledge the sensitive location, notably those identified in the conservation report. No ecological survey has been undertaken but the current use and character of the land would suggest it is unlikely there would be an unknown ecological constraint of such a scale to invalidate a scheme in principle. This is therefore left to the planning application stage. Having defined the site boundary on the Policies Map, the SG sees no need to define a maximum site capacity in the policy; this can be left to a planning application to resolve.

MARL 6 (Q26)

The SG agrees that the reference to ancillary buildings should be deleted.

MARL 7 (Q27)

The SG notes that Core Policy 49 does not apply to the town but it would welcome the examiner's suggestion for a modification to the policy wording. It observes that it is common for this type of policy to be phrased negatively as otherwise it may give the impression to non-planners that harmful proposals will be encouraged.

MARL 8 (Q28)

The SG was not able to identify suitable land for new facilities, despite its great endeavours. It would welcome the examiner's suggestion for a modification to the policy wording.

MARL 9-12 (Q29)

The SG would be happy with the examiner's suggested modification to the titles of these policies and to delete the reference to 'setting.'

MARL 13 (Q30)

The SG prefers to use its policy title to that of ‘non-designated heritage assets’ (which is not a term that is easily understood by non-planners). The supporting text has however made clear for applicants and WC that the policy is intended to engage the NPPF provisions in respect of non-designated heritage assets.

The SG agrees that a more detailed description of the assets in Manton, Mildenhall and Savernake would be desirable but is not essential. It does not have the resource to complete that work now, but will encourage the respective town and parish councils to carry out such work as supplementary guidance to this policy in due course to improve the effectiveness of the policy.

The SG would be happy with the examiner’s suggested modification to the policy phrasing.

MARL 14 (Q31)

The SG prepared the four Open Space reports throughout the plan making process to inform its policies. Not all of its work resulted in policy proposals – for example it had difficulty in mapping the Important Wildlife Corridors and decided not to include them on the MARL14 policy maps. On the other hand, its mapping of specific locations in the AONB (for MARL17) was incorrectly added to the MARL14 maps, an error which can be corrected in preparing new policy maps. The SG infers that this may have led to confusion between the ecological focus of MARL14 and the landscape focus of MARL17. The SG agrees that clauses C and D may be better worded to improve their clarity as the examiner suggests, together with the provision of clearer Policies Maps (see Q38 below).

MARL 15 (Q32)

The SG notes that WC has withdrawn its objection to No.7 being designated. The SG disagrees with Marlborough College. Should the College seek to bring forward proposals at Barton Park outside the Neighbourhood Area (in Preshute Parish) in future then it will need to make the very special circumstance case in its application (or argue why the provision of a road across the site is not ‘inappropriate development’). These are not matters that relate to the designation criteria now and this proposal does not undermine ‘the local planning of sustainable development’.

The SG has no more evidence to present other than that already set out in the Open Spaces reports. It agrees that the new policy maps should be at a scale to clearly identify the boundary of each space (see Q38 below).

MARL 16 (Q33)

The SG had identified these spaces primarily for their community amenity and recreational value. However, its Open Space reports show that the spaces may also contribute to the wider network of primarily ecologically valued assets in the Area. Hence, the spaces are shown on the MARL14 maps, but are not specifically identified on those maps, which can be corrected on the new policy maps. It agrees that the new policy maps should be at a scale to label and clearly identify the boundary of each space (see Q38 below).

MARL 17 (Q34)

In respect of clause A, the SG generated its own information to shape its thinking about the policy. This supplemented the primary evidence provided by the Landscape Character Assessment reports published by Kennet and Wiltshire councils. The policy wording is derived from those reports but also reflected the SG work. The SG decided that it was not necessary to be as place specific in the submitted MANP as originally intended and therefore this policy is not shown on the Policies Maps.

In respect of clause B, the SG disagrees that a development plan cannot come to a view that a policy provision in the NPPF is not applicable in a specific area. The role of the development plan is to translate national and strategic policy to fit local circumstances and the SG has had regard to the NPPF as a material consideration. The SG considers that there are no locations within the Area where both of the two tests of §80(e) can be met for the reasons explained in the Basic Conditions Statement. Had §80(e) not included those tests, and required both to be met, then the SG would not have proposed this clause.

MARL 18 (Q35)

The SG considers the wording to be fit for purpose, following a format of wording that is common to many neighbourhood plans and is encouraged by statutory consultees. It expressly does not resist or prohibit external lighting as alleged.

MARL 19 (Q36)

Development plans are able to set out zero carbon building standards as planning policy for the reasons set out in §5.62-§5.63, and an increasing number of Local and Neighbourhood plans are bringing forward very similar policy proposals as a result. Recent Government policy announcements, most importantly its response in January 2021 to its Future Homes Standard consultation, now make it clear that it accepts the policy framework has changed very significantly from the time of the Written Ministerial Statement of March 2015. That Statement, which prevented local discretion in policy making, has now been superseded, as most recently confirmed in the legal opinion provided to the examiner of the North Hinksey Neighbourhood Plan. Until and unless national or strategic policy supersedes these provisions then the policy will have important short-term traction in this Area by shaping the proposed site allocations.

These allocations will form the main supply of new homes in the Area over the next decade and requiring zero carbon performance from them will enable the MANP to make its most significant contribution to tackling climate change by planning sustainable growth. There is also now a growing national evidence base to demonstrate that there is no longer a material effect on viability across most building typologies and most economic conditions. There are no unusual typologies required by the design policies of the MANP and there are no unusual economic conditions that would indicate that the MANP area is especially disadvantaged by low land values or abnormal build costs.

The SG notes that most of the land interests support the policy, which corresponds with many developers having already priced in the need to meet this standard now. In response to the comment by the Kelham Gardens land promoter, the SG notes that the policy does allow flexibility through clause B of the policy if an applicant chooses not to meet the PassivHaus standard. There is

no sound reason why WC cannot replicate this policy in its emerging Local Plan Review and the SG would welcome that.

POLICIES MAPS (Q38)

The SG agrees that improvements may be made to the way in which the policies are shown on maps and it will provide WC with a new composite Policies Map and a series of insets at a sufficient scale to ascertain the boundaries of each policy to include in the referendum version of the MANP.

APPENDIX A

STATEMENT FROM MARLBOROUGH COLLEGE (MARL 1: BARTON DENE)

The College's proposals for the site at Barton Dene, now the subject of draft allocation Policy MARL1: Land at Barton Dene in the submitted draft of the MANP, have been informed by a number of technical assessments. Relevant submissions have been made to the MANP including the following:

- Proposal Document (submitted in June 2020) supported by:
 - Site Location Plan
 - Land Use Plan
 - Illustrative Masterplan
 - Bird's Eye View
 - Heritage Note (June 2020)
 - Landscape and Visual Appraisal (June 2020)
 - Site Access Technical Note (June 2020)

- Amended Plans following withdrawal of Preshute Parish from the MANP (submitted August 2020) including:
 - Site Location Plan
 - Land Use Plan
 - Illustrative Masterplan

- Regulation 14 Representations (March 2021)

- Regulation 16 Representations (November 2021)

We understand that AECOM has undertaken the SEA/SA of the submitted plan and we have provided relevant technical assessment and supporting information to assist AECOM in completing this assessment. It is for AECOM to determine the information it relies upon to inform its assessments.

NB STATEMENT FROM THE CROWN ESTATE (POLICY MARL1: REAR OF SALISBURY ROAD) is also expected.