

08 March 2021

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Dear Councillor Hall,

Consultation on the draft Marlborough Area Neighbourhood Plan 2021 - 2036 (Regulation 14) - Wiltshire Council consultation response

Thank you for providing Wiltshire Council with the opportunity to comment upon the draft Marlborough Area Neighbourhood Plan (MANP).

We welcome the publication of the draft MANP and the significant progress this represents. As you know, we have been working with you over a number of years to support the preparation of the draft neighbourhood plan, but this consultation gives a formal opportunity for the Council to comment and make suggestions. At this formal stage of the neighbourhood planning process, our primary focus is to ensure the plan generally conforms with the strategic policies of the adopted Wiltshire Core Strategy (WCS) (adopted January 2015); its policies will be effective in achieving their stated objectives when applied to the determination of individual planning applications within the neighbourhood plan area; and its policies are consistent with national policy and avoid duplication.

The draft MANP represents a considerable amount of work which is commendable, involving many interests in the local community, and encompasses a wide range of issues, pulling them together in a coherent way. It is recognised that the draft MANP states that the journey that has lead to the production of the plan has not been an easy one, but ultimately it has been worthwhile, enabling the local community to put Localism into action and have a say in future developments within the neighbourhood plan area. The final 'made' plan will form part of the development plan for Wiltshire and will set a clear direction for growth within the neighbourhood plan area and contribute towards ensuring future developments meet the objectives of sustainable development.

As you will be aware, the representations received through this Regulation 14 consultation provide you with the opportunity to review your plan and make any appropriate changes before submission. In this regard, it is worthwhile reviewing the basic conditions that the draft MANP must comply with at the examination stage and therefore take the opportunity to consider whether the plan and supporting evidence could be improved to address these. We have made some initial comments against the basic conditions before providing more detailed comments on the draft plan. The following comments take into consideration the views of specialist officers in the Council and are intended to help ensure conformity with basic conditions and strengthen the draft MANP. Whilst the comments may appear extensive the Council wishes to provide as much feedback as possible to help inform a review of the Plan and would be happy to discuss the issues raised.

The Basic Conditions

For context, the independent neighbourhood planning examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country

Planning Act 1990 (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004. The basic conditions¹ are:

❖ **Having regard to national policies and advice contained in guidance issued by the Secretary of State**

This means that the neighbourhood plan must be in accordance with national policy objectives, such as the National Planning Policy Framework (NPPF) which advises that neighbourhood plans must support the delivery of strategic policies contained in local plans and spatial development strategies i.e. Wiltshire Core Strategy and emerging Wiltshire Local Plan.

❖ **The making of the neighbourhood plan contributes to the achievement of sustainable development**

This means that the neighbourhood plan must demonstrate how it will contribute to improvements in environmental, economic and social conditions or that consideration has been given to how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as 'mitigation measures').

❖ **The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area**

This means that the neighbourhood plan must not create a conflict with the strategic aims and policies of the Wiltshire Core Strategy and emerging Wiltshire Local Plan.

❖ **The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations**

A neighbourhood plan or Order must be compatible with European Union obligations, as incorporated into UK law, in order to be legally compliant.

❖ **Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.**

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018. It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).

It should also be noted that the examiner must also consider whether the draft neighbourhood plan is compatible with human rights² and reference should be made to this in your draft plan or the basic conditions statement when submitted at the Regulation 15 stage.

Strategic Environmental Assessment (SEA)

The draft MANP had been screened under the SEA Directive / Regulations back in August 2019 when Wiltshire Council confirmed that the draft MANP was likely to have significant environmental effects. The decision was made due to the entire neighbourhood plan area being within the North Wessex Downs Area of Outstanding Natural Beauty (AONB) and the draft policies at the time allocated land for housing and school development,

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)

² The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

increasing capacity of primary health care services in the area and identified the potential for employment sites in rural areas.

It is acknowledged that the current draft Pre-Submission Plan is supported by a Sustainability Appraisal (SA) that incorporates a SEA.

Habitats Regulations Assessment (HRA)

Wiltshire Council has undertaken another HRA, now that the policies and land allocations are formally proposed as part of the Pre-submission draft Plan (Regulation 14 stage).

The HRA is attached to this letter (Enclosure A) but in summary it concludes 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. Similarly, the additional residential, business/commercial and employment development promoted by means of policies MARL2 to MARL6 inclusive has potential to lead to a likely significant effect on the SAC. The land allocations and developments that may come forward under these policies have the potential to lead to significant effects on the aforementioned European site as the proposed development sites within the catchment of the River Kennet and tributaries would likely necessitate an increase in water abstraction resulting in additional water resource pressures and an impact upon the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC.

It has not been possible to undertake a suitably informed Appropriate Assessment (AA) at this stage and the enclosed HRA sets out the further steps to acquire the information required to establish if a full AA will be required. The further information to be requested from Thames Water and the Environment Agency may be sufficient to enable Wiltshire Council to screen out policies MARL1 to MARL6 and confirm that a full AA would not be required. On the other hand, if a full AA proves necessary, a suitably robust mitigation strategy will need to be formulated. Wiltshire Council will be able to work in close collaboration with the MANP Steering Group to help progress this matter.

The SEA and HRA screening decisions will need to be reviewed before the submission of the draft Plan at the Regulation 15 stage.

Strategic Planning Policy Context

The draft MANP is planning to cover the period 2021 - 2036 and is being prepared alongside the review of the Wiltshire Core Strategy (known as the Wiltshire Local Plan Review), which plans for the period to 2036. It therefore takes into consideration not only the adopted Wiltshire Core Strategy (WCS) but also work undertaken thus far on the emerging Wiltshire Local Plan Review (LPR).

Consultation undertaken as part of the LPR process (Wednesday 13 January to Tuesday 9 March 2021) will inform a draft plan that is programmed to be published towards the end of 2021. At that stage, there will be a clearer understanding of future strategic policies for the Marlborough area and it will be important that we continue to work together to ensure alignment of plans.

Proposals relevant to the draft MANP that were published as part of the recent consultation, include:

- Proposed level of growth for Marlborough and a suggested brownfield target
- Potential locations for greenfield development at Marlborough

The LPR consultation presents how forecasts predict Wiltshire will need between 40,840 and 45,630 new homes over the plan period of 2016 to 2036³. In order to test this level of growth and for the purpose of distribution the County was subdivided into four different Housing Market Areas (HMAs), with Marlborough falling within the Swindon HMA. Alternative Development Strategies (ADS) were then developed and at least three ADS were tested for each HMA, disseminating growth to the settlements within. Sustainability appraisal of the ADS assessed and compared ADS both at the lower and higher end of the range. This assessment concluded there were no adverse effects of such significance that would prevent the higher figure being progressed; and informed the proposed levels of growth included within the consultation, which is summarised in the Emerging Spatial Strategy consultation paper.

The results of work undertaken to inform the proposed strategy also pointed towards a 'Focus on Royal Wootton Bassett' (ADS SW-B) as a clear preferred alternative for the Swindon HMA. ADS SW-B means a residual requirement of 50 dwellings at Marlborough to meet the HMA housing requirement up to 2036. However, it was clear through discussion with Marlborough Town Council that the draft MANP evidence base pointed towards a desire and need for local affordable housing. Thus, the highest requirement tested for new homes at Marlborough (ADS SW-C) is included within the LPR consultation proposals, which means a residual of 245 dwellings. As referred to below, the level of growth proposed for Marlborough is to enable the MANP to explore the potential of delivering the affordable homes their work has indicated are required as a priority for the settlement. This level of growth does however represent a challenge given Marlborough sits within a constrained location compared to the wider HMA. Delivering this growth will require careful balancing against the need to protect the attractive qualities of the wider AONB.

Both the Local Plan and neighbourhood plan can allocate sites for development. It is currently anticipated that the draft MANP, rather than the Local Plan, will identify sites on which new homes can be built. In this instance, the Site Selection work undertaken by Wiltshire Council so far would contribute as evidence towards the draft MANP selection process. It is noted that the draft MANP, having established an evidence base and tested available sites, is proposing site allocations delivering a total of 180 dwellings. It is understood that this figure represents a quantum of development arrived at once the needs-based figure for affordable housing is balanced with the constraints present and land availability. Further comments are made on the proposed site allocations below.

Wiltshire Council is committed to continuing to work in close collaboration with the MANP steering group to ensure that Marlborough's housing needs are met, balancing housing need with other considerations, and ensuring synergy is achieved between the two plans.

Draft MANP Vision and Objectives

The draft plan sets out a clear vision and a range of objectives for the plan period which have been informed by community consultation. The objectives are reproduced here to set the context for the observations that follow below: -

- ❖ "Conserving and enhancing our special heritage assets and the landscape and scenic beauty of the North Wessex Downs Area of Outstanding Natural Beauty
- ❖ Delivering affordable housing to address the present shortfall
- ❖ Delivering a range of housing mix and types that encourage and enable local low-income groups including young people to live in the Marlborough Neighbourhood Plan Area
- ❖ Delivering the social infrastructure that the Marlborough Area needs
- ❖ Encouraging the efficient use of employment land
- ❖ Maintaining and enhancing the Town Centre as a successful service centre
- ❖ Maintaining and promoting the local area as an attractive tourist destination
- ❖ Securing the long-term future of community facilities
- ❖ Protecting and enhancing the area's most valued open spaces and improving connectivity".

³ 40,840 homes being the minimum required by Government using its current standard method. The Government has stated an intention to review its methodology. Source: Swindon Borough and Wiltshire Council Local Housing Needs Assessment 2019, ORS, (Apr 2019).

The vision and objectives align with the strategy for the Marlborough Community Area, as set out within Core Policy 14 'Spatial Strategy: Marlborough Community Area' of the WCS. There are however additional 'Issues and Considerations' identified within Core Policy 14 (at paragraph 5.78) that are directly relevant to the neighbourhood plan area and policies within the draft Plan which may benefit from being referenced from the outset within Section 5 'Vision, Objectives and Land Use Policies' to ensure that the key biodiversity and environmental objectives of the plan are also captured in this section. The Issues and Considerations identified within the WCS include: -

- "several sites of nature conservation importance lie in close proximity to the town, particularly Savernake Forest SSSI, River Kennet SSSI / CWS and Marlborough Railway Tunnel. Development will protect and, where possible, enhance the ecological value of these features
- survey is required of the potential impacts of development on protected bats (including roosting, foraging grounds and commuting routes) associated with the Savernake Forest bat roosts and other species. The hibernation roost of Annex II bats in the disused railway tunnel will be protected. Development must avoid adverse impacts on protected species and designated local wildlife habitats and features
- an AQMA has been declared in the town and there are local concerns that development will lead to mandatory limits set by European Directive 2008/50 being exceeded. Measures to improve air quality in Marlborough must be considered for the plan period."

The general vision and objectives of the draft MANP are also aligned with the issues and draft place shaping prioritise identified within the Local Plan Review, these include: -

- i. "Housing provision will prioritise local needs for affordable homes. This will require enough new housing whilst respecting the objectives of Area of Outstanding Natural Beauty designation;
- ii. Support additional opportunities for job growth and business investment ensuring the town centre remains a vibrant hub for the community and as a visitor destination. This should facilitate self-containment and maximise the tourism opportunity Marlborough and its surroundings offer while preserving and enhancing the special historic character of the Town Centre.
- iii. Develop a town centre strategy to improve accessibility, traffic management and parking
- iv. Improve the provision of infrastructure to fully meet the town's needs, in particular additional health service and educational facilities".

The policies within the draft MANP are structured around these draft place shaping prioritise to ensure future development contributes towards the objectives of sustainable development. The following sections do however provide a range of comments on the policies within the draft MANP to ensure it aligns with the current local plan, and to ensure the policies can deliver their intended objectives.

Draft MANP Planning Policy Context

The recognition of the strategic policy context, particularly the WCS and emerging LPR, that is referenced throughout the Plan is welcomed. It is however recommended that the plan be updated to address the following:

There are a range of key WCS policies that apply to the draft MANP and could be added under paragraph 3.4, these include: -

- Core Policy 3 Infrastructure Requirements;
- Core Policy 41 Sustainable Construction and Low-Carbon Energy;
- Core Policy 46 Meeting the Needs of Wiltshire's Vulnerable and Older People;
- Core Policy 50 Biodiversity and Geodiversity;
- Core Policy 52 Green Infrastructure;
- Core Policy 55 Air Quality;
- Core Policy 56 Contaminated Land;
- Core Policy 57 Ensuring High Quality Design and Place Shaping;

- Core Policy 60 Sustainable Transport;
- Core Policy 61 Transport and Development;
- Core Policy 62 Development Impacts on the Transport Network;
- Core Policy 67 Flood Risk;
- Core Policy 68 Water Resources;
- HC34 Recreation Provision on Large Housing Sites (saved Kennet Local Plan policy);
- HC37 Demand for Education (saved Kennet Local Plan policy);

Paragraph 3.5 states that the Wiltshire Housing Site Allocations Plan (WHSAP) “proposes to amend the settlement boundary in Marlborough”. The former part of the paragraph confirms that the WHSAP has been adopted by Wiltshire Council, therefore it needs to be confirmed that the settlement boundary for Marlborough has been updated by the adopted document.

Paragraph 3.7 refers to the Alternative Development Strategies (ADS), that indicate a residual of 50 – 250 additional dwellings at 1 April 2019 to be planned for, tested by Wiltshire Council as part of the Local Plan Review and mentions the need to deliver a minimum of 50 dwellings. This section could be updated to refer to the recent consultation and the proposals for Marlborough as outlined within the Emerging Spatial Strategy and – ‘Planning for Marlborough’ consultation documents, both published in January 2021. Furthermore, this and other references to the LPR will need to be kept under review and updated to reflect progress made on the LPR.

In addition to the above, it is recommended that The Local Transport Plan be identified as a relevant planning policy document. It is also recommended that the National Design Guide be referred to within paragraph 3.2. The Design Guide has an Identity Section which the draft MANP may want to take the opportunity to elaborate on, to guide applicants on any specific parameters that are expected.

Draft MANP Evidence Base

The following documents, which are listed within Appendix B of the draft MANP, have been submitted in support of it: -

- Marlborough Area Neighbourhood Plan **Site Assessments Report** December 2020
- **Sustainability Appraisal** for the Marlborough Area Neighbourhood Plan, AECOM, December 2020
- Marlborough Area Neighbourhood Plan **Supporting Statement on Housing Proposals**, January 2021
- Marlborough Area Neighbourhood Plan **Housing Needs and Requirements Study**, Cobweb Consulting, May 2017
- **Affordable Housing needs** in Marlborough Area Neighbourhood plan, Cobweb Consultation, June 2020 update
- Marlborough and the Parishes **Business Survey**, Cobweb Consulting, April 2017
- Marlborough **Town Character Study**, Sage Gray Architects Ltd, July 2020
- Marlborough **Town Benchmarking Report**, People and Places Ltd, January 2019
- Marlborough Neighbourhood Plan **Car Parking Study**, People and Places Ltd, September 2017
- **Open Spaces** in MANP Parishes Steering Group report
- Marlborough Conservation Area Statement, Kennet District Council, June 2003
- Manton Conservation Area Statement, Kennet District Council, June 2003
- Mildenhall Conservation Area Statement, Kennet District Council, June 2004
- North Wessex Downs AONB Management Plan 2019 – 2024
- Wiltshire Core Strategy adopted January 2015 and evidence base
- Wiltshire Local Plan Review Consultations and evidence base

The flowing sections refer to evidence base whilst commenting on the policies of the draft Plan and provide a number of recommendations to try and strengthen the plan and its evidence base.

Draft MANP Proposed Scale of Growth

The WCS and emerging LPR set the strategic context for the draft MANP and one key strategic element is the scale of growth to plan for over the plan period (2016-2036). This section looks specifically at the proposed level of growth within the draft MANP and its alignment with the WCS and emerging LPR.

The 'Planning for Marlborough' (January 2021) consultation paper presents a proposed scale of growth for the town, which includes 680 new homes over this period. No additional employment land requirement is proposed for the town.

In terms of the scale of future residential development, the consultation paper clarifies that the WCS identified a requirement for 680 homes and that the new strategy also proposes a requirement of 680 homes for the LPR period 2016 – 2036. However, from this total the number of new dwellings already built within the plan period and existing commitments should be taken off, which leaves a requirement for a further 245 dwellings to be accommodated up until 2036. The consultation paper however clarifies that: -

“This level of growth represents the highest tested distribution for new homes at Marlborough. This distribution has been chosen solely to enable the Marlborough Area Neighbourhood Plan steering group to deliver the affordable homes their work has indicated are required as a priority for the settlement. This level of growth does however represent a challenge given Marlborough sits within a constrained location compared to the wider Housing Market Area. Delivering this growth will require careful balancing against the need to protect the attractive qualities of the wider Area of Outstanding Natural Beauty.” (paragraph 12).

The draft MANP, as noted above, acknowledges that a minimum of 50 dwellings needs to be allocated within the neighbourhood plan area to ensure it aligns with the LPR in meeting its objective to ensure Marlborough appropriately contributes towards meeting the forecast scale of housing need in the Housing Market Area. The LPR however aims to facilitate communities meeting their housing needs, particularly for affordable homes, and therefore allows scope, and tests alongside the draft MANP, the maximum level of growth that may be sustainable. The outcome of the Local Plan Review consultation will therefore be particularly important in informing an appropriate level of growth for the town.

However, whilst the LPR provides scope for the draft MANP to plan for the higher level of growth it will need to be supported by sound evidence and take account of environmental and other constraints. The housing needs analysis should provide a robust evidence base demonstrating that there is a need to deliver 180 dwellings within the neighbourhood plan area given that environmental constraints will need to be weighed against the need for housing.

In line with the objective of national planning policy, the LPR 'Planning for Marlborough' consultation paper also highlights that: “Needs for development land should be met as far as possible on brownfield sites in order to help minimise the loss of greenfield land. The Council suggests that a target of 160 homes could be built on brownfield sites over the next 10 years” (paragraph 15). Furthermore, the consultation paper advises that “Planning positively for brownfield sites, as a part of preparing the neighbourhood plan, can also work alongside allocations of greenfield land. Where there can be certainty about brownfield sites coming forward, then this may reduce the amount of greenfield land being sought” (paragraph 17). It will therefore be important to ensure that the plan is supported by sufficient evidence to justify the need to allocate greenfield ones.

In terms of the MANP housing need evidence base, the draft MANP **Housing Needs and Requirements Study** (May 2017) by Cobweb Consulting covers a 5-year period (2016- 2021) which places a strong reliance on qualitative data in terms of the more immediate future demand for housing from surveys of local residents rather than an assessment of trend data (demographic) to forecast the population change/housing need for the plan period. The Study identified a need for 100 affordable homes over the period 2016 – 2021.

The **Affordable Housing Needs** (June 2020) report by Cobweb Consultation supplements the above report by estimating the level of affordable housing need in the neighbourhood plan area by using the data within the Strategic Housing Market Assessment (SHMA) for Swindon and Wiltshire (2017). The report applies the

relevant methodology for assessing affordable housing requirements to the sub-area covered by the draft MANP. i.e. the proportion of people in the county who are in the age groups which most frequently generate new households; and the relative affordability of housing. It concludes that there is an overall need in the region of 700 over the the period 2016-2036 and an annual average in the region of 35 units or more. The report does however advise that *“The estimates are need-based rather than being constrained by land availability or other considerations. Both NPPF and PPG require councils to plan to meet the identified need in an appropriate way. Subsequently, other considerations may need to be considered in establishing the appropriate overall level of housing development and the target for affordable housing in the Marlborough area”* (par 15).

The Housing Needs Surveys demonstrate that there is an acute need for affordable home in the neighbourhood plan area and the research has helped to inform one of the key objectives of the draft plan which is to deliver affordable housing. It is however also recognised that another key objective of the draft plan is to deliver a range of housing mix and types that encourage and enable local low-income groups including young people to live in the neighbourhood plan area. It does not appear that the evidence base identifies the actual type of housing need over the plan period and this is an area that could be subject to further research and analysis to strengthen the draft Plan which in turn could inform a specific policy tailoring future residential development schemes, including the land allocations, to meeting this need based on quantitative data.

The draft MANP **Supporting Statement on Housing Proposals** (January 2021) explains that the Housing Needs Assessment identified that there is an acute need for affordable housing within the area, and whilst it would be difficult to meet the identified level of need, the draft MANP aims to secure the maximum number of homes that can be built whilst taking account of the environmental constraints. The draft MANP proposes to allocate 180 new homes of which 86 would be affordable homes. It is explained that “the site allocations represent a very modest increase of less than 4% on top of our existing 4,500 homes and would average just 11 new homes a year being built through to 2036” (par 12). The draft MANP has sought to prioritise brownfield land that lies within the town boundary which has led to the allocation of two sites within the Limits of Development for Marlborough. However, in order to deliver further affordable homes some greenfield sites need to be developed. It is considered that the proposed land allocations Elcot Lane (50 homes), at Salisbury Road (50 homes) and at Barton Dene (40 homes) are capable of accommodating development that will not significantly harm the surrounding landscape. Wiltshire Council’s view on these allocations and site selection process follow within the subsequent sections.

Draft MANP Planning Policies

Policy MARL 1. Delivering Affordable Homes in Marlborough

The policy (**part A**) provides support in principle for residential development on sites allocated within the draft MANP, as shown on Inset Map MARL1 and listed below, provided they accord with the site-specific requirements and with other relevant policies of the development plan.

1. Land off Elcot Lane (50 dwellings)
2. Land Rear of Salisbury Road (50 dwellings)
3. Land at Barton Dean (40 dwellings)
4. Land off Cherry Orchard (30 dwellings)
5. Land at Kelham Gardens (10 dwellings/flats)

The policy (**part B**) seeks to ensure that any future development on the allocated sites mitigate the effect on the designated Marlborough Air Quality Management Area (AQMA) and require a financial contribution towards the green transport initiatives in the town. The policy criteria, or supporting text, do not however provide any detail of the evidence base or refer to adopted planning policy documents that provide information of the green transport initiatives and justify the requirement for financial contributions. It is recommended that this element of the policy should be updated and strengthened to provide clarity about the specific requirements of the policy and detail how contributions can justifiably be secured.

The policy (**part C**) also seeks to ensure that any future development on the allocated sites have regard to archaeological assets. It is recognised that one of the recommendations of the Sustainability Assessment was

the need to capture the need for archaeological investigations where appropriate. This may be better achieved within an additional policy or an update to a specific heritage policy of the Plan which would cover all new developments that come forward within the neighbourhood plan area over the lifetime of the plan. Alternatively, the wording within Policy MARL1 could be more specific to refer to the policies that need to be adhered to within the existing local development plan.

Finally, the policy (**part D**) clarifies that Policy MARL4 applies to the allocated sites.

Policy MARL1 General Comments

▪ Scale of Development and Site Selection Process

The supporting text, at paragraph 5.6, explains that the proposed land allocations would “deliver a total of approx. 80 affordable (or equivalent affordable) homes from a total of 170 homes. Together with Policies MARL2 and MARL3, this policy will enable the delivery of more than 150 new affordable homes in the neighbourhood plan area. The location of the town in the AONB has enabled a higher number of affordable homes to be secured than Core Policy 43.” The reference to 170 homes appears to be a misprint and will need to be updated to align with the 180 homes proposed over the five site allocations. Policies MARL2 and MARL3 provide support in principle for residential development (open market and affordable) schemes but do not provide details of the anticipated number of dwellings to be delivered over the plan period under these policies. It is therefore unclear how the anticipated 150 new affordable homes have been calculated and it is considered this section of the Plan would benefit from further explanation.

It is recognised that paragraph 6.11 of the Site Assessment Report mentions that the preferred option in terms of residential land allocations would deliver 86 affordable homes which would add to the total of 94 affordable homes being delivered at the recent Salisbury Road scheme (i.e. Marleberg Grange). It is assumed that 94 is a misprint, because the Marleberg Grange development would deliver a maximum of 67 affordable homes, or other developments within the pipeline have been considered. It would be useful for this point to be clarified and clarity provided as to whether the 150 affordable homes mentioned in Policy MARL1 includes existing planned and delivered affordable homes under the WCS?

The supporting text, at paragraph 5.8, explains that “The policy requirements for each site have been derived from the site assessment process, including mitigation measures identified in the Draft Sustainability Appraisal report. Given the town lies within the North Wessex Downs AONB, and three of the five sites are outside but adjoin its development boundary, the process has also included an assessment of the need for the new homes, of the scope for meeting the need for those homes in some other way and of any detrimental effect on the landscape (and the extent to which that could be moderated) in line with NPPF §172. All of the details of these assessments are contained in the Site Assessment report, which is published separately.”

The draft MANP **Site Assessments Report** (December 2020) explains that site selection process has involved three distinct stages –

1. A targeted ‘call for sites’;
2. An initial site assessment to disqualify sites based on a set of key suitability and availability criteria, and;
3. A detailed site assessment process based on five tests: -
 - 3.1 Strategic Environmental Assessment (SEA) / Sustainability Appraisal (SA) analysis;
 - 3.2 Area of Outstanding Natural Beauty (AONB) policy tests;
 - 3.3 Consideration of community benefits;
 - 3.4 Consideration of community opinion; and
 - 3.5 Site delivery and viability analysis/opinion.

The Site Assessments Report clearly explains the targeted ‘call for sites’ exercise undertaken under stage 1 and details why some sites were disqualified under stage 2. In terms of stage 3, it is recognised that the SEA / SA has been carried out by AECOM and provides an appraisal of the whole plan. The Site Assessments Report acknowledges that even with mitigation measures the sites proposed for allocation on undeveloped

greenfield land within the draft Plan will have adverse effects, in particular adverse landscape, biodiversity and traffic effects. As such, it is considered that the 'need' for the level of development must be clearly established and subsequent land allocations justified by appropriate evidence.

In terms of the AONB, the Site Assessments Report acknowledges that the aim of national planning policy is to limit new development within the designated area unless there are exceptional circumstances and it can be demonstrated that new development is in the public interest. The Site Assessments Report therefore considers the tests outlined within paragraph 172 of the NPPF although it is asserted that none of the proposed land allocations are large enough to amount to 'major' development within the AONB. However, it is advised that this statement be reviewed, it is considered that The proposed land allocations, within policy MARL1, outside the defined Limits of Development of Marlborough would amount to 'major development' for the purposes of paragraphs 172 – 173 of the NPPF.

The policy criterion of all the greenfield site allocations i.e. MARL1: sites 1, 2 and 3 require the layout, form of housing and landscaping of the schemes to be designed in such a way as to conserve the landscape and scenic beauty of the AONB. It is however suggested that this specific criterion is at odds with the objective of the policy i.e. it will not be possible to require the conservation and retention of the status quo of a site or an area, while also on the other hand advocates completely changing it from its current open greenfield status to a new urban area. The draft Plan contends that the residential land allocations would not amount to 'major development' within the AONB and all the greenfield sites can be appropriately mitigated with peripheral landscaping treatment without causing any harm to the national AONB designation.

It is recommended that the draft plan should acknowledge and convey that 'major development' of greenfield sites will be harmful to landscape character and the AONB designation, but that the local affordable housing need for the AONB community and resulting public benefits is critical and a significant local issue given the lack of brownfield sites. However, there should be robust evidence to demonstrate how the site selection process has concluded that the chosen greenfield sites have been allocated from a landscape and visual perspective, alongside considered mitigating landscape strategies. It is recommended that the individual site policies which relate to the necessary development of greenfield sites within the AONB must include robust design and mitigation measures to limit the harmful resulting landscape and visual effects as far as possible, as considered during the site selection process, in accordance with policy requirements of Core Policy 51 'Landscape' of the WCS. Further general comments can be seen below under the sub-heading 'Landscape' and specific comments on the site allocations which elaborate on this point.

It is recognised that the Site Assessments Report mentions that the MANP Steering Group has engaged with the North Wessex Downs AONB Unit and has sought additional landscape character evidence from the landowners of the preferred sites. The report mentions that copies of their respective technical reports, including detailed landscape and visual appraisals are published separately, however, they do not appear to form part of the evidence base for this current Regulation 14 consultation exercise. The Site Assessments Report provides extracts from the submitted observations / appraisals, however, the level of landscape evidence and assessment appears to differ between each site and not all have been appraised by a Landscape and Visual Impact Assessment. The report claims that "it has been shown in the landscape appraisals that it is possible to avoid or moderate their potential for detrimental effects on the environment and landscape, provided the allocation policies set out the mitigation measures.", however there is insufficient evidence available to view which substantiates this claim. It is recommended that the Site Selection Report be updated, and may need to be supported by new / updated landscape evidence, to clearly demonstrate how the site selection process has concluded that the chosen greenfield sites should be allocated. Furthermore, the site allocation policies should set out mitigation measures as recommended within the Site Assessments Report and be shown on parameter plans which is a key recommendation detailed below.

▪ Affordable Housing and Viability

Core Policy 43 'Providing Affordable Homes' of the WCS sets out when affordable housing provision will be required and indicates that Marlborough is in the 40% Affordable Housing Zone.

In terms of the allocated sites, it is acknowledged that two sites are shown with a requirement to provide 50% Affordable Housing which is greater than the existing 40% policy requirement. This amount has been viability tested⁴ as part of the WCS development process. The proposal under policy MARL1 to secure 50% affordable housing on two sites would not align with the requirements of Core Policy 43 and it is unclear whether there is sufficient viability evidence to justify a higher affordable housing threshold.

The WCS mentions that “The provision of affordable housing linked to open market housing development must be realistic, with regard to economic viability, but flexible to variations between sites and changes in market conditions over the plan period.” (par 6.43). It is acknowledged that the MANP evidence based demonstrates that there is an acute need for affordable housing within the neighbourhood plan area however the evidence base does not demonstrate that the allocated sites are economically deliverable with the requirement of 50% affordable homes.

It is acknowledged that the Site Assessment Report draws attention to the relevant section of the Planning Practice Guidance in relation to viability, and in line with the requirement to work in collaboration with the local community, developers and other stakeholders outlines that each land promoter has confirmed that the delivery of the site allocations would be deliverable in line with the criterion of the individual site policies. It is unclear what level of detail the individual land promoters have considered the viability of the sites and in order to provide clarity and ensure the sites can deliver the 50% affordable homes target, and be confident that future housing developers should not reach a different conclusion, it is recommended that this element of the plan be strengthened by requesting that the promoters of the greenfield sites demonstrate or provide details of their viability assessments that have informed their opinion and advice to the MANP Steering Group.

▪ Landscape Impact

The following general observations relate to the approach to the site allocations from a landscape perspective and further comments on the merits of each allocated site are included within the following sections below.

The Plan is well structured and recognises that the plan area is wholly contained within the designated North Wessex Downs AONB, which is a nationally protected landscape and a development constraint.

The plan is accompanied by a Draft Sites Assessment Report (DSAR) which considers landscape as a specific SA/SEA objective. The approach to identify available brownfield sites first as a priority over available greenfield sites is welcomed. Wiltshire Council support the use of a transparent sequential approach that seeks to allocate brownfield sites first, and then green field sites that relate well to the existing settlement boundary in order to deliver essential new affordable housing.

It is noted that several green field sites are however being relied upon to deliver the overall affordable housing numbers being sought, due to the lack of available brownfield sites within the Marlborough neighbourhood plan area. The loss of greenfield agricultural land from within the river valley and from the dry valley slopes leading to and from the Downs will be harmful to the interests of conserving and enhancing the natural beauty of the AONB. This is recognised within the stage three assessment (DSAR) under consideration of landscape objectives and the AONB designation.

It is important to note that mitigation in the form of planting may help soften the visual effects of new urban development, however the loss of AONB countryside as a physical resource, and the expansion of urban growth into the AONB countryside will remain an adverse permanent landscape effect, whether these allocated sites include peripheral planting or not.

The evidence supporting the draft Plan and the specific site policy criterion should demonstrate how the site selection process has informed the selection of necessary greenfield sites from a landscape and visual perspective, alongside considered mitigating landscape strategies, as mentioned earlier within this letter.

⁴ Wiltshire Local Plan Viability Study 2014

The consideration of ultimate building heights on elevated rising land and at edge of countryside locations requires careful consideration within the AONB. The consistent combined use of existing contour levels with proposed building heights as development parameters for sites within Policy MARL1 could assist with further refining developable areas in order to minimise and mitigate harmful landscape and visual effects arising from the urban expansion of settlement into open countryside within the AONB. It is not accepted that urban expansion from major development into AONB greenfield sites can be fully mitigated in landscape and visual terms or in terms of conserving and enhancing the AONB designation. Overwhelming public benefit must be clearly demonstrated in the planning balance, and the resulting landscape and visual harm mitigated as far as possible.

More detail could be provided within policy criterion for each site in terms of safeguarding existing green infrastructure, identification of new connections and compensation for Green Infrastructure as required by Core Policy 52 'Green Infrastructure' of the WCS. The recognition and value of existing trees and vegetation within sites is not currently clear for all sites, and retention of existing public access routes and provision of new connections could also be additionally included on the site maps.

- Parameter Plans Recommendation

The land allocations are supported by maps which identify the extent of each site. However, one includes an indicative layout (i.e. site 1, which has annotations / requirements not detailed within the policy), and another a parameter plan (i.e. site 2, which has policy requirements linked to the plan). In order to secure continuity between each element of the policy it would be beneficial to have a clear plan for each site allocation that only identifies the extent of the land. It is however then strongly recommended that each land allocation is supported by a parameter plan that identifies the individual site constraints and provides a set of development parameters to ensure the objectives and criterion of each land allocation can be met. Furthermore, the mitigation measures detailed within the supporting documents, such as structural landscaping and buffer to protect the setting of heritage assets, should all be included on the parameter plans to ensure all objectives of the policy can be achieved.

It appears that some of the proposed site allocations are constrained with existing landscape and development, and it is not clear how the proposed housing numbers have been estimated. It is considered that the quantum of development currently proposed on each site may not be achieved or may result in the overdevelopment of the sites because the site constraints, technical planning requirements, and necessary mitigation measures have not been adequately taken into account. A site parameter plan would clearly identify each issue and provide certainty and clarity to any future developer, consultee, interested party, and decision maker.

The parameter plans could identify the land use areas i.e. developable areas, land required for structural landscaping / landscape mitigation, land required for ecological mitigation and enhancement, land required to mitigate the impact on heritage assets, land required to accommodate surface water schemes, land required for on-site public open space to serve the developments, land required to accommodate access arrangement and the legal line and width of public rights of way etc.

Policy MARL1 Site Specific Comments

1: Land off Elcot Lane (50 dwellings)

Development Density

The policy provides support for approximately 50 dwellings on the 2-hectare site and is supported by an indicative layout plan which shows 44 buildings/properties with associated private garden space. As mentioned above, it is recommended that the indicative layout plan is removed from the policy because it does not adequately take account of the requirements of the policy, as discussed further below, and in order to demonstrate the approximate proposed capacity can be achieved the policy should be supported by a parameter plan as recommended above.

It is also worth highlighting that the current wording of the policy and land allocation does not appear to reflect the advice that has been received from the land promoter. There may have been subsequent correspondence not detailed within the draft MANP evidence base but the meeting notes (dated 04 June 2020) within the Site Assessment Report state that ‘less than substantial harm’ to the designated heritage assets adjoining the site would be unavoidable, and it is indicated that land outside the allocated site would be required to achieve the required mitigation measures, such as SuDS and landscape buffers for example, to accommodate the housing number. These observations highlight the importance of the requirement to produce a parameter plan for the site allocation (and other 4 sites) to demonstrate that the proposed density can be achieved after taking account of the site constraints and required mitigation measures.

Landscape

The policy criteria require any future development on the site to be laid out and designed in such a way as to conserve the landscape and scenic beauty of the AONB. The urban development of the site will result in the permanent loss of the undeveloped rural landscape and therefore the policy would benefit with reference to specific mitigation measures required to mitigate the local / site specific landscape impact and conserve wider landscape character.

The accompanying ‘Draft Sites Assessment Report’ for the stage 3 SA/SEA assessment concludes that this site scores a likely significant adverse effect on landscape grounds. This is not surprising given the site is located outside the settlement framework boundary and comprises agricultural greenfield land within an AONB.

All potential brown field sites should be given preference before greenfield agricultural land is actively promoted for essential major new urban development within the AONB that brings significant public benefit. While Wiltshire Council agree with the environmental policy criterion contained within policy MARL1 Policy, it is suggested that the currently illustrated masterplan does not satisfactorily illustrate that the required strong landscape edge / setting required along the edge of the site adjoining the AONB countryside to the east will be appropriately delivered. It is recommended that the illustrated masterplan is removed from the policy and the land required for structural landscaping shown on a supporting parameter plan.

Ecology

The policy requires any future application to be supported by a biodiversity strategy that demonstrates how the proposal will avoid any harmful effects on the River Kennet SSSI and County Wildlife Site and promotes ecological connectivity. It is advised that the development of the greenfield land would also need to show net gain for biodiversity within the site, which would probably mean developing only half the site, giving the remainder over to habitat creation and enhancement. It is recommended that the policy be updated to refer to the need to deliver a biodiversity net gain, which would also align with the requirement of Sites 2 and 3 to deliver a biodiversity net gain.

Heritage

The policy acknowledges the Grade II Listed Buildings (Elcot Mill House and Elcot Mill Stables) to the north of the site and requires new development on the allocated site to sustain and enhance the setting of the heritage assets. The Sustainability Appraisal advises that the development of the allocated site has the potential to adversely impact on the setting of the heritage assets. It is said that the Historic Environment is likely to be adversely affected without mitigation.

The Marlborough Town Character Study (July 2020) by Sage Gray Architects Ltd highlights that the any proposal for development will inherently have an impact on the rural setting of the heritage assets, however, “ if carefully designed, a meaningful, verdant buffer zone could provide a sense of separation from any development on the agricultural land to the south and mitigate the effects of the development on the setting of the designated heritage assets. In addition, the scheme layout may be designed to enable both some long and glimpse views through buildings and spaces to the heritage assets.” (par 5.3). The report specifically recommends that “the allocation policy identifies these heritage assets as constraints and requires the extent

and layout of the developable land, and detailed matters such as scale, massing, and density must be informed by an appraisal of the significance of the listed buildings or the contribution made by their setting.” (par 5.4)

In light of the above it is recommended that the policy specifies what mitigation measures would be required i.e. a substantial/meaningful verdant buffer between the heritage assets and new build development to meet the objective of the policy criterion of sustaining the setting of the assets.

Wiltshire Council has concerns about the allocation of the site in its current form because it is considered that there is considerable uncertainty as to whether the suggested capacity can really be achieved whilst also including appropriate landscape, ecology and heritage mitigation. It is considered that the indicative site layout shown on the plan within the policy would not meet the objectives of existing national or local planning policy which seek to ensure the significance of heritage assets are sustained and where possible enhanced.

The area is archaeologically sensitive, and the policy requires archaeological investigation in accordance with existing development plan policies. It is however recommended that the policy should acknowledge the relationship to a Scheduled Monument (Camp on Forest Hill⁵) to the south of the site and consider the potential for impact on its setting.

Transportation

The policy requires the main highways access to be taken from White Horse Road. The indicative plan refers to an emergency access from Elcot Lane although there is no mention in the policy itself for an access from Elcot Lane. The title of the land allocation is ‘Land off Elcot Lane’ and therefore, it is recommended that the policy clarifies the intention for any use of Elcot Lane itself to serve the development.

White Horse Road is a residential road with an existing issue with on street parking. In geometry the road network is able to accommodate an increase of movements, and whilst the impact of 50 dwellings will be noticeable to local residents it is unlikely to result in a significant detrimental effect on the highway. Furthermore, it is assumed that Choppingknife Lane and its junction onto London Road will be able to accommodate the number of dwellings proposed. Elcot Lane is unsuitable for a significant increase in vehicle movements but may be suitable for an emergency access. It is recommended that any transport assessment undertaken by the Steering Group or land promoter be included within the evidence base to enable the Highways Authority to confirm that the existing highway network is able to accommodate the proposed development without any improvements or mitigation measures.

The site does lend itself to non-vehicular connectivity, cyclists can utilise the quieter Elcot Lane to access the town centre and there is a current footpath which runs North to South on the western side which could be upgraded to a shared use path. All Public Rights of Way should be recognised and either subsumed into the development or actively connected to.

The policy refers to Public Rights of Way ref MARL20, MARL21 and MARL37 (it is unclear whether the reference to PRES32 should be within the policy?). It appears the right of way along the eastern boundary of the site may be ref MILD37 so this reference to MARL37 needs to be reviewed.

The right of way, ref MARL20, that crosses the site from east to west is not identified on the indicative layout plan or accommodated by the indicative layout contrary to the final criterion of the policy.

2: Land Rear of Salisbury Road (50 dwellings)

Development Density

The policy provides support for approximately 50 dwellings on a developable area of approximately 2-hectares and is supported by an outline of a land use parameter plan (albeit the text is almost illegible due to the resolution of the plan). The parameter plan includes land outside the developable area for associated green

⁵ Historic England list entry number 1004697 – available to view at <https://historicengland.org.uk/listing/the-list/list-entry/1004697>

infrastructure and mitigation measures. It is recommended that the scope of the land allocation should be based on a detailed and precise parameter plan identifying site constraints and mitigation measures as recommended above.

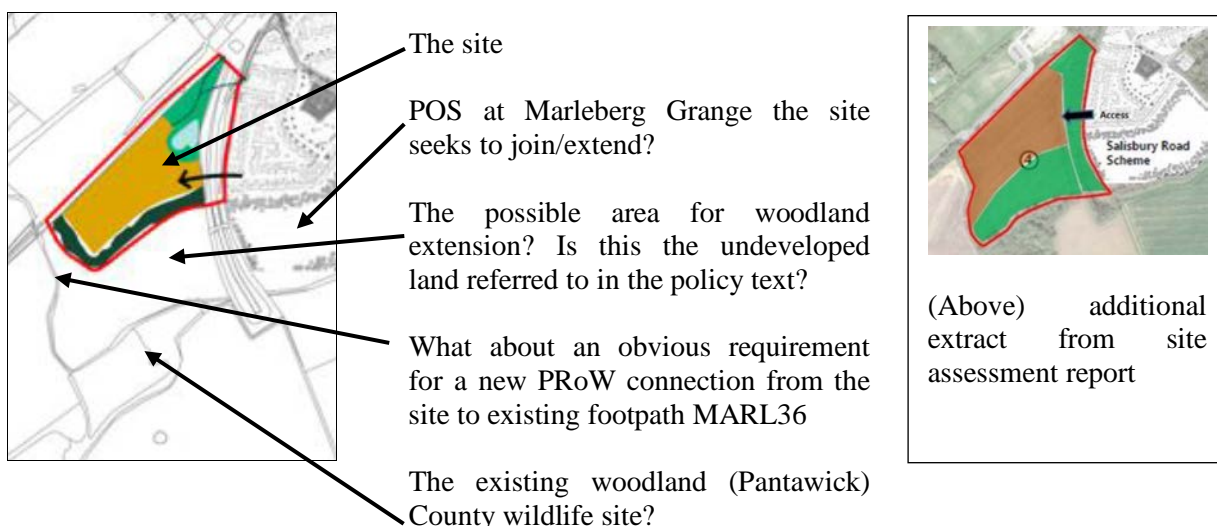
Landscape

The policy criteria require any future development on the site to reflect existing land contours and be laid out and designed in such a way as to conserve the landscape and scenic beauty of the AONB. It is considered that the urban development of the site will result in the permanent loss of the undeveloped rural landscape character to an unacceptable and unjustified level based on the evidence that currently support the draft Plan.

The site lies to the west of an adjacent previous larger site allocation that is currently being built out on land to the west of Salisbury Road (Marlberg Grange), but it is separated from it by the elevated disused railway embankment which supports mature woodland and is an important Green Infrastructure corridor in its own right. The site lies opposite to the south of St John's Marlborough Academy and its access road. The site occupies the same dry valley landform as the Marlberg Grange development site (land west of Salisbury Road) but does not benefit in the same way from the enclosure provided by the wooded and well vegetated railway embankment. This proposed allocation pushes urban development further up the dry valley landform and will be more exposed from adjoining countryside, occupying part of a larger field area.

The allocation of this site is not supported in landscape principle, the allocation is viewed as major development within a green field site within the North Wessex Downs AONB. Only after all brownfield sites have been developed should a strongly evidenced local need offering significant public benefit, outweigh the harm identified from the loss of open AONB countryside running into and out of the town along this dry valley landform.

If a landscape led evidence base demonstrates that it is necessary to develop this site, then new development should be set within a strong wooded framework that ties into the vegetated railway embankment and links with other small existing woodland copses (Pantawick) within this part of the nationally protected AONB landscape. The ultimate built development heights should be restricted to avoid the creation of harsh new elevated urban development and ridgeline/s in foreground and background views. The policy implies that new woodland will be planted on undeveloped land between the site and Pantawick (Copse) and this is illustrated within the Site Assessments Report (see below right extract), however the requirement and area is not clear within the map accompanying the actual policy -



Ecology

The policy requires any future application to be supported by a biodiversity strategy which should demonstrate how the proposal will retain and enhance the green infrastructure along its eastern boundary (the former railway line) to provide a habitat corridor towards the Savernake Forest SSSI to its south and to connect with the corridor to its north as part of demonstrating its proposals to deliver a biodiversity net gain.

Furthermore, the policy requires the non-developable area to be laid out as public open space as an extension to the new public open space at Marleberg Grange and include woodland planting as an extension to the existing copse (a County Wildlife Site) on its southern boundary. It is unclear why these areas have been specifically identified within the policy, and in the areas proposed, because due to the extent of the application site and former railway line along the eastern boundary it will not be possible to directly link with the area of open space within the adjoining development or the County Wildlife Site to the south.

Whilst the policy refers to the area of green infrastructure along the eastern boundary of the site it does not take account of the hibernation roost of Annex II bats⁶ in the disused railway tunnel. Core Policy 14 'Spatial Strategy: Marlborough Community Area' of the WCS specifically highlights the significance of the railway tunnel and outlines the need for new development to avoid adverse impacts on protected species and designated local wildlife habitats and features. The proposed land allocation within Policy MARL1 will not be compatible with these objectives as explained further below.

Wiltshire Council has particular concerns regarding the proposed allocation of this site because of the potential for adverse effects on the Natterer's bat roost within the tunnel to the immediate east, and upon the adjoining commuting and foraging habitat. It should be noted that the roost at the disused tunnel site is probably the largest Natterer's bat hibernation site in the UK.

The main issues are that the proposed allocation at Site no. 2 includes an access across the disused tunnel that will sever a key flight-line connected to the roost in the disused tunnel; the introduction of artificial light will affect bat commuting and foraging behaviour and would very likely deter use of the established flight-lines adjoining the tunnel, and if the proposed access across the disused tunnel were to be lit this would further exacerbate matters; and an increase in people in the area especially post construction completion will increase potential for disturbance to bats using the roost through vandalism and people accessing the tunnel, which is already an issue and would be further compounded if yet more houses were constructed adjacent to the tunnel.

Moreover, the development of this site would also result in cumulative adverse effects given the Marleberg Grange development east of the disused tunnel, and there would be additional marginalisation of, and pressure upon remaining habitat on account of further loss of greenfield land adjacent to the tunnel and with connectivity to Savernake Forest and the wider landscape. Regardless of any restrictions to lighting and mitigation measures proposed to reduce light spill and lux levels, there will inevitably be an increase in ambient light levels particularly above and adjacent to the site, and this will inhibit bat commuting and foraging not only at the site and the immediate adjoining habitat, but also across the wider landscape. These impacts would comprise a significant deterrent to the continued use of the tunnel for hibernation, with abandonment of the hibernation roost probable, in which case the resulting adverse effects on the bat populations that use the tunnel for roosting could be significant.

It is considered that the Site Assessment Report does not adequately address the ecological constraints of this site and based on the current evidence base Wiltshire Council must object to the principle of the allocation of this site on ecology grounds, in addition to the landscape grounds detailed above.

Heritage

The site would be close to a known Roman Villa site and the works on the adjoining new Marleberg Grange development revealed archaeological remains are present in the area. As such, the site assessment possibly underestimates the potential on site for archaeological remains.

⁶ Annex II Bat Species refers to the Habitats European Council Directive (92/43/EEC)

Transportation

The policy requires the main highways access to Salisbury Road via the Marleberg Grange development to the east. The development has been designed to accommodate additional through traffic and the junction onto the roundabout is suitable to accommodate additional use. However, in terms of vehicle movements it is acknowledged that Salisbury Road at certain times of the day becomes impacted by a high level of traffic leading to a negative impact. As such, whilst it is anticipated that the movements are not likely to result in a significant detrimental effect on the current issues on the highway network this will need to be established to ensure the highway network can accommodate the quantum of proposed development. It is therefore recommended that the transport assessment undertaken by the Steering Group or land promoter be included within the evidence base to enable the Highways Authority to confirm that the existing highway network is able to accommodate the proposed development with or without any improvements or mitigation measures.

The location of the site is a very good one for non-vehicle connectivity. The new development provides a good pedestrian connection through to Salisbury Road and the soon to be shared use path (adjacent to the Former depot) will eventually form a link to the eastern side of Marlborough. There is also to be a new pedestrian crossing on Salisbury Road and there is a current informal crossing on Salisbury Road to provide link to the PROW on the opposite side of the road. However, it is advised that the site will be required to meet minimum parking standards due to its edge of town location.

3: Land at Barton Dean (40 dwellings)

Development Density and Land Use

The policy provides support for approximately 40 dwellings on a developable area of no more than 1.5hecatres with sufficient land made available for the provision of a new medical centre to serve the town. It is not clear if the stated 1.5hectare site comprises the medical centre and housing land or just the housing land?

The supporting map identifies an area of land over 6 hectares which includes undeveloped land and parts of the established built up area of the town within educational, recreational and educational uses. It is unclear why the map includes this extended area of land i.e. the developed part that falls within the existing defined Limits of Development of the town, but it is recommended that the map be updated to clearly define the site allocation only. Furthermore, a land use parameter plan could identify the residential developable area and the area of land for the health centre to provide clarity and certainty. The parameter plan would also be able to identify the 155m AOD contour line and key existing green infrastructure within the site which are critical elements of the policy.

The policy requires the land for the medical centre to be located in a convenient position within the site for users and as close to College Fields as possible, and for the land to be made available to an appropriate body to deliver the medical centre prior to the first occupation of the residential development scheme. It is unclear whether the residential element of the site allocation is reliant of the delivery of the medical centre or whether a residential scheme would be acceptable on its own merits. If the latter applies the trigger for the occupation of the residential scheme may not be justified. Furthermore, it is unclear whether the Plan has sufficient evidence to demonstrate that a new medical centre is 'deliverable' on the site. It is acknowledged that the Implementation of the Plan specifies that the Town Council will seek to form a project steering group, with the exiting George Lane Surgery owners, the Wiltshire Clinical Commissioning Group and Marlborough College, to encourage the relocation of the facility on George Lane to a new site at Barton Dene, although the Plan does not currently present any of the research or evidence which demonstrates that there is a need for a new medical facility and the feasibility of its delivery.

Landscape

The policy criteria require any future development on the site to be laid out and designed in such a way as to conserve the landscape and scenic beauty of the AONB.

The allocation is viewed as major development primarily within a green field site within the AONB. Only after all brownfield sites have been developed should a strongly evidenced local need offering significant public benefit, outweigh the harm identified from the loss of open AONB countryside running into and out of the town along this dry valley landform.

In terms of the land policy criteria which requires the delivery of the medical centre, the wording of this policy requirement may have a significant bearing on the timely delivery of affordable housing at this site. i.e. if agreement not reached on what constitutes 'reasonable terms', or 'an appropriate body' to deliver the medical centre is not identified in a timely manner etc. It is however recommended that policy should show the location of the land required for the medical centre, within a parameter plan clearly identifying the two separate land uses, and should state a minimum size (footprint) requirement for the medical centre and this associated land use so that necessary land take/areas form a more certain provision standard, as this will have a direct bearing on other deliverable land use areas to support the envisaged form of housing and/or final home numbers, and or areas envisaged for green infrastructure and landscape provision.

There are some significant mature trees and areas of woodland within the site which should be retained and excluded from developable areas. The above policy wording does not recognise the potential of this green infrastructure for its contribution to local character, the setting of the town and college or its contribution to the natural beauty of the AONB. The use of the words 'where practicable' is not supported in policy terms. If it is important for place shaping, biodiversity, landscape, natural beauty important trees and green infrastructure should be retained for these valued function/s.

It is acknowledged that reference is made to the 155m contour as an appropriate upper limit defining the sites developable area. It is however unclear how this contour level has been identified to be appropriate/accurate. It is also recommended that any stated contour level requires to be further supported with a stated maximum build height. This is because a 3+ storey development located on top of the 155m contour might not deliver the policy objective, which is presumably to limit the overall height of new urban development and the resulting visual impact to AONB countryside and keeping the new urban skyline development below existing and proposed treeline / woodland canopies?

It is worth highlighting that a number of trees within the site are protected by a Tree Preservation Order (TPO), ref E/24/G1 (group along the western boundary). Wiltshire Council advised that the TPO dates back to 1976 and many of the trees included in this group were named as Elms and have all since been felled in the '70s following Dutch Elm infection. However, there are still trees in this group that will need to be surveyed and are of a high amenity value and the requirement to protect them as part of the wider area of green infrastructure should be a requirement of the policy.

Ecology

The policy requires any scheme for the development of the site to be supported by a biodiversity strategy to demonstrate how the proposal will deliver a biodiversity net gain. Wiltshire Council recognises that there are fewer ecological constraints to development on this site compared to Sites 1 and 2. However, in line with the policy criterion, any future development of the site would need to show that net gain for biodiversity could be achieved. This would likely mean only developing part of the site, with the remainder given over to ecological enhancement and managed for biodiversity.

Heritage

The policy acknowledges the Grade II Listed Buildings (Barton Farm House and Barton Farm Stables) to the north of the site and requires new development on the allocated site to sustain and enhance the setting of the heritage assets. It is however recommended that the policy text specifically identifies these buildings as heritage assets for clarity rather than just identifying them by name after the initial text which relates to conserving the landscape and scenic beauty of the AONB.

The Marlborough Town Character Study (July 2020) by Sage Gray Architects Ltd outlines that Barton Farm is unusual in Marlborough as the only clearly identifiable remaining historic farm close to the centre of the town.

The report recommends the allocation policy identifies these heritage assets as constraints and requires the extent and layout of the developable land (for housing or a new medical centre) to avoid harming the setting of those assets. The policy criterion does seek to ensure any future development sustains the setting of the heritage assets, however it is recognised that the land promoter has specified that there will be unavoidable harm to the heritage assets as a result of the development given the intensity of use of the proposed access. It is unclear whether the harmful impact could be mitigated by a secondary access that may be able to serve the development.

Transportation

The policy does not provide any detail or set out any requirements in relation to the access arrangements which all other site allocation policies do (albeit there is reference to a new/additional access within the supporting evidence). Considering the access constraints, it is recommended that the policy provide clarification on this point.

It appears that there is to be a single access at a location approximately where the current access junctions with College Fields. The main access will need to be improved to ensure two-way movements can be achieved. A full assessment of nearby junction capacity will need to be considered and any development will be required to provide financial contributions to offset the impact of the traffic and facilitate pedestrian and non-motorised journeys as well as contributions to bus provision etc. It is advised that the development of the site should be able to demonstrate good pedestrian and cycling connectivity. A shared use path to the main A4 junction would be desirable as well as up the road to the leisure centre, along with a connection to the PUFFIN and an up-grade of the PUFFIN to a TOUCAN to provide access for cycles. The policy should recognise the public rights of way within and adjacent to the site with the aim of providing connections from the site to them.

4: Land off Cherry Orchard (30 dwellings)

Development Density

The policy provides support for approximately 30 dwellings on a developable area of approximately 1 hectare.

Landscape

The site comprises previously developed land but albeit the impact on wider landscape character is important. The southern and eastern boundaries of the site contain/adjoin the former line of the disused railway which appears to be well wooded with good numbers of mature established trees.

(approx. extent of existing woodland / tree cover highlighted in orange aerial image):



The site is included within the current defined limits of development and is previously developed land. The principle of accommodating new development at this site would be supported in general landscape planning policy terms. However, it is questioned whether 30 new dwellings could be reasonably accommodated on this site, while also accommodating an access road, meeting required parking standards, refuse vehicle / fire tender turning areas, sustainable urban drainage proposals and on site POS policy provision requirements, without significant or total tree removal from within and along the perimeters of the site that provide and contribute to existing green infrastructure links and wildlife habitat/biodiversity and natural beauty of the AONB. The disused railway woodland provides the landscape and ecological framework and the treed skyline backdrop for the new development at Marlberg Grange and needs to be retained for its important landscape function as well as its ecological green infrastructure value. It is difficult to understand how the policy requirements for biodiversity net gain and conservation and enhancement of the AONB will be acceptably deliverable based on these envisaged new home numbers at this small site and the likely tree removals and weakening of the existing vegetated disused railway Green Infrastructure corridor required to achieve this.

The allocation of this site is supported in principle, the detailed environmental criterion within the policy is also supported in principle, but it is recommended that the envisaged home numbers for this site should be reduced to a realistic number in order to retain the significant woodland belt and green infrastructure value along and running adjacent to the disused railway.

Transportation

The policy requires the highways access to be taken from Cherry Orchard only and retain and enhance existing public rights of way. The existing and proposed access is included within the land within the site allocation. The access road is approximately 6m in width which should be acceptable for a scheme of 30 units or less. It is noted there is a suggestion of providing a link through to the potential development to the south west and this link will need to be offered for adoption. A PROW crosses the site, and this must be noted and accommodated by any proposal. The site must meet the basic requirements for parking so that is likely to be around 60 spaces (2 per dwelling) and 15 visitor spaces.

5: Land at Kelham Gardens (10 flats)

Development Density

The policy provides support for a scheme of flats on approximately 10 units on a site area of approximately 0.1hectare. It is recognised that a block of flats would be suitable for the context of the site, but a restriction is imposed on building heights to ensure the development respects the character of the established built environment. It is however questioned whether the area of the site is sufficient to accommodate 10units, with 2-3 bedrooms which is the requirement of Policy MARL4, with associated parking and services within a building(s) no greater than 2.5metres.

Environmental

The policy seeks to restrict the developable area land outside Flood Zones 2 or 3. It does however appear that the entire land allocation lies within Flood Zone 2⁷ and is at risk from surface water flooding. The NPPF advises that development should not be allocated or permitted in areas at risk of flooding if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Planning Practice Guidance clarifies that in plan making, this means applying a sequential approach to site selection so that development is, as far as reasonably possible, located where the risk of flooding (from all sources) is lowest, taking account of climate change and the vulnerability of future uses to flood risk. In plan-making this involves applying the 'Sequential Test' and, if needed, the Exception Test. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. In light of the above it is recommended that the land allocation be reviewed along with a detailed inspection of the Environment Agency's flood mapping data. It is worth reiterating that development should not be allocated on land within Flood Zones 2 or 3 unless the sequential and exception tests have been applied and indicate the

⁷ The Government's records available to view at [here](#)

site may be allocated. The site selection assessment may however be used to help inform the sequential test if required.

Transportation

The policy requires any future development on the site to be served by an access from Kelham Gardens only. Whilst cars are often parked along Kelham Gardens it is a 2-carriage width road with an acceptable junction onto London Road. It is advised that site will need to meet the requirements for parking, in this case based on 1 bed flats 10 spaces with 2 visitor spaces. The location of the site may enable a reduced allocation but there would need to be sufficient visitor spaces. It is also advised that extra waiting restrictions on the main road would be a benefit to secure the visibility splay and enhance the access.

Policy MARL 2. Managing Change at George Lane, Marlborough

The policy provides support, in principle, to a residential use of the site, provided planning permission has been granted for an alternative Health Centre within the town.

The site falls within the defined Town Centre boundary for Marlborough, as delineated on Inset Map 6 'Marlborough Central Area' of the former Kennet Local Plan. Saved policy ED18 'Prime Shopping Area' seeks to protect and encourage new retail uses within the existing Primary Shopping Area and saved policy ED19 'Devizes and Marlborough Town Centres' seeks to provide complementary mixed-use developments in the wider town centre area. The policy seeks to ensure that the change of use or redevelopment of sites within the defined Town Centre introduces activities likely to enhance the vitality and viability of the centre. Policy MARL2 would therefore fail to align with the objective of the aforementioned existing policies of the local development plan. It is recognised that Policy MARL5 seeks to replace and update policies ED18 and ED19, however the site would remain within the Town Centre, as delineated on Inset Map MARL5 in support of policy MARL5, and the support for a residential use would conflict with the objective of policy MARL5.

It is acknowledged the supporting text explains that the existing Health Centre will become surplus to requirement if the emerging proposal to relocate it to Barton Dene under policy MARL1 come to fruition. Furthermore, it is stated that it is not considered realistic or practical to seek to retain the site for alternative community facilities. However, in light of the Town Centre location of the site and existing and proposed town centre policies mentioned above, it is recommended that the policy be updated to provide support for alternative uses, such as community, employment, or service uses, in the first instance which may be of greater benefit to the local population, and would retain the existing community use of the site or deliver a complementary town centre use. A second strand could then be added to the policy to provide support for residential development in exceptional circumstances i.e. if needed to facilitate the delivery of a new Health Centre in line with policy MARL1. Alternatively, it may be useful to expand the supporting text to explain why it is not considered realistic or practical to seek to retain the site for alternative community facilities within an existing building with car parking within a sustainable town centre location.

Inset Map MARL2 identifies the George Lane site and the Police Station Site and may therefore need to be updated if the Police Station site no longer forms part of policy MARL2.

Policy MARL 3. Encouraging Affordable Homes in Mildenhall

The policy provides support for a Rural Exception Site in Mildenhall for schemes of 10 units or less with two or three bedrooms for household under 40 years of age. The supporting text mentions that there is a local desire to see more younger people in the village to maintain its vibrancy in the face of an otherwise ageing population. The intention of the policy is to refine but sit alongside Core Policies 43 'Providing Affordable Homes', 44 'Rural Exception Site', and 45 'Meeting Wiltshire's Housing Needs' to provide a specific type of affordable housing.

Core Policy 44 'Rural Exception Site' provides support for a rural exception site to be delivered at Mildenhall provided a set criterion is met (points 'i' – 'viii' of the policy). It does not however limit the type or tenure of affordable housing but requires the scheme to meet an identified local need at the time of an application. Whilst it is unclear whether there is sufficient evidence to limit the type and tenure of any rural exception site

affordable housing scheme (to two or three bedrooms for household under 40 years of age), in light of the above, it is questioned whether the policy needs to include these stipulations and it is recommended that a less restrictive Rural Exception Site policy would allow greater scope for a range of housing types and tenures to be delivered over the lifetime of the plan to meet an identified need at the time of any planning application.

Policy MARL 4. Meeting Local Housing Needs

The policy intention is to require all new windfall residential development to dwellings of a two- or three-bedroom type and resists single tenure specialist accommodation scheme or other housing scheme intended for older people. The supporting text explains older person accommodation has been more than well provided in recent years and the evidence base shows that two- and three-bedroom housing types will meet the needs of the existing and future population of the town. The evidence based does not however appear to provide data on the level of provision of specialist accommodation for older people in recent years to establish whether there has been an imbalance with conventional open market housing. It is therefore recommended that details of the research undertaken be included within the evidence base to justify and strengthen the policy. Furthermore, the policy does not appear to align with a key objective of the plan which is to deliver a range of housing mix and types.

The needs evidence used in the preparation of the Neighbourhood Plan are a snapshot of need and it is suggested that the size and type of housing supported should be based on the evidenced need at the time of any future planning application. The policy could otherwise be inflexible if the needs of the community change in the future.

Policy MARL 5. Supporting a Thriving Town Centre

The policy identifies the range of uses that would be supported within the Marlborough Town Centre boundary, which includes Primary and Secondary Shopping Frontages (albeit it is no longer a requirement of the NPPF), as defined on Inset Map MARL5. The policy would update saved policies ED18 'Prime Shopping Area' and saved policy ED19 'Devizes and Marlborough Town Centres' of the former Kennet Local Plan which are now partly out of date due to the recent publication of the Town and County Planning (Use Classes) (Amendment) (England) Regulation 2020.

The policy clearly defines the Town Centre and Primary and Secondary Shopping Frontages and outlines the range of uses that would be supported within these areas i.e. commercial business and services (Class E) and pubs or drinking establishments, and hot food takeaways (Sui Generis Use) in line with the requirements of paragraph 85 of the NPPF. The policy does not however allow scope for alternative uses, that may be appropriate within the town centre to be considered i.e. hotels (Class C1) or assembly and leisure facilities (Sui Generis Use). The existing aforementioned policies of the local development plan currently in force allow scope for alternative uses to be considered within the town centre provided they make a positive contribution to the vitality and viability of the centre. The intention of policy MARL5 is clear and aims to support a thriving town centre, however it is recommended that the policy be updated to ensure it is not too restrictive in terms of preventing alternative town centre uses that would contribute towards the aims of the policy. It is recommended that it may be useful to review and refer to the Wiltshire Retail and Town Centre Study 2020 which has been undertaken to inform the LPR.

Policy MARL 6. Using Scarce Employment Land Efficiently

The policy has two objectives – A. support proposal to intensify established commercial, business and service uses (Class E) within the limits of development for Marlborough and outside the town centre, and B. support proposals for new commercial, business and service uses (Class E) on brownfield land in the same area provided they achieve an employment density of 1 full time equivalent job per 40 square metre net internal area.

The policy aligns with the objectives of Core Policies 34 'Additional Employment Land' and 'Existing Employment Sites' of the Wiltshire Core Strategy which seek to support proposal for new employment development (Use Classes B1 [now within Class E], B2 or B8) within Marlborough and protect existing

employment sites. Policy MARL6 however, only relates to the area outside the defined Town Centre and within the Limits of Development for Class E uses/developments (i.e. shops, restaurants, financial and professional services, indoor sport, recreation or fitness, health or medical services, creche, nursery or day centre, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity) and it is unclear whether its purposes is to resist new Class B2 (General Industry) and Class B8 (Storage and Distribution) uses in this area?

It is recognised that the supporting text specifies that lower density employment uses such as warehousing are too land intensive for the small number of generally lower value-added jobs they create and proposals for that type of employment use will not benefit from the support of this policy. The policy itself however only provides support for the intensification or new Class E uses/developments and does not expressly exclude other employment uses/developments. It is recommended that the further clarity be provided about the purpose of the policy because as written it may not achieve its intended objectives. Furthermore, it is recommended that further consideration and clarification be provided about how future applications should demonstrate that a scheme would achieve an employment density of 1 full time equivalent job per 40 square metre net internal area and how it would be enforced.

Policy MARL 7. Improving Public Parking

The policy encourages future proposals to establish new public car parking spaces to serve Marlborough town centre and allocates land adjacent to Marlborough Rugby Club, as shown on Inset Map MARL7, subject to a set criterion being met.

It is acknowledged that the provision of further car parking spaces to serve the town centre is a key objective of the draft MANP, however, whilst it is recognised the significance of supporting the town centre through the supply of car parking, it is recommended that the plan needs to look further ahead and understand that air quality and climate change both require addressing immediately. Therefore, there needs to be more focus and emphasis on identifying ways to travel to the town centre sustainably without the need to travel by private car and site selection should reflect this. Active travel also has a number of health and well-being benefits.

The final recommendation of the current SA at the end of the 'Conclusions and recommendations' section of the document, as detailed below, could be incorporated into this policy to require new public and private parking spaces/areas to include electric vehicle charging points: -

- *Encourage a shift away from petrol/diesel vehicles to increase sustainable travel in the MANP area, in line with national and local climate change commitments. For example, the inclusion of a policy criteria that requires new development to deliver or contribute to electric vehicle charging points would strengthen the MANP's approach to climate change mitigation.*

Wiltshire Council recommends that the draft MANP should require ultra-low energy vehicle infrastructure which can take the form of EV charging points in all new private and public car parking spaces / developments. The NPPF now specifically mentions that when considering parking standards for new developments policies should take account of "the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles" (par 105).

Policy MARL 8. Delivering New Cemetery Land

The policy allocates land at The Common, as shown on Inset Map MARL8, to extend the adjoining cemetery. It is recognised the allocation responds to the need identified by the MANP research and the policy seeks to achieve and appropriate layout and design for the land use and to avoid harm to highway safety or landscape character.

Policy MARL 9. Protecting and Supporting Community Facilities

The policy identifies and seeks to protect existing community facilities within Marlborough, Manton and Mildenhall. The policy aligns with the objective of Core Policy 49 which seeks to protect community facilities

within rural areas and applies the policy to the local context of the MANP by specifically identifying rural community facilities within the area and those within the Market Town of Marlborough. The policy identifies the sites by their full address, but it would be strengthened by having them shown on a supporting Inset Map.

In terms of leisure and sports facilities, it is considered that it would be a missed opportunity if the Plan does not specifically refer to the needs of Sports Clubs or Sports Pitches in the Community Facilities or POS sections of the MANP. Wiltshire Council is aware that the Steering Group has spent a lot of time and effort consulting with Sports Clubs and the Town Council is looking at how the need for sports pitches by sports clubs can be met and how partner organisations can help in this regard. Furthermore, the Wiltshire Playing Pitch Strategy (WPPS) indicates the need for a 3GATP in the Marlborough Community Area and work is ongoing between Wiltshire Council, Marlborough Town Council, Wiltshire FA and the Football Foundation on how this might be realised. It is recognised that the Open Spaces in MANP Parishes Steering Group report (January 2021) presents details of the needs of Sports Clubs but following public consultations and discussions with local sports clubs the call for land to local landowners was not fruitful in identifying suitable land for improving local sports facilities. It is however recommended that the MANP should refer to the evidence base to draw attention to the issue, if only within the Implementation section of the Plan.

Policy MARL 10. Enhancing Marlborough Conservation Area

Policy MARL 11. Enhancing Marlborough Areas of Special Quality

Policy MARL 12. Enhancing Manton Conservation Area

Policy MARL 13. Enhancing Mildenhall Conservation Area

Policy MARL 14. Protecting Local Heritage Assets

The policies seek to ensure that development proposals do not harm the significance of the Marlborough, Manton and Mildenhall Conservation Areas (Policies MARL10, MARL12 and MAR13), resists harm to Local Heritage Assets identified within the plan (policy MARL14), and have full regard to the significance of the Areas of Special Quality identified within Marlborough (policy MARL 11).

The policies seek to complement the relevant national and local design and heritage policies by drawing attention to the adopted Conservation Area Statement and provide further detail about the local heritage and design context as detailed within the Marlborough Town Character Study (July 2020) by Sage Gray Architects Ltd. Wiltshire Council supports the aims and objectives of these policies but has provided detailed comments and recommendations to enable the policies to be updated and strengthened. The full observations are attached to this letter, please see Enclosure B.

In terms of historic landscape character (HLC), the short sections on history and the built environment provide some context to the historic dimensions of the settlements and landscape and these invoke aspects of the character that are highly relevant. The intent to ensure the Neighbourhood Plan robustly engages with heritage issues is also set out in one of the key objectives ('Conserve and enhance heritage assets and the landscape and beauty of the North Wessex Downs AONB'). It is reassuring that this emphasis has been placed on the heritage of the area.

However, there are a few areas where the plan could possibly be supplemented or strengthened in regard to the consideration of character, and especially historic landscape character. Much of the focus on the value of landscape character focuses on areas with defined status, such as conservation areas, historic town cores and the North Wessex Downs AONB. While this is understandable, there needs to be acknowledgement that the entirety of the Neighbourhood Plan area has a character that can be discerned and makes a contribution to the sense of place and identity for residents and visitors. This character exists in both urban and rural landscapes and could be explored further. Whilst it is good to see use of the National Landscape Character Areas (LCA) documents for the Marlborough area, these mainly deal with present day character and not so much the historic context.

The MANP acknowledges that the Marlborough area has a rich and varied history and elements of its past remain legible in the landscape as it survives today. These tangible elements represent the historic landscape character – i.e. what elements of past activity and land management can be perceived today. A good example is the water meadows that are associated with the Rivers Og and Kennet. On this basis it is recommended that

the Steering Group seek to include more on historic landscape character and the important role it can play in place making and shaping development; as set out in the NPPF. Information on historic landscape character can be requested from the Wiltshire Council Archaeology Service who produced a county-wide HLC dataset that is held as part of the Wiltshire and Swindon Historic Environment Record (HER).

Obtaining this HLC information and adding in more reference/discussion of the historic context of the landscape (and its presence everywhere) would make the Neighbourhood Plan even more robust. This would not require a major re-write or shift in emphasis – just the inclusion of some information to show that historic landscape character is a material concern and one which offers opportunities in this forward plan for the Marlborough area.

Should the Steering Group want to access the information from the Wiltshire and Swindon Historic Environment Record (HER) then they should contact the Wiltshire Council Archaeology Service at archaeology@wiltshire.gov.uk. It would also make the plan more robust if the HER were able to be listed amongst the evidence bases consulted – as listed at the end of the document.

Policy MARL 15. Protecting and Improving Green Infrastructure

The policy designates a Green Infrastructure Network, as shown on Inset Map MARL15, and seeks to ensure new developments maintain and improve the network, whilst also delivering a net gain to biodiversity assets.

The green infrastructure map is comprehensive although it does not fully capture green infrastructure opportunities mentioned for sites in Policy MARL1, e.g. by including the disused railway embankment (Site 2) which could form the basis for an improved green infrastructure wildlife/habitat connection with the town and between the Forest and River along footpath MARL36 incorporating existing and new PRow connections with planned allocation sites where possible and appropriate.

Policy MARL 16. Protecting Local Green Spaces

The policy proposes the designation of Local Green Spaces (8.no), as shown on Inset Map MARL16, following an assessment against paragraphs 99 – 100 of the NPPF and seeks to protect these spaces from inappropriate development unless there are very special circumstances. It is particularly important that in proposing to designate these spaces that the landowners are fully engaged in the process. The Council as landowner has previously provided comments and expressed its opposition to the inclusion of site no.7 Land at College Fields/Barton Park, Marlborough.

Policy MARL 17. Protecting Valued Community Open Spaces

The policy identifies, on Inset Map MARL17, and seeks to protect Valued Community Open Spaces.

Policy MARL 18. Conserving the Scenic Beauty of the AONB

The policy seeks to ensure that new development does not undermine the landscape and special beauty of the AONB, and full regard is had to the defining characteristics of the landscape within the MANP area. The policy also seeks to resist isolated homes outside the development boundary of Marlborough to protect landscape character and the special beauty of the AONB.

It is recommended that the policy should recognise the 'responsible authorities' duty of regard (in this case the Neighbourhood Planning Group, carrying out its plan making function) to seek a policy aspiration to both Conserve and Enhance natural beauty within the AONB, as required by Section 85 of the 'Countryside and Rights of Way Act 2000'. The Council is concerned that the policy requires demonstration that development proposals undermine the landscape and scenic beauty of countryside outside the settlement framework boundary and built up village areas, before applications would not be supported. Applications for new development must not harm landscape character and the special qualities that comprise and contribute to the natural beauty of the AONB designation rather than requiring development proposals to completely undermine

it before being found unacceptable. It is also recommended that the policy should also acknowledge the 'duty of regard' in relation to new development in AONB's also extends to enhancing natural beauty in the AONB.

In terms of the second objective of the policy which seeks to resist isolated homes in the countryside would not align with national planning policy guidance or the residential policies of the local development plan. The NPPF advises that isolated homes may be acceptable in the countryside under a number of circumstances and these are reflected within the exception policies of the WCS i.e. for a rural worker dwelling under Core Policy 48 'Supporting Rural Life'. It is therefore recommended that this second part of the policy be removed.

Policy MARL 19. Achieving Dark Skies

The policy seeks to ensure that any external lighting associated with new development is located and designed in such a way to conserve the dark skies of the AONB.

Policy MARL 20. Mitigating Climate Change: New Buildings

Policy MARL 21. Mitigating Climate Change: Carbon Sinking

The policies outline various requirements for new developments to mitigate against climate change by improving the carbon emission performance of new developments and requiring them to contribute towards carbon sequestration. The aim of the policies is to contribute towards the Government's climate change target (incorporated in the Climate Change Act 2008) of becoming carbon neutral by 2050.

It is noted that climate change and resilience is not mentioned in the vision and objectives so this is something that could be included in the next iteration of the Plan, in order to set out the objectives and approach of the plan in relation to climate.

The MANP is innovative in its approach to the climate and carbon agenda, and this is welcomed, however this need to be based on sound evidence and the policies need to be precise and legally enforceable and achievable.

Policies 20 and 21 are welcomed in their intention to tackle the impacts of new buildings and developments, as well as putting in place measures and opportunities for carbon sequestration. However, as written policy 20 is quite complex, and it would be beneficial to achieve a clearer, simpler policy that helps to achieve what the plan is aiming for. It would benefit from setting out first what is sought or required, and then following with the cases which might be exempt. The supporting text refers to the Future Homes Standard however this will not be adopted until 2025, and since this provides a basis for the policy it might be better to find a different way of discussing the aspiration for new development. It may also be beneficial to split up the policy to deal with residential and non-residential development separately. The plan should include references to the evidence used to come to the conclusions about what is sought in terms of low carbon development. At the moment the schedule of evidence (Appendix B) does not appear to include sources that are relevant to Policy 20. References could be included in the support text and used to justify the policy.

The plan allocates some sites for development, but it does not specify what should be incorporated in those developments, either in the allocation policies or in Policy 20. Wiltshire Council would encourage neighbourhood plans to consider aspirations in relation to sustainable construction and development, and for the plan to be clear about what it is requiring or encouraging, for example in relation to renewable energy generation such as solar PV, electric vehicle charging, resource efficiency and active travel. Whilst it may not always be possible to require that a development incorporates certain measures, developments should ensure that they have the capability of installing or supporting these technologies in the future. The plan makes provision for cases where residential development may be of higher densities, and typically this will mean that dwellings do not have scope for driveway parking and EV charging, so provision for vehicles to be charged in communal spaces could be encouraged.

In addition, Policy MARL21 specifically provides requirements for developments of over 2Ha to incorporate woodland, that meets the Woodland Carbon Code standards. Again, the intention is welcomed, however it is unclear how this would be implemented. The Woodland Carbon Code is very complex and may not be suitable

to enforce through the planning system. Whilst it is agreed that for developments where a significant area of landscaping would be required, it may be beneficial to focus this towards meaningful planting with the aim of carbon sequestration, however there may be many reasons why the layout may not be able to incorporate the desired patches of woodland. In reality this policy would not apply to any of the sites allocated by this plan due to their size (although it would apply to the greenfield allocations within policy MARL1 if the developable area is not clearly defined and restricted to 2Ha), so it is unlikely to result in the desired woodland planting on site. In order for financial contributions to work, neighbourhood plans often include a policy setting out a list of local projects or infrastructure for which contributions would be used but first of all the legal tests for securing contributions would need to be met and be supported by planning policy and a sound evidence base. It should be noted that any potential sites for woodland creation within the plan area (within the AONB) will need careful landscape and visual consideration so that the special qualities of the AONB are not harmed. Archaeology and cultural heritage alongside biodiversity and ecology would be other key areas for consideration in this regard.

Wiltshire Council would be happy to discuss opportunities for carbon sequestration in Marlborough, Mildenhall and Savernake and the options for the neighbourhood plan (or other initiatives) to support them.

Implementation and Review

The Implementation section of the draft MANP outlines various activities and measures the relevant Councils could take following the 'making' of the Plan to ensure it is properly and successfully implemented and to help some of its key objectives come to fruition. The commitment to reviewing the made neighbourhood plan following the adoption of the Wiltshire Local Plan is also acknowledged to ensure it aligns with any future changes to strategic planning policies or requires updating in light of its implementation to ensure its effectiveness.

I hope the above observations will be useful in helping Marlborough Town Council and the Neighbourhood Plan Steering Group to review and update the comprehensive draft neighbourhood plan to ensure it complies with the Basic Conditions and that the policies are robust and achieve their aims and objectives.

Wiltshire Council would be happy to discuss the issues raised within this letter and I would recommend that you liaise with the Link Officer, Morgan Jones (morgan.jones@wiltshire.gov.uk), who will be able to assist and coordinate further discussion.

Yours sincerely

Mike Kilmister

***Neighbourhood Planning Manager
Economic Development and Planning***