

DRAFT MARLBOROUGH AREA NEIGHBOURHOOD PLAN 2021-2036 DECISION STATEMENT (PROCEEDING TO REFERENDUM)

1. INTRODUCTION

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

2. BACKGROUND

- 2.1. The designated area for the draft Marlborough Area Neighbourhood Plan comprises the whole of the parishes of Marlborough, Mildenhall and Savernake. On 18th November 2020 Wiltshire Council formally approved that the Marlborough Neighbourhood Area (i.e., the land within the parishes of Marlborough, Mildenhall and Savernake) be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. Marlborough Town Council – the ‘qualifying body’, submitted the draft Marlborough Area Neighbourhood Plan 2021-2036 (submission August 2021), along with supporting documents, to Wiltshire Council on 13th September 2021 for consultation, independent examination and the remaining stages of the draft Plan’s preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.3. Following submission of the draft Marlborough Area Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 20th September 2021 to 8th November 2021.
- 2.4. In October 2021, Wiltshire Council appointed an independent examiner, Mr Andrew Matheson MSc MPA DipTP MRTPI FCIH, to examine the draft Plan and consider whether it should proceed to referendum.
- 2.5. The examiner’s report was received in May 2022 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the Marlborough Neighbourhood Area (the parish area) is an appropriate area within which to hold a referendum.
- 2.6. In accordance with legislation, Wiltshire Council must consider each of the recommendations made in the examiner’s report, decide what action to take in

response to each recommendation and what modifications should be made to the draft Plan in order to be satisfied that it meets the Basic Conditions and is compatible with Convention Rights. If the authority is satisfied, then a referendum must be held. Consideration also needs to be given as to whether to extend the area to which the referendum is to take place.

3. DECISION AND REASONS

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

Signed:



Parvis Khansari
Corporate Director for Place
Wiltshire Council

Dated: 25th May 2022

APPENDIX 1

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Guidance for using this document

The following table sets out the modifications that are required to be made to the Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) together with the explanation and reason for modification. This should be read alongside the report dated 10th May 2022 of the independent examiner, Andrew Matheson to Wiltshire Council on the draft Marlborough Area Neighbourhood Plan.

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

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

The relevant paragraph, policy and page numbering relates to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021), hereafter referred to as the 'MANP', as submitted to Wiltshire Council. For each change, the table sets out the examiner's recommendation as set out in his report together with the modification that is required to be made to the neighbourhood plan. Some additional changes are also included that are not in the examiner's report to correct errors such as typos.

As a result of some modifications, consequential amendments may be required to the final MANP to be published for the purposes of the referendum. These can include changing section headings, amending the contents page, renumbering paragraphs or pages and ensuring that supporting appendices and other documents align with the final version of the Plan.

APPENDIX 1

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Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
R1	9	Cover page and the whole document	<p><u>EXAMINER COMMENT:</u></p> <p>On the front cover of the plan and in any other locations, remove references to "Submission Plan"</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Add 'Referendum Version' to the front cover of the draft plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Remove "Submission Plan" from the cover page and add 'Referendum Version' as follows. <p>Submission Plan <u>Referendum Version</u></p> <ul style="list-style-type: none"> Remove submission Plan from any other location in the draft plan. 	For clarity and accuracy
R2	9	Page 3, Contents & Page 5, List of Policies	<p><u>EXAMINER COMMENT:</u></p> <p>Under the headings "Contents" and "List of Policies" review the content for accuracy and in the light of the recommendations below</p> <p><u>REQUIRED MODIFICATION:</u></p> <p>Amend where necessary for clarity and accuracy the text in the 'contents' list section on page 3 and the 'list of policies'</p>	For clarity and accuracy

APPENDIX 1

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			section on page 5 of the plan in line with the examiners recommendations stated below.	
R3	9	Pages 6 and 7. Introduction and Background	<p><u>EXAMINER COMMENT:</u></p> <p>Under the heading "1. Introduction & Background" amend the title of Plan A to read 'Designated Neighbourhood Area'.</p> <p>Amend the first two bullet points of paragraph 1.5 to: 'Does the Plan have regard to national policy and guidance?' and 'Is the Plan in general conformity with the Wiltshire Core Strategy?'</p> <p>Remove paragraphs 1.7 & 1.8 referencing the 'Planning for the Future' White Paper; renumber subsequent paragraphs accordingly.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the title of Plan A on page 6 of the plan as follows: <p>Plan A: Designated MANP Neighbourhood Plan Area</p> <ul style="list-style-type: none"> Amend the first two bullet points of paragraph 1.5 as follows: <p><u>Does is the Plan <u>have regard to</u> consistent with the national planning policy <u>and guidance</u>?</u></p>	For clarity and accuracy

APPENDIX 1

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			<p>Is the Plan <i>consistent with local planning policy</i> <u>in general conformity with the Wiltshire Core Strategy?</u></p> <ul style="list-style-type: none"> Remove paragraphs 1.7 and 1.8 on page 8 of the plan and renumber subsequent paragraphs accordingly as follows: <p>1.7 During the preparation of the plan in August 2020, the Government published for consultation its White Paper, 'Planning for the Future', which proposes to make significant changes to both the development plan and management system. It indicates that there is a future for neighbourhood planning in that system, but the precise role that plans will play is not yet clear. With the Queen's Speech of May 2021 announcing a Planning Bill for Autumn 2021, the expectation is that the new system will be in place in 2022.</p> <p>1.8 The Councils anticipate that the new system will still require local communities to engage in shaping how their settlements will develop and in ensuring their heritage and landscapes are given proper protection. It may also enable communities to define local design standards, and the Neighbourhood Plan contains proposals in all of these respects.</p> <p>1.9 <u>1.7</u></p> <p>1.10 <u>1.8</u></p> <p>1.11 <u>1.9</u></p> <p>1.12 <u>1.10</u></p>	

APPENDIX 1

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			<p>1.13 <u>1.11</u></p> <p>1.14 <u>1.12</u></p>	
R4	9	Page 8, paragraphs 1.12 and 1.14	<p><u>EXAMINER COMMENT:</u></p> <p>Under the sub-heading "Sustainability Appraisal (including Strategic Environmental Assessment)" in the second sentence of paragraph 1.12 replace "has" with 'have' and in the second sentence of paragraph 1.14 replace "Environmental" with 'Environment'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the second sentence of paragraph 1.12 as follows: '...Iterations between the two processes has have enabled the potential for significant harmful environmental effects to be mitigated and for the economic and social benefits to be accentuated.' Amend the second sentence of paragraph 1.14 as follows: ' ... The final screening opinion concludes that, on the basis of information provided by Thames Water and validated by the Environmenta/ Agency, the Neighbourhood Plan policies will not have a significant effect on a European site, either on their own or in combination with other policies and projects.' 	For clarity and accuracy

APPENDIX 1

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R5	10	Page 11, Marlborough: Education	<p><u>EXAMINER COMMENT:</u></p> <p>Under the sub-heading "Marlborough: Education" in paragraph 2.12 delete the unsourced "and is currently oversubscribed"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the last sentence of paragraph 2.12 in the subheading 'Marlborough: Education' as follows: <p>'...St John's is an academically successful school, there is a great demand for places and the school is currently oversubscribed.'</p>	For clarity and accuracy
R6	10	Page 12, Paragraph 2.18	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 2.18 delete as irrelevant to the Plan content: "The service from Bedwyn requires a joined-up transport infrastructure and timetables for both rail and bus services as the current provisions are not meeting local needs".</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 2.18 under the sub-heading 'Marlborough: Transport and Car Parking' as follows: <p>'2.18 Transport in the MANP is heavily reliant on private vehicles. There is no longer a rail link from Marlborough although at present there are commuter services from Great Bedwyn and Swindon stations. The service from Bedwyn requires a joined-up transport</p>	For clarity and accuracy

APPENDIX 1

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			infrastructure and timetables for both rail and bus services as the current provisions are not meeting local needs. Public bus services during the evenings in rural areas were considered to be in need of improvement in the Marlborough Area Plan in 2012. Since then further cuts have been made to bus services with more cuts proposed in the near future. Inadequate public transport exacerbates rural isolation and many low income groups have to rely on public transport to access services and employment.'	
R7	10	Page 12, Paragraph 2.19	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 2.19 after "at peak times there are parking shortages" add '(Marlborough Neighbourhood Plan Car Parking Study, 2017)'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 2.19 under the sub-heading 'Marlborough: Transport and Car Parking' as follows: <p>2.19 Although there are eight official car parks in Marlborough (providing 638 spaces) at peak times there are parking shortages <u>'(Marlborough Neighbourhood Plan Car Parking Study, 2017)'</u>. There is a limited amount of land available for innovative car parking solutions and, given current and foreseeable public funding constraints, it is feasible that this will remain a problem for the considerable future.</p>	For clarity and accuracy

APPENDIX 1

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R8	10	Page 13, Paragraph 2.24	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 2.24 between “There is a local perception” and “that the imbalance of local housing stock” add ‘, apparent from public consultation on this Plan,’. Also, in paragraph 2.24 after “as Wiltshire Council’s Core Strategy noted” add ‘for Wiltshire (para 2.13 p19)’.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 2.24 under subheading ‘Marlborough: Housing’ as follows: <p>‘2.24 There is a local perception, <u>apparent from public consultation on this Plan,</u> that the imbalance of local housing stock is as a result of recent planning decisions which do not meet the needs of local people. The perceived lack of affordable housing stock to meet the needs and incomes of local people is further compounded by its landscape setting. Consequently, the amount of suitable land for new houses is restricted. As Wiltshire Council’s Core Strategy ‘<u>for Wiltshire (para 2.13 p19)</u>’ noted, the gradual deterioration of affordability has left many residents experiencing difficulty gaining access to the housing market, especially given the low household-based income of certain areas.’</p>	For clarity and accuracy
R9	10	Page 13, Paragraph 2.25	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 2.25 replace “The average house price in 2015 in Marlborough was £318,450. This was considerably higher than the Wiltshire average of £255,060 and was highest of Wiltshire’s 20</p>	For clarity and accuracy

APPENDIX 1

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			<p>community areas" with the update provided by the Qualifying Body: 'The average house price in Marlborough is between 40% and 50% higher than the average property price in Wiltshire as a whole (Source: Zoopla, 5 May 2021), the breakdown by type of house is: Terraced +46%, Semi-detached +43%, Detached +52%.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 2.25 under subheading 'Marlborough: Housing' as follows: <p>'2.25 The average house price in 2015 in Marlborough was £318,450. This was considerably higher than the Wiltshire average of £255,060 and was highest of Wiltshire's 20 community areas. The average house price in Marlborough is between 40% and 50% higher than the average property price in Wiltshire as a whole (Source: Zoopla, 5 May 2021), the breakdown by type of house is: Terraced +46%, Semi-detached +43%, Detached +52%. According to the 2011 census the population of Marlborough was 8,400. The present population is estimated to be around 9,200 following inward migration as a result of recent completed housing developments between 2011 and the present.'</p>	
R10	10	Page 13, Paragraph 2.25	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 2.25 provide a source reference for each element of "The present population is estimated to be around 9,200 following inward migration as a result of recent completed housing developments between 2011 and the present" or delete.</p>	For clarity and accuracy

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Provide a source reference for the figures mentioned in paragraph 2.25 or delete 	
R11	12	Page 16, Paragraph 3.6	<p><u>EXAMINER COMMENT:</u></p> <p>Under heading "3. Planning Policy Context" add to paragraph 3.6: 'Within the Plan it is noted (Table 4.9) that the "Indicative Housing Requirement to 2026" for Marlborough has already been exceeded by 3.1%.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 3.6 on page 16 of the plan as follows: <p>'3.6 Additionally, the Wiltshire Housing Site Allocations Plan was adopted by Wiltshire Council in February 2020 and also forms part of the development plan. It amended the settlement boundary in Marlborough. <u>Within the Plan it is noted (Table 4.9) that the "Indicative Housing Requirement to 2026" for Marlborough has already been exceeded by 3.1%.</u></p>	For clarity and accuracy and to meet the Basic Conditions.
R12	12	Page 17, Paragraph 3.10	<p><u>EXAMINER COMMENT:</u></p> <p>Replace paragraph 3.10 with the following: 'Wiltshire Council has subsequently confirmed that, based on the emerging spatial strategy, there is no strategic necessity for 245 open market</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

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			<p> dwellings over the period of the draft Plan to 2036 in order to meet the assessed need of the Housing Market Area. Assessed need would be met by a contribution of a minimum of 50 dwellings, the preferred focus for growth being Royal Wotton Bassett.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Replace paragraph 3.10 under subheading 'Strategic Planning Policy' as follows: <p><i>3.10 It proposes that the 'brownfield target' (of 160 of the 680 homes for Marlborough) will form the 'indicative housing target' for neighbourhood plans (as per NPPF §65). It notes that 'it would be unreasonable to require a neighbourhood plan to always meet its target by itself, but there would need to be evidence to show how a current target will be met or why a shortfall is acceptable'. However, in discussions with officers, a target of 50 homes is considered a more achievable target based on the forecast availability of brownfield sites in the town. In that regard, it notes that 'on current evidence, further employment land is not needed at Marlborough ... and the existing supply is available and capable of meeting the needs', reflecting the importance for the future sustainability of the town of retaining existing employment sites.</i></p> <p><u>3.10 Wiltshire Council has subsequently confirmed that, based on the emerging spatial strategy, there is no strategic necessity for 245 open market dwellings over the period of the draft Plan to 2036 in order to meet the assessed need of the Housing Market Area. Assessed need would be met by a</u></p>	

APPENDIX 1

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			<u>contribution of a minimum of 50 dwellings, the preferred focus for growth being Royal Wotton Bassett.</u>	
R13	12	Page 17, Paragraph 3.12	<p><u>EXAMINER COMMENT:</u></p> <p>Add to paragraph 3.12: 'However, from research conducted specifically for the MANP (Affordable Housing Needs in Marlborough Area Neighbourhood Plan, Cobweb Consultation, June 2020 update), the estimate of affordable housing requirement for Marlborough is higher than that for the area which was proposed by WC. The exact process by which WC arrived at its estimate of affordable provision for the Marlborough area is not set out but the figure probably takes into account WC's view of land supply and environmental constraints. The Neighbourhood Plan has therefore set out to maximise land supply for housing whilst seeking to respect the environmental constraints of the AONB. As national Planning Guidance confirms, "A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy" (Reference ID: 41-044-20190509).'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 3.12 under subheading 'Strategic Planning Policy' as follows: <p>'3.12 In general terms, the 'direction of travel' of strategic planning policy for Marlborough, as set out in these new documents, is little</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

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			<p>different than that of the last few years. The town is not regarded as sustainable location for growth of any scale and must address its challenges within its environmental constraints. <u>However, from research conducted specifically for the MANP (Affordable Housing Needs in Marlborough Area Neighbourhood Plan, Cobweb Consultation, June 2020 update), the estimate of affordable housing requirement for Marlborough is higher than that for the area which was proposed by WC. The exact process by which WC arrived at its estimate of affordable provision for the Marlborough area is not set out but the figure probably takes into account WC's view of land supply and environmental constraints. The Neighbourhood Plan has therefore set out to maximise land supply for housing whilst seeking to respect the environmental constraints of the AONB. As national Planning Guidance confirms, "A neighbourhood plan can allocate additional sites to those in a local plan (or spatial development strategy) where this is supported by evidence to demonstrate need above that identified in the local plan or spatial development strategy" (Reference ID: 41-044-20190509).</u></p>	
R14	15	Page 22, Policy MARL1 : Delivering Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL1 delete sub-heading "Land Rear of Salisbury Road" and the related Policy content, including the map.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> In Policy MARL1 delete sub-heading 'Land Rear of Salisbury Road' and its Policy content as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

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			<p><u>Land Rear of Salisbury Road</u></p> <ul style="list-style-type: none"> • The housing scheme shall comprise up to 50 homes on a developable area of approx. 2 Ha • The housing scheme shall comprise a tenure mix of 50% affordable housing and 50% open market housing • The scheme shall have a main highways access to Salisbury Road via the new Marleberg Grange scheme which minimises the loss of land of biodiversity interest on the former railway line and compensates for that loss with a net gain as part of an approved biodiversity strategy and that is achieved in a way that does not disturb with lighting or other highways structures the bat flight line to the nearby tunnel roost • A biodiversity strategy shall 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 • The layout shall also provide a footpath and cycleway connection with the adjoining Cherry Orchard site and Marleberg Grange and a footpath connection through the site to existing public right of way MARL36 which provides a link through to St John's Academy • The layout, the form and height of housing and the landscape scheme shall reflect the land contours and shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB • Adjoining land to the south of the site boundary shall incorporate landscaping and ecological mitigation where required, including 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

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			<p>woodland planting as an extension to the existing copse (a County Wildlife Site).</p> <ul style="list-style-type: none"> Delete the map relating to the Land Rear of Salisbury Road on the page following 22 which is not numbered. 	
R15	16	Page not numbered, Policy MARL1 : Delivering Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL1 under sub-heading "Land at Barton Dene" reword the Policy as follows (as a general principle, the use of letters or numbers for Policy paragraphs, rather than bullet points, will allow the content of Policies to be readily referenced):</p> <p>'Within the site boundary shown on the adjacent plan, proposals will be supported for up to 40 homes on a developable area of no more than 1.5 Ha, limited to ensure that the development retains a natural setting, and subject to the following:</p> <p>a) Land shall be safeguarded adjoining the existing leisure centre, as illustrated on the adjacent plan, for the potential provision of new medical facilities to serve the town, this safeguarding will be reviewed within the first review of the Neighbourhood Plan;</p> <p>b) The proposals shall include for 40% affordable housing;</p> <p>c) The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB and to protect and enhance the setting of Barton Farm House and Barton Farm Stables; the northern boundary has a high sensitivity, and this should be reflected in the finished building heights and boundary treatment;</p> <p>d) A Landscape Visual Impact Assessment, including consideration of heritage assets, shall inform the proposals and accompany the submission;</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

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			<p>e) Key existing green infrastructure, including mature trees, within the site shall be retained and protected from the impacts of development, subject to practical limitations;</p> <p>f) Safe vehicular, cycle and pedestrian access must be achieved, with appropriate mitigation; this must not compromise access to, or the continued presence and operation of, the existing leisure centre;</p> <p>g) Interconnectivity with the existing footpath network should be achieved whilst respecting existing rights of way; and</p> <p>h) A biodiversity strategy shall demonstrate how the proposal will deliver a biodiversity net gain.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> In Policy MARL1 reword the policy text under sub-heading 'Land at Barton Dene' as follows: <p><u>Land at Barton Dene</u></p> <ul style="list-style-type: none"> The scheme shall comprise up to 40 homes on a developable area of no more than 1.5 Ha with sufficient land safeguarded for the potential provision of a new medical centre to serve the town The housing scheme shall comprise a tenure mix of 40% affordable housing and 50% open market housing as well as 10% private rented housing for occupancy only by qualifying current and former employees of Marlborough College (of an equivalence to affordable rented accommodation) 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

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			<p>• The housing scheme shall not be occupied until the land has been made available on reasonable terms to an appropriate body to deliver the medical centre</p> <p>• The land for the medical centre will adjoin the existing leisure centre</p> <p>• In the event that a proposal is not made for the medical centre within a timeframe set out in a planning condition then the land may be released for residential use</p> <p>• The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB and to sustain and enhance the setting of Barton Farm House and Barton Farm Stables</p> <p>• Key existing green infrastructure within the site shall be retained where practicable and incorporated within the development proposals</p> <p>• Neither the housing nor the medical centre scheme shall compromise the access to, or the continued presence and operation of, the existing leisure use on the site</p> <p>• A biodiversity strategy shall demonstrate how the proposal will deliver a biodiversity net gain</p> <p><u>Within the site boundary shown on the adjacent plan, proposals will be supported for up to 40 homes on a developable area of no more than 1.5 Ha, limited to ensure that the development retains a natural setting, and subject to the following:</u></p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>a) Land shall be safeguarded adjoining the existing leisure centre, as illustrated on the adjacent plan, for the potential provision of new medical facilities to serve the town, this safeguarding will be reviewed within the first review of the Neighbourhood Plan;</u></p> <p><u>b) The proposals shall include for 40% affordable housing;</u></p> <p><u>c) The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB and to protect and enhance the setting of Barton Farm House and Barton Farm Stables; the northern boundary has a high sensitivity, and this should be reflected in the finished building heights and boundary treatment;</u></p> <p><u>d) A Landscape Visual Impact Assessment, including consideration of heritage assets, shall inform the proposals and accompany the submission;</u></p> <p><u>e) Key existing green infrastructure, including mature trees, within the site shall be retained and protected from the impacts of development, subject to practical limitations;</u></p> <p><u>f) Safe vehicular, cycle and pedestrian access must be achieved, with appropriate mitigation; this must not compromise access to, or the continued presence and operation of, the existing leisure centre;</u></p> <p><u>g) Interconnectivity with the existing footpath network should be achieved whilst respecting existing rights of way; and</u></p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<u>h) A biodiversity strategy shall demonstrate how the proposal will deliver a biodiversity net gain.</u>	
R16	18	Page not numbered, Policy MARL1 : Delivering Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL1 under sub-heading "Land off Cherry Orchard" reword the Policy as follows: 'Within the site boundary shown on the adjacent plan, proposals will be supported for at least 15 homes on a developable area of no more than 1.0 Ha, limited to ensure that the development retains a natural setting, and subject to the following:</p> <ul style="list-style-type: none"> a) The proposals shall include for 40% affordable housing; b) The scheme shall have a highways access on to Cherry Orchard only with appropriate mitigation to assure safe vehicular, cycle and pedestrian access; c) The layout shall retain public right of way MARL30 through and on the boundary of the site; d) The issues arising from part of the site's location within the Marlborough public water Source Protection Zone 1 must be satisfactorily addressed; e) A biodiversity strategy shall include for retaining the green infrastructure along its south-western boundary to protect the habitat corridor (the former railway line) towards the Savernake Forest SSSI to its south, as well as demonstrating proposals to deliver a biodiversity net gain; and f) The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB. 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> In Policy MARL1 reword the policy text under 'Land off Cherry Orchard' as follows: <p><u>Land off Cherry Orchard</u></p> <p>The housing scheme shall comprise up to 30 homes on a developable area of approx. 1.0 Ha</p> <ul style="list-style-type: none"> The housing scheme shall comprise a tenure mix of 40% affordable housing and 60% open market housing The scheme shall have a highways access on to Cherry Orchard only The layout shall retain public right of way MARL30 through and on the boundary of the site and shall also provide footpath and cycleway connectivity through to the adjoining Land Rear of Salisbury Road site A biodiversity strategy shall demonstrate how the proposal will retain the green infrastructure along its south-eastern boundary to provide a habitat corridor (the former railway line) towards the Savernake Forest SSSI to its south as part of demonstrating its proposals to deliver a biodiversity net gain <p><u>Within the site boundary shown on the adjacent plan, proposals will be supported for at least 15 homes on a developable area of no more than 1.0 Ha, limited to ensure that the development retains a natural setting, and subject to the following:</u></p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>a) The proposals shall include for 40% affordable housing;</u></p> <p><u>b) The scheme shall have a highways access on to Cherry Orchard only with appropriate mitigation to assure safe vehicular, cycle and pedestrian access;</u></p> <p><u>c) The layout shall retain public right of way MARL30 through and on the boundary of the site;</u></p> <p><u>d) The issues arising from part of the site's location within the Marlborough public water Source Protection Zone 1 must be satisfactorily addressed;</u></p> <p><u>e) A biodiversity strategy shall include for retaining the green infrastructure along its south-western boundary to protect the habitat corridor (the former railway line) towards the Savernake Forest SSSI to its south, as well as demonstrating proposals to deliver a biodiversity net gain; and</u></p> <p><u>f) The layout and form of development shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB.</u></p>	
R17	19	Page 27, Policy MARL1 : Delivering Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL1 under sub-heading "Land at Kelham Gardens" provide an identifiable boundary for the site being allocated and reword the Policy as follows:</p> <p>'Within the site boundary shown on the adjacent plan, proposals</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>will be supported for a flatted scheme of up to 10 homes on a developable area of approx. 0.1 Ha, subject to the following:</p> <ul style="list-style-type: none"> a) The proposals shall include for 40% affordable housing; b) The buildings shall be no more than 2.5 storeys in height; c) The scheme shall have a highway access on to Kelham Gardens only; d) The risk from flooding both within the site and beyond the site arising from the development must be addressed as required by national policy and appropriate mitigation measures included through a sequential approach to the development layout as part of a site-specific Flood Risk Assessment; and e) A biodiversity strategy shall demonstrate how the proposal and any works necessary to address ground contamination will avoid any harmful effects on the River Kennet SSSI to its immediate south.' <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Provide an identifiable boundary for the 'Land at Kelham Gardens' on the adjacent plan. • In Policy MARL1 reword the policy text under subheading 'Land at Kelham Gardens' as follows: <p><u>Land at Kelham Gardens</u></p> <p>The housing scheme shall comprise a flatted scheme of up to 10 homes on a developable area of approx. 0.1 Ha</p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>• The housing scheme shall comprise a tenure mix of 40% affordable housing and 60% open market housing • The buildings shall be no more than 2.5 storeys in height • The scheme shall have a highways access on to Kelham Gardens only • A flood risk assessment shall demonstrate how the risks from flooding will be managed within the site and how the scheme will not result in increasing flood risk beyond the site • A biodiversity strategy shall demonstrate how the proposal and any works necessary to address ground contamination will avoid any harmful effects on the River Kennet SSSI to its immediate south</p> <p><u>Within the site boundary shown on the adjacent plan, proposals will be supported for a flatted scheme of up to 10 homes on a developable area of approx. 0.1 Ha, subject to the following:</u></p> <p><u>a) The proposals shall include for 40% affordable housing;</u></p> <p><u>b) The buildings shall be no more than 2.5 storeys in height;</u></p> <p><u>c) The scheme shall have a highway access on to Kelham Gardens only;</u></p> <p><u>d) The risk from flooding both within the site and beyond the site arising from the development must be addressed as required by national policy and appropriate mitigation</u></p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>measures included through a sequential approach to the development layout as part of a site-specific Flood Risk Assessment; and</u></p> <p><u>e) A biodiversity strategy shall demonstrate how the proposal and any works necessary to address ground contamination will avoid any harmful effects on the River Kennet SSSI to its immediate south.</u></p>	
R18	20	Page 28, Policy MARL1 : Delivering Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL1 under sub-heading "D. For the avoidance of doubt,", remove the second sentence.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> In Policy MARL1 amend sub-heading 'D' as follows: <p>D. For the avoidance of doubt, Policy MARL3 will apply to all of the site allocation schemes in respect of the housing type mix. Proposals for single tenure, specialist accommodation schemes or other housing schemes intended for older people on a site allocated for housing uses will not benefit from this policy.</p>	For clarity and accuracy
R19	20	Page 28, paragraph 5.6	<p><u>EXAMINER COMMENT:</u></p> <p>Under the heading "Policy MARL1: Delivering Affordable Homes in Marlborough" amend paragraph 5.6 to read: 'This policy allocates three sites in Marlborough to deliver a total of approximately 26 affordable homes from a total of approximately 65 homes.'</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.6 as follows <p>5.6 This policy allocates four sites in Marlborough to deliver a total of approx. 61 affordable (or equivalent affordable) homes from a total of approx. 130 homes. Together with other recent proposals, this policy will enable the delivery of more than 120 new affordable homes in the MANP area. The location of the town in the AONB has enabled a higher number of affordable homes to be secured than Core Policy 43. approximately 26 affordable homes from a total of approximately 65 homes.</p>	
R20	21	Page 28, paragraph 5.8	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the third sentence of paragraph 5.8 to replace “two of the four sites are outside but adjoin its development boundary” with ‘one of the three sites is outside but adjoins its development boundary’ and the NPPF paragraph reference from “172” to ‘176’.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.8 as follows <p>5.8 The evidence to demonstrate this level of need for new affordable homes is contained in the separate Housing Needs Assessment report. The policy requirements for each site have been derived from the site assessment process, including mitigation measures identified in the Sustainability Appraisal report. Given the</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			town lies within the North Wessex Downs AONB, and two of the four sites are outside but adjoin its development boundary <u>one of the three sites is outside but adjoins its development boundary</u> , 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 §17 26 . All of the details of these assessments are contained in the Site Assessment report, which is published separately.	
R21	21	Page 28, paragraph 5.9	<p><u>EXAMINER COMMENT:</u></p> <p>Replace the fourth sentence of paragraph 5.9 with: 'It has been demonstrated that there are insufficient available and suitable sites of a lower flood risk than this site to meet the Marlborough housing requirement, thus the sequential test is passed. As it is 'not possible for development to be located in areas with a lower risk of flooding taking into account wider sustainable development objectives (as per NPPF paragraph 163)', the exception test has been applied.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace the fourth sentence of paragraph 5.9 as follows: <p>Although the MANP is able to allocate land outside the flood zone, it is considered that the remediation and redevelopment of the site for a new residential use presents a more sustainable</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><i>option than leaving the land derelict, and so the sequential test is passed.</i></p> <p><u>It has been demonstrated that there are insufficient available and suitable sites of a lower flood risk than this site to meet the Marlborough housing requirement, thus the sequential test is passed. As it is 'not possible for development to be located in areas with a lower risk of flooding taking into account wider sustainable development objectives (as per NPPF paragraph 163)', the exception test has been applied.</u></p>	
R22	21	Page 29, paragraph 5.10	<p><u>EXAMINER COMMENT:</u></p> <p>Replace paragraph 5.10 with: 'The site at Barton Dene represents a modest extension of the development boundary in a sustainable location with non-car accessibility to the town centre. The site has been assessed as 'major development' in the AONB, as per NPPF paragraph 172, and it has been concluded that the public benefits of the development – in this instance the delivery of vital affordable homes – outweigh its detrimental effects on the local environment and landscape, the effects of which are assessed as capable of appropriate mitigation.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Replace paragraph 5.10 as follows: <p><i>The other two sites at Barton Dene and Rear of Salisbury Road will represent modest extensions of the development boundary in sustainable locations with high non-car accessibility to the town</i></p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>centre. Both have been assessed as 'major development' in the AONB, as per NPPF §172, which has concluded that the public benefits of their development – the leverage of delivering 50% affordable homes, rather than the normal 40% requirement – outweigh their detrimental effects on the local environment and landscape, the extent of which both sites will be capable of successful moderation.</p> <p><u>The site at Barton Dene represents a modest extension of the development boundary in a sustainable location with non-car accessibility to the town centre. The site has been assessed as 'major development' in the AONB, as per NPPF paragraph 176, and it has been concluded that the public benefits of the development – in this instance the delivery of vital affordable homes – outweigh its detrimental effects on the local environment and landscape, the effects of which are assessed as capable of appropriate mitigation.</u></p>	
R23	21	Page 28, Paragraph 5.11	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.11, first sentence, replace “130” with ‘65’ and replace “greater” with ‘significant’; delete the third sentence commencing “The Rear of Salisbury Road scheme ...</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.11 as follows: <p>5.11 Although the cumulative effect of delivering 130 65 new homes on local transport and other social infrastructure, as well as</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>the heritage assets, AONB and AQMA will inevitably cause some degree of harm over the present state, it is considered that that much of that harm can be mitigated (as required by Clause B of the policy) and the ability to deliver new affordable homes carries greater significant weight in the planning balance. Clause B also requires that the schemes realise opportunities to improve the local network of footpaths and cycleways, as well as ensuring their own layouts are well suited to walking and cycling. The Rear of Salisbury Road scheme, for example, will enable the scheme and the wider area to better connect with the town centre and school.</p> <p>The Town and Parish Councils will seek to co-ordinate these improvements with their own investment plans using their CIL Fund (see §6.12).</p>	
R24	22	Page 29, Policy MARL2 : Encouraging Affordable Homes in Marlborough	<p><u>EXAMINER COMMENT:</u></p> <p>Reword Policy MARL2 as follows (for consistency with my recommendations for MARL1 I am showing letters, but numbers would be equally acceptable):</p> <p>'Proposals to deliver affordable homes for first-time buyers in Mildenhall are encouraged provided:</p> <p>a) The new housing respects the village character and form and is provided as infill within the existing built area;</p> <p>b) All of the homes have two or three bedrooms only and are either discounted market sales housing or other routes to affordable homes for first-time buyers;</p> <p>c) The design and layout of the scheme sustains and enhances the significance of the Mildenhall Conservation Area and the setting of other heritage assets as defined in Policy MARL12;</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>d) The layout and form of housing is designed to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics, and</p> <p>e) Where appropriate to the location, a landscape scheme is designed to support the transition from the built area of the village into the surrounding countryside.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL2 as follows: <p>Proposals to deliver an affordable housing scheme in Mildenhall will be encouraged and supported, provided:</p> <ol style="list-style-type: none"> The scheme comprises no more than ten units, each of which has two or three bedrooms only; All of the units are affordable homes in the form of either discounted market sales housing or units that provide other affordable routes to home ownership for households under 40 years of age; The design and layout of the scheme sustains and enhances the significance of the Mildenhall Conservation Area and the setting of other heritage asset as defined in Policy MARL12; The layout and form of housing shall be designed in such a way as to conserve the landscape and scenic beauty of the AONB and, where appropriate to the location, shall include the provision of a landscape scheme to successfully manage the transition from the built up village into the surrounding countryside. 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>Proposals to deliver affordable homes for first-time buyers in Mildenhall are encouraged provided:</u></p> <p><u>a) The new housing respects the village character and form and is provided as infill within the existing built area;</u></p> <p><u>b) All of the homes have two or three bedrooms only and are either discounted market sales housing or other routes to affordable homes for first-time buyers;</u></p> <p><u>c) The design and layout of the scheme sustains and enhances the significance of the Mildenhall Conservation Area and the setting of other heritage assets as defined in Policy MARL12;</u></p> <p><u>d) The layout and form of housing is designed to conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting, and where possible enhance its locally distinctive characteristics, and</u></p> <p><u>e) Where appropriate to the location, a landscape scheme is designed to support the transition from the built area of the village into the surrounding countryside.</u></p>	
R25	22	Page 29, Paragraph 5.12	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.12 replace "an affordable housing scheme" with 'infill affordable homes for first-time buyers'.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.12 as follows: <p>5.12 This policy encourages the owners of land to bring forward proposals in conjunction with Wiltshire Council and the Parish Council for an affordable housing scheme <u>infill affordable homes for first-time buyers</u>. In doing so, it sets out the key development requirements to ensure a successful scheme, both in terms of its housing outcome and its design quality. It operates alongside Policy MARL12, recognising that much of the village lies in the Mildenhall ('Minal') Conservation Area.</p>	
R26	23	Page 30, Paragraph 5.13	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.13 delete the third sentence.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete the third sentence in paragraph 5.13 as follows: <p>5.13 Evidence from public consultations with the villagers indicate a desire to see more younger people in the village to maintain its vibrancy in the face of an otherwise aging population. The affordable housing evidence (Cobweb) identified the overall affordable housing needs of the MANP area, including Mildenhall. It concludes that the MANP needs to bring forward proposals for at least 100 affordable homes to address this issue and Policy MARL1 contains the majority of those proposals.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
R27	23	Page 30, Paragraph 5.14	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.14 delete the second sentence</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete the second sentence of paragraph 5.14 and update NPPF paragraph as follows: <p>5.14 At Mildenhall, the key driver is more specific than the wider MANP area, i.e. to deliver homes specifically suited to young people and families. The village has some local services and the higher order services (schools, medical etc) are located only a mile away in Marlborough. This is broadly in line with the Government's 'starter home' and 'entry-level home' proposition (as per NPPF §7-42) which are forms of affordable housing that are especially well-suited to targeting young people as first-time buyers but cannot be delivered in this location due to its position in the AONB.</p>	For clarity and accuracy to meet the Basic Conditions.
R28	23	Page 30, Paragraph 5.15	<p><u>EXAMINER COMMENT:</u></p> <p>Replace paragraph 5.15 with: 'This Policy is a locally appropriate response to Core Policy 44 which says "a proactive approach to the provision of affordable housing will be sought in conjunction with parish councils and working with local communities and other parties."</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Replace paragraph 5.15 as follows: <p>5.15 The policy provision is similar to that of a rural exception site and blends and refines elements of Core Policies 43, 44 and 45 of the Core Strategy in respect of providing a specific type of affordable homes in a manner that reflects most of the requirements of the 'rural exception site' criteria.</p> <p><u>This Policy is a locally appropriate response to Core Policy 44 which says "a proactive approach to the provision of affordable housing will be sought in conjunction with parish councils and working with local communities and other parties.</u></p>	
R29	23	Page 30, Policy MARL3 : Meeting Local Housing Needs	<p><u>EXAMINER COMMENT:</u></p> <p>Reword Policy MARL3 as follows: 'To be supported, development proposals for the sites allocated at MARL1 and for windfall sites within the designated Marlborough Settlement Boundary must address evidenced local housing needs and maximise their contribution of two and three bed affordable housing, wherever possible exceeding the levels stipulated in Wiltshire Council Policy. Specialist accommodation for elderly people is not considered a current priority.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Reword Policy MARL3 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>Proposals for windfall housing development within the defined Marlborough development boundary will only be supported if they will deliver homes of a two or three bedroom type. Proposals for single tenure, specialist accommodation or other housing schemes intended for older people will be resisted.</p> <p><u>To be supported, development proposals for the sites allocated at MARL1 and for windfall sites within the designated Marlborough Settlement Boundary must address evidenced local housing needs and maximise their contribution of two and three bed affordable housing, wherever possible exceeding the levels stipulated in Wiltshire Council Policy. Specialist accommodation for elderly people is not considered a current priority.</u></p>	
R30	23	Page 30, Paragraph 5.16	<p><u>EXAMINER COMMENT:</u></p> <p>Amend paragraph 5.16 by replacing "it discourages proposals for any form of housing intended for older people" with 'it seeks to maximise the proportion of housing that is affordable and to discourage proposals for any form of housing intended solely for older people</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.16 as follows: <p>5.16 The policy serves two purposes: it refines Core Policy 45 by specifying the focus on smaller household and family housing in</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>the town and it discourages proposals for any form of housing intended for older people it seeks to maximise the proportion of housing that is affordable and to discourage proposals for any form of housing intended solely for older people.</p> <p>Together with the delivery of affordable homes by the consistent application of Core Policy 43, this policy and the site allocation policies of MANP form the bedrock of the plan's housing objective.</p>	
R31	24	Page 31, Paragraph 5.19	<p><u>EXAMINER COMMENT:</u></p> <p>Delete the last two sentences of paragraph 5.19.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete the last two sentences of paragraph 5.19 as follows: <p>5.19 Whilst there will continue to be a market demand for such schemes, the opportunity cost of losing precious brownfield sites that could have delivered affordable homes and their effect in accelerating the aging population is unsustainable in a town like Marlborough. With such a healthy provision of this type of housing now in the town, there is no additional need for the remainder of the plan period. Future reviews of the MANP will assess if this policy position needs to change in the light of any new evidence on the demand and supply in that segment.</p>	For clarity and accuracy to meet the Basic Conditions.
R32	24	Page 31, Policy MARL4 : Supporting a	<p><u>EXAMINER COMMENT:</u></p> <p>Amend Policy MARL4 to add a new element C (and re-letter subsequent paragraphs): 'The Town Centre will be an appropriate</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
		Thriving Town Centre	<p>location for local community uses and some learning and non-residential institution uses which benefit from its ease of access.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend Policy MARL4 to add a new element 'C' and re-letter subsequent paragraphs as follows: <p><u>C. The Town Centre will be an appropriate location for local community uses and some learning and non-residential institution uses which benefit from its ease of access.</u></p> <p><u>D.</u> Proposals for new residential uses on upper floors will be supported, provided they:</p> <ol style="list-style-type: none"> 1. are carefully designed to achieve a good quality of life for residents; 2. achieve well-designed development that creates a safe and comfortable living standard, and which positively addresses the townscape through good design that enhances the external appearance of buildings; 3. take account of existing ground floor uses and mitigate accordingly to minimise the scope for conflict with existing commercial operations and ensure that future residents have a good quality of life in amenity terms and that existing commercial operations are not unduly constrained; 4. so far as possible, avoid residential access via rear service yards in order to enhance natural surveillance and assist legibility. Where this is unavoidable, measures to enhance legibility such as lighting should be incorporated into design, and clear distinction should be 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>made to delineate between residential access routes and areas required for commercial activity; and</p> <p>5. minimise street clutter by directing supporting infrastructure such as bin stores and cycle facilities away from active frontages.</p> <p>DE. Development proposals that require some loss of ground floor floorspace to facilitate access to upper floor residential will be supported where this can be achieved without undermining the integrity and viability of the existing unit(s); and provided it will not result in a proliferation of residential accesses that would undermine the vitality and viability of an individual shopping frontage.</p> <p>EE. All development proposals in Marlborough Town Centre must accord with Policy MARL10 and Policy MARL14 in respect of sustaining and enhancing the special architectural and historic character of the Marlborough Conservation Area and of responding to the presence of Local Heritage Assets respectively.</p>	
R33	24	Page 32, Paragraph 5.22	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.22 replace "The retail evidence base has been used to define" with 'The Kennet Local Plan defined'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.22 as follows: <p>5.22 The policy takes account of the new Use Classes Order which defines Commercial, Business and Services Uses by combining previous retail, financial services, café/restaurant, offices and other social uses. It replaces and updates the former Kennet Local Plan policies (ED18 – ED19) to bring them up to date with the NPPF and</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			the Order and to broaden their scope and detail. The retail evidence base has been used to define The Kennet Local Plan defined the Town Centre area, which contains almost all of the uses expected of a town centre location (and as defined by the NPPF). It requires any future such use to be located within this boundary, which has been drawn to encompass potential opportunities for redevelopment. It extends behind the High Street from Bath Road and part way along London Road to include the public car parks and green spaces (Coopers Meadow and Priory Gardens) complementing the town centre.	
R34	24	Page 33, Paragraph 5.26	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.26 the reference to "MARL14" should be corrected to 'MARL13</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Change the reference to 'MARL14' to 'MARL13' in paragraph 5.26 as follows: <p>5.26 The policy will operate alongside national and other development plan policies relating to heritage assets (including policies MARL10 and MARL134 of this plan), as the Conservation Area (designated in 1971 and recognised as one of the finest in the country in 1976) covers the whole of the Town Centre and beyond. There are also more than 100 listed buildings of various grades with most others have local heritage and/or townscape</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			value. It must also operate within the flux of permitted development rights applying to town centres, although some of those rights are not applicable here because of its heritage assets.	
R35	25	Page 33, Policy MARL5 : Improving Public Parking	<p><u>EXAMINER COMMENT:</u></p> <p>Amend element 1 of Policy MARL5 to remove “kerbs,” and correct element 5 to start with a capital letter.</p> <p>Amend the Policies Map to identify with the red line only that area not presently allocated for parking</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend Policy MARL5 as follows: <ol style="list-style-type: none"> 1. There will be no permanent buildings or structures or other urbanising effects such as kerbs, paved footways or landscape bunding; 2. The car park comprises a grass grid, permeable surface only; 3. Its use will be confined to cars and not any high-sided vehicle; 4. Vehicular access to the car park is in a location and of a type to be agreed with the Highways Authority; 5. The length and width of the car park shall retain a meaningful nib of land between its southern end and Hyde Lane and shall retain the continuous swathe between its eastern edge and Free's Avenue; and 6. Any impact on the amenities of adjoining residents can be satisfactorily mitigated. 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> Amend the Policies Map to identify with the red line only that area not presently allocated for parking 	
R36	25	Page 34, Policy MARL6 : Delivering New Cemetery Land	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL6 replace the second sentence with: 'The laying out of the land must conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL6 as follows: <p>The Neighbourhood Plan allocates land at The Common, as shown on the Policies Map, for the purpose of extending the adjoining cemetery. Proposals for any new buildings ancillary to this use will be supported, provided they make appropriate access provision and avoid any significant harm on the North Wessex Downs AONB. <u>The laying out of the land must conserve the designated landscape of the North Wessex Downs Area of Outstanding Natural Beauty and its setting.</u></p>	For clarity and accuracy to meet the Basic Conditions.
R37	25	Page 35, Policy MARL7 : Protecting & Supporting Community Facilities	<p><u>EXAMINER COMMENT:</u></p> <p>In Policy MARL7 move the sentence "Development proposals to sustain or extend the viable use of existing community facilities, and the development of new facilities, will be supported" from element B to the beginning of element A.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>Add to element B: 'or a change of use or a mixed use will help to retain the community benefit of a building.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend Policy MARL7 as follows: <p>A. <u>Development proposals to sustain or extend the viable use of existing community facilities, and the development of new facilities, will be supported.</u> The Neighbourhood Plan defines the following properties as community facilities:</p> <p>In Marlborough:</p> <ul style="list-style-type: none"> • Marlborough Town Hall, 5 High Street, Marlborough, SN8 1AA • Marlborough Community and Youth Centre, St Margaret's Mead, Marlborough, SN8 4BA • Marlborough Library, 91 High Street, Marlborough, SN8 1HD • The Merchant's House and Marlborough Museum, 132 High Street, Marlborough, SN8 1HN • Marlborough Scout Hut, 44 George Lane, Marlborough, SN8 4BX • St Mary's Church Hall, Silverless St, Marlborough, SN8 1JQ • Marlborough Leisure Centre, Barton Dene, Marlborough, SN8 1PB • St Peter's Church, High Street, Marlborough, SN8 1HQ • Christchurch, New Road, Marlborough, SN8 1AH • Friends Meeting House, The Parade, Marlborough, SN8 1NE • Marlborough Car Parks at George Lane, Waitrose, Polly, Castle & Ball, Hyde Lane, Kennet Place and The Parade 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<ul style="list-style-type: none"> • Marlborough Medical Practice, George Lane, Marlborough, SN8 4 BY <p>In Manton:</p> <ul style="list-style-type: none"> • Manton Village Hall, Marlborough, SN8 4HR <p>In Mildenhall:</p> <ul style="list-style-type: none"> • Mildenhall Village Hall, Home Farm Close, Mildenhall, Marlborough, SN8 2NY <p>B. Proposals that will result in either the loss of or cause significant harm to a defined facility will be resisted, unless it can be clearly demonstrated that the operation of the facility, or the on-going delivery of the community value of the facility, is no longer financially viable, <u>or a change of use or a mixed use will help to retain the community benefit of a building.</u></p> <p><i>. Development proposals to sustain or extend the viable use of existing community facilities, and the development of new facilities, will be supported.</i></p>	
R38	26	Page 36, Policy MARL8 : Protecting and Improving Sports Facilities	<p><u>EXAMINER COMMENT:</u></p> <p>In element C of Policy MARL8 replace “has received planning permission” with ‘, at least as conveniently located and well-equipped, is provided’.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend element C of Policy MARL8 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>C. Proposals that will result in either the loss of or cause significant harm to an existing sport facility will be resisted, unless it can be clearly demonstrated that the operation of the facility is no longer financially viable or that a replacement facility has received planning permission. <u>at least as conveniently located and well-equipped, is provided.</u></p>	
R38	27	Page 37, Policy MARL9 : A Design Code for the Marlborough Conservation Area	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the heading of Policy MARL9 by replacing "A Design Code" with 'Design Guidance'. Also, within Policy MARL9 delete two uses of "and its setting"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL 9 as follows: <p>Policy MARL9: A Design Code <u>Guidance</u> Code for the Marlborough Conservation Area</p> <p>Development proposals should sustain and enhance the special architectural and historic significance of the designated Marlborough Conservation Area and its setting. The significance of the Conservation Area and its setting are defined in the design principles and guidance of the Marlborough Conservation Area Statement and the Marlborough Town Character Study, to which all proposals must have full regard.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
R39	27	Page 37, Policy MARL10 : A Design Code for Marlborough's Areas of Special Quality	<p><u>EXAMINER COMMENT:</u></p> <p>Amend heading of Policy MARL10 by replacing "A Design Code" with 'Design Guidance'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend MARL10 Policy heading as follows: <p>Policy MARL10: A Design Code Guidance Code for Marlborough's Areas of Special Quality</p>	For clarity and accuracy to meet the Basic Conditions.
R40	27	Page 40, Policy MARL11: A Design Code for Manton	<p><u>EXAMINER COMMENT:</u></p> <p>Amend heading of Policy MARL11 by replacing "A Design Code" with 'Design Guidance'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the heading for Policy MARL11 as follows: <p>Policy MARL11: A Design Code Guidance Code for Manton</p>	For clarity and accuracy to meet the Basic Conditions.
R41	27	Page 42, Policy MARL12: A Design Code for Mildenhall	<p><u>EXAMINER COMMENT:</u></p> <p>Amend heading of Policy MARL12 by replacing "A Design Code" with 'Design Guidance'.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the heading for Policy MARL12 as follows <p>Policy MARL12: A Design Guidance Code for Mildenhall</p>	
R42	28	Page 43, Policy MARL13: Protecting Local Heritage Assets	<p><u>EXAMINER COMMENT:</u></p> <p>Reword Policy MARL13 as follows: 'A. The local non-designated Heritage Assets are identified on the list in Appendix A. Development proposals that directly or indirectly affect these non-designated heritage assets will be assessed with a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset. B. At the North West boundary of the Neighbourhood Area, development proposals must assess and address their impact on the Stonehenge & Avebury World Heritage Site and its setting.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL13 as follows: <p>A. The Neighbourhood Plan identifies Local Heritage Assets, as included on the list in Appendix A. Proposals that will result in harm to, or unnecessary loss of, a Local Heritage Asset, will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><i>B. Development will be supported which demonstrates that any potential impacts upon the World Heritage Site and its setting has been fully assessed in accordance with existing development plan policies</i></p> <p><u>A. The local non-designated Heritage Assets are identified on the list in Appendix A. Development proposals that directly or indirectly affect these non-designated heritage assets will be assessed with a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.</u></p> <p><u>B. At the North West boundary of the Neighbourhood Area, development proposals must assess and address their impact on the Stonehenge & Avebury World Heritage Site and its setting.</u></p>	
R43	28	Savernake Parish Local Heritage Assets Study (July 2021)	<p><u>EXAMINER COMMENT:</u></p> <p>Add to the cover of the "Savernake Parish Local Heritage Assets Study July 2021" details of the independent vetting of the content.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the evidence base text on the front cover of the Savernake Parish Local Heritage Assets Study (July 2021) report as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			'Prepared by Savernake Parish Council, <u>and professionally vetted by the Neighbourhood Plan consultants</u> , as part of the evidence base of the Marlborough Area Neighbourhood Plan.'	
R44	29	Page 44, Policy MARL14: Protecting and Improving Green Infrastructure	<p><u>EXAMINER COMMENT:</u></p> <p>In element A of Policy MARL14 replace the first sentence with: 'The Green Infrastructure Network, as shown on the Policies Map, is recognised for its existing value and further potential providing open space and ecological connectivity.'</p> <p>In element C, in the first sentence, replace "land" with 'green space' and replace the last sentence with 'Development proposals that will lead to the improvement and extension of the Network will be supported in principle.'</p> <p>Reword element D as follows: 'Proposals that will contribute to sequestering carbon through appropriate woodland planting and other effective means proportionate to the scale and nature of the proposal will be supported, whether delivered on the proposal site or at another agreed location.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL14 as follows: <p>A. The Neighbourhood Plan designates a Green Infrastructure Network, as shown on the Policies Map, for the purpose of promoting sustainable movement and ecological connectivity</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>through the town and neighbouring parishes and for mitigating climate change. <u>The Green Infrastructure Network, as shown on the Policies Map, is recognised for its existing value and further potential providing open space and ecological connectivity.</u> The Network comprises The Common, the water meadows at Marlborough College, the River Kennet, Local Green Spaces, Valued Community Open Spaces, informal open spaces, allotments, playing fields, off-street footpaths/cycleways, children's play areas, woodland and land of biodiversity value.</p> <p>B. Development proposals that lie within or adjoining the Network are required to have full regard maintaining and improving the Network, including delivering a net gain to general biodiversity assets, in the design of their access and layouts, landscaping schemes and public open space provisions. In that part of the Network that forms the southern setting to the Marlborough Conservation Area, proposals must also have regard to the contribution that its open character makes to the significance of the Conservation Area.</p> <p>C. Proposals that will lead to the loss of land <u>green space</u> lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network will be supported, provided they are co-ordinated with local investment projects to improve the Network and they are consistent with all other relevant policies of the development plan.</p> <p>D. Proposals that will contribute to sequestering carbon through appropriate woodland planting and other effective means</p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			proportionate to the scale and nature of the proposal will be supported, whether delivered on the proposal site or at another agreed location within the Network that has been designated for that purpose.	
R45	29	Whole document	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the related Policy Maps to exclude all green areas that were identified in relation to Policy MARL17</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend policy maps, removing green areas identified relating to Policy MARL17 	For clarity and accuracy to meet the Basic Conditions.
R46	30	Page 45, Policy MARL15: Protecting Local Green Spaces	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the opening sentence of Policy MARL15 to 'Local Green Spaces are designated in the locations listed below and shown on the Policies Map and in detail in Appendix B.' (re-letter the existing Appendix B accordingly).</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the opening sentence of Policy MARL15 as follows <p>The Neighbourhood Plan designates Local Green Spaces in the locations shown on the Policies Map and listed below. Proposals for inappropriate development in a Local Green Space will only be supported in very special circumstances.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>Local Green Spaces are designated in the locations listed below and shown on the Policies Map and in detail in Appendix B</u></p> <ul style="list-style-type: none"> • Re-letter Appendix B accordingly. 	
R47	30	Page 45, Paragraphs 5.52 and 5.53.	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.52 amend "paragraphs 99 - 100 of the NPPF" to read 'paragraphs 101 - 103 of the NPPF.'</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>In paragraph 5.53 amend '...criteria of paragraph 100 of the NPPF.' To read '.... Criteria of paragraph 102 of the NPPF.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend paragraph 5.52 on page 45 as follows: <p>'5.52 This policy designates a series of Local Green Spaces in accordance with paragraphs 101 - 103 of the NPPF. A designation has the policy effect of the equivalence of the Green Belt in terms of the definition of 'inappropriate' development and of the 'very special circumstances' test when determining planning applications located within a designated Local Green Space.'</p> <ul style="list-style-type: none"> • Amend paragraph 5.53 on page 45 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			'5.53 A review of all open land within and adjoining each settlement has been completed, informed by the qualifying criteria of paragraph 100 102 of the NPPF.'	
R48	30	Policies Map	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the Policies Map to remove the Space at Marlborough Green which is not being designated; also amend the boundary of the Salisbury Road Recreation Ground Local Green Space to exclude the surfaced, entrance car park.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the policies map to remove 'Space at Marlborough Green' and amend the boundary of 'Salisbury Road Recreation Ground Local Green Space' 	For clarity and accuracy to meet the Basic Conditions.
R49	30	Appendix	<p><u>EXAMINER COMMENT:</u></p> <p>Add an Appendix B to provide individual maps of the designated spaces at a scale that allows the boundary to be identified with absolute clarity.</p> <p><u>REQUIRED MODIFICATION</u></p> <ul style="list-style-type: none"> Add an Appendix B to show individual maps of designated spaces at a scale that allows the boundary to be clearly identified 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
R50	31	Page 46, Policy MARL16: Protecting Valued Community Open Spaces	<p><u>EXAMINER COMMENT:</u></p> <p>Within "Policy MARL16: Protecting Valued Community Open Spaces" in the opening sentence of element A replace "Map" with 'Maps'.</p> <p>Reword element B as follows: 'Development within a Valued Community Open Space will only be supported if it preserves and where possible enhances its contribution to the health and wellbeing of visitors and residents, public access, and it is ancillary to the community use and retains the openness of the Space. Any loss of a Space will only be permitted where alternative better provision has been secured, or an assessment has demonstrated that the Space is surplus to requirements.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend Policy MARL16 as follows: <p>A. The Neighbourhood Plan identifies the following as Valued Community Open Spaces, as shown on the Policies Maps:</p> <ol style="list-style-type: none"> 1. Orchard Road Play Area 2. St Margaret's Mead Parcel 1 3. St Margaret's Mead Parcel 2 4. St. Margaret's Mead Parcel 3, Savernake Crescent 5. St John's Park Play Area 6. Plume of Feathers Garden 7. Tin Pit, land next to the River Og 8. Mildenhall Play Area 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>9. Kennet Place Waterfront Garden 10. Land at College Fields / Barton Park, Betjeman Road 11. Land at College Fields / Barton Park, MacNeice Drive 12. Land at College Fields / Barton Park Hawkins Meadow 13. The Bath Road Triangle, next to the A4 at Manton 14. Land to the north of St John The Baptist Church, Mildenhall 15. Maurice Way Green Parcel 1 16. Maurice Way Green Parcel 2 17. Land at Cadley on the western side of the A346 from Cadley Garage to Dobie and Wyatt's 18. The Pound, Manton 19. Manton Green 20. War Memorial, London Road</p> <p>B. Development within a Valued Community Open Space will only be supported if it preserves and where possible enhances their <u>its</u> contribution to the health and wellbeing of visitors and residents, public access and if it is ancillary to it's the community use <u>and retains the openness of space</u>. Any loss of a Space will only be permitted where alternative better provision <u>has been</u> can be secured, and <u>or</u> an assessment has determined <u>demonstrated</u> that the s<u>S</u>pace is surplus to requirements.</p> <p>C. The Neighbourhood Plan identifies the following as Valued Community Open Spaces with existing protection: 1. Dam of Kings Fishpond – Tin Pit 2. Elcot Lane Village Green 3. Elcot Lane Allotments 4. St John's Close Allotments 5. Stone Bridge Lane Allotments</p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			6. St Mary's Church Yard, Marlborough 7. St Peter's and St Paul's Church Yard, Marlborough 8. St John the Baptist Church Yard, Minal 9. St George's Church Yard, Preshute 10. The Common 11. The Green - Herd Street	
R51	31	New Policies Maps	<p><u>EXAMINER COMMENT:</u></p> <p>Check and amend as required the boundary to the Space MARL16 17 at Cadley to exclude any private garden land</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> In relation to Policy MARL16 check and amend as required on the Policies Maps the boundary of the Valued Community Open Spaces at point '7' (Tin Pit, land next to the River Og) and point '17' (Land at Cadley on the western side of the A346 from Cadley Garage to Dobie and Wyatt's), to exclude any private garden land and ensure it is accurately identified. 	For clarity and accuracy to meet the Basic Conditions.
R52	31	Policies Maps	<p><u>EXAMINER COMMENT:</u></p> <p>Incorporate the Spaces identified under Policy MARL16 onto the same Policies Maps as Policy MARL14, ensuring that the boundaries are identified clearly, and add the boundaries, separately distinguished, for the spaces identified in element C of Policy MARL16.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Add the Space identified by Policy MARL16 onto the same Policies Map as Policy MARL14, showing clear boundaries 	
R53	32	Page 47, Policy MARL17: Conserving the Scenic Beauty of the AONB	<p><u>EXAMINER COMMENT:</u></p> <p>Delete element B of Policy MARL17 (and consequently remove the letter A from the first element).</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete element B from policy MARL17 and remove letter A from the first element as follows: <p>Policy MARL17: Conserving the Scenic Beauty of the AONB A. Development proposals outside the defined Marlborough development boundary and of the built up areas of Manton and Mildenhall will only be supported if it can be demonstrated they will conserve and enhance the landscape and special scenic beauty of the Area of Outstanding Natural Beauty and they have had full regard to the following specific characteristics of the following landscapes: Marlborough Downs and Common</p> <ul style="list-style-type: none"> primarily an essentially rural, agricultural character of visually exposed, open arable landscapes but with an intimate and pastoral character in areas of valley floor pasture associated with the River Og native and robust character of dense blocks of woodland are scattered across the downs 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>Kennet Valley</p> <ul style="list-style-type: none"> • open arable landscape along the chalk valley sides but with a tranquil, intimate and pastoral character on the valley floor in closer proximity to the River Kennet enclosed by the chalk valley sides • Marlborough is bounded at each end by flat riverside meadows: <ul style="list-style-type: none"> North and South of the River Kennet at Manton Land north and south of the River Kennet between Stonebridge Lane and the disused railway track North and South of the River Kennet at Preshute Lane West and East of the River Og from Marlborough to Bay Bridges North and South of the River Kennet between Marlborough and Mildenhall and on to the boundary with Axford Parish North and South of the River Kennet from Manton to the boundary between Preshute Parish and Fyfield Parish. North and south of the River Kennet at Treacle Bolly in Marlborough • there are open views across the valley of the Mildenhall Conservation Area on the north bank of the River Kennet • the traditional linear pattern of Manton is nestled in the riverside meadows along with Manton Copse Savernake Forest and Plateau • mainly, an essentially rural, agricultural character of visually exposed, open arable landscapes but with the native and robust character of the dense block of woodland of the Savernake Forest and also Wansdyke and West Woods • Northwest facing escarpment from Pantawick Edge along the edge of the plateau to the Mildenhall and Axford parish boundaries at Stitchcombe including Three Cornered Field 	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<i>B. Proposals that seek to justify building an isolated home outside the development boundary on the basis that either their design is of exceptional quality or is truly outstanding or innovative or would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area will be refused.</i>	
R54	32	Page 48, Paragraph 5.56	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.56 amend the NPPF paragraph number from "172" to '176'.</p> <p><u>REQUIRED MODIFICATION</u></p> <ul style="list-style-type: none"> Amend paragraph 5.56 as follows: <p>5.56 This policy refines Core Policy 51 of the Core Strategy and NPPF §1726 in identifying the specific features of the North Wessex Downs AONB landscape across the MANP area that is especially valued. The landscape consists of open chalk down land, river valleys, woodland and a wooded plateau. Specific to the MANP area are the Marlborough Downs, Savernake Forest, the River Kennet valley and its water meadows.</p>	For clarity and accuracy to meet the Basic Conditions.
R55	32	Page 49, Paragraph 5.59	<p><u>EXAMINER COMMENT:</u></p> <p>Delete paragraph 5.59 (renumbering subsequent paragraphs accordingly).</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete paragraph 5.59 and re number subsequent paragraphs accordingly <p>5.59 Finally, in the light of this evidence base, the policy considers there is no development proposal that can be made in this part of Wiltshire and the North Wessex Downs AONB where the requirements specific to clause (e) of NPPF §79 can be deemed to be met. The Downs, Kennet Valley and Forest are very special and deeply rural. They are not appropriate for architectural experimentation, nor are evidently in need of their design standards being raised. Instead, such experimentation, especially in taking forward the PassivHaus standard, can be pursued within the allocation policies of this plan or in more appropriate locations outside the area. However, the policy allows for proposals to come forward that are consistent with the other qualifying criteria of NPPF §79.</p> <p>5.60 5.59 5.61 5.60 Etc...</p>	
R56	33	Page 50, Policy MARL19: Building to the PassivHaus Standard	<p><u>EXAMINER COMMENT:</u></p> <p>Within Policy MARL19, in element A replace “must” with ‘are encouraged to’.</p> <p>In element B, first sentence, replace “should” with ‘are encouraged to’.</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>Delete element C (and re-letter subsequent elements accordingly). In element D replace "required" with 'encouraged'. Delete the first two sentences of element E and in the third sentence replace "shall" with 'are encouraged to'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend Policy MARL19 as follows: <p>Policy MARL19: Building to the PassivHaus Standard A. All development must are encouraged to be 'zero carbon ready by design' to minimise the amount of energy needed to heat and cool buildings through landform, layout, building orientation, massing and landscaping. B. Wherever feasible, all buildings should are encouraged to be certified to a Passivhaus or equivalent standard with a space heating demand of less than 15KWh/m2/year. Where schemes that maximise their potential to meet this standard by proposing the use of terraced and/or apartment building forms of plot size, plot coverage and layout that are different to those of the character area within which the proposal is located, this will be supported, provided it can be demonstrated that the scheme will not have a significant harmful effect on the character area. C. All planning permissions granted for new and refurbished buildings should demonstrate that they have been tested to ensure the buildings will perform as predicted and will include a planning condition to require the provision of a Post Occupancy Evaluation Report to the Local Planning Authority within a</p>	

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>specified period, unless exempted by Clause B. Where the Report identifies poor energy performance and makes recommendations for reasonable corrective action, the applicant must demonstrate that those actions have been implemented before the condition will be discharged.</p> <p>DC. All planning applications for major development are also required encouraged to be accompanied by a Whole Life-Cycle Carbon Emission Assessment using a recognised methodology, to demonstrate actions taken to reduce embodied carbon resulting from the construction and use of the building over its entire life.</p> <p>ED. An Energy Statement will be submitted to demonstrate compliance with the policy (except for householder applications). The statement will include a passive design capacity assessment to demonstrate how opportunities to reduce the energy use intensity (EUI) of buildings over the plan period have been maximised in accordance with the energy hierarchy. Designers shall are encouraged to evaluate the operational energy use using realistic information on the intended use, occupancy and operation of the building to minimise any performance gap.</p>	
R57	33	Page 50, Paragraph 5.63	<p><u>EXAMINER COMMENT:</u></p> <p>Delete paragraph 5.63, which is now dated (and renumber subsequent paragraphs accordingly)</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete paragraph 5.63 and renumber subsequent paragraphs accordingly 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			5.63 The Government's Energy White Paper published in December 2020 now sets out the government's Vision and 10-point transition plan for how the UK will reach the UK target of 'net zero' carbon emissions by 2050. The White Paper confirmed the government's intention to ensure significant strides are made to improve building energy performance to meet this target. The Government has also confirmed in its response to the Future Homes Standard consultation that it does not intend to amend the Planning and Energy Act 2008 and that as a result the setting of energy efficiency standards at the Local Plan or Neighbourhood Plan scale is permissible.	
R58	33	Page 51, Paragraph 5.65	<p><u>EXAMINER COMMENT:</u></p> <p>Amend paragraph 5.65 to read:</p> <p>'This policy is intended to encourage a step change in the energy performance of all new developments in the MANP area through the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, designers can demonstrate achievement of the standard using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy.'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.65 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>5.65 This policy is in five parts, the combination of which is intended to deliver a step change in the energy performance of all new developments in the MANP area and, in doing so, encourage and incentivise the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, it is anticipated that designers will demonstrate compliance using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy.</p> <p><u>This policy is intended to encourage a step change in the energy performance of all new developments in the MANP area through the use of the Passivhaus or equivalent standard of building design. Along with the passive design capacity assessment, designers can demonstrate achievement of the standard using a design for performance methodology such as the Passivhaus Planning package or CIBSE TM34 Operational Energy.</u></p>	
R59	33	Page 51, Paragraph 5.66	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.66 delete “which supports a similar level of intervention”.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.66 as follows: <p>5.66 Achieving this level of performance will make a significant contribution to mitigating climate change that the MANP can</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			deliver, and a major contribution to Wiltshire Council's Climate Emergency Action Plan, which supports a similar level of intervention.	
R60	33	Page 51, Paragraph 5.67	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.67, first sentence, replace "requires" with 'encourages'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.67 as follows: <p>5.67 Clause A of the policy requires encourages developers to ensure they address the Government's climate change targets and energy performance at the very initial stages of design. 'Zero Carbon Ready by Design' means making spatial decisions on layout and orientation of buildings at the outset to maximise the passive design benefits ('free heat') of a site and avoids leaving this to technical choices and assessment at the Building Regulation stage, by which time the opportunity may have been lost.</p>	For clarity and accuracy to meet the Basic Conditions.
R61	33	Page 51, Paragraph 5.68	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.68 delete all but the first sentence</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.68 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<p>5.68 Its Clause B requires all schemes, no matter what their intended use or size other than householder extensions, to use the Passivhaus Planning Package (PHPP) or equivalent design methodology for all buildings where it is feasible to do so. This means that the applicant must demonstrate those factors that make its use unfeasible, for example, the topography and orientation of the site. In respect of scheme viability, any extra-over cost of building to the 'zero carbon ready' Passivhaus standard (now less than 5%) will diminish to zero well within the period of this Plan, as per both the Governments Regulatory Impact Assessments and research by the Passivhaus Trust. The policy will also ensure that expensive and unnecessary retrofit costs are not passed down to building occupiers in the future, particularly in an area which has relatively high property values. Scheme viability will not therefore be acceptable as a reason for not using the Standard, unless the applicant can demonstrate the scheme has abnormal costs to accommodate.</p>	
R62	34	Page 52, Paragraph 5.69	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.69, first sentence, replace "requires" with 'expects'</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.69 as follows: <p>5.69 The policy requires expects that the scheme density (measured by dwelling units/Ha) is assessed against that of the local 'character area' in the Design & Access Statement. The</p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			applicant will be expected to use policies MARL9 – MARL13, and the respective Conservation Area Appraisals and MANP Design Study as the baseline for the Statement.	
R63	34	Page 52/54, Paragraphs 5.70 & 5.71	<p><u>EXAMINER COMMENT:</u></p> <p>Delete paragraphs 5.70 & 5.71</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Delete paragraphs 5.70 and 5.71 as follows: <p><i>5.70 Proposals seeking to apply the PHPP must be able to demonstrate that the Passivhaus standard can be achieved. Prior to commencement a 'pre-construction compliance check' completed by a Passivhaus Designer accredited by the Passive House Institute (PHI) will be required and secured by condition. Upon completion a Quality Approved Passivhaus certificate for each building will be required prior to occupation, again secured by condition.</i></p> <p><i>5.71 Clause C requires the developer of a consented housing development scheme of any size to carry out a Post-Occupancy Evaluation (POE) including actual metered energy use, and to submit the report to the local planning authority. It will be implemented by attaching a planning condition, which will only be discharged once the report has been submitted and any recommended actions to rectify any performance gap with the design stage assessment are carried out by the developer. Passivhaus certified schemes will not fail in this way and they are</i></p>	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			<i>therefore exempted from this policy requirement.</i>	
R64	34	Page 54, Paragraph 5.72	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.72, first sentence, replace "Clause D requires" with 'Clause C encourages' and delete the second sentence.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.72 as follows: <p>5.72 Clause D requires C encourages all development proposals that are not householder applications to be accompanied by a Whole Life-Cycle Carbon Emissions Assessment. This requirement will be added to the Wiltshire Council Validation Checklist for outline and full planning applications applying to proposals in the MANP area until such a time that there is a county-wide requirement.</p>	For clarity and accuracy to meet the Basic Conditions.
R65	34	Page 54, Paragraph 5.73	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.73 replace "Clause E requires an Energy Statement to be submitted" with 'Clause D encourages the use of an Energy Statement'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.73 as follows: 	For clarity and accuracy to meet the Basic Conditions.

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
			5.73 Finally, Clause E requires an Energy Statement to be submitted Clause D encourages the use of an Energy Statement to cover the following:	
R66	34	Page 54, Paragraph 5.74	<p><u>EXAMINER COMMENT:</u></p> <p>In paragraph 5.74 delete the second sentence.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend paragraph 5.74 as follows: <p>5.74 In summary, every new build or redevelopment project in the MANP Area provides an opportunity to make a difference and a contribution towards meeting our climate change targets for 2050. This new information requirement need not be an unreasonable expectation of even the smallest schemes for new buildings. Land values in the MANP area are high relative to build costs and ought to be sufficient to ensure requirements to tackle improving carbon performance are viable.</p>	For clarity and accuracy to meet the Basic Conditions.
R67	34	No page number. Policies & Maps Insets	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the heading "Policies Map & Insets" (p58) to 'Policies Maps and Insets'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> Amend the heading 'Policies Map & Insets' as follows: <p>Policies Map & and Insets'</p>	For clarity and accuracy

APPENDIX 1

Modifications required to be made to the draft Marlborough Area Neighbourhood Plan (2021-2036) (submitted version August 2021) in response to the Examiner's recommendations and to correct errors

Reference number	Page in Examiner's Report	Related MANP page / section / document	Recommendation and proposed modification	Reason for modification
R68	34	Character and Design Studies	<p><u>EXAMINER COMMENT:</u></p> <p>Consider improving the Character/Design Studies to provide consistent detailing of the non-designated heritage assets.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Consider improving the Character/ Design Studies 	For clarity and accuracy
R69	34	Page 74, Appendix B: Schedule of Evidence	<p><u>EXAMINER COMMENT:</u></p> <p>Amend the heading "Appendix B: Schedule of Evidence" to 'Appendix C: Schedule of Evidence' and add hyperlinks to copies of as many as possible of the documents listed</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> • Amend the heading of Appendix B: Schedule of Evidence as follows: <p>APPENDIX BC: SCHEDULE OF EVIDENCE</p> <ul style="list-style-type: none"> • Add hyperlinks to copies of as many as possible of the documents listed. 	For clarity and accuracy
R70	N/A	Whole Document	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Check and amend as necessary the page numbering, section headings, footnote, table, figure, map, appendix and paragraph numbering.</p>	Consequential amendments