

13<sup>th</sup> December 2018

Via email

Spatial Planning  
Economic Development and Planning  
County Hall  
Bythesea Road  
Trowbridge  
Wiltshire  
BA14 8JN

Dear Simon,

**Re: Cherhill New Village Hall Community Right to Build Order - Decision Statement**

As the representative of the community organisation, and 'qualifying body', for the Cherhill New Village Hall Community Right to Build Order, please find attached a copy of Wiltshire Council's Decision Statement in response to the examiner's report on the Cherhill New Village Hall Community Right to Build Order Examination.

With regards to Community Right to Build Orders, the examiner's report is binding<sup>1</sup>. If the examiner's report recommends that the draft Order be refused, the local planning authority must refuse the proposal. If the examiner's report recommends that the draft Order be submitted to a referendum (either with or without modifications), then a referendum must be held on the making of the Order by the local planning authority. The examiner's report in this case has recommended that the draft Order should proceed to a referendum, without modifications, and therefore a referendum must be held.

Wiltshire Council can make modifications to the draft Order at this stage, in certain instances, and we have decided that some minor modifications to the draft Order should be made to correct errors and to improve clarity – these are set out in Appendix 1 to this Decision Statement.

If you require any further information please do not hesitate to e-mail [neighbourhood.planning@wiltshire.gov.uk](mailto:neighbourhood.planning@wiltshire.gov.uk) or call spatial planning on 01225 713223.

Yours sincerely



Alistair Cunningham  
Corporate Director  
Growth, Investment and Place

<sup>1</sup> Schedule 4C (7) (3) Town and Country Planning Act 1990 as inserted by Schedule 11 of the Localism Act 2011

## **CHERHILL NEW VILLAGE HALL COMMUNITY RIGHT TO BUILD ORDER DECISION STATEMENT (PROCEEDING TO REFERENDUM)**

### **1. INTRODUCTION**

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

### **2. BACKGROUND**

- 2.1. The designated area for the Cherhill New Village Hall Community Right to Build Order (referred to as 'the Order') comprises the Cherhill Ward, within the parish of Cherhill, Wiltshire. On 8<sup>th</sup> June 2016, Wiltshire Council formally approved that the Cherhill Ward Neighbourhood Area be designated for the purposes of a Community Right to Build Order, in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. The Cherhill Village Hall Charitable Incorporated Organisation (CIO) is the designated 'qualifying body' and constitutes a community organisation for the purposes of undertaking a Community Right to Build Order. The CIO submitted the draft Order, along with supporting documents, to Wiltshire Council in May 2018 for consultation, independent examination and the remaining stages of the draft Order's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.3. Following submission of the draft Order, Wiltshire Council publicised the Order and supporting documents and invited representations during the consultation period 11<sup>th</sup> June 2018 to 30<sup>th</sup> July 2018.
- 2.4. In August 2018, Wiltshire Council appointed an independent examiner, Mr Nigel McGurk BSc (Hons) MCD MBA MRTPI, to examine the draft Order and consider whether it should proceed to referendum.
- 2.5. The examiner's report was received in November 2018 and concluded that the draft Order meets the Basic Conditions, without modifications, and should proceed to a referendum. The examiner also recommended that the Cherhill Ward Neighbourhood Area is the appropriate area within which to hold a referendum.

- 2.6. In accordance with legislation<sup>1</sup>, where the examiner's report recommends that the draft Order is submitted to a referendum (with or without modifications), a referendum must be held on the making by the local authority of a community right to build order.

### 3. DECISION AND REASONS

- 3.1. Having considered the examiner's recommendations, the draft Order should proceed to a referendum. The examiner's report did not recommend any modifications be made to the draft Order. However, the Council may make modifications to the draft Order at this stage, in certain instances, such as for the purpose of correcting errors. The Council requires that some minor modifications are made to the draft Order to correct errors and improve clarity, and these are set out in Appendix 1 to this statement, together with the reasons.
- 3.2. The Council is satisfied that the draft Order, as modified, complies with the legal requirements and can proceed to referendum.
- 3.3. The examiner's report states that the referendum area should reflect the current extent of the Cherhill Ward Neighbourhood Area.
- 3.4. I declare that I have no private interest in respect of this matter that would prevent me from making this decision.

**Signed:**



**Alistair Cunningham**

Corporate Director  
Growth, Investment and Place  
Wiltshire Council

**Dated:** 13<sup>th</sup> December 2018

---

<sup>1</sup> Schedule 4C (7) (3) Town and Country Planning Act 1990 as inserted by Schedule 11 of the Localism Act 2011

**Modifications required to be made to the draft Cherhill New Village Hall Community Right to Build Order**

The following table sets out the changes that are required to be made to the draft Community Right to Build Order, together with the explanation and reason for those changes. This should be read alongside the report of the independent examiner to Wiltshire Council on the draft Cherhill New Village Hall Community Right to Build Order.

The specific changes that are required are shown as follows:

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

The page/section numbers in the 3<sup>rd</sup> column relate to the draft Cherhill New Village Hall Community Right to Build Order, dated 24<sup>th</sup> April 2018, as submitted to Wiltshire Council in May 2018.

Change no.	Page in Examiner's Report	CRtBO page / section	Wiltshire Council's required change to correct error/improve clarity	Reason for change
1	N/A	Page 19, Section 2.1 'The Process' diagram. Final box in diagram.	Delete the text: ' <del><i>Wiltshire Council publishes the Examiner's report and decision</i></del> '  Replace with new text: ' <b><u>Wiltshire Council publishes final decision statement on the Order</u></b> '	The final box in the process diagram on page 19 entitled ' <i>Decision</i> ' incorrectly refers to Wiltshire Council publishing the examiner's report at this stage. However, this is published prior to the referendum stage.
2	N/A	Page 8, Section 1.1, 1 <sup>st</sup> sentence	Add new text at beginning of 1 <sup>st</sup> sentence so sentence reads: ' <b><u>This document is the Cherhill New Village Hall Community Right to Build Order.</u></b> The purpose of this document is.....'	To make clear that the whole of the document is the Community Right to Build Order.
3	N/A	Page 5, Contents page	Amend the name of Section 2 to read: 'The Order <b><u>– Process and Conditions</u></b> '	Naming Section 2 'The Order' gives the impression that it is only Section 2 that is the Order, rather than the whole document.
4	N/A	Page 17 – section title	Rename section title as ' <i>The Order</i> – <b><u>Process and Conditions</u></b> '	This section as currently worded gives the impression that it is only Section 2 that is the Order, rather than the whole document.

## Modifications required to be made to the draft Cherhill New Village Hall Community Right to Build Order

Change no.	Page in Examiner's Report	CRtBO page / section	Wiltshire Council's required change to correct error/improve clarity	Reason for change
5	N/A	Page 18 – page title	Rename page title as: ' <i>The Order – <b>Process and Conditions</b></i> '	Naming Section 2 'The Order' gives the impression that it is only Section 2 that is the Order, rather than the whole document.
6	N/A	Page 20 – page title	Rename page title as: ' <i>The Order – <b>Process and Conditions</b></i> '	Naming Section 2 'The Order' gives the impression that it is only Section 2 that is the Order, rather than the whole document.
7	N/A	Page 8, Section 1.2, 2 <sup>nd</sup> bullet point	Amend 2 <sup>nd</sup> bullet point to read: ' <i>Section 2 – describes the <del>content</del> <b>process</b> of the.....'</i>	Because the Order comprises of the whole document, not just Section 2.
8	N/A	Page 14, final sentence	Amend sentence to read: ' <i>The map adjacent displays the <del>proposed</del> Neighbourhood Area:</i> '	The area is not proposed but designated.
9	N/A	Page 12, end of 2 <sup>nd</sup> paragraph	Add new sentence at end of 2 <sup>nd</sup> paragraph to read: ' <b><u>Please refer to site location map shown on page 24.</u></b> '	The chosen site location is introduced here so useful to provide a reference to the map on page 24 showing the location.
10	N/A	Page 20, paragraph 2.2.3, 1 <sup>st</sup> sentence	Amend 1 <sup>st</sup> sentence to read: ' <i>All planting, seeding and turfing <b>shall be carried out in accordance with</b> <del>comprised in the approved</del> <b>Site Landscaping Strategy and accompanying Planting Plan in drawing CV1/01 (outlined in Section 4.4 of this Order), and the separate document 'Planting Schedule, Specification and Maintenance Plan' (Debbie Feeney, February 2017)</b> shall be carried out as approved.</i> '	To clarify exactly what the approved landscaping scheme is that should be carried out.
11	N/A	Page 21, paragraph 2.2.6	Amend paragraph to read: ' <i>The external lighting proposed as part of this development shall comply with Institution of Lighting Engineers <b>Professionals Guidance for the Reduction of Obtrusive Light GN01:2011<sup>1</sup> dated January 2012 for Exterior Lighting Installations.</b></i> ' Add footnote as indicated, to read: ' <b><u>Guidance Notes for the Reduction of Obtrusive Light (Institution of Lighting Professionals, January 2012). Available at <a href="https://www.theilp.org.uk/documents/obtrusive-light/">https://www.theilp.org.uk/documents/obtrusive-light/</a></u></b> '	For clarification.

Modifications required to be made to the draft Cherhill New Village Hall Community Right to Build Order

Change no.	Page in Examiner's Report	CRtBO page / section	Wiltshire Council's required change to correct error/improve clarity	Reason for change
12	N/A	Page 21, paragraph 2.2.7	Add new sentence at end of paragraph to read: <b><u>Both drawing C741/02 and drawing CV1/01 are available in the Transport Statement (PFA Consulting, April 2017) which accompanies this Order.</u></b>	For clarification of where these drawings can be found.
13	N/A	Page 21, paragraph 2.2.8	Amend paragraph as follows: 'The development hereby permitted shall be carried out in accordance with the <b><u>Great Crested Newt Mitigation Strategy and precautionary method of works prepared by the (The Bat Consultancy, dated January 2017).</u></b> '	For greater clarification about the document that development should be in accordance with.
14	N/A	Page 20, paragraph 2.2	Amend sentence to read: ' <del>In the event</del> <b><u>Development that is undertaken in relation to this</u></b> the Order is made it is anticipated that <b><u>must fully comply</u></b> with the following conditions; <del>should apply:</del>	To provide greater clarity on the requirement to comply with the conditions listed.
15	N/A	Page 21, After paragraph 2.2.9	Insert new paragraph after 2.2.9 to read: <b><u>2.2.10 Approved Plans</u></b> <b><u>The development hereby approved shall be carried out in accordance with the approved plans and documents:</u></b>  <ul style="list-style-type: none"> <li>• <b><u>Site Plan Drawing No. A201 dated 5<sup>th</sup> December 2017.</u></b></li> <li>• <b><u>General Arrangement Section Drawing No A2251 dated 3<sup>rd</sup> February 2017.</u></b></li> <li>• <b><u>General Arrangement Plan Drawing No. A2000 dated 3<sup>rd</sup> February 2017.</u></b></li> <li>• <b><u>Access Arrangements Drawing No. C741/02 dated January 2017.</u></b></li> <li>• <b><u>Planting Plan Drawing No. CV/01 Rev B dated February 2016.</u></b></li> <li>• <b><u>Location Plan Drawing No. A200 dated 5<sup>th</sup> December 2017.</u></b></li> <li>• <b><u>Planting Schedule, Specification and Maintenance Plan for Cherhill Village Hall by Debbie Feeney dated February 2017.</u></b></li> </ul>	For greater clarification about the document so that development is in accordance with it.