

Wiltshire Council

**Market Lavington  
Neighbourhood Development Plan  
2018-2026**

**Independent Examiner's Report**

By Ann Skippers MRTPI FRSA AoU

24 February 2020

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## Summary

I have been appointed as the independent examiner of the Market Lavington Neighbourhood Development Plan.

Market Lavington lies about five miles from Devizes. The Parish is elongated with a ribbon of development along the river valley with land rising towards Northbrook to the north and the scarp of the Ridgeway to the south. It has many historic buildings including the Grade 1 listed St Mary's Church and a Conservation Area which add to the distinctive character. Market Lavington has a number of services and facilities commensurate with its designation in the settlement hierarchy as a local service centre.

The Plan contains five policies aimed at adding a local layer of detail to strategic policies. The policies include a number of site allocations and Local Green Spaces. It is supported by a number of background documents. It has been produced whilst Wiltshire Council has progressed a Housing Site Allocations Plan.

It has been necessary to recommend some modifications; these have included some deletion and reworking of policies to ensure the Plan can meet the basic conditions and in particular to ensure it will provide a clear and practical framework for decision-making.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to Wiltshire Council that the Market Lavington Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI  
Ann Skippers Planning  
24 February 2020



## 1.0 Introduction

This is the report of the independent examiner into the Market Lavington Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by Wiltshire Council (WC) with the agreement of the Parish Council, to undertake this independent examination. I have been appointed through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS).

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning spanning the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

## 2.0 The role of the independent examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions<sup>1</sup> are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations
- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation

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

and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.<sup>2</sup> It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check<sup>3</sup> whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.<sup>4</sup>

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case Wiltshire Council. The plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

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<sup>2</sup> Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

<sup>3</sup> Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act

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

### 3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012.

Work began on the Plan in 2014 with the establishment of the Steering Group. A series of wonderfully named “Pop-up Pop-in” events were devised during the daytime and evening to be as inclusive as possible. Information stands were present at local events. Between Summer 2014 and Autumn 2015, a variety of activities were carried out. These included articles in the Parish magazine, exhibitions, workshops, events for specific groups, organisations/clubs and local schools, presence at the Village Fete and regular meetings. A dedicated website and Facebook page were also established.

These varied activities during the initial stages of the Plan’s evolution fed into the development of the village questionnaire in June 2015. Primarily aimed at households, the questionnaire also included a ‘business section’ and information about sites in WC’s SHLAA with an invitation to put forward others for consideration. A very commendable response rate of around 41% was achieved.

Two periods of pre-submission (Regulation 14) consultation then took place. The first period was held between 26 March – 13 May 2018. During this time, it was found that some pages were missing from an appendix in the Plan and although the document was available elsewhere, the decision was taken to extend the period to 24 June 2018.

This resulted in changes to the site allocations. A second period of pre-submission consultation therefore took place between 19 September – 30 October 2018. The Plan was published in hard copy and available online after being widely advertised. Five Pop-up, Pop-in sessions were held.

In December 2018, the Parish Council was advised that appropriate assessment (AA) of the Plan was needed and as a result strategic environmental assessment (SEA). Further changes were made to the Plan as a consequence of the AA and SEA. A further period of public consultation was therefore held, focused on the SEA, but other comments were accepted. The publicity for this stage, the availability of documents including the Plan and its supporting documents and the SEA as well as direct mailing and the holding of five Pop-up, Pop-in sessions, was akin to, and more than adequate for, a pre-submission stage of consultation. This stage was held between 24 May – 5 July 2019.

I have treated this latter and third period of consultation as the pre-submission consultation stage. It has all the hallmarks of such even though the Consultation Statement refers, in places, to it as the “SEA consultation”. It is also clear from the documents in front of me that WC regarded it as a third Regulation 14 consultation period. It is the most recent pre-submission stage of consultation on the relevant documents, has been publicised well, and was held for the proper time period (the second period of consultation appeared to me to be a day short of the six weeks

specified). There is no reason not to accept the third period of consultation as the period necessary and specified as Regulation 14.

I therefore consider that the consultation and engagement carried out is satisfactory. With three periods of consultation, it is clear the Plan has had a number of iterations based on the engagement with the community and other organisations and bodies and advice received.

Submission (Regulation 16) consultation was carried out between 23 September – 5 November 2019.

The Regulation 16 stage resulted in 11 representations from organisations or individuals including WC. I have considered all of the representations and taken them into account in preparing my report.

## 4.0 The examination process

I have set out my remit earlier in this report. It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).<sup>5</sup> PPG confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.<sup>6</sup> Where I find that policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Some representations seek to promote different or additional sites for development. Some make constructive suggestions for further issues to be included in the Plan and I feel sure that the Parish Council will wish to consider these in any future review of the Plan.

A representation has made a number of comments concerning the process, the behaviour of those involved and other comments. An examiner has no authority to deal with allegations of misconduct or similar. Such allegations should be dealt with through other procedures.

PPG<sup>7</sup> explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.<sup>8</sup>

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<sup>5</sup> PPG para 055 ref id 41-055-20180222

<sup>6</sup> Ibid

<sup>7</sup> Ibid para 056 ref id 41-056-20180222

<sup>8</sup> Ibid

After reviewing all the documentation and the representations made, I decided a hearing was not necessary.

In 2018, NPIERS published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying body to make any comments; it is only if they wish to do so. The Parish Council sent comments and I have taken these into account.

I made an unaccompanied site visit to familiarise myself with the Plan area on 17 January 2020.

I am grateful to everyone for ensuring that the examination has run smoothly.

Where modifications are recommended they appear in **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics**.

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

I regard these as primarily matters of final presentation and do not specifically refer to such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing carried out and the Plan's presentation made consistent.

## 5.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

### Qualifying body

Market Lavington Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is met.

### Plan area

The Plan area is coterminous with the administrative boundary for the Parish. WC approved the designation of the area on 2 March 2015. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements. The Plan area is shown on page 4 and Appendix 2 of the Plan.



## **Plan period**

The Plan period is 2018 – 2026 to align with that of the CS. This is clearly stated in the Plan itself and confirmed in the Basic Conditions Statement. This requirement is therefore satisfactorily met.

## **Excluded development**

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

## **Development and use of land**

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.<sup>9</sup>

In this instance, community aspirations have been included in a separate section of the Plan which I consider to be an appropriate approach for this particular Plan.

## **6.0 The basic conditions**

### **Regard to national policy and advice**

The Government published a National Planning Policy Framework (NPPF) in 2012. On 24 July 2018, a revised NPPF was published. On 19 February 2019, the revised NPPF was updated and replaces the previous NPPF published in March 2012 and revised in July 2018.

The NPPF is the main document that sets out national planning policy. In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies and should shape and direct development outside of these strategic policies.<sup>10</sup>

Non-strategic policies are more detailed for specific areas, neighbourhoods or types of development.<sup>11</sup> They can include allocating sites, the provision of infrastructure and

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<sup>9</sup> PPG para 004 ref id 41-004-20170728

<sup>10</sup> NPPF para 13

<sup>11</sup> Ibid para 28

community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and set out other development management policies.<sup>12</sup>

The NPPF also makes it clear that neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.<sup>13</sup>

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.<sup>14</sup>

Policies should also be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.<sup>15</sup>

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at [www.gov.uk/government/collections/planning-practice-guidance](http://www.gov.uk/government/collections/planning-practice-guidance) which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous<sup>16</sup> to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.<sup>17</sup>

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.<sup>18</sup> It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.<sup>19</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan has responded to national policy and guidance.

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<sup>12</sup> NPPF para 28

<sup>13</sup> Ibid para 29

<sup>14</sup> Ibid para 31

<sup>15</sup> Ibid para 16

<sup>16</sup> PPG para 041 ref id 41-041-20140306

<sup>17</sup> Ibid

<sup>18</sup> Ibid para 040 ref id 41-040-20160211

<sup>19</sup> Ibid

## **Contribute to the achievement of sustainable development**

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.<sup>20</sup> This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.<sup>21</sup> The objectives are economic, social and environmental.<sup>22</sup>

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.<sup>23</sup>

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan meets this basic condition.

## **General conformity with the strategic policies in the development plan**

The development plan relevant to this examination includes the Wiltshire Core Strategy Development Plan Document (CS) and the saved and retained policies of the Kennet Local Plan 2011 (KLP) identified in Appendix D of the CS. The CS was adopted on 20 January 2015 and the KLP was adopted on 30 April 2004. I could not see any policies of a strategic nature in the KLP, none have been drawn to my attention in the Basic Conditions Statement and WC has helpfully confirmed their view that there are no policies of a strategic nature in it that are relevant to this examination. I will therefore focus on the CS.

The CS provides a framework for Wiltshire up to 2026. Its spatial vision is based around stronger, more resilient communities based on a sustainable pattern of development and it identifies six strategic objectives to help to achieve this. It is an economic-led strategy. It identifies 20 Community Areas and the Parish falls within the Devizes Community Area.

Core Policy 1 of the CS sets out a settlement strategy identifying five types of settlements based on their role and function and how they relate to their immediate communities and wider hinterland.

Market Lavington is identified as a 'Local Service Centre' (LSC). These are defined as smaller towns and larger villages that serve a rural hinterland and have a level of services and facilities that, together with local employment, provide the best opportunities outside the market towns, for greater self-containment. Modest levels of

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<sup>20</sup> NPPF para 7

<sup>21</sup> Ibid para 8

<sup>22</sup> Ibid

<sup>23</sup> Ibid para 9

development in the LSCs are provided for to safeguard their role and to deliver affordable housing.

The CS indicates that the level of development at LSCs will be closely linked to their current and future role of providing for a significant rural hinterland, but this should provide for local employment opportunities, improved community facilities and/or affordable housing provision to safeguard the role of the settlement and support the more rural communities of Wiltshire.

There is a general presumption against development outside the defined limits of development. However, housing growth over and above that put forward in the CS, new services and facilities and local employment opportunities are supported where they are promoted through neighbourhood plans.

Core Policy 2 sets out the delivery strategy; there is a presumption in favour of sustainable development at LSCs within the limits of development. Outside the defined limits of development, development will not be permitted. Limits of development can be altered through subsequent development plan documents including neighbourhood plans.

Core Policy 12 explains that 9.9 hectares of new employment land and approximately 2,500 homes will be needed in the Devizes Community Area with the majority of those being located in Devizes. Approximately 490 homes will be provided in the rest of the Community Area.

The overall housing requirement figure in the CS is a minimum and the area strategy figures indicative. The CS is clear that Plans should not be constrained by the housing requirements in the CS and that additional growth may be appropriate and consistent with the settlement strategy. The tenor of the CS is to enable community-led proposals to come forward.

Whilst this has formed part of my own assessment, the Basic Conditions Statement contains an assessment of how the Plan relates to CS objectives.

### ***Emerging planning policy***

WC's website explains that there are a number of plans in preparation. In July 2018, WC submitted the draft Wiltshire Housing Site Allocations Plan (WHSAP), along with a schedule of proposed changes for examination.

The purpose of the WHSAP is to support the delivery of the new housing set out in the CS through site allocations and, where necessary, the revision of settlement boundaries.

Following the close of the hearing sessions, the Inspector wrote to WC. In response a schedule of Further Main Modifications (FMM) was prepared and consultation carried out which ended on 25 October 2019.

The Inspector's Report has now been received and is dated 23 January 2020. It was presented to Cabinet on 4 February 2020. Cabinet agreed to recommend to Full Council that the WHSAP, as amended by the main and minor modifications, be adopted.

In Autumn 2017, WC began a review of their Local Plan, working jointly with Swindon Borough Council. In WC's case this includes a review of the CS. This work is at a relatively early stage.

There is no legal requirement to examine the Plan against emerging policy. However, PPG<sup>24</sup> advises that the reasoning and evidence informing the emerging Local Plan may be relevant to the consideration of the basic conditions against which the Plan is tested. I refer to this evidence as appropriate in my report.

Furthermore, Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging Local Plan and the adopted development plan with appropriate regard to national policy and guidance.<sup>25</sup>

### **European Union Obligations**

A neighbourhood plan must be compatible with European Union (EU) obligations. A number of EU obligations may be of relevance for these purposes including in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

PPG<sup>26</sup> confirms that it is the responsibility of the local planning authority, in this case WC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It is WC who must decide whether the draft plan is compatible with EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

### ***Strategic Environmental Assessment***

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment is relevant. Its purpose is to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes. This Directive is commonly referred to as the Strategic Environment Assessment (SEA) Directive. The Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (EAPPR).

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<sup>24</sup> PPG para 009 ref id 41-009-20190509

<sup>25</sup> Ibid

<sup>26</sup> Ibid para 031 ref id 11-031-20150209

A Revised Screening Determination for the Plan, dated February 2019 and prepared by WC, concluded that the Plan would require SEA as it had been established that Appropriate Assessment under the Habitats Regulations Assessment was required.

Accordingly, an Environmental Report (ER) dated July 2019 has been submitted.

The ER confirms that a Scoping Report dated March 2019 was prepared and sent to the statutory consultees. Responses were received from Natural England and Historic England.

The ER concludes the Plan “is likely to lead to long term significant positive effects in relation to the population and housing theme”. It continues “residual neutral effects are predicted in relation to the biodiversity and historic environment and landscape themes”.<sup>27</sup> It was published for consultation alongside the submission version of the Plan.

The ER is a comprehensive document that has dealt with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice which confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.<sup>28</sup> In my view, it has been prepared in accordance with Regulation 12 of the Regulations.

Therefore EU obligations in respect of SEA have been satisfied.

### ***Habitats Regulations Assessment***

Directive 92/43/EEC on the conservation of natural habitats, commonly referred to as the Habitats Directive, is relevant to this examination. A Habitats Regulations Assessment (HRA) identifies whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects.<sup>29</sup> The assessment determines whether significant effects on a European site can be ruled out on the basis of objective information.

A HRA of January 2019 has been submitted. This explains that there is a mechanism for effect on the Salisbury Plain Special Area of Conservation (SAC) and Special Protection Area (SPA) because of the proposed site allocations. Therefore Appropriate Assessment (AA) was carried out.

The AA considers that the Plan would not have any likely significant effects on its own, but some may occur in combination with other plans and projects. In particular, recreational pressure is a known risk for the SAC and SPA.

The AA concluded that given the location and quantum of proposed development, no adverse effects would result on the Salisbury Plain SAC and SPA alone or in combination

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<sup>27</sup> ER Non Technical Summary

<sup>28</sup> PPG para 030 ref id 11-030-20150209

<sup>29</sup> Ibid para 047 ref id 11-047-20150209

with other plans and projects as the CS and emerging WHSAP already account for this level of development through the mitigation measures adopted for those plans.

Given the nature, characteristics and distance of the European sites and the nature and contents of the Plan, I consider that the prescribed basic condition is complied with.

### **European Convention on Human Rights (ECHR)**

The Basic Conditions Statement contains a statement in relation to human rights. Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

## **7.0 Detailed comments on the Plan and its policies**

In this section I consider the Plan and its policies against the basic conditions in detail. As a reminder, where modifications are recommended they appear in **bold text**; where specific changes to the wording of the policies or new wording is suggested these modifications appear in ***bold italics***.

The Plan is presented clearly and contains five policies. There is a contents page and a glossary at the start of the Plan. Both are helpful. The contents page could reflect more fully some of the section headings, but this is a very minor editing matter.

### **1.0 Introduction**

This is a short section which sets out the background to the Plan.

### **2.0 Area Covered by the Plan and Timescale**

This section refers to the rationale for the Plan area and confirms the time period covered by the Plan which is 2018 to 2026.

### **3.0 Evidence Base, SEA and HRA**

This section explains that a “Scoping Report” was produced to inform the Plan. It also refers to Appendix 1 which lists many of the documents reviewed during the evolution of the Plan and explains where other supporting information may be found.

## 4.0 Planning Policy Context

This section sets out the planning policy context for the Parish. It cites a number of policies from both the CS and the KLP, as well as the emerging WHSAP, but explains the rationale for this as well as how they relate to the contents of the Plan. In these circumstances, I consider it acceptable to take this approach. The Plan also makes it clear that all relevant policies in the plans at WC level should be taken into account.

The Plan refers to an indicative housing requirement of 154 dwellings for the Devizes Community Area.<sup>30</sup> The Plan explains that the allocation of sites for a total of 88 dwellings is therefore put forward.

WC confirms that the latest housing figures are to be found in the Additional Modifications to the draft Wiltshire Housing Site Allocations Plan. This shows an outstanding requirement of 81 dwellings in the Devizes Community Area, but a remaining requirement of 5 dwellings in the East Housing Market Area (using a base date of April 2017 and taking into account Additional Modifications in the draft WHSAP as at July 2018). These latest available figures should be incorporated in the Plan.

The Plan also refers to a figure of 37; it is not clear to me what this refers to and in any case the modification to include the latest available figures means this is now not needed. In the interests of clarity, it should be deleted.

There is a typo to correct.

- **Change the third sentence of paragraph 4.17 on page 11 to read: “As of July 2018, there was an *outstanding indicative requirement for 5 dwellings in the East Housing Market Area and 81 dwellings in the Devizes Community Area.*”**
- **Delete the last sentence of paragraph 4.18 on page 11 which begins: “The number of homes proposed...”**
- **Change “Sea” in paragraph 4.25 on page 12 of the Plan to “SEA”**

## 5.0 What is Market Lavington like?

This section summarises a range of key information about the Parish and signposts other supporting documents for further information.

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<sup>30</sup> Para 4.17 on page 11 of the Plan



## 6.0 Scoping Research, Community Engagement, Development of Vision, Objectives, Policy

This section that explains how the policies in the Plan evolved.

It also contains the vision which is:

“Market Lavington will develop at a moderate rate consistent with its status in the Wiltshire Core Strategy as Local Service Centre yet retaining the friendly village character that many residents enjoy. Development will take place on sites of appropriate location and scale to ensure that existing infrastructure – especially transport – can cope. Housing will be provided for all sections of the community including one- and two-bedroom homes for those wanting to get on the housing ladder and 3-bedroom homes for growing families.

Development will not compromise the open countryside and fine views enjoyed at present, especially the idyllic environment and ecology of the east-west valley. The fine heritage that the village contains will be preserved and enhanced. The Parish will include enhanced green infrastructure to protect wildlife, will protect and improve recreational opportunities, especially for young people, and will help tackle existing transport problems.

The shopping experience in Market Lavington will be enhanced, as will parking. Footpaths and pavements will be improved, and traffic management will help to reduce congestion. Local jobs will match housing growth, as will the provision of services such as health and leisure, which will be focused into a central village centre or hub site which is yet to be identified. There will be an increased programme of community events.

Education provision will be provided within the village environs from pre-school age right through to sixth form.”

Whilst the vision is relatively long, it covers a range of planning issues.

The vision is underpinned by eight objectives; all are appropriate and relate to the vision.

A section is included titled “Policy Ideas”. This details how issues raised by the community fed into the policies and community aspirations. It is an interesting exercise and one that was important to carry out. However, at this stage of the Plan making process as it heads towards being made, I consider this should now be in a separate supporting document. This is to avoid the potential for any confusion and to make the Plan in its finalised form a more wieldy document.

- **Delete sections 6.3, 6.4 and 6.5 of the Plan, including the tables [these sections can become a separate supporting document if desired]**

- **Consequential amendments will be needed, for example reference to this section in paragraph 8.0 later in the Plan**

## 7.0 Site Selection

This section details the site selection process. In line with the recommendation made above, I consider much of this information can now be placed in a separate supporting document and there is no need for the longer justification as to the sites selected and rejected to be retained in the final version of the Plan.

- **Delete sections 7.0 to 7.26 inclusive and including diagrams etc. [these can become a separate supporting document if desired]**
- **Consequential amendments will be needed, for example reference to this section in paragraph 8.9 on page 42 later in the Plan**

## 8.0 Policies of the Plan

The section on page 40 of the Plan is headed “Policy 1: Housing (General), Introduction and Justification. The policy itself appears on page 41 clearly shown in a coloured green box. The preceding page is supporting text. For the avoidance of any doubt, I suggest the heading is changed. This applies to the other policies as well. This modification is not repeated elsewhere in this report.

- **Change the headings for each policy section by deleting the words “Policy 1”, “Policy 2”, “Policy 3” and so on from pages 40, 42, 54, 55 and 58 of the Plan**

### Policy 1: Housing (General)

The policy is criteria based, containing a number of different elements. The first relates to the sites allocated in the Plan and requires a “reasonable proportion” of smaller sized homes to be provided. This reflects the wishes of the community including through a Housing Needs Survey conducted as part of the work on the Plan. It is an acceptable way forward, especially given the Inspector’s comments on the emerging WHSAP that the Plan is capable of meeting local needs and strategic allocations are not necessarily required.<sup>31</sup>

However, whilst the intention of this element is acceptable and clear, the practical application of it is open to interpretation. Therefore a modification is made to include a

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<sup>31</sup> Inspector comments quoted in the answers to my questions of clarification

phrase which will help to ‘future proof’ this element of the policy to refer to the most up to date housing needs information available as well as include the ability to ensure other sources of evidence such as the Housing Register can be used.

The second criterion refers to affordable housing indicating that a significant proportion can be discounted or shared ownership homes rather than affordable rent. A representation from WC confirms that the majority (60%) of affordable housing should be for affordable rented tenure with (40%) shared ownership tenure. WC does not seek discounted market homes as part of affordable housing provision. I do not see any particular conflict with WC’s position and the wording of the policy as I would regard 40% as a significant proportion and given the definition of affordable housing in the NPPF does support discounted market homes.

The third criterion supports self-build and eco homes. With some modifications to improve clarity and remove unnecessary wording about compliance with other policies or plans, this criterion is appropriate to retain.

The remainder of the policy encompasses elements which are specific to the Parish on drainage, design, heritage and landscape impact, access and biodiversity. All are appropriate. However, some changes are made.

Criterion d. refers to a drainage strategy. WC has raised an issue about groundwater flooding and high ground water levels. A modification is made to ensure all types of drainage are considered.

Additional words should be added to criterion e. to help with clarity and sense.

Secondly, criterion g. requires the retention and enhancement of all mature, native and broadleaved trees and hedgerows on sites. This needs some alteration to ensure that any trees and hedgerows to be retained are suitable for retention for example, in respect of condition and health.

With these modifications, the policy will support the development of housing in the Plan area generally conforming to the CS and in particular CS Core Policies 1, 2, 12, 45, 50, 51, 57 and 58 seeking to address local needs and reflecting specific circumstances in the Parish. The modified policy will meet the basic conditions.

- **Change criteria a. to read: “Development of the sites identified in this Plan must include a *mix of 1, 2 and 3 bedrooomed homes based on the most up to date housing needs information available.*”**
- **Delete the words “...subject to compliance with the other policies of the plan” from the first sentence of criterion c.**
- **Delete the word “Affordable” at the start of the first bullet point of criterion c.**

- Delete the words “...subject to compliance with the policies of this plan and the Wiltshire Core Strategy” from the first bullet point of criterion c.
- Delete the words “...compliance with other policies of the NDP... and then “...and policies of the Wiltshire Core Strategy” from the second bullet point of criterion c. [the “acceptable impacts on neighbours” can be retained]
- Add “..., river flooding and groundwater flooding and high ground water levels” at the end of the first sentence in criterion d.
- Add the words “*features and character*” after “...harm to both landscape...” in criterion e.
- Add the words “*in a satisfactory condition*” after “...broadleaved trees and hedgerows...” and a new sentence after this sentence which reads: “*Any trees or hedgerows removed due to poor health or condition, should be replaced by suitable specimens in an appropriate location.*” in criterion g.

## Policy 2: Housing Sites

The Plan explains that it seeks to plan positively. A Housing Needs Survey was undertaken to help with this and showed a need for 11 affordable housing units.

Through the Housing Needs Survey and other community engagement, it is clear that the community supports some new housing in the Parish with a preference for smaller sites of between 11 – 20 units and for units of 1 – 3 bedrooms. This generally aligns with the NPPF’s objective of boosting the supply of housing and establishing local housing need.<sup>32</sup>

A site selection and assessment process has been undertaken and a report produced by AECOM. The AECOM Report confirms that the site identification process is sound.

Site selection began with WC’s SHLAA which was updated in 2015 and yielded 15 sites. Two additional sites, suggested by the community were taken forward (others were already included in the SHLAA sites or fell outside the Plan area or were too small for allocation). AECOM were commissioned to assess all of the sites except for one too small for allocation. Combining information from the planning consultant and the community, four sites were put forward for allocation.

The AECOM Report offers a robust site assessment that concludes three of the four sites chosen for inclusion in the Plan are appropriate as site allocations. The site included in the Plan which AECOM found to be inappropriate has had further work carried out on it and has been reduced in size.

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<sup>32</sup> NPPF paras 59, 60 and 61

During this process, WC published the draft WHSAP. This suggested around 80 dwellings for the Parish, but put forward other sites. This potential area of conflict was resolved by WC withdrawing the sites from the draft WHSAP to allow any allocations to be made through the Plan. This was done on the basis that there was no identifiable strategic housing need for sites to be allocated in Market Lavington by the WHSAP and the Plan was sufficiently advanced to allocate sites to meet local needs. This approach was accepted by the Inspector examining the WHSAP as I have already explained. This leaves this Plan in the position of having no need to find or allocate sites from a general conformity perspective with WC level strategic policies based on the latest figures available from WC.

Four sites are allocated for a total of 88 homes. The sites are shown on the Sites Policy Map on page 46 of the Plan. A Site Map of each of the four sites is included on pages 47, 51, 52 and 53 of the Plan together with other supporting information.

The preamble to the policy explains that the combined indicative figure for all four sites exceeds the figure given in the emerging WHSAP for the Parish, but that this level of growth has the support of the community.

As I have explained in an earlier section of this report, Core Policy 12 sets out that approximately 2,500 homes will be needed in the Devizes Community Area with the majority of those being located in Devizes. Approximately 490 homes will be provided in the rest of the Community Area.

WC confirms that the latest housing figures are to be found in the Additional Modifications to the draft WHSAP. This shows an outstanding requirement of 81 dwellings in the Devizes Community Area, but a remaining requirement of 5 dwellings in the East Housing Market Area.

The overall housing requirement figure in the CS is a minimum and the area strategy figures indicative. The CS is clear that Plans should not be constrained by the housing requirements in the CS and that additional growth may be appropriate and consistent with the settlement strategy. The tenor of the CS is to enable community-led proposals to come forward.

It seems to me that the Plan takes a positive approach to the allocation of sites. From the process followed it appears that other sites would also be potentially suitable for development had they gained stronger community support.

Turning now to the detail, a modification is made to the title of the policy so it is clear that these sites are being allocated.

The first element of the policy applies to all four sites. Taking each part of this element of the policy, all with the exception of criterion number 5. seem to me to be necessary; archaeology is important given the history of the village, meeting local needs housing is key, walking and cycling promoted and a net gain in biodiversity sought. All of these requirements are in line with the NPPF. There are some modifications to improve

clarity and remove unnecessary wording. It is also unclear to me what the intention of number 5. is as it appears to be a community action; “informal action” is not a development and use of land matter. This is then recommended for deletion in the policy, but could be retained as a separate community action in another part of the Plan or a separate appendix.

The first site allocation is **Land North of Spin Hill**. The indicative figure is for 30 units. The policy includes a number of site specific requirements.

Some representations have queried the location of this site in relation to sustainability issues. I saw at my visit the site is adjacent to what I consider to be a small enclave of residential properties to the northwest of the main village. Although the enclave is built up in character and close knit, to me it seemed separate from the village. In relation to its location and character and appearance, I do not see this site as a natural extension of the enclave or as part of the village even though there is footpath access to the village from the site.

Although the settlement boundary has been revised to include the properties along Spin Hill and this site within it, it would be connected to the main village by a road. Whilst there is no objection in principle to having two separate areas proposed with settlement boundaries, the road should not be part of it and serves to illustrate the rather awkward nature of this proposal.

The site has already been reduced considerably to take account of power lines that cross the site. This has resulted in a contrived site boundary which does not reflect any physical feature on the ground and is oddly and irregularly shaped bearing little resemblance to existing development.

As a result of the site’s reduced size, and in the absence of any evidence to the contrary, I have some doubts as to whether the site could satisfactorily accommodate 30 or so units.

A further issue has been the suitability or otherwise of the access. In my experience, usually issues of this nature can be resolved, but again given the importance of the trees and hedgerows along the boundary and the nature of the road this is something that requires further consideration in this case. The requirements in the policy are not sufficiently supported by information in relation to their necessity or otherwise, deliverability and viability at this point in time.

Taking all these points into consideration, I conclude that, on the basis of the information currently before me, this site allocation should be deleted. It is not convincing in terms of the requirements set out or its overall achievability in a satisfactory manner. This is not to say that the site could not be satisfactorily developed at some point, it is simply that it is not a convincing proposal at this point in time. I am aware that in putting forward this modification, the Steering Group will be disappointed and there may be implications such as the need for an earlier than

anticipated review of the Plan. However, I am comforted by WC's comments that the Plan would still allocate sufficient housing to meet local needs from a WC perspective.

The second site to be allocated is **The Longfield, The Spring**. The policy indicates 20 will be a "likely maximum". It is not appropriate for maximum figures to be included as this can stifle the proper planning of sites. The title for this column in the policy already states these are "indicative numbers".

Reference is also made to the preservation of views from St Mary's Church and from existing houses on the north side of The Spring, presumably those directly opposite the site. Whilst it is acceptable for the Church to be referred to, as the view from here could be regarded as a public asset, the criterion otherwise seeks to protect private views as is currently written and this is not a planning matter. Therefore this reference should be deleted.

However, my site visit convinced me of the need for the careful planning of this site. The views of the site from the Church area are rather limited in my view. Nevertheless it will be important for the site to be developed with the character and appearance of the topography of this part of the village in mind. I noted that properties adjacent to the site were single storey in nature. In order to achieve sustainable development, a modification is recommended to achieve satisfactory development.

Other modifications are also made to increase flexibility, enhance clarity, ensure the policy stands the test of time by removing references to documents which may be updated or superseded and to remove duplication, for example point number 12. is repeated in number 11..

The third site is **Lavington School** earmarked for around 15 dwellings. Concern has been raised about access and the need to demolish house(s) should access be taken from Park Road. Both the AECOM Site Options and Assessment Final Report and advice from the Parish Council's Engineering Consultant indicates that whilst access is an issue to be resolved, it is possible to achieve a satisfactory access to this proposed site. Some modifications are made to ensure the policy makes better sense.

The last site is **Southcliffe**, proposed for some 23 dwellings.

One of the criteria relates to the nearby business park and the impacts of business and residential uses existing side by side is of concern. In line with the agent of change principle, outlined in the NPPF,<sup>33</sup> a modification is made. The agent of change principle is important here because it means that the existing uses on the business park should not be adversely affected by the new residential development or have undue restrictions placed upon them. Rather it is the new development which should make sure it can be satisfactorily located with the existing business park. The justification note on page 45 of the Plan therefore also needs to be amended to reflect the NPPF.

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<sup>33</sup> NPPF para 182

Additionally, WC refers to the need for an ecological assessment on this site. A modification is made to address this.

I turn now to the issue of settlement boundaries.

The emerging WHSAP is reviewing settlement boundaries and includes a revised boundary for Market Lavington. The Inspector's Report<sup>34</sup> is available and concludes the proposed settlement boundaries are justified, effective and consistent with national policy. They exclude any site allocations.

I noted that a revised settlement boundary is shown on page 49 of the Plan. This includes the four proposed site allocations. There is nothing wrong in this approach. However, only point 10. in relation to the North of Spin Hill site in the Policy 2 specifically refers to the revised settlement boundary. None of the three other site allocations have a similar criterion. There is no separate policy on a revised settlement boundary.

At best, this is inconsistent. I have considered whether it is clear from the Plan that the intention to include them would have been apparent to those being consulted upon the Plan and concluded it is likely that it would have been.

In response to my question on the settlement boundaries, the Steering Group confirm that a separate policy was not put forward as the boundary was being reviewed in the WHSAP. Given we now have received the Inspector's Report and his conclusions, I consider it would cause the potential for confusion if I recommended a modification to change the settlement boundary at this juncture. I am also mindful of the Inspector's comments about the merits or otherwise on the inclusion of allocations within such a boundary.

Therefore some modifications are needed to ensure that it is clear the Plan does not change the settlement boundary put forward in the WHSAP. This may be an issue which the Steering Group will wish to return to at a future date.

Lastly, there is a typo in paragraph 8.9 to correct.

Subject to these modifications, the policy reflects the advice in the NPPF and PPG,<sup>35</sup> is a local reflection of the CS's vision to have stronger and more resilient communities, its objectives and in particular CS Core Policies 1, 2, 12, 45, 50, 51, 57 and 58 and will help to achieve sustainable development.

- **Add the word "*Allocations*" to the policy's title**
- **Delete the words "...- for example, all schemes must comply with Wiltshire Core Strategy policies 57 and 58." from number 2. in the first element of the policy**

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<sup>34</sup> Report on the Examination of the Wiltshire Housing Site Allocations Plan 23 January 2020

<sup>35</sup> PPG para 100 ref id 41-100-20190509



- Delete number 5. from the first element of the policy
- Delete Site 2 North of Spin Hill from the policy
- Delete the words “(likely maximum)” from the third element of the policy
- Delete “A good design could be achieved through low-rooflines set back from the roadside behind vegetation.” from criterion 11.
- Change the fourth sentence in number 11. to read: “Care must be taken to retain *the unrestricted view west* from St Mary’s Church.” [delete reference to existing houses on the north side of the street]
- Delete the sentence which begins “Trees should be retained...” from point 11.
- Delete the words “...demonstrate compliance with these policy objectives to reflect the concerns of Historic England in their consultation response dated Feb 19, 2018 and as required by the Wessex Archaeology report of January 2018 and to...” from number 11. in the policy
- Add a new criterion that reads: “*The layout and design of the development should take account of the topography of the site and its wider setting to ensure that views of the site from the surrounding area and the ability to see the countryside beyond are retained. This is likely to result in the need for land levels to be evaluated and single storey buildings to be developed on the site.*” to The Longfield, The Spring
- Change number 12. In the policy to read: “Trees should be retained *wherever possible and if replacement planting is needed, this should achieve a net gain in biodiversity on the site.*”
- Change number 13. in the policy to read: “*An ecological assessment will be needed and should take account of the nearby priority BAP habitat – the stream to the south of the site. Additional planting and mitigation measures may be required, which may include limiting the density of the housing to ensure that an adequate buffer to the stream can be achieved, subsequently reducing site capacity.*”
- Reword number 14. in the policy to read: “*Improvements to the footway and incorporation of a cycleway to the frontage of the site should be provided unless it can be demonstrated that these are unnecessary in highway terms or unfeasible and would adversely affect the viability of the site.*”
- Change number 15. in the policy to read: “Careful design of *any access will be necessary. The overall number of dwellings on the site may be limited by the need for a satisfactory access.*”

- Change number 16. in the policy to read: *“An ecological survey will be required and any scheme should provide for a net gain to biodiversity. This may reduce total number of homes that can be delivered and lead to imposition of lighting conditions and the need for offsite mitigation. Existing mature trees should be retained or satisfactorily replaced.”*
- Change number 20. in the policy to read: *“The site is close to a business park. Any proposed scheme on the site must ensure that it can be satisfactorily integrated alongside the business park and any existing or potential uses that are able to be located there. Suitable mitigation may be required and should be implemented before any residential development is completed.”*
- Reword point 20. in the justification on page 45 to read: *“To ensure that the new development can be integrated satisfactorily with the business park uses and to ensure that unreasonable restrictions are not unduly placed on those businesses and that any measures needed are provided before any residential occupation.”*
- Add a new criterion to Southcliffe that reads: *“An ecological assessment of the site will be required.”*
- Change point 21. to read: *“Any loss of trees or hedgerows should be compensated for by replacement planting to achieve a net gain in biodiversity and be informed by the ecological assessment.”*
- Delete the title “Site 2...” from page 49, change the wording of paragraph 8.12 to *“The settlement boundary is shown on this map:”*
- Remove the Market Lavington NP Proposed Settlement Boundary Amendments from the map on page 49
- Delete the “a” from the third sentence in paragraph 8.9 on page 42
- Consequential amendments will be needed including to the justification on page 45 of the Plan, the Sites Policy Map in paragraph 8.11 on page 46, deletion of the map on page 47, the map and contents of page 48, deletion of page 50

### Policy 3: Infrastructure Priorities

Policy 3 sets out the community’s priorities for infrastructure through developer contributions. It is appropriate for a policy in this Plan to set out a list of local infrastructure needs to ensure that the Parish can grow in a sustainable way and to set out local priorities. The policy recognises that any such contribution will be in

proportion to the scale of development and in line with both national and County policy.

To add clarity so that the policy provides a practical framework for decision-making in line with national policy and guidance, a modification is recommended. Subject to this, together with a small typo, the policy will meet the basic conditions and particularly add local detail to CS Core Policy 3.

- **Change the title of the policy to “Local Infrastructure Priorities”**
- **Correct “Wilshire” in the first sentence of the policy to “Wiltshire”**

#### **Policy 4: Retail Services**

This policy defines an area of Market Lavington where new retail provision will be supported and mixed use development on upper floors including residential is encouraged.

The area defined is shown on the Retail Policy Map on page 57 of the Plan. This also chimes with the CS which indicates all LSCs should have town centres or designated frontages.<sup>36</sup>

It is the same as an area defined in the KLP, but has been reviewed as part of the Plan process and found to still be appropriate. Whilst recognising any boundaries on a map are largely a matter of judgement, at my visit, I considered that the area could usefully be extended to include the café and the hairdressers and the adjacent properties to these two facilities. In response to a query on this matter, the Steering Group agreed. As the policy is permissive, I do not consider any prejudice would arise from inclusion of these units into the Retail Policy Map.

Turning now to the wording of the policy, with some amendment, it is clearly worded. Some modification to the supporting text and deletion of an appendix is recommended in the interests of accuracy, relevance (as one of the KLP policy referred to has not been saved) and the provision of a practical framework including removal of unnecessary duplication, for example with Appendix 7.

A further amendment to the Retail Policy Map is made in the interests of clarity.

With these modifications, the policy will meet the basic conditions.

- **Include the café and its adjoining frontage along Church Street and the hairdressers and adjacent unit in the Retail Policy Map on page 57 of the Plan**

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<sup>36</sup> CS page 228

- **Reword the first sentence of the policy to: “The provision of new and expanded retail outlets within the area shown edged yellow on the *Retail Policy Map will be supported in principle through:*” [retain existing bullet points]**
- **Delete the words “...subject to compliance with other policies of the Plan and the Wiltshire Core Strategy” from the last sentence of the policy**
- **Remove the references to KLP Policy ED 23 from paragraph 8.18 on page 55 of the Plan**
- **Delete Appendix 7 from the Plan**
- **Ensure that the thick yellow line, the other yellow line to the left hand side of the map and the box with HC4, ED23 and ED24 are removed from the Retail Policy Map**

## Policy 5: Local Green Spaces

Five Local Green Spaces are designated by this policy. They are all shown on an overall map on page 59 and individually on pages 60, 61, 62, 63 and 64 of the Plan.

The NPPF explains that LGSs are areas of particular importance to local communities.<sup>37</sup> The effect of such a designation is that new development will be ruled out other than in very special circumstances.

The identification of LGSs should be consistent with local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. The NPPF makes it clear that LGSs should be capable of enduring beyond the Plan period. Further guidance about LGSs is given in PPG.

I visited the proposed areas during my visit.

**The Village Green** is next to the Community Hall and St Mary’s Church. It is elevated land of differing heights and is essentially a grassed area. It affords views of the surrounding countryside as well as the village.

**Broadway Play Area and nearby grass** comprises two separate areas. There is a play area and grassed area.

**Football Field behind Beechwood** is a grassed area surrounded by woodland and close to residential properties. It is used for recreation and had two goalposts on it at the time of my visit.

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<sup>37</sup> NPPF paras 99, 100 and 101

**Hamilton Drive Play Area** contains play equipment and forms part of a larger open area which in turn seems to form part of a network of such areas. It is an integral part of the housing estate. I raised a query in relation to the boundaries and was provided with an amended map as part of the responses to my questions of clarification. This should be substituted for the map on page 63 of the Plan in the interests of accuracy.

**The Elisha Field** is a well-defined grassed area.

The Village Green and Broadwell also fall within the Conservation Area. I have considered whether there would be any additional benefit gained by designating those two areas which fall partly or wholly within the Conservation Area.<sup>38</sup> I consider that different types of designation are intended to achieve different purposes and that there would be additional local benefit.

In my view, the proposed LGSs meet the criteria in the NPPF satisfactorily as all are in close proximity to the community served, hold a particular local significance and are demonstrably special, are local in character and are not extensive tracts of land.

The NPPF explains that policies for managing development within a LGS should be consistent with those for Green Belts. In turn the NPPF explains<sup>39</sup> that inappropriate development is harmful and should not be approved except in very special circumstances.

The written text box on page 59 can be now deleted given the stage the Plan has reached and in the interests of clarity.

With these modifications, the policy will meet the basic conditions.

- **Substitute the Map included with the answers to my questions of clarification for the map on page 63 of the Plan in relation to the Hamilton Drive Play Area**
- **Delete box on page 59 of the Plan which contains information on ownership**

## 9.0 Informal Non-planning Community Actions

This section contains a number of community actions. The section appears separately in the Plan which explains its status. The section reads clearly.

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<sup>38</sup> PPG para 011 ref id 37-0120140306

<sup>39</sup> NPPF paras 143 - 147

## 10.0 Monitoring

Although there is no requirement to monitor or review neighbourhood plans, this section sets out the Parish Council's intention to monitor the effectiveness of the Plan. I welcome this as a point of good practice.

## Appendices

A number of appendices are included.

Appendix 1 is a list of the evidence base.

Appendix 2 is a map of the Plan area.

Appendix 3 shows nature and landscape designations.

Appendices 4a and 4b show heritage information. The second 4a should be 4b, I think. It would be useful for a reference to be included about seeking out the latest available information as this information may change throughout the lifetime of the Plan.

Appendix 5 consists of two maps showing river and surface water flood risk. A reference should be included about seeking the latest available information as this information may change throughout the lifetime of the Plan.

Appendix 6 refers to public rights of way and sustainable transport. Again a similar reference could be included to ensure the information is up to date.

Appendix 7 refers to the KLP. I have already recommended this be deleted.

Appendix 8 is a Highways Report. It will add to confusion if this is retained as the Plan moves towards being made. It is of course an important supporting document and can be retained as part of the supporting evidence base.

Appendix 9 is a Flood Risk Report. Like Appendix 8, this is an important supporting document but no longer needs to be in an adopted Plan. It should be deleted from the Plan in the interests of clarity.

Appendix 10 contains the Local Flood Plan. A reference should be added in case this changes over time to refer to the most recent information.

Appendix 11 is a Sustainable Transport Report. In line with earlier recommendations, this should now be removed from the Plan as it relates to a site which has been recommended for deletion from the Plan.

In line with WC's representation, it would be useful, in the interests of completeness, to include information and maps on groundwater flooding. Information is included within that representation and could be added at an appropriate point.

- **Change the second "Appendix 4a" on page 75 of the Plan to "Appendix 4b"**
- **Add a sentence to Appendix 4 that reads: "*The information in this appendix is correct at the time of writing the Plan. Up to date information on heritage assets should always be sought from Historic England or other reliable sources of information.*"**
- **Add a sentence to Appendix 5 that reads: "*The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from the Environment Agency or other reliable sources of information.*"**
- **Add a sentence to Appendix 6 that reads: "*The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from reliable sources of information such as Wiltshire Council.*"**
- **Remove Appendix 8 from the Plan**
- **Remove Appendix 9 from the Plan**
- **Add a sentence to Appendix 10 that reads: "*The information in this appendix is correct at the time of writing the Plan. Up to date information on flood risk should always be sought from reliable sources of information such as Wiltshire Council.*"**
- **Remove Appendix 11 from the Plan**
- **Consequential amendments will be needed including the reference in Policy 2 to Appendix 11**
- **Add a new appendix that contains information on groundwater flood risk (see the maps included with WC's representation)**

**Please note Appendix 7 is recommended for deletion on page 28 of this report.**

## 8.0 Conclusions and recommendations

I am satisfied that the Market Lavington Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to Wiltshire Council that, subject to the modifications proposed in this report, the Market Lavington Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Market Lavington Neighbourhood Development Plan should proceed to a referendum based on the Market Lavington Neighbourhood Plan area as approved by Wiltshire Council on 2 March 2015.

*Ann Skippers* MRTPI  
Ann Skippers Planning  
24 February 2020



## Appendix 1 List of key documents specific to this examination

Market Lavington Neighbourhood Development Plan 2018 – 2026 Submission Draft  
August 2019

Basic Conditions Statement August 2019

Consultation Statement Submission Version August 2019

Strategic Environmental Assessment Revised Screening Determination February 2019  
(WC)

Strategic Environmental Assessment Environmental Report July 2019 (AECOM/Planning  
Street)

Habitats Regulations Assessment V1.4/16.01.19

Scoping Report (Planning Street)

Proposed Sites Assessment – Additional Information January 2018 (Wessex  
Archaeology)

Parish Housing Needs Survey Report February 2017 (WC)

Report on Highway Access to Sites 26 June 2018 (D M Mason Engineering Consultants  
Ltd)

Report on Sustainable Access to Site at Spin Hill 18 December 2018 (D M Mason  
Engineering Consultants Ltd) and associated photographs and maps

Report of Results of Questionnaire Survey September 2015 (EnAct)

Site Options and Assessment June 2016 (AECOM)

Conservation Area Statement July 2002 (Kennet District Council)

Kennet District Local Plan adopted 30 April 2004

Wiltshire Core Strategy adopted 20 January 2015

Revised Wiltshire Planning Obligations SPD October 2016

Wiltshire Housing Site Allocations Plan Pre-submission draft plan June 2017

Wiltshire Housing Site Allocations Plan Schedule of Further Main Modifications  
September 2019

Inspector's Report on the Examination of the Wiltshire Housing Site Allocations Plan 23  
January 2020

Comments from the Parish Council on representations received at Regulation 16 stage

Various documents referred to in the Plan at Appendix 1 and on  
<http://www.marketlavington.info>

**List ends**

## Appendix 2 Note and questions of clarification

### **Market Lavington Neighbourhood Plan Examination**

#### **Note and questions of clarification from the Independent Examiner to the Parish Council and WC**

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils could kindly assist me, as appropriate, in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

#### ***Notes from the examiner for further consideration please***

**A.** Two periods of pre-submission (Regulation 14) consultation took place. The first period was held between 26 March – 13 May 2018 with an extension to 24 June 2018. This resulted in changes to the site allocations.

A second period of pre-submission consultation therefore took place between 19 September – 30 October 2018.

In December 2018, the Parish Council was advised that appropriate assessment of the Plan was needed and, as a result, strategic environmental assessment. Further changes were made to the Plan as a consequence. A further period of public consultation was therefore held, focused on the SEA, but other comments were accepted. This stage was held between 24 May – 5 July 2019.

It is my intention to treat this latter and third period of consultation as the necessary pre-submission consultation stage. This is because it has all the hallmarks of such even though the Consultation Statement refers, in places, somewhat unfortunately, to it as the “SEA consultation” (which I have taken to be a colloquialism amongst those involved in the Plan’s production). It also seems from the documents in front of me that WC regarded it as a third Regulation 14 consultation period. It is the most recent pre-submission stage of consultation on the relevant documents and was held for the requisite six weeks. I therefore cannot see any reason not to accept and treat this as the pre-submission period necessary.

Does WC or the Parish Council have any comments on my intention to do this?

It should be noted that if the second period is to be regarded as the pre-submission stage, the period appears to be a day short of the necessary six week period and therefore the pre-submission stage may need to be rerun.

**B.** I consider it may be necessary for me to consider deleting the site North of Spin Hill from the Plan.

Does the Parish Council or WC have any comments on the implications for the Plan should this be my recommendation?

**C.** The proposed site allocations are proposed to be included in a revised settlement boundary, but, with the exception of the site North of Spin Hill, there is little mention of this and no criteria to do this in any policy. How might this be resolved?

#### ***Questions of clarification***

1. Please could WC confirm whether any policies in the Kennet Local Plan are regarded as ‘strategic’?

2. Please could WC confirm whether the housing need for the Devizes Community Area outlined in Core Policy 12 of the Core Strategy has now been met and that the indicative residual requirement is zero? If this is not the case, or there is a need based on up to date information, please specify what the figure is. The Plan indicates there is a need for 154 for the Community Area (paragraph 4.17 on page 10); is this correct?
3. What was the date of the Strategic Environmental Assessment Scoping Report?
4. Please provide me with a plan(s) of the existing settlement boundary (in the development plan) and the proposed settlement boundary put forward in the WHSAP.
5. In relation to the proposed designated area for the Retail Policy Map, why wasn't the café and its adjoining frontage along Church Street and the hairdressers and adjacent unit included? Are there any comments if I consider this should be included?
6. Please could the map for the proposed Local Green Space at Hamilton Drive be checked? At my site visit, I did not consider it accurately or properly reflected the boundaries of the play area. Please could a new map be provided?
7. Should the groundwater maps (see WC's representation) be included in the Plan?

It may be the case that on receipt of your anticipated assistance on these matters that I need to ask for further clarification or that further queries will occur as the examination progresses.

These queries are raised without prejudice to the outcome of the examination.

Please note that this note and list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites.

With many thanks.

Ann Skippers  
22 January 2020