

**Market Lavington Parish Council and Wiltshire Council Response to  
Questions of Clarification from the Independent Examiner  
Market Lavington Neighbourhood Plan  
January 2020**

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.

*Response*

Market Lavington Steering Group response: We would respectfully disagree with the Examiner’s assessment, for reasons given in the Consultation Statement, which we felt were quite clear. As far as the Steering Group is concerned the third period of consultation was required by SEA regulations and is properly titled ‘SEA consultation’.

However, providing the Examiner accepts that the requirement for Pre-Submission consultation under the Regulations has been met (and indeed more than met) in full, then we would not object to the Examiner considering the third period as a Pre-Submission Consultation.

Wiltshire Council response: It is evident from the consultation statement that three stages of public consultation have been carried out due to changes made to the draft neighbourhood plan and wider regulatory changes. It is the council's opinion that taken together these consultations fulfil the requirements of Regulation 14.

**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?

*Response*

Market Lavington Steering Group response: The Steering Group would object to the deletion of the Site North of Spin Hill, as we feel it is a logical extension of the village. It may not be ideal, but it is acceptable to the community.

More importantly, the village population has been falling and with it the services available that make this a local service centre. If decisive action is not taken to boost population, then this decline could continue, resulting in a less sustainable settlement with increased need to travel for all residents.

In our view, the exclusion of this site would undermine the very clear attempt to deliver a balanced plan resulting in sustainable development into the future by cutting the housing growth proposed.

However, the Plan would, in our view, still have merit with this site excluded; it does not stand or fall based on the Site North of Spin Hill.

If the Examiner is minded to delete the site then an earlier plan review might be necessary in order to deliver the necessary growth going forward. The Examiner could set a date for early review if she thinks it appropriate.

Wiltshire Council response: Should the site be deleted Wiltshire Council do not consider there would be significant implications for the Plan or the delivery of wider planning requirements. The Plan would still allocate three sites for the delivery of 58 dwellings and development can still come forward through windfall, the Plan would therefore be allocating sufficient housing to meet local needs. The delivery of housing in the Plan can be monitored and reviewed if necessary.

**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?

*Response*

Market Lavington Steering Group response: The Steering Group understand that the settlement Boundary is currently being reviewed by Wiltshire Council as part of the WHSAP. This is why a complete new boundary was not proposed (e.g. as a separate policy).

However, if the examiner so wishes, the Plan could be modified to include a revised boundary, to include all of the sites she is minded to allow to remain. This is within the power of a neighbourhood plan to do. This boundary could then feed into the Wiltshire Council Boundary review process. Wiltshire Council may also wish to comment on what is the best way forward.

Wiltshire Council response: The draft Wiltshire Housing Site Allocations Plan (WHSAP) includes a revised settlement boundary for Market Lavington. This Plan is now at a late stage of development with the Inspectors Report<sup>1</sup> now available. The differences between the proposed settlement boundary in the draft Plan and the one in the draft WHSAP are:

- The draft neighbourhood plan proposes to extend the settlement boundary around the proposed allocations.
- The draft neighbourhood plan extends the boundary to go around an area of existing housing at the top of Spin Hill.

One option for resolving the inconsistency of sites being within or without the settlement boundary in the neighbourhood plan would be to put the allocations outside the settlement boundary as proposed by the draft WHSAP. In line with the methodology used for the WHSAP this would mean the proposed housing allocations would sit outside the settlement boundary. However there are examples of neighbourhood plans elsewhere in Wiltshire where site allocations have been extended to incorporate allocated sites.

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

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

#### *Response*

Wiltshire Council response: Appendix D of the Wiltshire Core Strategy (adopted 2015) sets out policies that have been saved from the former local plans to sit alongside the strategic policies in the Wiltshire Core Strategy. The following policies have been saved and may be relevant to any proposals that comes forward on sites allocated in the neighbourhood plan or may sit alongside the neighbourhood plan:

HC25 Replacement dwellings  
HC34 Recreational provision on large housing sites.  
HC37 Demand for education  
ED24 New development in service centres  
TR17 Existing outdoor and recreation facilities  
TR20 Protection of allotments

In this context these policies however are not considered to be 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

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<sup>1</sup> The Inspectors report into the Wiltshire Housing Site Allocations Plan is published online and can be found on the following link:  
<http://www.wiltshire.gov.uk/whsap-final-examiners-report-mm.pdf>

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?

*Response*

The latest figures for the Devizes Community Area can be found in the Main Modifications<sup>2</sup> proposed to the draft Wiltshire Housing Site Allocations Plan (WHSAP). These latest housing supply figures are from July 2018 and were used to inform the Examination in to the WHSAP. They are as follows:

East Housing Market Area minimum requirement 2006-2026	Completions	Commitments	Minimum to be allocated
5940	3624	2311	5

Devizes Community Area Indicative requirement	Completions	Commitments	Total
490	297	112	409

For Devizes Community Area this shows an outstanding requirement of 81 dwellings until 2026. However in the East Housing Market Area in total there is a remaining requirement of 5 dwellings.

The Inspector examining the WHSAP also concludes in his report<sup>3</sup> that:

*“There is a clear intent for the Market Lavington Neighbourhood Plan to allocate sites to meet local needs. This is consistent with the WCS in relation to Local Service Centres. In this context, the Council no longer considers any intervention to be necessary. The Neighbourhood Plan is therefore capable of meeting local needs. In addition, the scale or complexity of the development here is not such that a strategic allocation is necessarily required. Moreover, other Neighbourhood Plans are in preparation elsewhere in the CA, such as West Lavington, which could contribute to meeting housing needs in the CA. Any resulting shortfall against the indicative CA requirement would not be significant. Deletion of these sites from the WHSAP would not have a materially harmful impact on housing delivery in the area.” (paragraph 63).*

In summary there are 5 homes remaining to be allocated in the East Housing Market Area. There are 81 homes remaining to be allocated in the Devizes Community Area but there are other neighbourhood plans in preparation elsewhere that may meet this need.

3. What was the date of the Strategic Environmental Assessment Scoping Report?

*Response*

Market Lavington Steering Group response: The date of this report was March 2019.

<sup>2</sup> The Main Modifications proposed by the Inspector are published online and can be found on the following link: <http://www.wiltshire.gov.uk/whsap-final-examiners-report-mm.pdf>

<sup>3</sup> The Inspectors report into the Wiltshire Housing Site Allocations Plan is published online and can be found on the following link: <http://www.wiltshire.gov.uk/whsap-final-examiners-report-mm.pdf>

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.

*Response*

Wiltshire Council response: Please find attached a plan at Appendix A showing the current settlement boundary and that proposed in the draft Wiltshire Housing Site Allocations Plan.

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?

*Response*

Market Lavington Steering Group response: An oversight. Please include.

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?

*Response*

Market Lavington Steering Group response: Revised Map included at Appendix B.

7. Should the groundwater maps (see WC's representation) be included in the Plan?

*Response*

Wiltshire Council response: In this location the evidence is indicating high groundwater levels and this would be useful information for the future development of the site.

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.

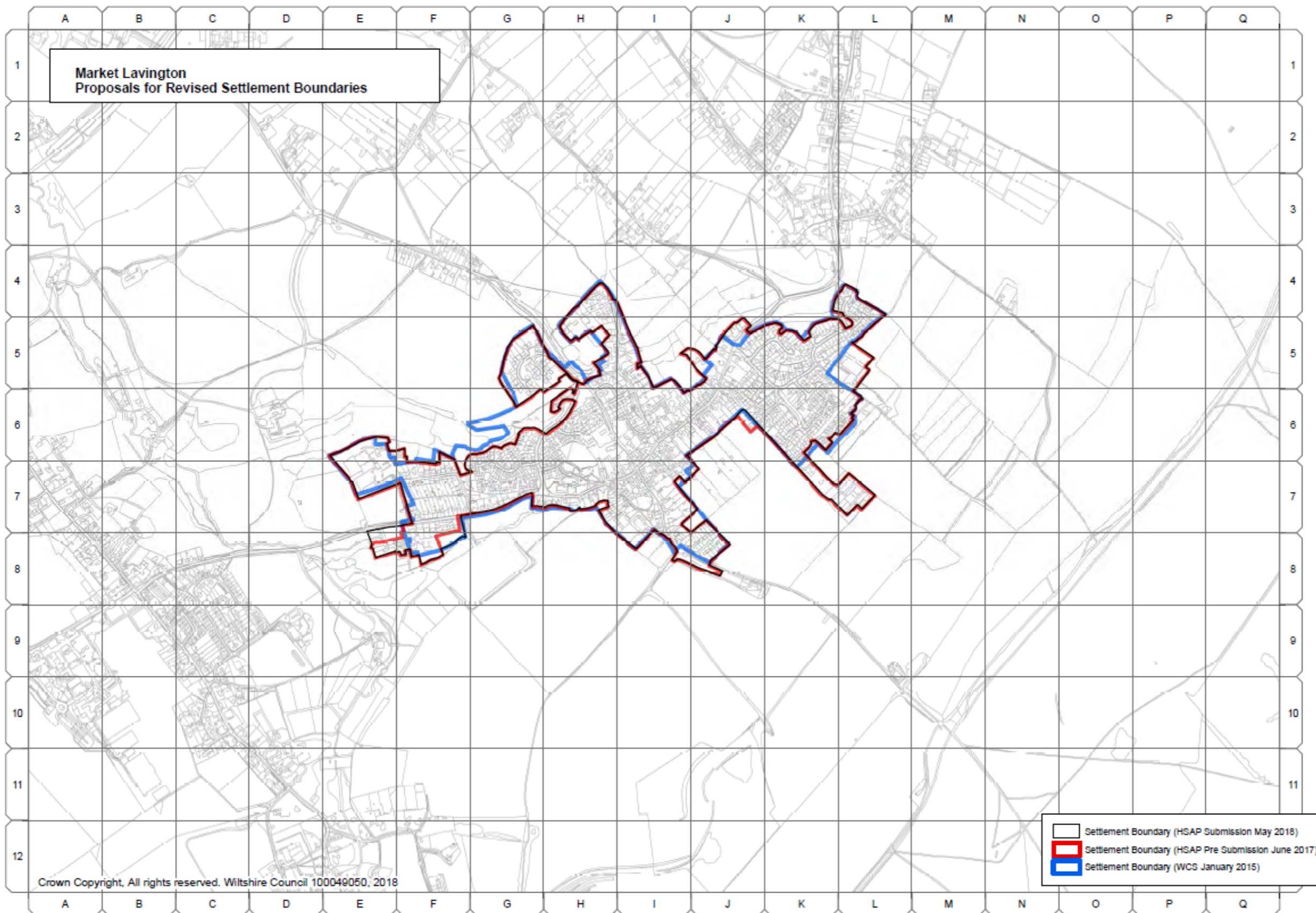
These queries are raised without prejudice to the outcome of the examination.

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

Appendix 1: Map showing the current adopted settlement boundary and proposed boundary in the draft Wiltshire Housing Site Allocations Plan (shown in black)



## Appendix 2: Hamilton Drive Play Area

Built on land owned by Aster, this Play Area is situated within the Fiddington Clay housing development and contains a selection of play equipment positioned in a trail format. It provides a safe enclosed environment for younger children to play in.

Hamilton Drive

Play Area

