

**SEAGRY PARISH NEIGHBOURHOOD PLAN 2019-2036
DECISION STATEMENT (PROCEEDING TO REFERENDUM)**

1. INTRODUCTION

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

2. BACKGROUND

- 2.1. The designated area for the Seagry Parish Neighbourhood Plan comprises the whole of the parish of Seagry. On 1 September 2015 Wiltshire Council formally approved that the Seagry Neighbourhood Area (i.e. the land within the parish of Seagry) be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. Seagry Parish Council – the ‘qualifying body’, submitted the Seagry Parish Neighbourhood Plan 2019-2036 (submission draft July 2019), along with supporting documents, to Wiltshire Council on 16th July 2019 for consultation, independent examination and the remaining stages of the draft Plan’s preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.3. Following submission of the draft Seagry Parish Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period Monday 12 August 2019 and Tuesday 24 September 2019.
- 2.4. In September 2019, Wiltshire Council appointed an independent examiner, Mr John Slater BA (Hons), DMS, MRTPI, to examine the draft Plan and consider whether it should proceed to referendum.
- 2.5. The examiner’s report was received in November 2019 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the Seagry Neighbourhood Area (the parish area) is an appropriate area within which to hold a referendum.
- 2.6. In accordance with legislation, Wiltshire Council must consider each of the recommendations made in the examiner’s report, decide what action to take in

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

3. DECISION AND REASONS

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

Signed:

Sam Fox

Sam Fox
Director of Economic Development and Planning
Wiltshire Council

Dated: 20th December 2019

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Guidance for using this document

The following table sets out the modifications that are required to be made to the Seagry Parish Neighbourhood Plan 2019 - 2036 (Submission Version July 2019) together with the explanation and reason for modification. This should be read alongside the report, dated November 2019, of the independent examiner, John Slater to Wiltshire Council on the Seagry Parish Neighbourhood Plan.

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

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

The relevant paragraph, policy and page numbering relates to the draft Seagry Parish Neighbourhood Plan 2019 - 2036 (Submission Version July 2019), hereafter referred to as the ‘SPNP’, as submitted to Wiltshire Council. For each change, the table sets out the examiner’s recommendation as set out in his report together with the modification that is required to be made to the neighbourhood plan.

The final SPNP to be published for the purposes of the referendum, will need to renumber the policies and paragraphs as appropriate following the insertion of changes.

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Reference number	Page in Examiner’s Report	Related SPNP page / section	Recommendation and proposed modification	Reason for modification
R1		Page 5 Para 1.2	<p>WILTSHIRE COUNCIL COMMENTS:</p> <p>To delete the final sentence of Paragraph 1.2. and suggest the following amendment to Paragraph 2.19, ‘Wiltshire Council are currently undertaking a review of their Local Plan (the Wiltshire Core Strategy), which will plan for the period to 2036. The timeline is set out in Wiltshire Council’s Local Development Scheme. ‘</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Delete final sentence of paragraph 1.2 as follows; ‘...The Wiltshire Core Strategy is currently under Review. The Plan will screen for Strategic Environmental Assessment and Appropriate Assessment, and neither are required at this stage. • Amend Paragraph 2.19 as follows; Wiltshire Council are currently undertaking a review of their Local Plan <u>(the Wiltshire Core Strategy), which will plan for the period to 2036.</u> It is anticipated that this will be submitted to the Secretary of State in Autumn 2020. <u>The timeline is set out in Wiltshire Council’s Local Development Scheme.</u> <p>(to note there maybe a need to update the NP before it gets published which is at least 28 days before the referendum date so that any references to the Wiltshire Local Plan review can be inputted where needed within this Neighbourhood Plan)</p>	

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R2	9/10	Page 17, Planning Policy SNP1	<p>EXAMINER’S RECOMMENDATION:</p> <p>Replace the first paragraph in Policy SNP1 with:</p> <p>“Any development proposals that are likely to affect any of the views listed below, shown on map 2 and described in the Valued Views report should assess the effect of the proposals on the view(s) and demonstrate how any adverse effects have been addressed.”</p> <p>Delete the final paragraph of Policy SNP1.</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Replace first paragraph with text as follows: Those views highlighted in the Valued Views Report (2019) and illustrated on Map 2 should be maintained and protected. Development should not have a detrimental effect on these views. <u>Any development proposals that are likely to affect any of the views listed below, shown on map 2 and described in the Valued Views report should assess the effect of the proposals on the view(s) and demonstrate how any adverse effects have been addressed.</u> • Delete final paragraph of Policy SNP1: Applications which might impact on a valued view should demonstrate how the development will be seen in relation to that view, what impacts development would have on the view, and include mitigation proposals to remove or reduce any negative impacts. 	A ‘sharpened’ policy amendment agreed by the examiner suggested by Parish Council improving precision and clarity of the policy.

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R3	10	Page 19, Planning Policy SNP2	<p>EXAMINER’S RECOMMENDATION:</p> <p>At the end of the second sentence add “in a manner appropriate to its significance”.</p> <p>Amend description of Local Heritage Assets 3 from “Hole in the wall footpath” to “Stone stile at the entrance to the Hole in the wall footpath along with the stone pillars and arch”.</p> <p>Delete ‘11 Spitfire Memorial’ from Local Heritage Assets list in Policy SNP2 and remove the number ‘11’ indicating where the Spitfire Memorial is from map 4: Lower Seagry Local List.</p> <p>REQUIRED MODIFICATIONS:</p> <p>Add text to end of second sentence of Policy SNP2:</p> <p>....As distinctive elements of Seagry’s historic environment, non-designated heritage assets contributing to a sense of local character and identity will be conserved and, where possible, enhanced <u>in a manner appropriate to its significance.</u></p> <p>Amend description of number 3 and delete 11 in Local Heritage Assets:</p> <p>Local Heritage Assets:</p> <ol style="list-style-type: none"> 1. Dove Cottage 2. New Inn 3. <u>Stone stile at the entrance to the</u> Hole in the wall footpath <u>along with the stone pillars and arch</u> 	To ensure clarity in the description in the Policy and to ensure it is bought in line with national policy.

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		Page 20, Map 4	<p>4. Old School House 5. Old Post Office (Pillar Box Cottage) 6. Field House 7. Trinity Farm 8. Trey House 9. Church Farm House 10. Scotland Lodge 11. Spitfire Memorial</p> <p>Remove ‘Spitfire Memorial’ from map 4 on Page 20</p>	
R4	9 (paragraph 39)	Page 21, para 5.3.3	<p>WILTSHIRE COUNCIL COMMENT: Amendments to supporting text in Paragraph 5.3.3 as a result of amendment to Policy SNP2.</p> <p>REQUIRED MODIFICATION:</p> <p>Amend last sentence of Paragraph 5.3.3 as follows:</p> <p>‘That listing does not provide as much protection for locally listed items as for those graded nationally as 1, 2 or 3, but they do become a material consideration requiring applicants to show how they have addressed them, and ideally protected conserve or enhanced them in a manner appropriate to its significance in any planning application.</p>	Consequential amendment to the examiner’s recommendation in R3 above.

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R5	11	<p>Page 22, Planning Policy SNP3</p> <p>Policy SNP3 and table on Page 40</p> <p>Paragraph 5.4.5</p>	<p>EXAMINER’S RECOMMENDATION:</p> <p>Policy SNP3 to be deleted and amend paragraph 5.4.5 to read:</p> <p>“In general, adequate protection is provided by Wiltshire Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure). More specifically, map 5 shows some of the most significant natural environmental assets within Seagry Parish. As well as taking particular account of any impacts on these, the community encourages any applicant to highlight natural environment and biodiversity aspects related to any development and, where possible, offer mitigation of negative impacts.”</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Delete Policy SNP3 and consequential change because of deletion to table on page 40 i.e. take out policy link: <p>Planning Policy SNP3: Natural Environment and Biodiversity</p> <p>Development proposals must demonstrate that attention has been paid to on-site and local features of the natural environment and biodiversity, in particular to those features shown on Map 5.</p> <ul style="list-style-type: none"> • Amend paragraph 5.4.5 to read: <p>The purpose of this policy is to reinforce the protection to</p>	<p>Minor additional change in the interest of clarity.</p>

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			<p>the natural environment given. <u>In general, adequate protection is provided</u> by Wiltshire Core <u>Strategy Core</u> Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure).</p> <p>Map 5 above shows some of the most significant natural environmental assets within Seagry Parish. <u>More specifically, map 5 shows some of the most significant natural environmental assets within Seagry Parish. As well as taking particular account of any impacts on these, the community encourages any applicant to highlight natural environment and biodiversity aspects related to any development and, where possible, offer mitigation of negative impacts.</u></p>	
R6	11	Page 24, Planning Policy SNP4	<p>EXAMINER’S RECOMMENDATION:</p> <p>Replace Policy SNP4 with “Applications for developments that are adjacent to Public Rights of Way as shown on map 6, should, where it is appropriate, ensure links to those routes are provided.”</p> <p>REQUIRED MODIFICATION:</p> <ul style="list-style-type: none"> • Replace Policy SNP4 as follows: <p>Applications for developments which affect Public Rights of Way or informal local paths and bridleways must demonstrate how they will affect those paths and bridleways and offer any appropriate improvement and/or mitigation.</p> <p><u>Applications for developments that are adjacent to Public Rights of Way as shown on map 6, should, where it is appropriate, ensure links to those routes are provided.</u></p>	For clarity and correction to bring Policy in line with the NPPF.

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R7	12	<p>Page 26, Planning Policy SNP 5,</p> <p>Page 27, Map 7</p> <p>Page 26, para 5.6.2</p>	<p>EXAMINER’S RECOMMENDATION:</p> <p>Add “4 Spitfire Memorial” to the list in Policy SNP5 and include the site in Map 7.</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Amend Policy SNP5 as follows: The plan proposes that the green spaces as shown on Map 7, and listed below, be designated as Local Green Spaces in accordance with the provision of paragraph 99 of the National Planning Policy Framework. <ol style="list-style-type: none"> 1. The Allotments 2. Seales Court entrance 3. Broadleaze 4 Spitfire Memorial • Shade in green the location of Spitfire Memorial on Map 7 and insert Spitfire Memorial within the key on Map 7 • Add text to Paragraph 5.6.2 to include Spitfire Memorial and correct an error as follows: <p>The locally valued green spaces that meet the relevant criteria are identified on Map 7 and are designated as Local Green Space. These Local Green Spaces are:</p> <ol style="list-style-type: none"> a) The Allotments b) Seales Court entrance c) Broadleaze. d) Spitfire Memorial 	<p>For clarity and precision of the Policy in line with the NPPF as the land would be better protected through designation as Local Green Space, rather than being a heritage asset.</p>

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R8	12/13	Page 29, Planning Policy SNP6,	<p>EXAMINER’S RECOMMENDATION:</p> <p>Within Policy SNP6 replace “new development” with “a new building(s)” and before “by reference” insert “preferably”.</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> Amend text of Policy SNP6 as follows: <p>Proposals for new development a new building(s) must show, preferably by reference to the Seagry Community Design Statement, that they have been planned positively to achieve high quality design that conserves the local distinctiveness of the site’s specific context and the overall qualities of Upper or Lower Seagry.</p>	For clarity and precision in line with national policy.
R9	13	Page 30, Planning Policy SNP7,	<p>EXAMINER’S RECOMMENDATION:</p> <p>Retitle Policy SNP7 with “Small Infill Development” and replace policy text with:</p> <p>“Infill development, involving the development of a relatively small gap between existing buildings in Upper Seagry, will be supported where it seeks to meet the housing need of the village or provide employment, services and facilities, provided that it:</p> <ol style="list-style-type: none"> respects the existing character and form of Upper Seagry; avoids the coalescence of buildings within the clusters of properties shown on Map X or involves infill development within the areas shown as key breaks between Upper Seagry and the detached clusters 	For clarity and correction and to ensure consistency with Wiltshire Core Strategy .

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			<p>iii) avoids the introduction of designs that do not relate to their specific local context.”</p> <p>Insert the map from page 15 of the examiner’s report into the appropriate section of the neighbourhood plan as Map ‘X’ and change the building names to those which are currently used.</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Retitle Policy SNP7 as follows: <p>Planning Policy SNP7: Small and Infill Development <u>Small Infill Development</u></p> <ul style="list-style-type: none"> • Replace text within Policy SNP7 as follows: <p>Infill development in Upper Seagry will be supported where it seeks to meet the housing need of the village or provide employment, services and facilities, provided that it:</p> <p>i) respects the existing character and form of Upper Seagry;</p> <p>ii) does not elongate Upper Seagry or impose development in sensitive landscape areas;</p> <p>iii) does not consolidate an existing sporadic loose knit areas of development related to Upper Seagry.</p> <p>Proposals for development larger than those considered infill may be considered on their merits.</p> <p><u>Infill development, involving the development of a relatively small gap between existing buildings in Upper Seagry, will be supported where it seeks to meet the housing need of the</u></p>	

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	15		<p><u>village or provide employment, services and facilities, provided that it:</u></p> <p><u>i) respects the existing character and form of Upper Seagry;</u></p> <p><u>ii) avoids the coalescence of buildings within the clusters of properties shown on Map ‘X’ or involves infill development within the areas shown as key breaks between Upper Seagry and the detached clusters</u></p> <p><u>iii) avoids the introduction of designs that do not relate to their specific local context.</u></p> <p>(Appropriate number to be added to map ‘X’)</p> <ul style="list-style-type: none"> • Insert the map on page 15 of the examiner’s report and place into the appropriate section of the neighbourhood plan and number the map appropriately and change the building names to those which are currently used. 	
R10	16	Page 31, Planning Policy SNP8,	<p>EXAMINER’S RECOMMENDATION:</p> <p>Add following text to the end of Policy SNP8 “in locations where new residential development is acceptable.”</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> • Add to the text in Policy SNP7 as follows: <p>In principle support will be given to proposals for custom or self-build projects <u>in locations where new residential development is acceptable.</u></p>	For clarity and precision to bring Policy in line with the NPPF.

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R11	16	Page 35, Planning Policy SNP10	<p>EXAMINER’S RECOMMENDATION:</p> <p>Replace Policy SNP10 with “Provision should be made for charging of electric vehicles for all new houses where this can be done on-plot. The addition of charging facilities to places of work or leisure is encouraged.”</p> <p>Changes to text in paragraph 5.14.3 to:</p> <p>“A key element of this infrastructure is currently the provision of electric charging points at homes, at places of work and at places of leisure etc. While all this plan can do for existing developments is to encourage the provision of charging points, the plan includes a policy to ensure provision in new housing developments. (As of 2018, it has been estimated that each domestic charging point adds only c. £100 to the cost of any new house.)”</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> Amend Policy SNP10 as follows: <p><i>All new houses with on-plot parking spaces and/or garages are required to provide an appropriately located charging point. Where shared or off-plot parking spaces are provided, one charging point should be provided for every 10 houses in locations that do not create unsafe pedestrian movement.</i></p> <p><u>Provision should be made for charging of electric vehicles for all new houses where this can be done on-plot. The addition of charging facilities to places of work or leisure is encouraged.</u></p>	For clarity and correction of Policy following correspondences between the examiner and the Parish.

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		Page 35, para 5.14.3	<ul style="list-style-type: none"> Amend text within paragraph 5.14.3 as follows: <p>A key element of this infrastructure is currently the provision of electric charging points at homes, at places of work, at places of leisure etc. and at general public (and private) car parks. While all this plan can do for existing developments and car parks is to encourage the provision of charging points, <u>the plan includes a policy to ensure provision in new housing developments</u> can include, as below, a policy to require these in all new developments. (As of 2018, it has been estimated that each domestic charging point adds only c. £100 to the cost of any new house.)</p>	
R12	16	Page 37, Planning Policy SNP12,	<p>EXAMINERS RECOMMENDATION:</p> <p>Delete Policy SNP12 and include as a community aspiration which can refer to the Protocol as set out in Appendix 1.</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> Delete Policy SNP12: <p><i>Planning Policy SNP12 Community Involvement</i></p> <p>In order to ensure positive and structured pre-application community involvement, potential applicants are strongly encouraged to follow the procedure set out in the Seagry Community Involvement Protocol.</p>	For clarity and correction in line with national policy, however, it could be included as a community aspiration which can refer to the Protocol as set out in Appendix 1 which is a discretionary procedure.

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R13	17	Page 38, Planning Policy SNP13.	<p>EXAMINER’S RECOMMENDATION:</p> <p>Delete the second paragraph of Policy SNP13.</p> <p>Add to the supporting text “Infrastructure requirements will be sought in accordance with Wiltshire Core Strategy Core Policy 3 and the Wiltshire Planning Obligations SPD and charged through the Community Infrastructure Levy. The Projects list in Section 6 highlights key local priorities in terms of facilities to which CIL contributions would be directed.”</p> <p>REQUIRED MODIFICATIONS:</p> <ul style="list-style-type: none"> Delete the second paragraph within Policy SNP13 as follows and correcting of the word ‘pavilion’: <p>There will be a presumption in favour of safeguarding existing facilities against any proposals that would result in their loss. Proposals that could result in loss of any facility will only be supported where it can be demonstrated that the facility is no longer fit for purpose or viable, or where an equivalent facility is available in the Parish.</p> <p>New developments will be expected to make an appropriate contribution to the retention and enhancement of existing facilities.</p> <p>Existing facilities as shown on Map 8:</p> <ol style="list-style-type: none"> Goss Croft Hall and its overall site. Recreation Ground, Pavilion and Play Area New Inn public house 	For clarity and correction so consistent with local and national policy.

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			<p>d) Seagry CE Primary School e) St Mary’s C of E Church f) Seagry Cricket Ground g) Allotments</p> <ul style="list-style-type: none"> • Add to the supporting text to final paragraph 5.17.8: <p>5.7.18 The facilities are listed in this section because it is assumed that any Section 106 or other contributions from future development will be targeted at improvement to those particular facilities. <u>Infrastructure requirements will be sought in accordance with Wiltshire Core Strategy Core Policy 3 and the Wiltshire Planning Obligations SPD. A Community Infrastructure Levy will be charged on qualifying developments. Parish Council’s with made neighbourhood plans receive 25% of all Community Infrastructure Levy generated in their area. The Projects list in Section 6 highlights key local priorities in terms of facilities to which these CIL contributions would be directed.</u></p> <p>(note the table will need adjusting in line with examiner’s recommendations)</p>	
R14			<p>COUNCIL COMMENT AND MODIFICATIONS REQUIRED:</p> <p>The final SPNP to be published for the purposes of the referendum, will need to renumber the policies and paragraphs as appropriate following the insertion of changes, and make any consequential changes to the text of the plan where these numbers are used.</p>	For clarity and correction.