

HULLAVINGTON NEIGHBOURHOOD DEVELOPMENT PLAN 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 Development 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 Hullavington Neighbourhood Development Plan comprises the whole of the parish of Hullavington. On 23 September 2016 Wiltshire Council formally approved that the Hullavington Neighbourhood Area (i.e. the land within the parish of Hullavington be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. Hullavington Parish Council – the ‘qualifying body’, submitted the Hullavington Neighbourhood Development Plan – submission draft December 2018 (2016 to 2026), along with supporting documents, to Wiltshire Council on 11th December 2018 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 Hullavington Neighbourhood Development Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 25th February 2019 to 8th April 2019.
- 2.4. In April 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 June 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 Hullavington 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, and has decided to make the examiner's modifications with additional modifications by the Council to the draft Hullavington Neighbourhood Development 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 Hullavington Neighbourhood Development 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 Hullavington
- 3.5. I declare that I have no private interest in respect of this matter that would prevent me from making this decision.

Signed:



Alistair Cunningham
Executive Director
Growth, Investment and Place
Wiltshire Council

Dated: 8th July 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 Draft Hullavington Neighbourhood Development Plan (2016 - 2026) (submitted December 2018) together with the explanation and reason for modification. This should be read alongside the report (June 2019) of the independent examiner, John Slater, to Wiltshire Council on the Examination of the Hullavington Neighbourhood Development 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 Submission Draft Hullavington Neighbourhood Development Plan (2016 - 2026) (submitted December 2018), hereafter referred to as the ‘HNDP’, 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 development plan.

The final HNDP 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 HNDP page / section	Recommendation and proposed modification	Reason for modification
R1	Page 12	Page 16, Figure 15	<p>EXAMINER’S COMMENT</p> <p>Amend Fig 15 to show the settlement boundary as a single line around the boundary to include the area proposed by the Site Allocation DPD but extended to include the allocation site, shown in a single colour and be enlarged to a size to be easily read, with an amended key.</p> <p>REQUIRED MODIFICATION</p> <ul style="list-style-type: none"> a) Extend settlement boundary line (green) to include the site allocation (as indicated by the red line). Remove red line of site allocation. b) Delete “proposed update to settlement boundary” item from legend. c) Amend figure title to read “Fig. 15 Settlement Boundary Proposals” d) Enlarge Figure 15 to fill remainder of page after paragraph 5.46 with paragraph 5.47 starting new page. 	To ensure that the plan clearly reflects the delineation of the settlement boundary as amended and that the reader can identify the land that falls within the settlement boundary.
R2	Page 12	Policy 1: Settlement Boundary	<p>EXAMINER’S COMMENT</p> <p>There is no document with the status of the <i>local</i> development plan. At the end of paragraph 2, delete “Local”</p> <p>REQUIRED MODIFICATION</p> <p>“Development proposals will be supported WITHIN the settlement boundary, subject to compliance with Policy 3 in the Neighbourhood Development Plan and other relevant policies of the Local Development Plan.”</p>	In the interests of accuracy and to avoid confusion for the reader.
R3	Page 12	Paragraphs: 1.02, 1.06, 1.09, 5.35,	<p>WILTSHIRE COUNCIL COMMENT</p> <p>In line with R2 references to the “<i>local</i> development plan” should be amended</p>	In the interests of accuracy and to avoid confusion for the reader, and to ensure

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		5.95, 5.98; And page 32, Glossary of Terms	<p>REQUIRED MODIFICATION</p> <p>For consistency amend all other references in the HNDP to the ‘local development plan’ supporting text as follows “...the local development plan...”</p> <p>Also amend Glossary of Terms definition to read “Wiltshire Core Strategy/ Local development Plan: Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy. CP – Core Policies</p>	clarity and consistency throughout the document.
R4	Page 12	Policy 1: Settlement Boundary	<p>EXAMINER’S COMMENT</p> <p>In the first bullet point delete all text after “countryside”</p> <p>REQUIRED MODIFICATION</p> <p>Development proposals OUTSIDE the settlement boundary will be supported where:</p> <ul style="list-style-type: none"> • they are in accordance with the Development Plan Policies in respect of appropriate uses in the countryside; such that there will be no detrimental impact on the landscape, biodiversity or infrastructure of the Parish; • they relate to necessary utilities infrastructure and where no reasonable alternative location is possible; • they are in compliance with Policy 3 within this Neighbourhood Development Plan. 	In the interests of avoiding misinterpretation of the use of “such that” to infer that appropriate uses in the countryside will have no detrimental impact on landscape, biodiversity or infrastructure.
R5	Page 14	Policy 2: Allocation and delivery of site 690 for	<p>EXAMINER’S COMMENT</p> <p>In terms of the detailed drafting of the policy, the first paragraph is a description of the site rather than being an expression of planning policy capable of being used to determine a planning</p>	In the interests of ensuring that the policy is limited to details that would be used to determine a planning

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		development	<p>application. It can be covered by the supporting text.</p> <p>Delete the first paragraph of Policy 2.</p> <p>REQUIRED MODIFICATION “Policy 2: Allocation and delivery of Site 690 for development Site 690 is approximately 4 hectares and located between the C1 (Norton Road) and Hullavington C of E Primary and Nursery School as shown in Fig. 23 below”</p> <p>Insert deleted text as new paragraph under current paragraph 5.95 in line with the Examiner’s recommendation.</p> <p><u>“Site 690 is approximately 4 hectares and located between the C1 (Norton Road) and Hullavington C of E Primary and Nursery School as shown in Fig. 23 in Policy 2.”</u></p>	application.
R6	Page 14	Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In the second paragraph, after “site” insert “as shown on Figure 23” and after “70 homes” insert “,0.2 ha for school expansion and the provision of a community car park”</p> <p>REQUIRED MODIFICATION Amend second paragraph of Policy 2 to read “This site, <u>as shown on Figure 23,</u> is allocated for the development of approximately 70 homes, <u>0.2 ha for school expansion and the provision of a community car park,</u> which will deliver a sustainable high quality development, and this policy shall:”</p> <p>Insert title above figure 23 to read <u>“Figure 23: Site Allocation”</u></p>	In the interests of ensuring that the policy includes a full description of the uses to be provided by the site allocation.
R7	Page 14	Policy 2:	EXAMINER’S COMMENT	In the interests of avoiding

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		Allocation and delivery of site 690 for development	In criterion 2, delete “approximately 70 homes, including” REQUIRED MODIFICATION “2. deliver approximately 70 homes, including 40% affordable housing, as required by Wiltshire Core Policy CP43, subject to the viability of the development. The combination of number of bedrooms and tenure of this new affordable housing will be decided, by Wiltshire Council’s Housing Enabling Team, at the time of any planning application;”	unnecessary duplication within the policy wording.
R8	Page 14	Policy 2: Allocation and delivery of site 690 for development	EXAMINER’S COMMENT In criterion 3, delete “(including both starter and downsizing homes)” REQUIRED MODIFICATION “3. deliver predominantly 2 and 3 bed properties, (including both starter and downsizing homes) unless it can be demonstrated through robust, up to date market evidence an alternative mix is required;”	To avoid unnecessary prescription and in the interests of accuracy of terminology.
R9	Page 14	Policy 2: Allocation and delivery of site 690 for development	EXAMINER’S COMMENT In criterion 4, insert “external” between “traditional” and “materials” REQUIRED MODIFICATION “4. deliver high quality, well designed homes that use traditional external materials, where possible. Designed to be in keeping with the historic buildings and layout of the village; referencing ‘The Design Concept for Development’ Appendix 3. Designs should be locally distinctive reflecting style and scale proportionate to the historic central spine of Hullavington (which can be seen in Fig. 11 on page 7);”	In the interests of accuracy, making it clear that the policy does not influence the internal materials and appearance of a building.

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R10	Page 14	Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In criteria 5 and 6, replace” “maximise opportunities for” with “encourages”</p> <p>REQUIRED MODIFICATION “5. maximise opportunities for encourages the incorporation of sustainable design features facilitating accessible and adaptable dwellings; 6. maximise opportunities for encourages energy efficiency in terms passive and active design approaches to sustainable development;”</p>	In the interests of consistency with national policy.
R11	Page 14	Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In criterion 10, delete all text after “Fig23”.</p> <p>REQUIRED MODIFICATION “10. protect and where possible enhance wildlife habitats and corridors, encouraging biodiversity by conserving a network of green infrastructure and providing appropriate buffers to existing natural spaces that have community, biodiversity and heritage significance e.g. the Brook, as shown in Fig.23; carrying out and submitting a green infrastructure and biodiversity action plan with any planning application;”</p>	In the interests of ensuring that the policy is in keeping with statutory requirements in relation to the role of a neighbourhood plan.
R12	Page 14	Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In the second sentence to criterion 13, replace “a Schedule 5 species” and parenthesis around Barberry Carpet Moth” with “the”</p> <p>REQUIRED MODIFICATION “13. be designed so as to limit the impact of light pollution on local</p>	To ensure clarity.

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			amenity, on intrinsically dark landscapes and nature conservation, having regard for the findings and recommendations of an ecological assessment for the site. In particular to avoid disturbance to a Schedule 5 species (the Barberry Carpet Moth), there should ideally be no lighting whatsoever in the immediate area of its habitat. Any lighting should be directional and only come on when required and certainly not operational all night;”	
R13	Page 14	Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In criterion 15, delete “as part of their planning application,”</p> <p>REQUIRED MODIFICATION “15. protect the residential amenity of the homes within the new development, and additionally as works are proposed within proximity of the sewage treatment works, developers will be required, as part of their planning application, to undertake and submit odour assessments (carried out to Wessex Water Specifications) to demonstrate that future residents will not be unacceptably affected by existing odour sources;”</p>	In the interests of ensuring that the policy is in keeping with statutory requirements in relation to the role of a neighbourhood plan.
R14		Policy 2: Allocation and delivery of site 690 for development	<p>EXAMINER’S COMMENT In criterion 19, delete all text after “pedestrian safety” and insert full stop after.</p> <p>REQUIRED MODIFICATION “19. demonstrate traffic generation and parking does not adversely affect road and pedestrian safety and submit a transport assessment and travel plan with any planning application, and .”</p>	In the interests of ensuring that the policy is in keeping with statutory requirements in relation to the role of a neighbourhood plan.
R15	Page 14	Policy 2: Allocation and delivery of site	<p>EXAMINER’S COMMENT Delete criterion 20.</p>	Criterion no longer required as a result of Examiners Recommendation against

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		690 for development	<p>REQUIRED MODIFICATION</p> <p>“20. provide around 0.2 hectares for school expansion, as required in the local DPD.”</p> <p>Also, for consistency insert the word “and” after the semi-colon at the end of criterion 18.</p> <p>“18. provide accessible pedestrian and cycle connections to the surrounding countryside and village, with particular focus to those using a pushchair, wheelchair, walking aid or mobility scooter; and”</p>	reference R6 of this schedule.
R16	Page 14	Policy 3: Planning applications in the Parish apart from site 690	<p>EXAMINER’S COMMENT</p> <p>In criterion 2`, insert “external” between “traditional” and “materials”</p> <p>REQUIRED MODIFICATION</p> <p>“2. deliver high quality, well designed homes that use traditional external materials, where possible; designed to be in keeping with the historic buildings and layout of the village; referencing the ‘Design Concept for Development’ Appendix 3. Designs should be locally distinctive reflecting style and scale proportionate to the historic central spine of Hullavington (which can be seen in Fig. 11 on page 7);”</p>	In the interests of accuracy, making it clear that the policy does not influence the internal materials and appearance of a building.
R17	Page 14	Policy 3: Planning applications in the Parish apart from site 690	<p>EXAMINER’S COMMENT</p> <p>In criterion 16, remove all text after “safety”.</p> <p>REQUIRED MODIFICATION</p> <p>“16. demonstrate traffic generation and parking does not adversely affect road and pedestrian safety and where required submit a</p>	In the interests of ensuring that the policy is in keeping with statutory requirements in relation to the role of a neighbourhood plan.

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			transport assessment and travel plan .”	
R18	Paragraph 44	Front cover	<p>WILTSHIRE COUNCIL COMMENT:</p> <p>Update title page to reflect that the HNDP is now a referendum version and that the time period is shown in years deleting ‘31st December’.</p> <p>REQUIRED MODIFICATION:</p> <p>Hullavington Neighbourhood Development Plan 2016 - 31st December 2026 (draft Referendum Version June 2019)</p>	Factual update in the interests of version control and accuracy
R19	Paragraph 44	General formatting (e.g. 2.03, 2.07, 2.09, 2.14, 2.17, 2.18, 3.08, 3.16, 3.29, 4.01, 4.03, 4.04, 4.05, 5.23, 5.25, 5.28, 5.30, 5.33, 5.50, 5.54, 5.60, 5.65, 5.69, 5.71, 5.86 – 5.93, 5.96, 5.99, 7.05, 7.07 and	<p>WILTSHIRE COUNCIL COMMENT</p> <p>There are a number of paragraph numbers included against some of the bullet points and figures but aren’t included against others. For consistency it is suggested that these paragraph numbers are deleted, and the remaining paragraph numbers updated accordingly.</p>	To ensure consistent formatting throughout the document.

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		7.09)		
R20	Paragraph 44	Paragraph 5.01, penultimate sentence	<p>WILTSHIRE COUNCIL COMMENT To ensure that the correct document is referred to, the HNDP should refer to the Wiltshire Core Strategy (or WCS)</p> <p>REQUIRED MODIFICATION ...It is important in some instances that the very locally specific policies within the HNDP are given context by the relevant WCS Core Policy allowing them to be more easily understood by the community.”</p>	In the interests of accuracy to make it clear that the HNDP is referring to the Wiltshire Core Strategy.
R21	Paragraph 44	Paragraph 5.29	<p>WILTSHIRE COUNCIL COMMENT Paragraph 5.29 refers to other paragraphs within the document.</p> <p>Once the amendments have been made, these paragraph references will need to be updated.</p>	In the interests of accuracy of references in the final HNDP.
R22	Paragraph 44	Paragraph 5.37	<p>WILTSHIRE COUNCIL COMMENT There are a number of adopted or emerging DPDs for Wiltshire. For this reason, it is suggested that the HNDP refer specifically to the Wiltshire Housing Site Allocations Plan.</p> <p>REQUIRED MODIFICATION “Because the Wiltshire Housing Site Allocations DPD land use allocation differed from our own evaluation we had to make a decision whether to accept their allocation or to proceed with our original plans.”</p>	In the interests of accuracy and clarification of references to relevant parts of the development plan.
R23	Paragraph 44	Paragraph 5.47 and paragraph	<p>WILTSHIRE COUNCIL COMMENT The consultation being referred to was undertaken as part of the Wiltshire Housing Site Allocations Plan.</p>	In the interests of accuracy to ensure that the correct document is referred to and

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		5.48	<p>REQUIRED MODIFICATION</p> <p>Para 4.47 “Wiltshire Council approved the proposed updates to the settlement boundary shown in green (Fig 15) on 10th July 2018. It was first proposed and consulted on in 2014 and again during the preparation of the Wiltshire Housing Site Allocations Plan Chippenham Areas DPD consultation of 2017. It has now entered the inspection phase.”</p> <p>Para 4.48 “The only Settlement boundary change proposed in the Wiltshire Housing Site Allocations Plan has been taken forward into the HNDP and updated is to to now enclose the site allocated in policy 2. development. This The up to date settlement boundary is shown in red – figure 15.”</p>	to ensure that this section of the text remains current after the plan is made.
R24	Page 14	Paragraph 5.95, fourth sentence	<p>WILTSHIRE COUNCIL COMMENT</p> <p>The Examiner recommended the deletion of the twentieth criterion under Policy 2. This reference should therefore be updated accordingly.</p> <p>REQUIRED MODIFICATION</p> <p>“...There are 20 19 criteria within Policy 2; they have been designed to work together as a whole and they add value to the relevant policies of the Local Development Plan.”</p>	To ensure that the HNDP is updated to reflect the recommended modifications in the Examiner’s Report.
R25	Paragraph 44	Page 11, figure 13	<p>WILTSHIRE COUNCIL COMMENT</p> <p>The figure label needs a space inserted between the figure number and the ‘%’ at the start of the title.</p>	Formatting.

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			SUGGESTED MODIFICATION "Fig. 13_% of SHLAA sites in top three"	