

## **MARKET LAVINGTON NEIGHBOURHOOD DEVELOPMENT PLAN 2018-2026 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 Market Lavington Neighbourhood Development Plan comprises the whole of the parish of Market Lavington. On 2<sup>nd</sup> March 2015 Wiltshire Council formally approved that the Market Lavington Neighbourhood Area (i.e. the land within the parish of Market Lavington) be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 2.2. Market Lavington Parish Council – the ‘qualifying body’, submitted the draft Market Lavington Neighbourhood Development Plan 2018-2026 (submission version August 2019) along with supporting documents, to Wiltshire Council on 22<sup>nd</sup> August 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 Market Lavington Neighbourhood Development Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 23<sup>rd</sup> September 2019 to 5<sup>th</sup> November 2019.
- 2.4. In November 2019, Wiltshire Council appointed an independent examiner, Ann Skippers BSc (Hons) MRTPI FRSA AoU, to examine the draft Plan and consider whether it should proceed to referendum.
- 2.5. The examiner’s report was received in February 2020 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 Market Lavington 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 Market Lavington 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 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 Market Lavington.
- 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:** 31<sup>st</sup> March 2020

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### Modifications required to be made to the draft Market Lavington Neighbourhood Development Plan (2018-2026) (submission version August 2019) in response to the Examiner's recommendations and to correct errors

#### Guidance for using this document

The following table sets out the modifications that are required to be made to the Market Lavington Neighbourhood Development Plan (2018-2026) (submission version August 2019) together with the explanation and reason for modification. This should be read alongside the report dated 24<sup>th</sup> February 2020 of the independent examiner, Ann Skippers MRTPI FRSA AoU to Wiltshire Council on the draft Market Lavington 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-strike through*~~ identifies text to be deleted from the Plan.

The relevant paragraph, policy and page numbering relates to the draft Market Lavington Neighbourhood Development Plan (2018-2026) (submission version August 2019), hereafter referred to as the 'MLNDP', as submitted to Wiltshire Council. For each change, the table sets out the examiner's recommendation as set out in her report together with the modification that is required to be made to the neighbourhood plan. Some additional changes are also included that are not in the examiner's report to correct errors such as typos.

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

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Reference number	Page in Examiner's Report	Related MLNDP page / section	Recommendation and proposed modification	Reason for modification
R1	N/A	Page 1, Title	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend title and version of Neighbourhood Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend title and version of document as follows:</li> </ul> <p>'Market Lavington Neighbourhood <del>Development</del> Plan 2018-2026 <del>Neighbourhood Plan Document Submission</del> <b>Referendum Draft Version</b> <del>August 2019</del></p>	To update version of neighbourhood plan
R2	N/A	Page 2, Contents, 3.0 Evidence base	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Add the following text 'SEA and HRA' to the end of the contents heading 3.0 Evidence base, to reflect the title in the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li><u>Amend the title at 3.0 on the contents page as follows:</u></li> </ul> <p>"3.0 Evidence Base, <b>SEA and HRA</b>"</p>	For clarity and consistency.
R3	N/A	Page 2, Contents, 5.0 What is Market Lavington like today?	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Remove 'today' from the contents heading 5.0 consistent with the heading in the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li><u>Amend the title at 5.0 on the contents page as follows:</u></li> </ul> <p>"5.0 What is Market Lavington like <del>today</del>?"</p>	For clarity and consistency.

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R4	N/A	Page 2, Contents, 6.0 Scoping research, community engagement and development of Vision, Objectives and Policy	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Rename heading of 6.0 "Vision and Objectives" on page 2 consistent with R13.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the title at 6.0 on the contents page as follows:</li> </ul> <p>"6.0 <del>Scoping research, community engagement and development of</del> Vision, <u>and</u> Objectives <del>and Policy</del>"</p>	For clarity and consistency.
R5	N/A	Page 2, Contents, 8.0 Formal policies of the plan	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Remove 'Formal' from heading 8.0 on page 2 consistent with the heading in the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the title at 8.0 on the contents page as follows:</li> </ul> <p>"8.0 <del>Formal</del> Policies of the <del>p</del>Plan"</p>	For clarity and consistency.
R6	N/A	Page 2, Contents, 9.0 Informal non planning policies	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Rename informal non planning policies community actions in heading 9.0. on page 2 consistent with the heading in the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the title at 9.0 on the contents page as follows:</li> </ul> <p>"9.0 Informal non-planning <del>policies</del> <u>community actions</u>"</p>	For clarity and consistency.

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R7	N/A	Page 2, Contents, Appendices 7, 8, 9 and 11	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <ul style="list-style-type: none"> <li>Delete appendices 7, 8, 9 and 11 from page 2. Consequential changes due to examiner's recommendation.</li> </ul> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete appendices 7,8,9 and 11 from the contents as follows:</li> </ul> <p><del>Appendix 7 Service Centre and Retail Core in the Kennet Local Plan</del>  <del>Appendix 8 First Highway Report</del>  <del>Appendix 9 'The Spring' Flood Risk Report</del>  <del>Appendix 11 Sustainable Transport Report for Spin Hill</del></p>	Consequential amendments to reflect deleted appendices by examiners recommendations below (R62, R69, R70 and R73)
R8	N/A	Page 2, Contents, Appendix 10	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>On page 2 under the contents title renumber Appendix 10 to Appendix 7 consistent with R7.</p> <p><u>REQUIRED MODIFICATION</u></p> <ul style="list-style-type: none"> <li>Renumber Appendix 10 The Local Flood Plan to Appendix 7 as follows:</li> </ul> <p>"Appendix <del>10</del> <u>7</u> The Local Flood Plan"</p>	Consequential renumbering to reflect deleted appendices, as shown in R7.
R9	N/A	Page 2, Contents, Appendix 8	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Insert new Appendix 8 on page 2 regarding groundwater flood risk consistent with R74.</p> <p><u>REQUIRED MODIFICATION:</u></p> <p>Insert title of new Appendix 8 as follows:</p>	Consequential amendment to recommendation R74.

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			<b>"Appendix 8 Groundwater Flood Risk".</b>	
Planning Policy Context				
R10	16	Page 11, Paragraph 4.17, first sentence and third sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Change the third sentence of paragraph 4.17 on page 11 to read: "As of July 2018, there was an <i>outstanding indicative requirement for 5 dwellings in the East Housing Market Area and 81 dwellings in the Devizes Community Area.</i>"</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete 'For example' at the beginning of paragraph 4.17. Also the 81 dwellings do not include figures for Devizes. Add '(outside of Devizes)' after Devizes Community area</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete the following text at the beginning of paragraph 4.17 as follows:</li> </ul> <p>"4.17 <del>For example, in</del> terms of housing..."</p> <ul style="list-style-type: none"> <li>Update the reference date and outstanding housing requirement in the third sentence of paragraph 4.17 as follows:</li> </ul> <p>"As of <del>March</del><b>July</b> 2018, there was an <del>overall</del> : <b>outstanding</b> indicative <del>remaining</del> housing requirement: <del>(2016-2026) of 154 for the whole</del> <b>for 5 dwellings in the East Housing Market Area and 81 dwellings in the Devizes Community Area</b>".</p>	To update with the latest housing figures and for clarity.
R11	16	Page 11, Paragraph	<u>EXAMINER COMMENT:</u>	In the interests of accuracy and clarity.

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		4.18, last sentence	<p>Delete the last sentence of paragraph 4.18 on page 11 which begins: "The number of homes proposed..."</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete last sentence of paragraph 4.18:</li> </ul> <p><i>The number of homes proposed by the NDP is, at approximately 88, very much higher than the 37 which would be required (at the 30% rate) to meet this level of need.</i></p>	
R12	16	Page 12, Paragraph 4.25, last sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Change "Sea" in the last sentence in paragraph 4.25 on page 12 of the Plan to "SEA".</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li><u>Amend the text in the last sentence of paragraph 4.25 as follows:</u></li> </ul> <p>"Correspondence during the <del>Sea</del><b>EA</b> process has resulted..."</p>	To correct typo.
Scoping and Site Selection				
R13	17	Pages 21-23, Paragraphs 6.3, 6.4 and 6.5 and 6.0 Heading	<p><u>EXAMINER COMMENT:</u></p> <p>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).</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Retitle heading for section 6 to reflect content of the section following deletion of sections 6.3, 6.4 and 6.5 of the Plan and consequential changes.</p>	To ensure the Plan is concise.



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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete in full sections 6.3, 6.4 and 6.5.</li> <li>Amend the text in the title at 6.0 as follows:</li> </ul> <p>6.0 <del>Scoping Research, Community Engagement: Development of</del> Vision, <del>and</del> Objectives, <del>Policy</del></p>	
R14	18	Page 38, , Paragraph 8.0, sentence 3	<p><u>EXAMINERS COMMENT:</u></p> <p>Consequential amendment will be needed in paragraph 8.0 due to recommendation at R13</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the text in paragraph 8.0 as follows:</li> </ul> <p>"In taking forward the policy ideas given in the Scoping Report <del>and reproduced again for clarity in the preceding section,</del> policy choice was...."</p>	Consequential amendment due to R13 above
R15	18	Pages 24-33, Paragraphs 7.0-7.26 and Page 42, Paragraph 8.9	<p><u>EXAMINER COMMENT:</u></p> <p>Delete sections 7.0 to 7.26 inclusive and including diagrams etc. (these can become a separate supporting document if desired) and consequential amendments in paragraph 8.9.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>To ensure the evidence base is available turn the deleted paragraphs 7.0-7.26 into a supporting site selection background paper.</p>	To ensure the plan is concise and to ensure the supporting evidence base is available

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete in full sections 7.0 – 7.26 which can become a separate supporting document</li> <li>Amend text in paragraph 8.9 (page 42) as follows:</li> </ul> <p>"Justification for both the quantum and location of the sites is given in sections 4, <u>and 5</u> <del>and most especially section 7.</del>"</p>	
R16	18	Page 34, Paragraphs 7.27 – 7.32	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Renumber remaining paragraphs in section 7 o reflect deleted sections.</p> <p>In first sentence of paragraph 7.27 delete the number '88' and the reference to 10% more that was proposed in the HSAP (80). Delete the final sentence of paragraph 7.27 (in line with modification R11).</p> <p>Paragraph 7.32 – Remove dark shading of the row for Site 2 – Field to North of Spin Hill/ East of Kings road SHLAA ref: N/A.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Renumber paragraphs 7.27-7.32 as paragraphs 7.1-7.6.</li> <li>7.27 The resulting number of homes <del>(88)</del> is considered to be an appropriate allocation to support Market Lavington's role as service centre as set out in the Wiltshire Core Strategy (WCS) Core Policies 1, 2 and 12 <del>and is 10% more than was originally proposed in the HSAP (80). It is more than the level required (37) to meet the need for affordable housing identified in the Housing Needs Survey (11 homes) at the 30% rate applying in the area, but this level of development is considered to be necessary in</del></li> </ul>	To reflect deletions and changes in modification R11.

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			<p><i>order to ensure flexibility and supply over the whole plan period (the HNS predicts demand only for the next 3 years and is a snapshot in time) .</i></p> <ul style="list-style-type: none"> <li>Paragraph 7.32 – Remove dark shading of the row for Site 2 – Field to North of Spin Hill/ East of Kings road SHLAA ref: N/A.</li> </ul>	
R17	18	Page 40, Policy 1 heading	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the heading on page 40 as follows:</li> </ul> <p><del>Policy 1:</del> Housing (General), Introduction and Justification</p>	For the avoidance of doubt and to ensure clarity of the policy
R18	18	Page 42, Policy 2 heading	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the heading on page 42 as follows:</li> </ul> <p><del>Policy 2:</del> Housing Sites, Introduction and Justification</p>	For the avoidance of doubt and to ensure clarity of the policy

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R19	18	Page 54, Policy 3 heading	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Also amend text in heading to capital J for justification</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the heading on page 45 as follows:</li> </ul> <p><del>Policy 3:</del> Infrastructure Priorities, Introduction and <del>j</del>Justification</p>	For the avoidance of doubt and to ensure clarity of the policy
R20	18	Page 55, Policy 4 heading	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Also amend text in heading to capital J for justification</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the heading on page 55 as follows:</li> </ul> <p><del>Policy 4:</del> Retail Policy, Introduction and <del>j</del>Justification</p>	For the avoidance of doubt and to ensure clarity of the policy

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R21	18	Page 58, Policy 5 heading	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Also amend text in heading to capital J for justification</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the heading on page 58 as follows:</li> </ul> <p><del>Policy 5:</del> Local Green Spaces, Introduction and <del>J</del>Justification</p>	For the avoidance of doubt and to ensure clarity of the policy
Policy 1: Housing (General)				
R22	19	Page 41, Policy 1: Housing (General) Criterion a	<p><u>EXAMINER COMMENT:</u></p> <p>Change criterion a. of Policy 1 to read: "Development of the sites identified in this Plan must include a <i>mix of 1, 2 and 3 bedroomed homes based on the most up to date housing needs information available.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend criterion 'a' of Policy 1 as follows:</li> </ul> <p>"Development of the sites identified in this plan must include a <b><u>mix</u></b> <del>reasonable proportion</del> of 1, 2 and 3 bedroom homes <b><u>based on the most up to date housing needs information available</u></b>"</p>	For the avoidance of doubt and to ensure clarity of the policy.

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R23	19	Page 41, Policy 1: Housing (General) Criterion c	<p><u>EXAMINER COMMENT:</u></p> <p>Delete the words "...subject to compliance with the other policies of the plan" within Policy 1 from the first sentence of criterion c.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the first sentence of criterion c within Policy 1 as follows:</li> </ul> <p>"The following forms of housing will be supported, either as elements of the sites allocated in Policy 2, or as windfall schemes of infill development <del>subject to compliance with the other policies in the plan</del>"</p>	For the avoidance of doubt and to ensure clarity of the policy
R24	19	Page 41, Policy 1: Housing (General) Criterion c	<p><u>EXAMINER COMMENT:</u></p> <p>Delete the word "Affordable" at the start of the first bullet point of criterion c; and delete the words "...subject to compliance with the policies of this plan and the Wiltshire Core Strategy" from the at the end of the first bullet point of criterion c.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Within Policy 1 amend to capital S at start of first bullet point of criterion 'c' and replace semi-colon with colon.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the text within criterion 'c' of Policy 1 as follows:</li> </ul> <p><del>"Affordable s</del>Self-build homes: sites delivering single units of self-build housing will be supported within the built up area of the main village <del>subject to compliance with the policies of this plan and the Wiltshire Core Strategy".</del></p>	For the avoidance of doubt and to ensure clarity of the policy

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R25	20	Page 41, Policy 1: Housing (General) criterion c second bullet	<p><u>EXAMINER COMMENT:</u></p> <p><i>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)</i></p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the second bullet point of criterion 'c' within Policy 1 as follows:</li> </ul> <p>"Eco-homes: Innovative designs incorporating renewable energy or sustainable construction methods (as evidenced by exceeding Building Regulations requirements or meeting eligibility criteria for BREEAM Home Quality Mark) are encouraged subject to <del>compliance with other policies of the NDP,</del> acceptable impacts on neighbours <del>and policies of the Wiltshire Core Strategy.</del>"</p>	For the avoidance of doubt and to ensure clarity of the policy
R26	20	Page 41, Policy 1: Housing (General) criterion d, end of first sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Add "..., river flooding and groundwater flooding and high ground water levels" at the end of the first sentence in criterion d.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete 's' in 'ensures' within first sentence in criterion d.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend criterion 'd' within Policy 1 as follows:</li> </ul>	To ensure all types of drainage are considered and typo.

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			"Applications for Market Lavington must be supported by a drainage strategy to ensure the development can be accommodated with satisfactory drainage to reduce the risk of surface water flooding, <b>river flooding and groundwater flooding and high ground water levels.</b> "	
R27	20	Page 41, Policy 1: Housing (General) criterion e, first sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Add the words "<i>features and character</i>" after "...harm to both landscape..." in criterion e.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend criterion 'e' within Policy 1 as follows:</li> </ul> <p>"All the sites must consider carefully how their designs respect and avoid harm to both landscape <b>features and character</b> and heritage interests, especially the conservation area..."</p>	For the avoidance of doubt and to ensure clarity of the policy
R28	20	Page 41, Policy 1: Housing (General) criterion g, third sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Add the words "<i>in a satisfactory condition</i>" after "...broadleaved trees and hedgerows..." and a new sentence after this sentence which reads: "<i>Any trees or hedgerows removed due to poor health or condition, should be replaced by suitable specimens in an appropriate location.</i>" in criterion g.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend third sentence of criterion 'g' within Policy 1 and insert new sentence after as follows:</li> </ul> <p>"As such mature, native, broadleaved trees and hedgerows <b>in a satisfactory condition</b> within all sites should be retained and enhanced. <b>Any trees or hedgerows removed due to poor health or condition,</b></p>	To ensure retained trees are in a satisfactory condition.



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			<u>should be replaced by suitable specimens in an appropriate location."</u>	
Policy 2: Housing Sites				
R29		Page 42 Paragraph 8.9 Third sentence	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Within the third sentence of paragraph 8.9 delete '4 sites' and '88 homes' and replace with '3 sites' and '58 homes'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend text as follows:</li> </ul> <p>"The Market Lavington Neighbourhood Plan allocates 4 <b>3</b> sites, totalling <del>88</del> <b>50</b> new homes."</p>	To reflect the deletion of Site 2 in R34 below.
R30		Page 42, Paragraph 8.9	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete reference to the plan allocating a total number of homes 10% higher than the Wiltshire Housing Site Allocations Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend text as follows:</li> </ul> <p>"This <del>10% higher a quantum than was originally proposed in the draft Housing Site Allocations Plan (HSAP)</del> but <b>is</b> within the range of development quanta indicated as acceptable by the community, and hence likely to pass referendum."</p>	The figure is incorrect following the deletion of Site 2 in R34 below.
R31	24	Page 43, Policy 2 Housing Sites	<p><u>EXAMINERS COMMENT:</u></p> <p>Add the word 'Allocations' to Policy 2 Housing Sites' title.</p>	To ensure clarity of the policy

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			<p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the title of Policy 2 as follows:</li> </ul> <p>Policy 2 Housing Sites <b><u>Allocations</u></b></p>	
R32	24	Page 43, Policy 2 Housing Sites, All allocated housing sites, Number 2	<p><u>EXAMINER COMMENT:</u></p> <p>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 Policy 2.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Add a full stop after scheme.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 2 of Policy 2 as follows:</li> </ul> <p>"2. Numbers given are indicative and lower numbers may be necessary to achieve a satisfactory scheme. <del>—for example, all schemes must comply with Wiltshire Core Strategy policies 57 and 58</del>"</p>	For the avoidance of doubt and to ensure clarity of the policy.
R33	25	Page 43, Policy 2: Housing Sites, number 5	<p><u>EXAMINER COMMENT:</u></p> <p>Delete number 5. from the first element of the policy.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete number 5 of Policy 2 as follows:</li> </ul> <p><del>"Informal action will create a village sustainable travel plan to help reduce impacts of traffic and congestion"</del>; and point 5 in justification on Page 45.</p>	Removed because it appears to be a community action; and "informal action" is not a development and use of land matter.

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			(Note - Can be retained as a community action in 9.3 of the neighbourhood plan)	
R34	25	Page 43, Policy 2: Housing Sites, Site 2 North of Spin Hill (non-SHLAA)	<p><u>EXAMINER COMMENT:</u></p> <p>Delete Site 2 North of Spin Hill from the policy.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete "Site 2 North of Spin Hill (non-SHLAA)" from Policy 2 and the indicative number of '30' and associated numbered points 7,8, 9 and 10.</li> </ul>	The site is deleted because it is not convincing in terms of the requirements set out and its overall achievability in a satisfactory manner.
R35	25	Page 43, Policy 2: Housing Sites, Site 4	<p><u>EXAMINER COMMENT:</u></p> <p>Delete the words "(likely maximum)" from the third element of the policy.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete text in the 'Indicative No's' column for Site 4 within Policy 2 as follows:</li> </ul> <p>"20 <del>(Likely Maximum)</del>"</p>	It is not appropriate to include 'maximum' figures as it can stifle the proper planning of sites.
R36	25	Page 43, Policy 2: Housing Sites, site 4, number 11, third, fourth and fifth sentences	<p><u>EXAMINER COMMENT:</u></p> <p>Amend number 11 of Policy 2 by:</p> <ul style="list-style-type: none"> <li>deleting the third sentence "A good design could be achieved through low-rooflines set back from the roadside behind vegetation.";</li> <li>change the fourth sentence to read: "Care must be taken to retain <i>the</i> unrestricted view <i>west</i> from St Mary's Church." (delete reference to existing houses on the north side of the street);</li> </ul>	The protection of private views is not a planning matter. To avoid repetition, for clarity and to ensure the Plan is flexible and can reflect latest policy.

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			<ul style="list-style-type: none"> <li>delete the fifth sentence "Trees should be retained, or new trees planted as replacements.";</li> <li>and delete the following words in the sixth sentence "...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..."</li> </ul> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete within the fourth sentence the word 'views'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 11 as follows:</li> </ul> <p>"The layout of development should respect the historic, linear pattern of development in this area, avoid harm to heritage assets and their settings such as church and the western approach in to the conservation area. This may mean reducing the number of homes on the site to below indicative numbers in this policy. <del>A good design could be achieved through low rooflines set back from the roadside behind vegetation.</del>"</p> <p>Care must be taken to retain <b>the</b> unobstructed view <del>views</del> west from St Mary's church, <del>or from existing houses on the north of the street.</del>"</p> <p><del>"....Trees should be retained, or new trees planted as replacements. A Heritage Impact Assessment should be provided to 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 ensure that any development does not harm heritage assets"</del></p>	
R37	25	Page 43, Policy 2: Housing Sites, Site 4	<u>EXAMINER COMMENT:</u>	For clarity and avoidance of doubt to ensure topography is taken into account.

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			<p>Add a new criterion to site 4 within Policy 2 that reads: <i>"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."</i> to The Longfield, The Spring</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add new policy criterion against site 4 of Policy 2 as follows:</li> </ul> <p><b><u>"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."</u></b></p>	
R38	25	Page 43, Policy 2: Housing Sites, Site 4, number 12	<p><u>EXAMINER COMMENT:</u></p> <p>Change number 12. In the policy to read: <i>"Trees should be retained wherever possible and if replacement planting is needed, this should achieve a net gain in biodiversity on the site."</i></p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number '12' within Policy 2 as follows:</li> </ul> <p><b><u>"Trees should be retained wherever possible and if replacement planting is needed, this should achieve a net gain in biodiversity on the site. <del>or new trees planted as replacements</del>"</u></b></p>	For the avoidance of doubt and to ensure clarity of the policy.

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R39	25	Page 43, Policy 2: Housing Sites, Site 4, number 13	<p><u>EXAMINER COMMENT:</u></p> <p>Change number 13. in the policy to read: "<i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 13 of Policy 2 as follows:</li> </ul> <p><del>"Because there is a</del> <b>An ecological assessment will be needed and should take account of the</b> nearby priority BAP habitats – the stream to the south of the site. <del>Appropriate ecological assessment would be needed to inform design.</del> Additional planting and mitigation measures may be required, which <del>are likely to</del> <b>may</b> include limiting the density of the housing to <del>achieve</del> <b>ensure that</b> an adequate buffer to the stream <b>can be achieved,</b> subsequently reducing site capacity.</p>	For the avoidance of doubt and to ensure clarity of the policy
R40	25	Page 43, Policy 2: Housing Sites, Site 4, number 14	<p><u>EXAMINER COMMENT:</u></p> <p>Reword number 14. in the policy to read: "<i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 14 of Policy 2 as follows:</li> </ul>	For the avoidance of doubt and to ensure clarity of the policy

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			<i>"Development of the site would benefit from an improvement to footway across the site frontage to 3 m cycleway <b>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.</b>"</i>	
R41	25	Page 44, Policy 2: Housing Sites, Site 5, number 15	<p><u>EXAMINER COMMENT:</u></p> <p>Change number 15. in the policy to read: "Careful design of <i>any</i> access <i>will be</i> necessary. The overall number of dwellings on the site may be limited by <i>the need for a satisfactory access.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 15 of Policy 2 as follows:</li> </ul> <p>"Careful design of <b>any</b> access <b>will be</b> necessary <del>to avoid danger to visitors and children</del>. The overall number of dwellings on <b>the</b> site may <del>need to be limited to this same consideration</del> by the need for a satisfactory access"</p>	For the avoidance of doubt and to ensure clarity of the policy.
R42	26	Page 44, , Policy 2: Housing Sites, Site 5, number 16	<p><u>EXAMINER COMMENT:</u></p> <p>Change number 16. in the policy to read: "An ecological survey will be required <i>and any</i> scheme should <i>provide for a net gain to</i> biodiversity. This may reduce total number of homes that can be delivered and lead to imposition of lighting conditions <i>and the need for offsite mitigation.</i> Existing mature trees should be retained or <i>satisfactorily replaced.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 16 of Policy 2 as follows:</li> </ul>	For the avoidance of doubt and to ensure clarity of the policy

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			<p><del>"An Ecological survey will be required</del> <b><u>and any scheme should provide for a net gain to</u></b> <del>prior to design and scheme should aim for no significant loss to biodiversity overall.</del> This may reduce total number of homes that can be delivered and lead to imposition of lighting conditions <b><u>and the need for offsite mitigation.</u></b> Existing mature trees should be retained or <del>compensated for</del> <b><u>satisfactorily replaced.</u></b>"</p>	
R43	26	Page 44, Policy 2: Housing Sites number 20	<p><u>EXAMINER COMMENT:</u></p> <p>Change number 20. in the policy to read: "The site is close to a business park. <i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 20 of Policy 2 as follows:</li> </ul> <p>"20. The site is close to a business park. <b><u>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.</u></b> <del>Impacts of business and residential on each other must be considered"</del></p>	To ensure that new development is satisfactorily located with the existing business park.
R44	26	Page 44, Policy 2: Housing Sites	<p><u>WILTSHIRE COUNCIL COMMENT AND REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Consequential amendments to numbering of points in Policy 2 to reflect changes made to the policy as set out in R33, R34, R37 and R46.</li> </ul>	Numbering correction. Consequential change (R33, R34, R37 and R46).



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R45	26	Page 45, Justification, point 20	<p><u>EXAMINER COMMENT:</u></p> <p>Reword point 20. in the justification on page 45 to read: "<i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend text for point 20 of the justification to read:</li> </ul> <p><del>"To protect the amenity and living conditions of occupiers of the residential development.</del> <b><u>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.</u></b>"</p>	To ensure that new development is satisfactorily located with the existing business park and numbering correction.
R46	26	Page 44, Policy 2: Housing Sites, Site 9	<p><u>EXAMINER COMMENT:</u></p> <p>Add a new criterion to Southcliffe that reads: "<i>An ecological assessment of the site will be required.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add a new criterion to the Southcliffe site before number 21 as follows:</li> </ul> <p><b><u>"An ecological assessment of the site will be required."</u></b></p>	To ensure an ecological assessment is carried out.
R47	26	Page 44, Policy 2: Housing	<p><u>EXAMINER COMMENT:</u></p>	For clarity and to ensure an ecological assessment is carried out.

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		Sites, Site 9, number 21	<p>Change point 21. to read: "Any loss of trees or hedgerows should be compensated for by replacement planting <i>to achieve a net gain in biodiversity and be informed by the ecological assessment.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend number 21 in 'Site 9 Southcliffe' of Policy 2 as follows:</li> </ul> <p>"Any loss of trees or hedgerows should be compensated for by replacement planting <b><u>to achieve a net gain in biodiversity and be informed by the ecological assessment.</u></b>"</p>	
R48	26	Page 45, Justification	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Add a justification for the addition of new criterion as set out in R37 - "To ensure topography is taken into account."</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add a justification for the new criterion (inserted by R37 above) as follows:</li> </ul> <p><b><u>"To ensure topography is taken into account."</u></b></p>	To ensure topography is considered and numbering correction.
R49	26	Page 45, Justification	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete justification point 5 because of the removal of number 5 by R33 above; and numbers 7, 8, 9 and 10 because of the deletion of Spin Hill site in R34.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete justification points 5, 7, 8, 9 and 10.</li> </ul>	To reflect deleted policy criteria.

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R50	26	Page 45, Justification	<u>WILTSHIRE COUNCIL COMMENT AND REQUIRED MODIFICATION:</u>  Consequential numbering amendments to the Justification section for Policy 2 to reflect deletion of points made in R49 and insertion of new points in R48 and R51.	Numbering correction. Consequential amendment (R49. R48 and R51).
R51	N/A	Page 45, Justification	<u>WILTSHIRE COUNCIL COMMENT:</u>  Add a justification for the addition of new criterion as mentioned in R46 above.  <u>REQUIRED MODIFICATION:</u>  <ul style="list-style-type: none"> <li>Add a new justification as follows:</li> </ul> <p><b><u>"To ensure an ecological assessment is carried out."</u></b></p>	To ensure an ecological assessment is carried out.
R52	26	Page 46, Sites policy map	<u>WILTSHIRE COUNCIL COMMENT AND REQUIRED MODIFICATION:</u>  Delete the text box Site 2 (North of Spin Hill) and remove site from the map.	To reflect the deletion of Site 2 (R34).
R53	26	Page 49, Paragraph 8.12 and map	<u>EXAMINER COMMENT:</u>  Delete the title "Site 2..." from page 49, change the wording of paragraph 8.12 to "The settlement boundary <i>is shown on this map.</i> "  <u>REQUIRED MODIFICATION:</u>  <ul style="list-style-type: none"> <li><u>Amend text as follows:</u></li> </ul> <p><del>"Site 2 Land North of Spin Hill –</del> <u>Amendments to Settlement Boundary"</u></p>	To reflect the deletion of Site 2 (R34).

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			"8.12 The settlement boundary is <del>revised as set out in section 7 and as shown on this map.</del> "	
R54	26	Page 49, Map	<p><u>EXAMINER COMMENT:</u></p> <p>Remove the "Market Lavington NP Proposed Settlement Boundary Amendments" from the map on page 49.</p> <p><u>WILTSHIRE COUNCIL COMMENT</u></p> <p>Wiltshire Housing Site Allocations Plan was adopted February 2020. Map key should be amended as the boundary is no longer proposed.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Remove the 'Market Lavington NP Proposed Settlement Boundary Amendment' edged in blue from the map and map key should be amended as the boundary is no longer proposed.</li> </ul>	To reflect the deletion of Site 2 (R34).
R55	26	Page 47, Map and title	<p><u>EXAMINER COMMENT:</u></p> <p>Deletion of map on page 47.</p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Delete title "Site 2 Land North of Spin Hill (SHELAA Ref n/a)"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete map on page 47 and the following title:</li> </ul> <p><del>"Site 2 Land North of Spin Hill (SHELAA Ref n/a)"</del></p>	To reflect the deletion of Site 2 (R34).

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R56	26	Page 48, Map and text	<p><u>EXAMINER COMMENT:</u></p> <p>"Deletion of the ... the map and contents of page 48".</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete map on page 48 and the following text <u>as follows:</u></li> </ul> <p><del>"Site 2 Land North of Spin Hill — Footpath Network Map"</del>  <del>"Note: The site is well connected by a network of footpaths and is also on a bus route. However, development of the site is likely to require improvements to these sustainable transport modes in order to enhance overall sustainability. See Appendix 11"</del></p>	To reflect the deletion of Site 2 (R34).
R57	26	Page 50	<p><u>EXAMINER COMMENT:</u></p> <p>Deletion of page 50.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete title and all six paragraphs on page 50.</li> </ul>	To reflect the deletion of Site 2 (R34).
Policy 3: Infrastructure Priorities				
R58	27	Page 54, Title for Policy 3	<p><u>EXAMINER COMMENT:</u></p> <p>Change the title of the policy to "<i>Local</i> Infrastructure Priorities" and correct "Wilshire" in the first sentence of the policy to "<i>Wiltshire</i>".</p> <p><u>REQUIRED MODIFICATION</u></p> <ul style="list-style-type: none"> <li><u>Amend text as follows:</u></li> </ul> <p>"Policy 3: <u>Local</u> Infrastructure Priorities"</p>	For clarity and to correct typographical error.

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			"...and in accordance with National and Wiltshire Core Strategy policy."	
Policy 4: Retail Services				
R59	27 and 28	Page 57, Map	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p>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</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Insert amended map to reflect the above</li> </ul>	To include a logical extension to the retail area and for clarity.
R60	28	Page 56, Policy 4: Retail Services, first and last sentence	<p><u>EXAMINER COMMENT:</u></p> <p>Reword the first sentence of the policy to: "The provision of new and expanded retail outlets within the area shown edged yellow on the <i>Retail Policy Map will be supported in principle through:</i>" (retain existing bullet points) and delete the words "...subject to compliance with other policies of the Plan and the Wiltshire Core Strategy" from the last sentence of the policy.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the text in Policy 4 as follows:</li> </ul> <p>"The provision of new and expanded retail outlets within the area shown edged yellow on the <b>Retail Policy Map will be supported in</b></p>	For the avoidance of doubt and to ensure clarity of the policy

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			<p><b>principle through:</b> <del>is permitted subject to acceptable impacts on neighbours, other policies of the plan...</del></p> <p>"...Mixed use developments including the conversion of upper floors of shops to residential or office use are encouraged <del>subject to compliance with other policies of the Plan and the Wiltshire Core Strategy</del>"</p>	
R61	28	Page 55, Paragraph 8.18	<p><u>EXAMINER COMMENT:</u></p> <p>Remove the references to Kennet Local Plan Policy ED 23 from paragraph 8.18 on page 55 of the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend text as follows:</li> </ul> <p>"...former Kennet Local Plan Policies <del>ED23 and</del> ED24 encourages retail development in Service Centres. <del>Policy ED23 is not a saved policy, but ED24 is</del>"</p>	In the interest of accuracy - Policy ED23 is not saved.
R62	28	Appendix 7	<p><u>EXAMINER COMMENT:</u></p> <p>Delete Appendix 7 from the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete full Appendix 7 title and map.</li> </ul>	In the interest of accuracy and to avoid duplication.
Policy 5: Local Green Spaces				

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R63	29	Page 63, Map for Hamilton Drive Play Area	<p><u>EXAMINER COMMENT:</u></p> <p>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.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Replace with Hamilton Drive Play area attached at Appendix A of this document</li> </ul>	In the interests of accuracy.
R64	29	Page 59	<p><u>EXAMINER COMMENT:</u></p> <p>Delete box on page 59 of the Plan which contains information on ownership</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete box referring to land ownership.</li> </ul>	In the interest of clarity.
<b>Appendices</b>				
R65	31	Page 75, Appendix 4a	<p><u>EXAMINER COMMENT:</u></p> <p>Change the second "Appendix 4a" on page 75 of the Plan to "Appendix 4b"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend title for second map in Appendix 4 as follows:</li> </ul> <p>"Appendix 4<b>ab</b> – Market Lavington and heritage – wider context"</p>	To correct typographical error.



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R66	31	Page 74, Appendix 4a and new 4b	<p><u>EXAMINER COMMENT:</u></p> <p>Add a sentence to Appendix 4 that reads: <i>"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."</i></p> <p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Insert overall heading 'Appendix 4 - Market Lavington and heritage' consistent with contents page. The Examiner's wording can be inserted underneath.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add the following text under a new heading at the start of the Appendix 'Appendix 4 – Market Lavington and heritage'</li> </ul> <p><b><u>"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."</u></b></p>	To ensure up to date evidence is used.
R67	31	Page 77, Appendix 5	<p><u>EXAMINER COMMENT:</u></p> <p>Add a sentence to Appendix 5 that reads: <i>"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."</i></p> <p><u>REQUIRED MODIFICATION:</u></p>	To ensure up to date evidence is used.

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			<ul style="list-style-type: none"> <li>Add the following text under the title "Appendix 5 Market Lavington and flood risk: Surface water (Environment Agency online mapping)" as follows:</li> </ul> <p><b><u>"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."</u></b></p>	
R68	31	Page 78, Appendix 6	<p><u>EXAMINER COMMENT:</u></p> <p>Add a sentence to Appendix 6 that reads: "<i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add the following text under the title "Appendix 6 Public rights of way and sustainable transport" as follows</li> </ul> <p><b><u>"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."</u></b></p>	To ensure up to date evidence is used.
R69	31	Pages 80-82, Appendix 8	<p><u>EXAMINER COMMENT:</u></p> <p>Remove Appendix 8 from the Plan</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete whole of Appendix 8. This can be retained as a supporting document as part of the evidence base.</li> </ul>	To avoid confusion.

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R70	31	Page 83, Appendix 9	<p><u>EXAMINER COMMENT:</u></p> <p>Remove Appendix 9 from the Plan</p> <p><u>REQUIRED MODIFICATION:</u></p> <p>Delete whole Appendix 9. This can be retained as a supporting document as part of the evidence base.</p>	For clarity.
R71	31	Page 84, Appendix 10	<p><u>EXAMINER COMMENT:</u></p> <p>Add a sentence to Appendix 10 that reads: "<i>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.</i>"</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Add the following text under the title "Appendix 10: The Local Flood Plan" as follows:</li> </ul> <p><b><u>"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."</u></b></p>	To ensure up to date evidence is used.
R72	31	Page 84, Appendix 10	<p><u>WILTSHIRE COUNCIL COMMENT AND REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Re-number Appendix 10 to Appendix 7.</li> </ul>	Renumbering to reflect deleted appendices (R62, R69 and R70).
R73	31	Pages 85-88, Appendix 11	<p><u>EXAMINER COMMENT:</u></p> <p>Remove Appendix 11 from the Plan.</p> <p><u>REQUIRED MODIFICATION:</u></p>	To reflect the deletion of Site 2 Spin Hill (R34).

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			<ul style="list-style-type: none"> <li>Delete whole Appendix 11.</li> </ul>	
R74	31	New Appendix 8	<p><u>EXAMINER COMMENT:</u></p> <p>Add new appendix 8 that contains information on groundwater flood risk (see the maps included with Wiltshire Council's representation).</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Insert maps into new "<b><u>Appendix 8 Groundwater Flood Risk</u></b>".</li> </ul> <p>(Maps attached at Appendix B of this document)</p>	For completeness.
R75		Page 7 Paragraph 4.3 Second sentence	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend the text within the second sentence of paragraph 4.3 to "...although a Wiltshire Housing Site Allocations Plan (WHSAP) was adopted in February 2020 and the WCS is itself being reviewed. The 'limits of development' or settlement boundary for Market Lavington were reviewed through the preparation of the WHSAP. The following are considered to be the most relevant sections of the WCS – although of course all apply."</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the second sentence of paragraph 4.3 as follows:</li> </ul> <p>"The main one of these is the Wiltshire Core Strategy 2015 (WCS) although a <b><u>Wiltshire</u></b> Housing Site Allocations Plan (<b><u>WHSAP</u></b>) <del>is also now being produced</del> <b><u>was adopted in February 2020</u></b> and the WCS is itself being reviewed. <del>The HSAP is not yet part of the Development Plan, but is nevertheless considered below.</del> <b><u>The 'limits of development' or settlement boundary for Market Lavington were reviewed through</u></b></p>	To reflect the updated position

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			<b><u>the preparation of the WHSAP.</u></b> The following are considered to be the most relevant sections of the WCS – although of course all apply.”	
R76		Page 7 Paragraph 4.6 Last sentence	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend the last sentence of paragraph 4.6 so that it is the correct version of the document which is the 'Wiltshire Revised Planning Obligations Supplementary Planning Document October 2016'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend the last sentence of paragraph 4.6 as follows:</li> </ul> <p>“Detail is added to this by the Wiltshire <b>Revised</b> Planning Obligations <del>DPD May 2015</del> <b>Supplementary Planning Document October 2016.</b>”</p>	The correct version of the document.
R77		Page 8 Paragraph 4.8	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend bullet points of Core Policy 34 to reflect adopted WCS policy.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li><u>Amend bullet points of WCS Core Policy 34 on page 8 as follows:</u></li> </ul> <p>i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; <b>or</b>  ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; <b>or</b>  iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; <b>or</b></p>	In the interest of accuracy

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			<p>iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council, <del>will be supported where they:</del></p> <p><b>Where they:</b></p> <p><del>a.</del> <del>v.</del> meet sustainable development objectives as set out in the policies of this Core Strategy <b>and</b></p> <p><del>b.</del> <del>vi.</del> are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity <b>and</b></p> <p><del>c.</del> <del>vii.</del> are supported by evidence that they are required to benefit the local economic and social needs <b>and</b></p> <p><del>d.</del> <del>viii.</del> would not undermine the delivery of strategic employment allocations <b>and</b></p> <p><del>e.</del> <del>ix.</del> are supported by adequate infrastructure.</p>	
R78		Page 10 Paragraphs 4.13-4.16	<p>WILTSHIRE COUNCIL COMMENT:</p> <p>Delete in full paragraphs 4.13 - 4.16 as the policy position is out of date.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Delete paragraphs 4.13 to 4.16 as follows:</li> </ul> <p><del>"4.13 The Wiltshire <b>Housing Site Allocation Plan (HSAP)</b> was published by Wiltshire Council in July 2017. This proposed several sites in Market Lavington, totaling some 80 homes. Details of these sites and the NDP Steering Group's response can be found in the accompanying Consultation Statement (CS).</del></p> <p><del>4.14 There is no fundamental difference in strategy between the draft HSAP and the NDP; both seek to build on the position of Market Lavington as a local service centre. The HSAP draft, at the time of the</del></p>	To reflect the latest policy position

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			<p><del>NDP's Regulation 14, and the NDP itself, allocated a similar number of homes, but on partly differing sites.</del></p> <p><del>4.15 The only major disagreement between the two plans is on the actual sites selected, and even here there was some common ground. In the summer of 2017, the NDP Steering Group wrote to the Director of Planning and Economic development at Wiltshire Council proposing that the NDP sites should replace those of the currently proposed in the HSAP to avoid a later conflict between the two. This correspondence is given in the Consultation Statement. Following the first Regulation 14, further representations were made and Wiltshire Council finally agreed to remove all Market Lavington sites from the HSAP and rely on the NDP for housing delivery, a decision supported by the fact that a 5 year housing land supply could be demonstrated in the East Housing Market Area and therefore there was not a strategic need to allocate housing in the village.</del></p> <p><del>4.16 While a collection of written policies does provide a literal context to the plan that follows, it is perhaps helpful to say a few words about how this relates to specific key issues that the plan later deals with."</del></p>	
R79		Page 11 Paragraph 4.22	<p><u>WILTSHIRE COUNCIL COMMENT:</u></p> <p>Amend paragraph 4.22 so that it is the correct version of the document which is the 'Wiltshire Revised Planning Obligations Supplementary Planning Document October 2016'.</p> <p><u>REQUIRED MODIFICATION:</u></p> <ul style="list-style-type: none"> <li>Amend paragraph 4.22 as follows:</li> </ul> <p>"However, WCS Core Policy 3 and the Wiltshire <b>Revised</b> Planning Obligations <b>Supplementary Planning Document October 2016</b> <i>DPD</i></p>	

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			do provide a basis for using developer contributions to pay for the costs of improving sustainable transport locally.	
R80		Throughout the NP Page 3, Para 7.15, Para 7.22, Para 8.9 and Page 71.	<u>WILSHIRE COUNCIL COMMENT:</u>  Ensure any reference to HSAP uses full title WHSAP and where full title given should be Wiltshire Housing Site Allocations Plan (WHSAP)	For clarity
R80		All	<u>REQUIRED MODIFICATIONS:</u>  Amend paragraph and section numbers as necessary, as a result of modifications set out in this report. Also ensure plan annexes in logical order  (It should be noted that there are two 8.9 paragraphs)	Consequential changes



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### Appendix A

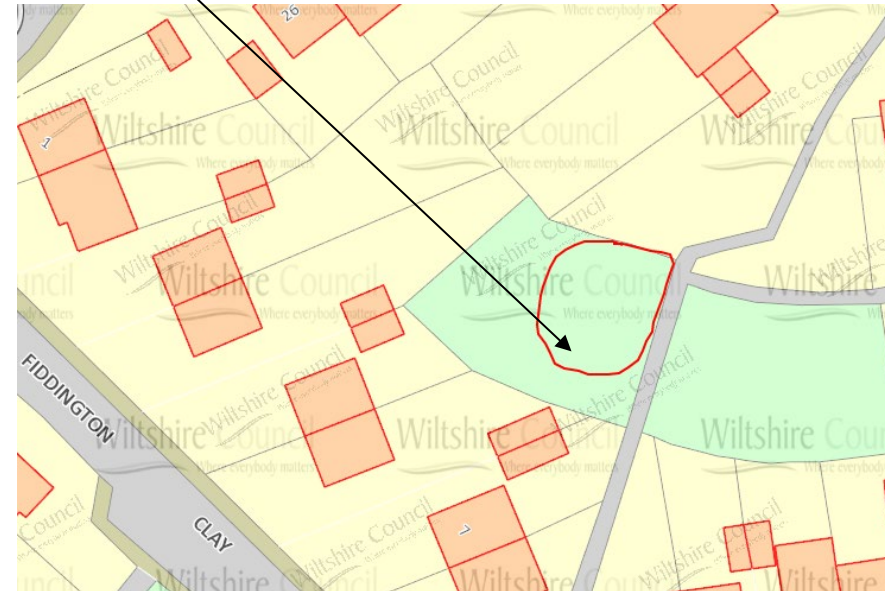
Substitute map for Hamilton Drive Play Area to replace map on page 63 (Modification R61)

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



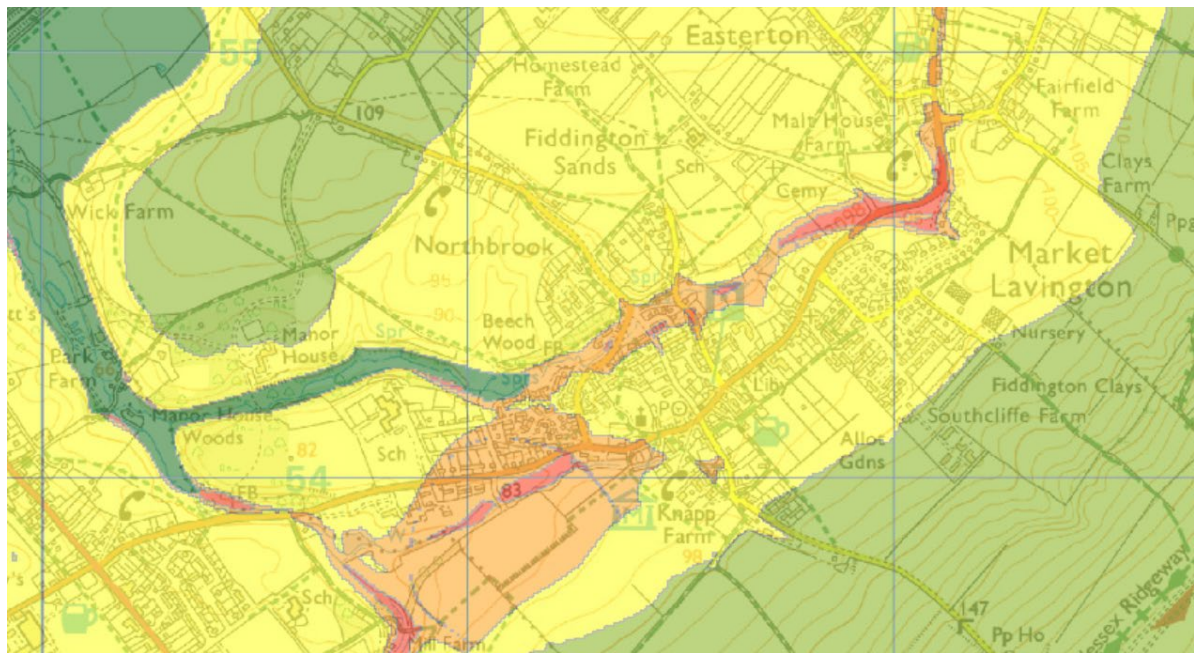
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### Appendix B

New Appendix 8 Groundwater Flood Risk (Modification R72)

- ☐ ☒ Groundwater Flood Risk
- DepthRange
- ☒ No risk.
  - ☒ Groundwater levels are at least 5m below the ground surface.
  - ☒ Groundwater levels are between 0.5m and 5m below the ground surface.
  - ☒ Groundwater levels are between 0.025m and 0.5m below the ground surface.
  - ☒ Groundwater levels are either at or very near (within 0.025m of) the ground surface.



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See individual sites below

The Springs



Site 5 Lavington School

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Site 9 Southcliffe

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