

MARKET LAVINGTON PARISH COUNCIL

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WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION Written Statement by Market Lavington Parish Council (issue 3) – Respondent Ref No: 924012

Issue 3: Does the distribution of site allocations accord with the spatial strategy in the WCS? In particular:

3.3 *Is the approach set out in Stages 1 and 2 of the site selection process justified? In particular, has a consistent and justified approach been taken to excluding specific locations from the scope of the exercise, including:*

- *areas with made or emerging Neighbourhood Plans? (* Note, in responding to this question, **the Council is requested to provide an up to date assessment of the stage each relevant Neighbourhood Plan is at in its preparation**).*

1.0 **Introduction:**

This representation is intended to draw the Examiner's attention to the role of the Market Lavington Neighbourhood Plan (NDP) in delivering housing for Market Lavington and the current state of preparation of the Market Lavington NDP in full (Issue 3). It supports the approach taken by the WHSAP and confirms its soundness.

2.0 **Representation**

Wiltshire Council has applied a justified approach in terms of site selection and the emerging Market Lavington Neighbourhood Plan (NDP).

2.1 During NDP production it became clear that potential conflict existed between the first draft of the WHSAP and the NDP. This is explained in the NDP (Extracts attached) . The WHSAP was subsequently amended removing the proposed housing sites in the Market Lavington plan area. This decision was supported by a re-appraisal of housing need by Wiltshire Council that concluded that there was no longer any strategic need to allocate the sites. It was also recognised that the NDP was close to submission.

2.2 The effect of this decision was essentially to place the future development of Market Lavington (a Local Service Centre) in the hands of the emerging NDP. This was logical since the NDP was close to submission (Regulation 16) at the time. The position was welcomed by the NDP Steering Group, which believed that there was a need to allocate sites for housing and also to support local business

development through planning policy aimed at increasing the vitality, viability and self-containment of the village. This was supported through extensive community engagement and an independent housing survey.

- 2.3 The Submission Draft of the NDP allocates 88 homes (more than the original HSAP proposals) on sites that have community support and are likely to pass referendum. Some of these sites were also proposed by the HSAP, some were not. Site selection was based on logical and locally relevant criteria fully described in the NDP.
- 2.4 The NDP takes great care to balance the new housing with employment (and has policies for both) as well as safeguarding biodiversity, heritage and landscape. The overall aim is to improve the sustainability of Market Lavington by providing sufficient homes and facilities in close proximity to reduce the need to travel, while minimising harm to the environment.
- 2.5 It is the contention of this representation therefore that Wiltshire Council's approach in dropping the original sites from the WHSAP and allowing provision to be made via the NDP was a logical one because:
 - Their own calculations indicated no strategic housing need
 - They were aware that the NDP was well advanced and was about to reach the Regulation 16 stage and would be allocating sufficient development to meet any local need.

The WHSAP approach is likely to result in:

- The carrying forward of Wiltshire Core Strategy (WCS) policies
- The meeting of any local housing need and,
- The achievement of sustainable development
- The encouragement of neighbourhood planning as required by the NPPF and PPG.

2.6 **State of Preparation of the Market Lavington Neighbourhood Plan**

The Market Lavington NDP has been completed. An attempt made to submit it on 3rd January 2019. At that time Wiltshire Council changed its mind regarding the need for an SEA.

- 2.7 The new requirement was based on the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28th December 2018. These require an SEA where the requirement for an HRA (an 'Appropriate Assessment' under the regulations) is triggered. This was the case here due to the proximity of the Salisbury Plain Special Area of Conservation (SAC).

- 2.8 An HRA has since been carried out and found that no impact on the SAC will result from the Market Lavington NDP. A focussed SEA has been started, but given that its only issue to consider will be the (non-existent) impact on the SAC, this seems certain to return a positive verdict and allow the NDP to proceed immediately to submission (i.e. the Regulation 15/16 Stage).
- 2.9 Normally Wiltshire Council will only give significant weight to an NDP where it is at the Regulation 16 stage. Given the above circumstances however, it is thought that the Market Lavington NDP can logically be regarded to be at the Regulation 15/16 stage for the planning purposes of the WHSAP, and that therefore Wiltshire Council is logical and consistent in the approach of the WHSAP to development in this area. **It is hoped that the plan will be submitted before or during the WHSAP Examination.**

PLEASE SEE BELOW FOR EXTRACTS FROM MARKET LAVINGTON NEIGHBOURHOOD PLAN

Attachment:

Extract from Market Lavington Neighbourhood Plan (included because the Inspector will not yet have seen this or otherwise have access to it)



Market Lavington Neighbourhood Development Plan 2018 – 2026



Neighbourhood Plan Document
Submission Draft
January 2019

(Paragraph 4.13 following are relevant)

- 4.11 Policy 'HC37 Demand for Education' provides backing for a general wish in the community to improve the Secondary School- most particularly by creating a new 6th Form.

In the case of new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) the Local Planning Authority will need to be satisfied (having regard to advice from the LEA) that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development. The contribution will be related to the education needs generated by that development.

- 4.12 Policy 'ED24 New development in service centres' is a useful context for the enhancement of the current retail offering of Market Lavington because it is consistent with community wishes for such an enhancement to occur.

The Service Centres for Ludgershall, Market Lavington, Pewsey, and Tidworth are defined on the Inset Maps. Within these areas planning permission will be granted for new shops and services or extensions to existing shops or services provided that service arrangements are adequate. In the case of Ludgershall, premises which front on to the Andover Road should ensure there is convenient pedestrian access to off-street parking and that adequate off-street provision for service vehicles is made'.

- 4.13 The Wiltshire Housing Site Allocation Plan (HSAP) 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).

- 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 NDP's Regulation 14, and the NDP itself, allocated a similar number of homes, but on partly differing sites.

- 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.

7.0 Site Selection

7.0 Market Lavington is designated in the Wiltshire Core Strategy as a 'Local Service Centre' and as such, while the overall spatial strategy requires most housing to go to Devizes, some will nevertheless fall will to the 'Devizes Community Area Remainder', within which Market Lavington is located. As of March 2017, there was an overall 'indicative remaining housing requirement' (2016-2026) of 154 for this entire area. It seems logical that a substantial proportion should be located in the service centre of Market Lavington, although the WCS does not specify a figure.

7.1 Site Selection for the Regulation 14 (Pre-Submission Consultation) Draft

Site selection began with the Wiltshire SHLAA. Wiltshire Council was updating the 2012 SHLAA in early 2015 and at that time they supplied the sites map used in the Questionnaire (paragraph 3.17 in the questionnaire). This included details of 10 SHLAA sites. The Parish Council was aware that Lavington School were in the process of submitting a SHLAA application to Wiltshire Council, so also included this site in the questionnaire as well i.e. 11 sites in total were listed in the questionnaire.

7.2 By August 2015, Wiltshire Council's updating of the SHLAA had produced 4 more sites:

SHLAA site 3412 – land between Drove Lane & Northbrook
SHLAA site 3500 – land between Drove Lane and Oak Lane –
SHLAA site 618 – land west of Spin Hill
SHLAA site 1074 – brownfield land off Broadway.

7.3 By this time, the Parish Council realised that it needed to put site selection on a more rigorous and technical basis because it had become clear that the methodology used would not provide the rigour necessary to satisfy Government Guidance and good practice. In particular sites had been considered against a set of draft 'policy statements' that were felt to be imprecise, based on no clear evidence and unsuited to practical land use planning. These were:

- Developments to be small scale no larger than 20 or 30 new dwellings
- Development on the outskirts of the village which mitigate traffic flows through the centre of the village to be favoured
- Open spaces and rural setting to be protected to preserve the rural feel of the village and access to the surrounding countryside

The Steering Group therefore employed consultants AECOM to carry out a site selection exercise (see 'AECOM Sites Report' as an appendix in the Scoping Report). This exercise would therefore potentially be examining 15 sites.

- 7.4 However, there were also the sites suggested by the community to consider. AECOM toured all of the sites together with member of the Steering Group. It was found that almost all of the sites suggested by the community were either not within the parish, were outside the settlement boundary or were already included within some of the SHLAA sites (e.g. several were within SHLAA site 3412). Just two new sites went forward from the community - AECOM site ref. 2 – field to west of Spin Hill, South Kings Road and AECOM site ref. 13 – Elisha Field. At this point therefore, the total number of sites for assessment was 17.
- 7.5 In writing their Report however, AECOM grouped together SHLAA Sites 530 and 2055 (Aecom ref 11a and 11 b), and did not assess site 1061, a very small site of around 5 dwellings, which was included in the village questionnaire), thus reducing the total number of sites shown in their report to 15.
- 7.6 The net effect of the above process was that all SHLAA sites were considered by AECOM and that two new sites suggested by the community were also analysed by them – ‘field to west of Spin Hill, South Kings Road’ and ‘Elisha Field’.
- 7.7 The Parish Council then instructed the Planning Consultant, brought on board early in 2017, to create a site selection matrix to suggest a final selection of sites based on the AECOM report and the responses of the community throughout the consultation process – questionnaire and events. This included the summary of the Questionnaire results in a separate report produced by ENACT in September 2015. The ENACT report is reproduced in The Consultation Statement.
- 7.8 **Wishes of the Community – Referendum Pass Capability (RPC)**
The Tattenhall judgement* has made clear that site selection is a neighbourhood plan does not have to consider sites that would be unlikely to pass referendum. In other words, if there is likely to be insufficient community support for an option in a neighbourhood plan, it is not a “reasonable alternative” and therefore it can therefore be discounted from consideration. The site selection process therefore includes an ‘RPC’ or ‘Referendum Pass Capability’ criterion. This is based on the earlier community engagement, and in particular the ENACT report produced in 2015. The community engagement (see consultation statement) demonstrated certain strong preferences which were confirmed numerous times to the Steering Group at the various events held. These community preference parameters were:
- Sites of up to around circa 30 dwellings
 - Sites to ideally be spread around the village, rather than one large site
 - Overall quantum of development to be in the region of 100 dwellings (indicative, not prescriptive)
 - Sites to ideally score an average score of above (3.0) in the ENACT Questionnaire Report.
 - Sites to have been suggested by at least 2 people during Community Engagement

Sites conflicting with these criteria would be unlikely to pass referendum.

* Case No: CO/15278/2013. Neutral Citation Number: [2014] EWHC 1470 (Admin). 9th May 2014. The Hon. Justice Supperstone

7.9 **The SHELAA**

In November 2017 Wiltshire Council published the SHELAA, updating and replacing the SHLAA on which the site selection was originally based. However, many SHLAA sites were simply carried forward and so no new analysis is necessary. Of the SHELAA sites that are considered to be suitable, achievable, available and deliverable and that were either modified or new relative to the earlier SHLAA:

Site	New or modified?	Notes
374	Modified	Now added to part of 529 – increased from 5 to 77 units – was too small, now too large to meet indicated community wishes regarding general scale and therefore be likely to pass referendum. Does not have RPC: ‘Referendum Pass Capability’
3412	New	Up to 328 homes. Too large to gain community support (as 374). Does not have RPC: ‘Referendum Pass Capability’
3500	New	Up to 80 homes. Too large to gain community support (as 374). Does not have RPC: ‘Referendum Pass Capability’

All 4 sites actually selected by the NDP based on the SHLAA, also feature in the SHELAA (and are still considered to be suitable, achievable, available and deliverable).

7.10 It has already been determined at examination and in the courts that a NDP does not have to consider sites that would not be supported at referendum based on earlier community engagement. While the NDP does not seek to impose a rigid limit on either capacity at individual sites or in growth overall in the plan area, it is nevertheless not obliged to consider options which would be unlikely to pass referendum. Since these sites would not gain community support based on their size, they were excluded from further analysis.

7.11 **Heritage Impacts**

During second SEA screening, Historic England expressed concern regarding the AECOM assessment in respect of assessing impact on heritage assets. The SEA screening process and Historic England’s comments are considered fully in the accompanying consultation Statement (CS). However, a heritage report produced by Wessex Archaeology in January 2018 concluded that no harm would result to the heritage assets from the development of NDP sites, providing measures were taken to ensure sensitive layout, density, access, landscaping, lighting and height. The heritage report also recommended additional archaeological evaluation of all three sites could be required in advance of development. An additional column was added to the site allocation table below to incorporate the necessary detail and the density of the proposed development at 3268 The Spring was reduced by 5 homes. The potential developer of the site at ‘The Spring’ also produced their own heritage report which suggested that a heritage assessment could accompany any planning application.

7.12 After the first Regulation 14 consultation, the NDP was revised. One site was dropped and another added. The plan was screened again for SEA and HRA. At this point Historic England expressed concern that the plan might require an SEA because the site selection methodology did not address potential heritage impacts in detail. This was, in fact, due to the distance of the new site from any heritage assets. However, the LPA’s conservation officer concluded that no harm would result from the changes to the plan and Historic England agreed to accept this view (see CS). An SEA was eventually carried out (date) and

7.13 Flood Risk Issues

The Environment Agency concurred that all sites selected were within flood zone 1 (low risk). However, they suggested that the Local Lead Flood Agency should be consulted in terms of non-fluvial flooding risks. This was subsequently done as part of Reg. 14. During Regulation 14, the Lead Local Flood Agency (Wiltshire Council) agreed that flood risk should be considered from surface water as well as from rivers. The appropriate flood risk map was obtained and is given in Appendix 5. All sites were reconsidered against this. No sites proposed by the NDP were found to be at risk of surface water flooding that would prevent development.

7.14 However, in the case of 'The Spring' (SHELAA references 3268) where the LPA had identified a particular concern about surface water, a technical report was produced by the potential developer of the site (Appendix 9). This confirmed that the Environment Agencies Flood Risk map did not take account of all drainage from the site. When correctly modelled, the site was found to present no unsurmountable difficulties for a well- designed scheme. Indeed, the report concluded that a net improvement would be possible. Any scheme would have to demonstrate this in more detail using a full FRA (which the potential developer has agreed to provide) and a layout allowing for sustainable drainage. These matters can be dealt with at the planning application stage. The LPA considered it likely that site capacity could be reduced by these measures and the indicative quantum was therefore reduced from 23 to 20 new homes.



Flood risk issues were considered in relation to all sites (larger map in Appendix 5)

7.15 Highway issues

During the Regulation 14 consultation, Wiltshire Council raised concerns about highway issues at two sites originally proposed:
Site 619 Land South of Spin Hill
Site 3443 Lavington School Fields

A highways report was commissioned and this is given as Appendix 8. The report effectively concluded that acceptable access was not realistically possible for site 619. Access to the school would be possible providing certain safety aspects could be secured. It should be noted that Wiltshire Council also proposed this site in its HSAP. The highways report also concluded that an alternative site 'Land North of Spin Hill' was achievable in access terms.

Accordingly Site 619 was dropped from the NDP, the site North of Spin Hill, which had gathered some support during Reg 14 consultation, was added. Site 3443 was amended to indicate some access issues to be resolved.

7.16 **Site North of Spin Hill (Site 2)**

Core policies 1 and 2 generally exclude sites beyond settlement boundaries – however is possible for a neighbourhood plan to overcome this policy objection Core Policy 2 states: *The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans*.

It therefore proposed to alter the settlement boundary (the Limit of Development) to bring the new site within the boundary and for the following reasons:

- The houses to the south-east of the site are generally considered to be part of Market Lavington
- It is clear that future growth cannot be accommodated within the historic core due to the constraints of heritage and traffic congestion – carefully controlled greenfield expansion will eventually be necessary
- Expanding the settlement boundary modestly builds flexibility into the plan as required by the NPPF paragraph 50.

The settlement boundary is therefore extended to include the existing homes on Spin Hill and Site 2, Land North of Spin Hill. This is shown on the map given in Policy 2.

7.17 It is considered that the site presents a sustainable and suitable location for housing given:

- An independent Sustainable Transport report (See Appendix 11) indicates that the site is a sustainable one for housing as it is connected by non-car means to the main village and further transport networks. However, the policy also requires improvements in sustainable transport links including a sustainable travel plan. Wiltshire Council suggested that the site could be made more sustainable by providing a footpath/cycleway across the site frontage with the provision of dropped kerbs at either end to allow connection to the existing footpath on the southern side of the road. This provision would improve road safety and access to the village for existing as well as new residents – this has been incorporated within the policy.
- That the site is approximately 400 metres outside the existing settlement boundary but will be brought within the boundary and sustainable transport links will be improved.
- Market Lavington, as a local service centre has a good range of services.
- That a bus service stops on Spin Hill, around 100 metres from the site. There are further services within the village.
- The site is of the correct size to satisfy local opinion and therefore to pass referendum
- The site will avoid harm to heritage assets within the village and is less likely to add significantly to congestion
- Biodiversity and landscape impacts are addressed within the policy.

7.18 In terms of foot and cycle access – there is in fact a network of paths (see map with Policy 2) – for example footpaths to Canada Rise (for onward links to Lavington School) and behind Sandmartens Farm to the top of Northbrook (for onward links to St Barnabas School and the village). These routes would need to be enhanced (for example upgraded to cycle routes) and possible added to.

7.19 Site Capacities Post Regulation 14 Consultation

The site capacities of some sites (the number of homes on each) changed as a result of consultation inputs:

Site 2 - Field to North of Spin Hill – Site size reduced to 1 hectare to avoid power lines. Capacity set at 30 homes.

The Spring SHLAA 3268. FRA required prior to development. Scheme design to mitigate surface water flooding. Indicative number of homes reduced to 20 to allow from drainage scheme, reflecting comments of the LPA.

Lavington School SHLAA 3443 Number reduced from 20 to 15 to match suggested allocation level in Wiltshire HSAP.

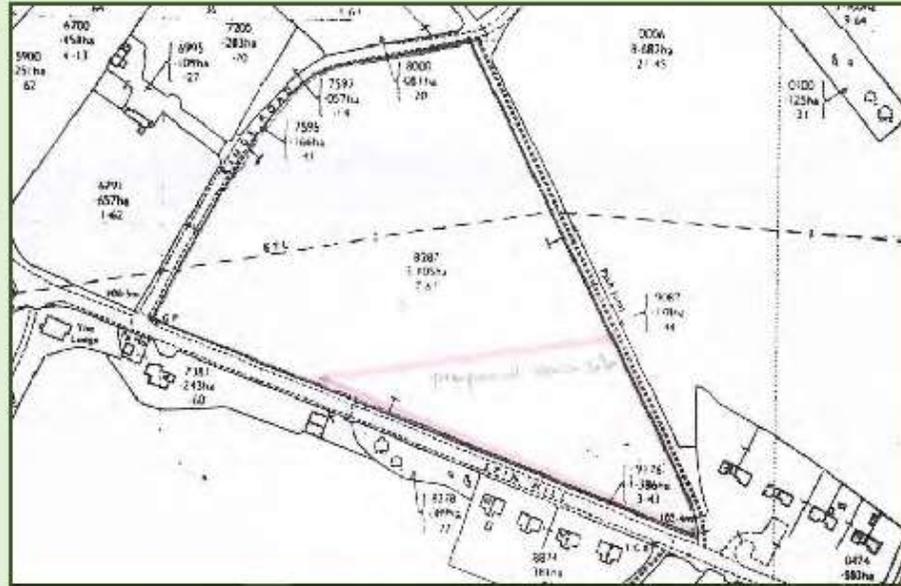
7.20 Power Lines and landscape

Beyond basic Voltage Safety Clearance Distances set out in Regulations such as the Electricity Safety, Quality and Continuity Regulations 2002, there is no formal standard for the proximity of homes to power lines. Although there are exposure limits for Electro Magnetic Fields (EMF's), all major power lines

are within these limits within just a few metres of the pylons. Nevertheless, the stakeholder Advisory Group on Extremely Low Frequency Magnetic Fields (SAGE) set up by the Government in 2004 proposed a separation distance of 230 feet or 70 metres between homes and power lines.

7.21 Power lines cross site 619 South of Spin Hill, and, acting on the precautionary principle, are taken to represent an additional constraint for that site. The site North of Spin Hill also has overhead cables crossing it (see map below). Based also on the precautionary principle therefore any site allocation on the North of Spin Hill site should be limited to the lower half of the field only – a site are of about 1 hectare, capable of accommodating around 30 homes.

It would in any case be necessary to limit development to this area to avoid harm to the landscape that could be caused by development further north - an issue identified in the AECOM report. Additionally, it is necessary to limit development to an overall level needed to ensure that the plan passes referendum.



Site 2. (SHELAA REF n/a) Electricity Supply Cable

Position of overhead power cables

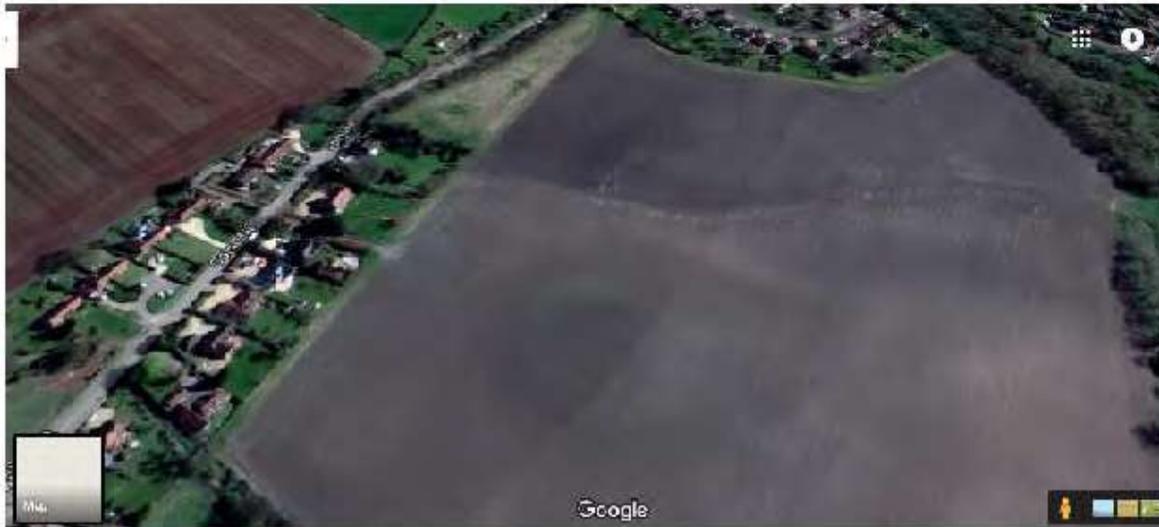
Site 2 (North of Spin Hill)



Site 3 (SHELAA REF 619) Electricity Supply Cable

Position of overhead power cables

Site 3 (Land to south of Spin Hill, Canada Rise - SHELAA ref 619)



7.22 Underhill Nursery (REF) (Sites 11a - Underhill Nursery SHLAA ref 2055 and Site 11b - Fiddington Hill SHLAA ref 530)

This site was proposed in the HSAP, but dropped in late 2018 when Wiltshire Council decided to leave site allocation in Market Lavington to the NDP. The site was considered during the early stages of the NDP and again following comments from the owners at the second Regulation 14 consultation in October 2018. The site is not allocated because it conflicts with three NDP Objectives used as criteria in site selection:

Objective 1 'To provide the housing the community wants and needs in developments of moderate size in the locations it approves, in particular to meet the needs of first time buyers and growing families'.

Early community engagement identified a community preference for small and medium sized developments (up to around 30 indicative units), Yielding a total of up to an indicative maximum of 100 homes – this being well above the demonstrated local need as identified in the HNS.

While early community engagement (see Consultation Statement) suggested that the Underhill Nursery site might be acceptable, this reflects the fact that the nursery site was, at the time, split up into 3 sites – SHLAA Refs 530, 1016 and 2055. The smallest of these received the highest score. Since then the sites have been merged and what is now proposed is a development of 70 homes. Not only is this above the community preference for smaller sites, but, in conjunction with the other sites proposed, would take the overall total allocated by the plan to 158, well above the community's preferred maximum of 100. The Steering Group does not seek to impose arbitrary limits on development, but does have to ensure that the NDP passes referendum. For this purpose it applied a Referendum Pass Capability' criteria during site selection. The Tattenhall Judgement established that a site likely to fail referendum is not a reasonable alternative and hence does not have to be considered. Based on the established community wishes, it seems unlikely that the larger Underhill site would be acceptable and could jeopardise the Plan.

Objective 4. 'To tackle transport problems, including parking, congestion, public transport and the necessary improvement of footpaths and pavements.'

Both AECOM and Wiltshire Council have identified access problems down the rural single track road to the site. The site owner has claimed that these can be solved but no evidence to support this has been presented to the Steering Group.

Objective 6 'To balance any more houses with employment opportunities including more and better shops and small-scale tourism including bed and breakfast accommodation.'

The present site nursery not only provides jobs, but has the potential for expansion. It has been suggested that the nursery could be moved, but no evidence or draft legal agreement to support this has been presented to the Steering Group. The NDP aims to create balanced sustainable development, encouraging both new homes and jobs. This is felt to be an essential component of sustainable development

7.23 On the basis that the site failed the site selection criteria employed, it was rejected.

7.24 In summary therefore, the criteria for final (post-Regulation 14) site selection for the Market Lavington Neighbourhood Plan are:

- Positive SHLAA assessment where appropriate (Suitability)
- Positive SHLAA assessment where appropriate (Viability)
- Positive SHLAA assessment where appropriate or consent of the owner (Availability)
- RPC: 'Referendum Pass Capability' based on earlier community engagement – would the site pass referendum?
- Consistency with NDP Objectives
- General consistency with WCS policy
- No 'deal-breakers' or constraints that cannot be overcome – e.g. power lines, impact on heritage or landscape *1.
- Manageable flood risk (in flood zone 1 for river flooding and where any surface water flooding is capable of mitigation through appropriate design).
- Acceptability in Highway terms.

These criteria are considered to meet or exceed the Government's requirements in Planning Practice Guidance for a Neighbourhood Plan.

7.25 The above process was long, but thorough. It included professional expertise and rigorous objective assessment combined with the wishes and views of the community and input from statutory consultees. Both processes are reflected in the site selection table below and the four sites finally selected to go forward into the plan are shaded dark green.



*For example, at 3268, Long Field, The Spring, the original SHLAA site was discounted in the Wiltshire Housing Site Allocations DPD due to concerns about possible archaeology. However, the site owner commissioned archaeological investigations which subsequently proved that any remains on the site were of low significance and no bar to development. The site was therefore retained in the site selection for the NDP. Extracts of the archeology evidence are given as Appendix 9 of the Scoping Report.

7.26 Sites Selected for the Submission Draft

The resulting number of homes (88) 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 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 order to ensure flexibility and supply over the whole plan period (the HNS predicts demand only for the next 3 years).

7.27 The overall quantum of development also needs to be high enough that, while acceptable to the community and so be capable of passing referendum, it also boost the local population, which has been declining. A larger population would help to safeguard existing facilities and services on which the overall sustainability for the village depends.

7.28 The NDP takes forward WCS Housing Policies 43 and 45 in delivering a significant supply of new homes, including affordable housing and concentrates development in a place that has some infrastructure and will reduce the need to travel. The Plan reflects the views of the community about where and in what quantities housing should be delivered. A sustainable travel plan will ensure that traffic generation can be mitigated and policies attempt to address both economic as well as social needs in an effort to create a sustainable community (e.g. a retail policy as well as housing). Subsequent reviews of the plan (see section 10) during the plan period, will ensure that housing needs continue to be met. As such the NDP follows the core principles of both the WCS and NPPF and is therefore a balanced and carefully considered strategy, likely to result in sustainable development.

7.29 Planning obligations, including CIL, generated by this level of development will make a significant contribution towards the infrastructure ambitions of the plan. However, they are unlikely to meet all of the aspirations of the community and it must be recognised that further fund-raising or lobbying may be necessary. In some cases the achievement of some ambitions may not be possible. For example, for many years the community has sought a relief road to reduce congestion. However, the quantum of development required to deliver this would not be supported by the community and would probably conflict with Core Policies 1 and 2 of the WCS. Nevertheless, this plan aims to balance growth with environmental protection and respect community wishes while delivering what the Development Plan requires, without imposing unrealistic burdens on development. As such it is felt to be a worthwhile and carefully considered compromise.

7.30 The Site Selection Table that follows sets out the criteria and their application so that the deliberations involved may be seen at a glance.

7.31 Site Selection Table (DARK SHADING INDICATES ALLOCATED SITES)

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA *** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability 2	Consistent with which NDP Objectives? 3 (No. in bracket)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water)	Quantum () RPC - ✓ or ✗? Location complies with WCS? (6)
Site 1 - Brownfield land off Broadway SHLAA ref 1074	No – not suitable for residential	YES	YES	N/A	N/A	N/A	NO	No – employment land? (5)	No. FZ1	(N/A) RPC ✓ No – too far out
Site 2 - Field to North of Spin Hill / East of Kings Road SHLAA ref N/A	Not a SHLAA site	Viable according to WLPVS**	N/A	Yes, but with constraints	YES	Owner confirmed available	YES	Yes if site reduced in size	No. FZ1 Highway access OK No SW flooding	Site reduced to 1ha. (30 dwellings) RPC ✓ Yes
Site 3 - Land south of Spin Hill SHLAA ref 619	Yes	YES	YES	YES	N/A	N/A	YES (3.5)	Yes, especially (1)	No. FZ1 No good access	(22) RPC ✓ Yes
Site 4 - The Spring. SHLAA ref 3268	YES (Archaeological issues overcome – see Appendix 9 Scoping Rep.)	YES	YES	YES (Conditional)	N/A	N/A	YES (3.0)	Yes, especially 1.	No. FZ1 Surface water flooding capable of mitigation	(20) RPC ✓ Yes
Site 5 - Lavington School unused fields SHLAA ref 3443	YES	YES	YES*	NO	YES	YES	YES (2.9)	Yes, 1 and 7.	No. FZ1 Solvable Access Issues No SW flooding	(15) RPC ✓ Yes
Site 6 - Land east of White Street SHLAA ref 374	YES – but some constraints – e.g. access	YES	YES	N/A	N/A	N/A	YES (2.9)	No (2) also (4 - access).	No. FZ1 Access Problem	(5) RPC ✓ Yes
Site 7 - Land between Drove Lane and Northbrook	NO (considered since 2012 SHLAA Report)	N/A	N/A	NO (Site too large and unacceptable impacts)	YES	YES	NO	No. landscape impact (2)	No. FZ1	(?) RPC ✗ Landscape issues Yes

* Confirmed by the School to the Steering Group that this is available Spring 2017. ** WLPVS – Wiltshire Local Plan Viability Study
 *** Same data as the later SHLAA

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA*** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability (RPC) 2	Consistent with which NDP Objectives? 3 (Objective No. in brackets)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water) No. FZ1	Quantum () RPC -√ or x ? Location in accordance with WCS? (6)
Site 8 - Land to the East of Northbrook SHLAA site 712	NO. Access problems	YES	YES	NO	N/A	N/A	YES (3.0)	No (2, 4)	No. FZ1	(24) RPC ✓ Flood / heritage issues Yes
Site 9 – Southcliffe SHLAA ref 1089	Yes	YES	YES	YES	N/A	N/A	YES (3.3)	Yes, especially (1)	No. FZ1 Small risk of SW capable of mitigation	(23) RPC ✓ Yes
Site 10 - South of The Clays SHLAA ref 529	YES – but some constraints	YES	NO – too many site ownerships	NO	N/A	N/A	NO	No. (2, 4)	No. FZ1 Access Issues	(57) RPC x Allotments, heritage Yes
Site 11a - Underhill Nursery SHLAA ref 2055	YES (But access issues)	YES	YES	NO	N/A	N/A	NO (at capacity of 70 now proposed by owner)	No (1) – Too large. (4) Transport issues (5) loss employ. land	No. FZ1 Access & landscape issues	(77 with 11b) RPC x Yes
Site 11b - Fiddington Hill SHLAA ref 530	YES	YES	YES	N/A	N/A	N/A	YES as a stand alone, NO when merged with 11a (3.4)	No (1) -too large. (4) Access, (5) loss employ. land	No. FZ1 Access	(77 with 11 a) RPC x Yes
Site 12 - Drove Lane and Oak Lane SHLAA ref 3500	NO	NO	N/A	NO (But landscape issues)	YES	N/A	NO	No (1 - too large) and (2)	No. FZ1	(100) RPC x Yes

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA*** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability 2	Consistent with which NDP Objectives? 3 (Objective No. in brackets)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water)	Quantum () RPC - ✓ or ✗ ? Location in accordance with WCS? (6)
Site 13 - Elisha Recreation Field	N/A	N/A	N/A	NO	YES	NO owned PC!	NO	No (3)	No. FZ1	(N/A) (Rec Area) RPC ✗ 7 No (loss of rec) (23)
Site 14 - Land North of Francis Road, adjacent to Canada Woods SHLAA 623	NO Flood Risk and access issues	YES	YES	N/A	N/A	N/A	NO	No. (2, 4)	Yes. Part FZ2 Access issues	RPC ✓ Flooding problems No. (Flooding) (Unknown) Policy conflict – too far out RPC? No (remote from village)
Site 15 - Land west of Spin Hill SHLAA 618.	NO Location too far from facilities	NO	Unknown	NO	YES	N/A	NO	Yes	No. FZ1	

1. Wiltshire SHLAA 2012 as updated by SHELAA.

2. Score from community questionnaire June 2015 – See ENACT Report Sept 2015 in Consultation Statement

3. See Plan Objectives in section 6 above,

4. Availability – see SHLAA for definition. For non-SHLAA personal enquiry from the School and information from Wiltshire Council

5. Viability – See SHLAA for SHLAA sites. For others reference was made to the Wiltshire Local Plan Viability Study 2014

6. Wiltshire Core Policies (in particular 1,2, 43, 45), 7. See AECOM Report in Scoping Report.

7. Popular recreation facility. Plan very unlikely to pass referendum if this allocated for housing .

8.0 Policies of the Plan

- 8.0 The following section includes the formal land-use policies of the Market Lavington Neighbourhood Plan. They are designed to deliver the plan's Vision and Objectives as suggested by the community, but are related directly to the hard evidence produced by the scoping research. In taking forward the policy ideas given in the Scoping Report and reproduced again for clarity in the preceding section, policy choice was informed by a re-read of the Vision and Objectives and then draft ideas checked again against the Themes and Comments from the community. In practice this was an iterative and creative process, dipping in and out of the Consultation Statement and Scoping Report, as factual evidence and the community's wishes were synthesized to create workable draft policies. This work was undertaken by the planning consultant who has experience in drafting policy for an LPA.
- 8.1 The policies of the Neighbourhood Plan have been prepared to be in accordance with Planning Law, Regulations, Government Policy and Guidance. Among the legal requirements is the rule that they must help take forward the policies of the Local Plan for the area. Specifically, the 'Basic Conditions' require that NDP policies are; *'in general conformity with the strategic policies contained in the development plan...'*
- 8.2 A Neighbourhood Plan should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (NPPF Paragraph 29).
- 8.3 It is a basic principle of planning policy that it should not repeat higher level policy, nor may it deal with subjects that are not within the scope of land use planning. Guidance from Locality recommends that policies should 'add value' to the existing policy background: *'There is little point in your neighbourhood plan addressing issues that have already been covered by your local authority in its Local Plan. A neighbourhood plan should address gaps or provide further detail rather than duplicating existing policies.'* ('How to Write Planning Policies' 2015).
- 8.4 However, this does not mean that a neighbourhood plan has to slavishly avoid all areas for which the Local Plan has a policy. Indeed, there is a valuable role for neighbourhood plans in adding detail and local interpretation. In doing so, a plan would comply with Planning Practice Guidance (paragraph 41), which states that a neighbourhood plan should *'...be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared'*
- 8.5 For example, a neighbourhood plan might take forward strategic housing requirements by including local sites, it could indicate local needs for investment (in terms of Planning Obligations), or it could point out local priorities in terms of nature or heritage conservation. In assisting higher policy to move from the general to towards the specific, the neighbourhood plan ensures that local things important to the community are recognised early in the planning process, saving time and speeding consensus, thus 'adding value' to the overall planning process. In this way, avoiding repetition but adding detail, it can provide clarity and certainty for both developers and the community.

Planning Policy 1: Housing (General) Continued >

- a. Development of the sites identified in this plan must include a reasonable proportion of 1, 2 and 3 bedroom homes
- b. A proportion of homes must be affordable in accordance with Wiltshire Core Strategy Policy, however in meeting this requirement, a significant proportion of affordable homes provided can be discounted or shared ownership housing rather than affordable rent.
- c. 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 subject to compliance with the other policies of the plan.
 - Affordable self-build homes; sites delivering single units of self-build housing will be supported within the built-up area of the main village subject to compliance with the policies of this plan and the Wiltshire Core Strategy
 - 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 compliance with other policies of the NDP, acceptable impacts on neighbours and policies of the Wiltshire Core Strategy.
- d. Applications for development at 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. The strategy should be based on an FRA demonstrating how flood risk is to be managed and how sustainable drainage can be provided without adverse impacts.
- e. All sites must consider carefully how their designs respect and avoid harm to both landscape and heritage interests. Sub-surface archaeology is present at some sites. Heritage Impact statements or similar reports may be required.
- f. So as not to preclude future development, proposals should consider access needs of potential future development on nearby land.
- g. Market Lavington contains some sensitive landscapes and wildlife habitats. These are valued by the community. As such mature, native, broadleaved trees and hedgerows within all sites should be retained and enhanced.

Context	References
NDP Objectives	1, 2, 6
Wiltshire Core Strategy	1, 2, 41, 43, 45, 50, 51, 57, 58
NPPF	NPPF: Paragraphs 28, 59, 61-66,

Planning Policy 2: Housing Sites

8.9 Introduction and justification:

The NPPF requires Neighbourhood Plans to 'plan positively', taking forward the policies of the local Development Plan. One way of doing this is to allocate sites for housing. The Market Lavington Neighbourhood Plan allocates 4 sites, totaling 88 new homes. This 10% higher a quantum than was originally proposed in the draft Housing Site Allocations Plan (HSAP) but within the range of development quanta indicated as acceptable by the community, and hence likely to pass referendum.

Justification for both the quantum and location of the sites is given in sections 4, 5 and most especially section 7. But, the sites are intended:

- To take forward Wiltshire Core Strategy and national policy on housing, including provision of affordable housing to meet local need
- To support the overall spatial strategy of the WCS, locating development close to infrastructure, reducing the need to travel
- To improve the critical mass of Market Lavington, helping to improve viability of local businesses and services
- To respect the wishes of the community
- To help pay for needed infrastructure, raising life quality, improving self-containment and helping to deliver sustainable development
- To provide homes over the plan period.

8.10 Community consultation suggested that the community would support up to around 100 additional homes during the plan period. However it is not proposed to impose a rigid cap or limit. Similarly the quantum of homes suggested for each site allocated is indicative only. On some sites (especially site 4 / SHLAA ref 3268) this figure may need to be reduced in order to take account of contextual factors such as surface water flooding, landscape, biodiversity, heritage and impact on neighbours. The overall aim should be to ensure schemes of good design quality, respect for environmental and heritage assets and provide homes with excellent life quality for new and existing residents.



The community prefers smaller high quality developments that fit in well with the village heritage and landscape.

Policy 2 Housing Sites

SITE	Indicative No.'s	Policy Requirements
All allocated housing sites	N/A	<ol style="list-style-type: none"> 1. Market Lavington is an area rich in heritage. All schemes for development of allocated sites must provide acceptable archaeological evaluation of schemes, as well as proposals for monitoring if appropriate. 2. Numbers given are indicative and lower numbers may be necessary to achieve a satisfactory scheme – for example, all schemes must comply with Wiltshire Core Strategy policies 57 and 58. 3. Each site should deliver a range of homes to meet local needs – for example some 1, 2 and 3 bedroom dwellings. 4. Where possible, housing schemes should include measures to encourage walking and cycling by improvements to local public rights of way and cycle routes, as on site walking and cycling permeability. Such measures would be expected to result from transport assessments required to accompany planning applications for each site. 5. Informal action will create a village sustainable travel plan to help reduce impacts of traffic and congestion.
Site 2 North of Spin Hill (non-SHLAA)	30	<ol style="list-style-type: none"> 6. Development must be located in the southern half of the site, limited to one hectare and maintaining separation from the powerlines and homes of at least 70 metres. 7. At this site it will be important to create sustainable transport links to and from the main village. This will require enhancement of footpaths, possible creation of new routes, including pavements and lighting along Spin Hill main road (see map with this policy and Sustainable Transport report as Appendix 11). A footpath/cycleway should be provided across the site frontage with the provision of dropped kerbs at either end to allow connection to existing footpath on the southern side of the road. Public Transport improvements may be required. Proposals for enhanced sustainable transport should be set out in a Sustainable Travel Plan accompanying applications. 8. Existing trees and hedgerows should be retained / enhanced in accordance with advice from Natural England. 9. The settlement boundary will be extended to bring incorporate nearby housing and this site into the village.
Site 4. SHLAA ref 3268 The Longfield, The Spring	20 (Likely Maximum)	<ol style="list-style-type: none"> 10. 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 into the conservation area. This may mean reducing the number of homes on the site to below the indicative number in this policy. A good design could be achieved through low-rooflines set back from the roadside behind vegetation. Care must be taken to retain unobstructed view views west from St. Mary's church, or from existing houses on the north side of the street. Trees should be retained or new trees planted as replacements. A Heritage Impact Statement 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. 11. Trees should be retained or new trees planted as replacements. 12. Because there is a nearby priority BAP habitats – the stream to the south of the site. Appropriate ecological assessment would be needed to inform design. Additional planting and mitigation measures may be required, which are likely to include limiting the density of the housing to achieve an adequate buffer to the stream, subsequently reducing site capacity. 13. Development of the site would benefit from an improvement to footway across the site frontage to 3m cycleway.

Policy 2 Housing Sites – continued >

SITE	Indicative No.'s	Policy Requirements
Site 5 - SHLAA 3443 Lavington School	15	<p>14. Careful design of access necessary to avoid danger to visitors and children. The overall number of dwelling on site may need to be limited by this same consideration.</p> <p>15. Ecological survey will be required prior to design and scheme should aim for no significant loss to biodiversity overall. This may reduce total number of homes that can be delivered and lead to imposition of lighting conditions. Existing mature trees should be retained or compensated for.</p> <p>16. A connection to the existing public rights of way network north of the stream should be achieved from the site through the existing woodland /scrub area.</p>
Site 9. 1089 Southcliffe	23	<p>17. The development should be screened from the surrounding landscape and views (from the listed St. Mary's church, looking south-east towards the Ridgeway, and from the Ridgeway, looking north-west towards the church and the village core). This may involve preserving existing vegetation and adding to it as required.</p> <p>18. Access roads into the site should approach from the east and north, rather than along the south and west boundaries, to connect with existing roads in the housing estate and avoid loss of vegetation.</p> <p>19. The site is close to a business park. Impacts of business and residential uses on each other must be considered</p> <p>20. Any loss of trees should be compensated for by replacement planting.</p>
INDICATIVE TOTAL	88	

Context	References
NDP Objectives	1, 2, 6
Wiltshire Core Strategy	1, 2, 12, 41, 43, 45, 50, 51, 57, 58
NPPF	NPPF: Paragraphs 68-69, 70-72, 78, 127, 150



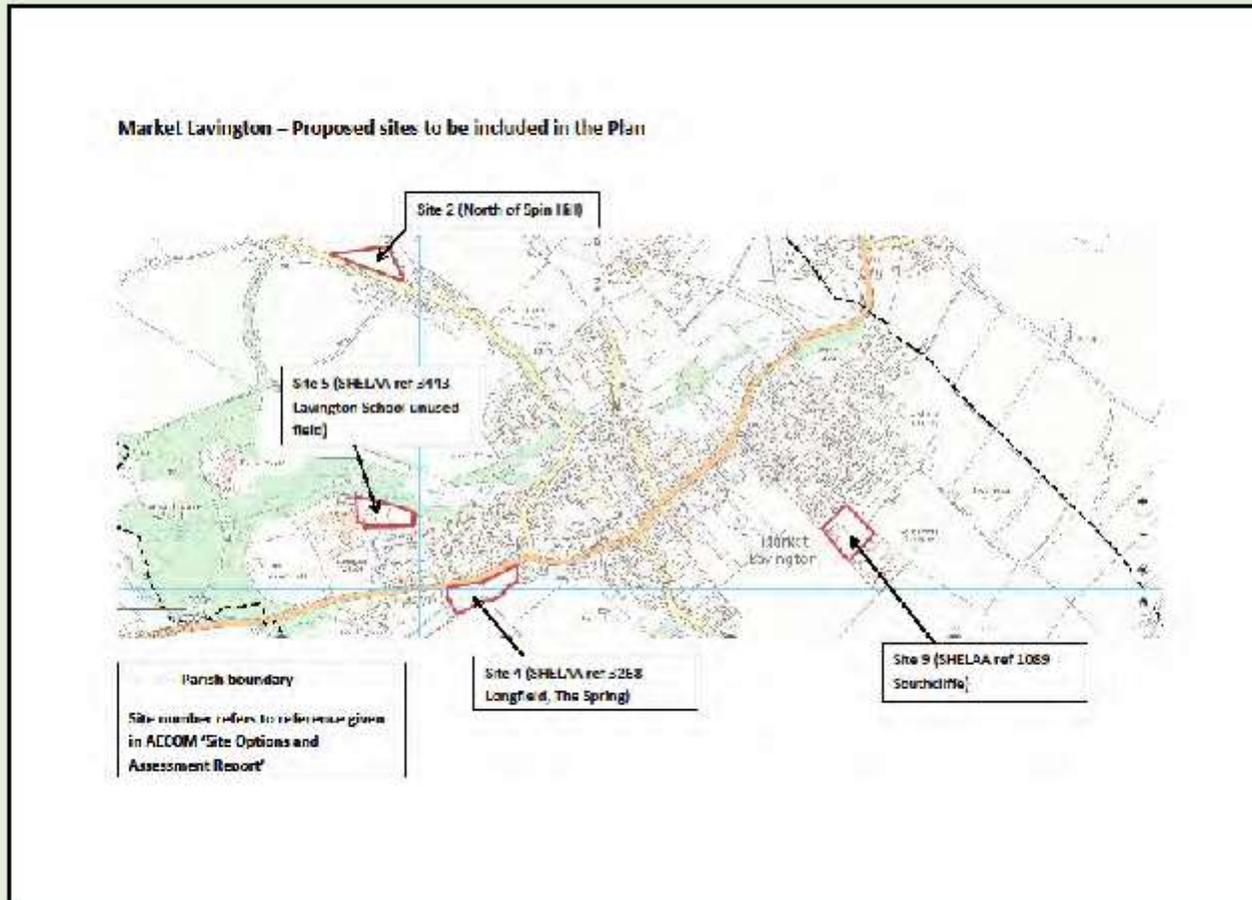
Justification:

The policy aims to deliver housing of good design quality on small-to medium sized sites around the village to comfortably meet assessed needs while being acceptable to the community and therefore being likely to pass a referendum. The policy is also designed to respect the local heritage and distinctive character of Market Lavington as described in the approved Conservation Area Statement and as required by Wiltshire Core Strategy Policies 57 and 58. The policy and its requirements reflect the advice of Historic England, Natural England, consultants Wessex Archaeology and DM Mason (highways consultant), Cole Easdon Civil Engineers (Flood Risk Consultants), and the LPA's conservation officer.

Numbers below provide justification of specific points and relate to the policy note numbers in the third column of above table.

1. In order to prevent harm to archaeology, to comply with advice received from Historic England and to comply with WCS Core Policy 58 and NPPF paragraph 128).
2. All sites have the potential to impact on heritage assets and on the local character and distinctiveness of the village. In particular, the village has an ancient linear pattern and typical modern layouts may not be appropriate. This has implications for layout, density and quantity in achieving a satisfactory design as required by Wiltshire Core Strategy Core Policy 57.
3. To reflect local needs and the preferences of the community and survey data as set out in the Housing Needs Survey and the Consultation Statement that accompany the NDP.
4. To minimise transport problems and help deliver more sustainable development.
5. To minimise transport problems and help deliver more sustainable development.
6. Reducing the site size to 1 hectare would allow homes to be sited 70m from nearest high voltage power line (On a precautionary basis, to reduce any possible risk from EMF). This would also reduce landscape impacts, which is an important consideration as noted by Natural England. At a typical local density of 30dph this would provide 30 homes.
7. Sustainable transport links are important to reduce the need to travel by car, delivering more sustainable development and were identified as necessary by the LPA. The installation of a new foot/cycle path across the site frontage reflects advice from Wiltshire council, the local highway authority.
8. Treatment of existing trees and hedgerows is based on advice from Natural England.
9. To create a more logical settlement boundary incorporating the homes at Spin Hill and those in the new site
10. To reflect the advice of Historic England and to protect the setting of a listed building.
11. To reflect advice from Wiltshire Council and Natural England and to conserve biodiversity
12. To reflect the advice of Natural England
13. To reflect advice from Wiltshire Council and to improve sustainable transport
14. To create a safe access and to avoid harm to pupils, teachers and visitors to the school. Quantum reduced on suggestion of Wiltshire Council.
15. To reflect the recommendations of Natural England and to minimise impact on biodiversity.
16. To improve sustainable transport links in accordance with the NPPF (paragraphs 102 ff)
17. To minimise harm to heritage assets and protect local landscape and character.
18. To reflect the concerns of Natural England regarding loss of vegetation.
19. To protect the amenity and living conditions of occupiers of the residential development
20. To reflect the concerns of Natural England and to preserve habitat.

8.11 Sites Policy Map showing overall distribution of sites



MARKET LAVINGTON PARISH COUNCIL

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WILTSHIRE HOUSING SITE ALLOCATIONS PLAN (WHSAP) EXAMINATION

Written Statement by Market Lavington Parish Council (Issue 4) – Respondent Ref No: 924012

Issue 4: Has the site selection process for housing allocations been soundly based?

1.0 Introduction:

1.1 This statement is made supporting the soundness of the WHSAP and in particular its approach towards housing provision in the Local Service Centre of Market Lavington (Issue 4).

2.0 Representation

2.1 There are no housing site allocations in Market Lavington in the WHSAP, however, the development of the area has been adequately taken forward by the emerging Market Lavington Neighbourhood Plan using logical site selection criteria (see attachment).

PLEASE SEE BELOW FOR EXTRACTS FROM MARKET LAVINGTON NEIGHBOURHOOD PLAN

Attachment:

Extract from Market Lavington Neighbourhood Plan (included because the Inspector will not yet have seen this or otherwise have access to it)



Market Lavington Neighbourhood Development Plan 2018 – 2026



Neighbourhood Plan Document
Submission Draft
January 2019

(Paragraph 4.13 following are relevant)

- 4.11 Policy 'HC37 Demand for Education' provides backing for a general wish in the community to improve the Secondary School- most particularly by creating a new 6th Form.

In the case of new housing developments involving 25 or more dwellings or 1 hectare of land (irrespective of the number of dwellings) the Local Planning Authority will need to be satisfied (having regard to advice from the LEA) that the primary and secondary education needs of the population of the new development can be met either by existing school infrastructure or through improvements to the existing school infrastructure. A contribution towards improvement of the existing school infrastructure will be sought where there is evidence that demonstrates that the need for the improvement is a consequence of the new housing development. The contribution will be related to the education needs generated by that development.

- 4.12 Policy 'ED24 New development in service centres' is a useful context for the enhancement of the current retail offering of Market Lavington because it is consistent with community wishes for such an enhancement to occur.

The Service Centres for Ludgershall, Market Lavington, Pewsey, and Tidworth are defined on the Inset Maps. Within these areas planning permission will be granted for new shops and services or extensions to existing shops or services provided that service arrangements are adequate. In the case of Ludgershall, premises which front on to the Andover Road should ensure there is convenient pedestrian access to off-street parking and that adequate off-street provision for service vehicles is made'.

- 4.13 The Wiltshire Housing Site Allocation Plan (HSAP) 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).

- 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 NDP's Regulation 14, and the NDP itself, allocated a similar number of homes, but on partly differing sites.

- 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.

7.0 Site Selection

7.0 Market Lavington is designated in the Wiltshire Core Strategy as a 'Local Service Centre' and as such, while the overall spatial strategy requires most housing to go to Devizes, some will nevertheless fall will to the 'Devizes Community Area Remainder', within which Market Lavington is located. As of March 2017, there was an overall 'indicative remaining housing requirement' (2016-2026) of 154 for this entire area. It seems logical that a substantial proportion should be located in the service centre of Market Lavington, although the WCS does not specify a figure.

7.1 Site Selection for the Regulation 14 (Pre-Submission Consultation) Draft

Site selection began with the Wiltshire SHLAA. Wiltshire Council was updating the 2012 SHLAA in early 2015 and at that time they supplied the sites map used in the Questionnaire (paragraph 3.17 in the questionnaire). This included details of 10 SHLAA sites. The Parish Council was aware that Lavington School were in the process of submitting a SHLAA application to Wiltshire Council, so also included this site in the questionnaire as well i.e. 11 sites in total were listed in the questionnaire.

7.2 By August 2015, Wiltshire Council's updating of the SHLAA had produced 4 more sites:

SHLAA site 3412 – land between Drove Lane & Northbrook
SHLAA site 3500 – land between Drove Lane and Oak Lane –
SHLAA site 618 – land west of Spin Hill
SHLAA site 1074 – brownfield land off Broadway.

7.3 By this time, the Parish Council realised that it needed to put site selection on a more rigorous and technical basis because it had become clear that the methodology used would not provide the rigour necessary to satisfy Government Guidance and good practice. In particular sites had been considered against a set of draft 'policy statements' that were felt to be imprecise, based on no clear evidence and unsuited to practical land use planning. These were:

- Developments to be small scale no larger than 20 or 30 new dwellings
- Development on the outskirts of the village which mitigate traffic flows through the centre of the village to be favoured
- Open spaces and rural setting to be protected to preserve the rural feel of the village and access to the surrounding countryside

The Steering Group therefore employed consultants AECOM to carry out a site selection exercise (see 'AECOM Sites Report' as an appendix in the Scoping Report). This exercise would therefore potentially be examining 15 sites.

- 7.4 However, there were also the sites suggested by the community to consider. AECOM toured all of the sites together with member of the Steering Group. It was found that almost all of the sites suggested by the community were either not within the parish, were outside the settlement boundary or were already included within some of the SHLAA sites (e.g. several were within SHLAA site 3412). Just two new sites went forward from the community - AECOM site ref. 2 – field to west of Spin Hill, South Kings Road and AECOM site ref. 13 – Elisha Field. At this point therefore, the total number of sites for assessment was 17.
- 7.5 In writing their Report however, AECOM grouped together SHLAA Sites 530 and 2055 (Aecom ref 11a and 11 b), and did not assess site 1061, a very small site of around 5 dwellings, which was included in the village questionnaire), thus reducing the total number of sites shown in their report to 15.
- 7.6 The net effect of the above process was that all SHLAA sites were considered by AECOM and that two new sites suggested by the community were also analysed by them – ‘field to west of Spin Hill, South Kings Road’ and ‘Elisha Field’.
- 7.7 The Parish Council then instructed the Planning Consultant, brought on board early in 2017, to create a site selection matrix to suggest a final selection of sites based on the AECOM report and the responses of the community throughout the consultation process – questionnaire and events. This included the summary of the Questionnaire results in a separate report produced by ENACT in September 2015. The ENACT report is reproduced in The Consultation Statement.
- 7.8 **Wishes of the Community – Referendum Pass Capability (RPC)**
The Tattenhall judgement* has made clear that site selection is a neighbourhood plan does not have to consider sites that would be unlikely to pass referendum. In other words, if there is likely to be insufficient community support for an option in a neighbourhood plan, it is not a “reasonable alternative” and therefore it can therefore be discounted from consideration. The site selection process therefore includes an ‘RPC’ or ‘Referendum Pass Capability’ criterion. This is based on the earlier community engagement, and in particular the ENACT report produced in 2015. The community engagement (see consultation statement) demonstrated certain strong preferences which were confirmed numerous times to the Steering Group at the various events held. These community preference parameters were:
- Sites of up to around circa 30 dwellings
 - Sites to ideally be spread around the village, rather than one large site
 - Overall quantum of development to be in the region of 100 dwellings (indicative, not prescriptive)
 - Sites to ideally score an average score of above (3.0) in the ENACT Questionnaire Report.
 - Sites to have been suggested by at least 2 people during Community Engagement

Sites conflicting with these criteria would be unlikely to pass referendum.

* Case No: CO/15278/2013. Neutral Citation Number: [2014] EWHC 1470 (Admin). 9th May 2014. The Hon. Justice Supperstone

7.9 **The SHELAA**

In November 2017 Wiltshire Council published the SHELAA, updating and replacing the SHLAA on which the site selection was originally based. However, many SHLAA sites were simply carried forward and so no new analysis is necessary. Of the SHELAA sites that are considered to be suitable, achievable, available and deliverable and that were either modified or new relative to the earlier SHLAA:

Site	New or modified?	Notes
374	Modified	Now added to part of 529 – increased from 5 to 77 units – was too small, now too large to meet indicated community wishes regarding general scale and therefore be likely to pass referendum. Does not have RPC: ‘Referendum Pass Capability’
3412	New	Up to 328 homes. Too large to gain community support (as 374). Does not have RPC: ‘Referendum Pass Capability’
3500	New	Up to 80 homes. Too large to gain community support (as 374). Does not have RPC: ‘Referendum Pass Capability’

All 4 sites actually selected by the NDP based on the SHLAA, also feature in the SHELAA (and are still considered to be suitable, achievable, available and deliverable).

7.10 It has already been determined at examination and in the courts that a NDP does not have to consider sites that would not be supported at referendum based on earlier community engagement. While the NDP does not seek to impose a rigid limit on either capacity at individual sites or in growth overall in the plan area, it is nevertheless not obliged to consider options which would be unlikely to pass referendum. Since these sites would not gain community support based on their size, they were excluded from further analysis.

7.11 **Heritage Impacts**

During second SEA screening, Historic England expressed concern regarding the AECOM assessment in respect of assessing impact on heritage assets. The SEA screening process and Historic England’s comments are considered fully in the accompanying consultation Statement (CS). However, a heritage report produced by Wessex Archaeology in January 2018 concluded that no harm would result to the heritage assets from the development of NDP sites, providing measures were taken to ensure sensitive layout, density, access, landscaping, lighting and height. The heritage report also recommended additional archaeological evaluation of all three sites could be required in advance of development. An additional column was added to the site allocation table below to incorporate the necessary detail and the density of the proposed development at 3268 The Spring was reduced by 5 homes. The potential developer of the site at ‘The Spring’ also produced their own heritage report which suggested that a heritage assessment could accompany any planning application.

7.12 After the first Regulation 14 consultation, the NDP was revised. One site was dropped and another added. The plan was screened again for SEA and HRA. At this point Historic England expressed concern that the plan might require an SEA because the site selection methodology did not address potential heritage impacts in detail. This was, in fact, due to the distance of the new site from any heritage assets. However, the LPA’s conservation officer concluded that no harm would result from the changes to the plan and Historic England agreed to accept this view (see CS). An SEA was eventually carried out (date) and

7.13 Flood Risk Issues

The Environment Agency concurred that all sites selected were within flood zone 1 (low risk). However, they suggested that the Local Lead Flood Agency should be consulted in terms of non-fluvial flooding risks. This was subsequently done as part of Reg. 14. During Regulation 14, the Lead Local Flood Agency (Wiltshire Council) agreed that flood risk should be considered from surface water as well as from rivers. The appropriate flood risk map was obtained and is given in Appendix 5. All sites were reconsidered against this. No sites proposed by the NDP were found to be at risk of surface water flooding that would prevent development.

7.14 However, in the case of 'The Spring' (SHELAA references 3268) where the LPA had identified a particular concern about surface water, a technical report was produced by the potential developer of the site (Appendix 9). This confirmed that the Environment Agencies Flood Risk map did not take account of all drainage from the site. When correctly modelled, the site was found to present no unsurmountable difficulties for a well- designed scheme. Indeed, the report concluded that a net improvement would be possible. Any scheme would have to demonstrate this in more detail using a full FRA (which the potential developer has agreed to provide) and a layout allowing for sustainable drainage. These matters can be dealt with at the planning application stage. The LPA considered it likely that site capacity could be reduced by these measures and the indicative quantum was therefore reduced from 23 to 20 new homes.



Flood risk issues were considered in relation to all sites (larger map in Appendix 5)

7.15 Highway issues

During the Regulation 14 consultation, Wiltshire Council raised concerns about highway issues at two sites originally proposed:
Site 619 Land South of Spin Hill
Site 3443 Lavington School Fields

A highways report was commissioned and this is given as Appendix 8. The report effectively concluded that acceptable access was not realistically possible for site 619. Access to the school would be possible providing certain safety aspects could be secured. It should be noted that Wiltshire Council also proposed this site in its HSAP. The highways report also concluded that an alternative site 'Land North of Spin Hill' was achievable in access terms.

Accordingly Site 619 was dropped from the NDP, the site North of Spin Hill, which had gathered some support during Reg 14 consultation, was added. Site 3443 was amended to indicate some access issues to be resolved.

7.16 **Site North of Spin Hill (Site 2)**

Core policies 1 and 2 generally exclude sites beyond settlement boundaries – however is possible for a neighbourhood plan to overcome this policy objection Core Policy 2 states: *The limits of development may only be altered through the identification of sites for development through subsequent Site Allocations Development Plan Documents and neighbourhood plans*.

It therefore proposed to alter the settlement boundary (the Limit of Development) to bring the new site within the boundary and for the following reasons:

- The houses to the south-east of the site are generally considered to be part of Market Lavington
- It is clear that future growth cannot be accommodated within the historic core due to the constraints of heritage and traffic congestion – carefully controlled greenfield expansion will eventually be necessary
- Expanding the settlement boundary modestly builds flexibility into the plan as required by the NPPF paragraph 50.

The settlement boundary is therefore extended to include the existing homes on Spin Hill and Site 2, Land North of Spin Hill. This is shown on the map given in Policy 2.

7.17 It is considered that the site presents a sustainable and suitable location for housing given:

- An independent Sustainable Transport report (See Appendix 11) indicates that the site is a sustainable one for housing as it is connected by non-car means to the main village and further transport networks. However, the policy also requires improvements in sustainable transport links including a sustainable travel plan. Wiltshire Council suggested that the site could be made more sustainable by providing a footpath/cycleway across the site frontage with the provision of dropped kerbs at either end to allow connection to the existing footpath on the southern side of the road. This provision would improve road safety and access to the village for existing as well as new residents – this has been incorporated within the policy.
- That the site is approximately 400 metres outside the existing settlement boundary but will be brought within the boundary and sustainable transport links will be improved.
- Market Lavington, as a local service centre has a good range of services.
- That a bus service stops on Spin Hill, around 100 metres from the site. There are further services within the village.
- The site is of the correct size to satisfy local opinion and therefore to pass referendum
- The site will avoid harm to heritage assets within the village and is less likely to add significantly to congestion
- Biodiversity and landscape impacts are addressed within the policy.

7.18 In terms of foot and cycle access – there is in fact a network of paths (see map with Policy 2) – for example footpaths to Canada Rise (for onward links to Lavington School) and behind Sandmartens Farm to the top of Northbrook (for onward links to St Barnabas School and the village). These routes would need to be enhanced (for example upgraded to cycle routes) and possible added to.

7.19 Site Capacities Post Regulation 14 Consultation

The site capacities of some sites (the number of homes on each) changed as a result of consultation inputs:

Site 2 - Field to North of Spin Hill – Site size reduced to 1 hectare to avoid power lines. Capacity set at 30 homes.

The Spring SHLAA 3268. FRA required prior to development. Scheme design to mitigate surface water flooding. Indicative number of homes reduced to 20 to allow from drainage scheme, reflecting comments of the LPA.

Lavington School SHLAA 3443 Number reduced from 20 to 15 to match suggested allocation level in Wiltshire HSAP.

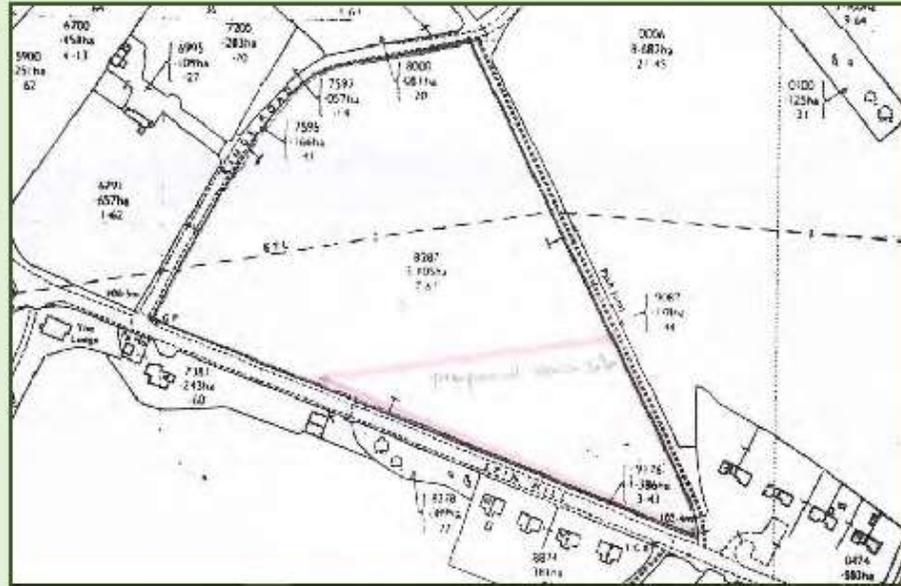
7.20 Power Lines and landscape

Beyond basic Voltage Safety Clearance Distances set out in Regulations such as the Electricity Safety, Quality and Continuity Regulations 2002, there is no formal standard for the proximity of homes to power lines. Although there are exposure limits for Electro Magnetic Fields (EMF's), all major power lines

are within these limits within just a few metres of the pylons. Nevertheless, the stakeholder Advisory Group on Extremely Low Frequency Magnetic Fields (SAGE) set up by the Government in 2004 proposed a separation distance of 230 feet or 70 metres between homes and power lines.

7.21 Power lines cross site 619 South of Spin Hill, and, acting on the precautionary principle, are taken to represent an additional constraint for that site. The site North of Spin Hill also has overhead cables crossing it (see map below). Based also on the precautionary principle therefore any site allocation on the North of Spin Hill site should be limited to the lower half of the field only – a site are of about 1 hectare, capable of accommodating around 30 homes.

It would in any case be necessary to limit development to this area to avoid harm to the landscape that could be caused by development further north - an issue identified in the AECOM report. Additionally, it is necessary to limit development to an overall level needed to ensure that the plan passes referendum.



Site 2. (SHELAA REF n/a) Electricity Supply Cable

Position of overhead power cables

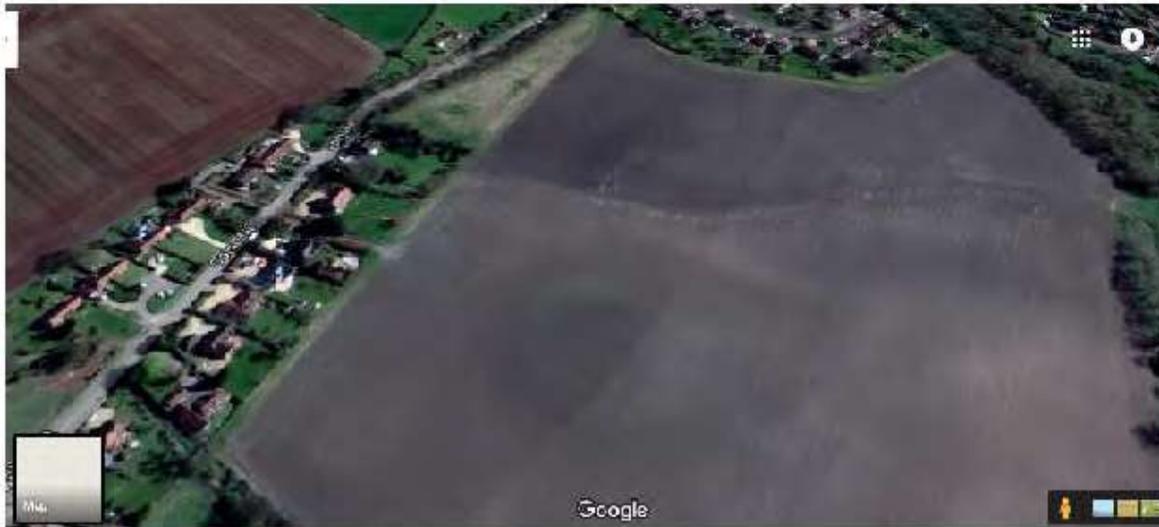
Site 2 (North of Spin Hill)



Site 3 (SHELAA REF 619) Electricity Supply Cable

Position of overhead power cables

Site 3 (Land to south of Spin Hill, Canada Rise - SHELAA ref 619)



7.22 Underhill Nursery (REF) (Sites 11a - Underhill Nursery SHLAA ref 2055 and Site 11b - Fiddington Hill SHLAA ref 530

This site was proposed in the HSAP, but dropped in late 2018 when Wiltshire Council decided to leave site allocation in Market Lavington to the NDP. The site was considered during the early stages of the NDP and again following comments from the owners at the second Regulation 14 consultation in October 2018. The site is not allocated because it conflicts with three NDP Objectives used as criteria in site selection:

Objective 1 'To provide the housing the community wants and needs in developments of moderate size in the locations it approves, in particular to meet the needs of first time buyers and growing families'.

Early community engagement identified a community preference for small and medium sized developments (up to around 30 indicative units), Yielding a total of up to an indicative maximum of 100 homes – this being well above the demonstrated local need as identified in the HNS.

While early community engagement (see Consultation Statement) suggested that the Underhill Nursery site might be acceptable, this reflects the fact that the nursery site was, at the time, split up into 3 sites – SHLAA Refs 530, 1016 and 2055. The smallest of these received the highest score. Since then the sites have been merged and what is now proposed is a development of 70 homes. Not only is this above the community preference for smaller sites, but, in conjunction with the other sites proposed, would take the overall total allocated by the plan to 158, well above the community's preferred maximum of 100. The Steering Group does not seek to impose arbitrary limits on development, but does have to ensure that the NDP passes referendum. For this purpose it applied a Referendum Pass Capability' criteria during site selection. The Tattenhall Judgement established that a site likely to fail referendum is not a reasonable alternative and hence does not have to be considered. Based on the established community wishes, it seems unlikely that the larger Underhill site would be acceptable and could jeopardise the Plan.

Objective 4. 'To tackle transport problems, including parking, congestion, public transport and the necessary improvement of footpaths and pavements.'

Both AECOM and Wiltshire Council have identified access problems down the rural single track road to the site. The site owner has claimed that these can be solved but no evidence to support this has been presented to the Steering Group.

Objective 6 'To balance any more houses with employment opportunities including more and better shops and small-scale tourism including bed and breakfast accommodation.'

The present site nursery not only provides jobs, but has the potential for expansion. It has been suggested that the nursery could be moved, but no evidence or draft legal agreement to support this has been presented to the Steering Group. The NDP aims to create balanced sustainable development, encouraging both new homes and jobs. This is felt to be an essential component of sustainable development

7.23 On the basis that the site failed the site selection criteria employed, it was rejected.

7.24 In summary therefore, the criteria for final (post-Regulation 14) site selection for the Market Lavington Neighbourhood Plan are:

- Positive SHLAA assessment where appropriate (Suitability)
- Positive SHLAA assessment where appropriate (Viability)
- Positive SHLAA assessment where appropriate or consent of the owner (Availability)
- RPC: 'Referendum Pass Capability' based on earlier community engagement – would the site pass referendum?
- Consistency with NDP Objectives
- General consistency with WCS policy
- No 'deal-breakers' or constraints that cannot be overcome – e.g. power lines, impact on heritage or landscape *1.
- Manageable flood risk (in flood zone 1 for river flooding and where any surface water flooding is capable of mitigation through appropriate design).
- Acceptability in Highway terms.

These criteria are considered to meet or exceed the Government's requirements in Planning Practice Guidance for a Neighbourhood Plan.

7.25 The above process was long, but thorough. It included professional expertise and rigorous objective assessment combined with the wishes and views of the community and input from statutory consultees. Both processes are reflected in the site selection table below and the four sites finally selected to go forward into the plan are shaded dark green.



*For example, at 3268, Long Field, The Spring, the original SHLAA site was discounted in the Wiltshire Housing Site Allocations DPD due to concerns about possible archaeology. However, the site owner commissioned archaeological investigations which subsequently proved that any remains on the site were of low significance and no bar to development. The site was therefore retained in the site selection for the NDP. Extracts of the archeology evidence are given as Appendix 9 of the Scoping Report.

7.26 Sites Selected for the Submission Draft

The resulting number of homes (88) 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 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 order to ensure flexibility and supply over the whole plan period (the HNS predicts demand only for the next 3 years).

7.27 The overall quantum of development also needs to be high enough that, while acceptable to the community and so be capable of passing referendum, it also boost the local population, which has been declining. A larger population would help to safeguard existing facilities and services on which the overall sustainability for the village depends.

7.28 The NDP takes forward WCS Housing Policies 43 and 45 in delivering a significant supply of new homes, including affordable housing and concentrates development in a place that has some infrastructure and will reduce the need to travel. The Plan reflects the views of the community about where and in what quantities housing should be delivered. A sustainable travel plan will ensure that traffic generation can be mitigated and policies attempt to address both economic as well as social needs in an effort to create a sustainable community (e.g. a retail policy as well as housing). Subsequent reviews of the plan (see section 10) during the plan period, will ensure that housing needs continue to be met. As such the NDP follows the core principles of both the WCS and NPPF and is therefore a balanced and carefully considered strategy, likely to result in sustainable development.

7.29 Planning obligations, including CIL, generated by this level of development will make a significant contribution towards the infrastructure ambitions of the plan. However, they are unlikely to meet all of the aspirations of the community and it must be recognised that further fund-raising or lobbying may be necessary. In some cases the achievement of some ambitions may not be possible. For example, for many years the community has sought a relief road to reduce congestion. However, the quantum of development required to deliver this would not be supported by the community and would probably conflict with Core Policies 1 and 2 of the WCS. Nevertheless, this plan aims to balance growth with environmental protection and respect community wishes while delivering what the Development Plan requires, without imposing unrealistic burdens on development. As such it is felt to be a worthwhile and carefully considered compromise.

7.30 The Site Selection Table that follows sets out the criteria and their application so that the deliberations involved may be seen at a glance.

7.31 Site Selection Table (DARK SHADING INDICATES ALLOCATED SITES)

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA *** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability 2	Consistent with which NDP Objectives? 3 (No. in bracket)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water)	Quantum () RPC - ✓ or ✗? Location complies with WCS? (6)
Site 1 - Brownfield land off Broadway SHLAA ref 1074	No – not suitable for residential	YES	YES	N/A	N/A	N/A	NO	No – employment land? (5)	No. FZ1	(N/A) RPC ✓ No – too far out
Site 2 - Field to North of Spin Hill / East of Kings Road SHLAA ref N/A	Not a SHLAA site	Viable according to WLPVS**	N/A	Yes, but with constraints	YES	Owner confirmed available	YES	Yes if site reduced in size	No. FZ1 Highway access OK No SW flooding	Site reduced to 1ha. (30 dwellings) RPC ✓ Yes
Site 3 - Land south of Spin Hill SHLAA ref 619	Yes	YES	YES	YES	N/A	N/A	YES (3.5)	Yes, especially (1)	No. FZ1 No good access	(22) RPC ✓ Yes
Site 4 - The Spring. SHLAA ref 3268	YES (Archaeological issues overcome – see Appendix 9 Scoping Rep.)	YES	YES	YES (Conditional)	N/A	N/A	YES (3.0)	Yes, especially 1.	No. FZ1 Surface water flooding capable of mitigation	(20) RPC ✓ Yes
Site 5 - Lavington School unused fields SHLAA ref 3443	YES	YES	YES*	NO	YES	YES	YES (2.9)	Yes, 1 and 7.	No. FZ1 Soluble Access Issues No SW flooding	(15) RPC ✓ Yes
Site 6 - Land east of White Street SHLAA ref 374	YES – but some constraints – e.g. access	YES	YES	N/A	N/A	N/A	YES (2.9)	No (2) also (4 - access).	No. FZ1 Access Problem	(5) RPC ✓ Yes
Site 7 - Land between Drove Lane and Northbrook	NO (considered since 2012 SHLAA Report)	N/A	N/A	NO (Site too large and unacceptable impacts)	YES	YES	NO	No. landscape impact (2)	No. FZ1	(?) RPC ✗ Landscape issues Yes

* Confirmed by the School to the Steering Group that this is available Spring 2017. ** WLPVS – Wiltshire Local Plan Viability Study
 *** Same data as the later SHLAA

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA*** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability (RPC) 2	Consistent with which NDP Objectives? 3 (Objective No. in brackets)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water) No. FZ1	Quantum () RPC -√ or x ? Location in accordance with WCS? (6)
Site 8 - Land to the East of Northbrook SHLAA site 712	NO. Access problems	YES	YES	NO	N/A	N/A	YES (3.0)	No (2, 4)	No. FZ1	(24) RPC ✓ Flood / heritage issues Yes
Site 9 – Southcliffe SHLAA ref 1089	Yes	YES	YES	YES	N/A	N/A	YES (3.3)	Yes, especially (1)	No. FZ1 Small risk of SW capable of mitigation	(23) RPC ✓ Yes
Site 10 - South of The Clays SHLAA ref 529	YES – but some constraints	YES	NO – too many site ownerships	NO	N/A	N/A	NO	No. (2, 4)	No. FZ1 Access Issues	(57) RPC x Allotments, heritage Yes
Site 11a - Underhill Nursery SHLAA ref 2055	YES (But access issues)	YES	YES	NO	N/A	N/A	NO (at capacity of 70 now proposed by owner)	No (1) – Too large. (4) Transport issues (5) loss employ. land	No. FZ1 Access & landscape issues	(77 with 11b) RPC x Yes
Site 11b - Fiddington Hill SHLAA ref 530	YES	YES	YES	N/A	N/A	N/A	YES as a stand alone, NO when merged with 11a (3.4)	No (1) -too large. (4) Access, (5) loss employ. land	No. FZ1 Access	(77 with 11 a) RPC x Yes
Site 12 - Drove Lane and Oak Lane SHLAA ref 3500	NO	NO	N/A	NO (But landscape issues)	YES	N/A	NO	No (1 - too large) and (2)	No. FZ1	(100) RPC x Yes

Site	Positive SHLAA*** assessment? 'Suitability' 1	Positive SHLAA*** assessment 'Viability' 5	Positive SHLAA *** assessment 'Availability' 4	Positive AECOM Assessment Suitability (incl. Non SHLAA) 7	Viable (Non SHLAA*** Sites) 5	Available (Non SHLAA *** Sites) 4	RPC Referendum Pass Capability 2	Consistent with which NDP Objectives? 3 (Objective No. in brackets)	Flood Risk or Highway issues? ('FZ' = EA Flood Zone) (SW = Surface water)	Quantum () RPC - ✓ or ✗ ? Location in accordance with WCS? (6)
Site 13 - Elisha Recreation Field	N/A	N/A	N/A	NO	YES	NO owned PC!	NO	No (3)	No. FZ1	(N/A) (Rec Area) RPC ✗ 7 No (loss of rec) (23)
Site 14 - Land North of Francis Road, adjacent to Canada Woods SHLAA 623	NO Flood Risk and access issues	YES	YES	N/A	N/A	N/A	NO	No. (2, 4)	Yes. Part FZ2 Access issues	RPC ✓ Flooding problems No. (Flooding) (Unknown) Policy conflict – too far out RPC? No (remote from village)
Site 15 - Land west of Spin Hill SHLAA 618.	NO Location too far from facilities	NO	Unknown	NO	YES	N/A	NO	Yes	No. FZ1	

1. Wiltshire SHLAA 2012 as updated by SHELAA.

2. Score from community questionnaire June 2015 – See ENACT Report Sept 2015 in Consultation Statement

3. See Plan Objectives in section 6 above,

4. Availability – see SHLAA for definition. For non-SHLAA personal enquiry from the School and information from Wiltshire Council

5. Viability – See SHLAA for SHLAA sites. For others reference was made to the Wiltshire Local Plan Viability Study 2014

6. Wiltshire Core Policies (in particular 1,2, 43, 45), 7. See AECOM Report in Scoping Report.

7. Popular recreation facility. Plan very unlikely to pass referendum if this allocated for housing .

8.0 Policies of the Plan

- 8.0 The following section includes the formal land-use policies of the Market Lavington Neighbourhood Plan. They are designed to deliver the plan's Vision and Objectives as suggested by the community, but are related directly to the hard evidence produced by the scoping research. In taking forward the policy ideas given in the Scoping Report and reproduced again for clarity in the preceding section, policy choice was informed by a re-read of the Vision and Objectives and then draft ideas checked again against the Themes and Comments from the community. In practice this was an iterative and creative process, dipping in and out of the Consultation Statement and Scoping Report, as factual evidence and the community's wishes were synthesized to create workable draft policies. This work was undertaken by the planning consultant who has experience in drafting policy for an LPA.
- 8.1 The policies of the Neighbourhood Plan have been prepared to be in accordance with Planning Law, Regulations, Government Policy and Guidance. Among the legal requirements is the rule that they must help take forward the policies of the Local Plan for the area. Specifically, the 'Basic Conditions' require that NDP policies are; *'in general conformity with the strategic policies contained in the development plan...'*
- 8.2 A Neighbourhood Plan should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies (NPPF Paragraph 29).
- 8.3 It is a basic principle of planning policy that it should not repeat higher level policy, nor may it deal with subjects that are not within the scope of land use planning. Guidance from Locality recommends that policies should 'add value' to the existing policy background: *'There is little point in your neighbourhood plan addressing issues that have already been covered by your local authority in its Local Plan. A neighbourhood plan should address gaps or provide further detail rather than duplicating existing policies.'* ('How to Write Planning Policies' 2015).
- 8.4 However, this does not mean that a neighbourhood plan has to slavishly avoid all areas for which the Local Plan has a policy. Indeed, there is a valuable role for neighbourhood plans in adding detail and local interpretation. In doing so, a plan would comply with Planning Practice Guidance (paragraph 41), which states that a neighbourhood plan should *'...be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared'*
- 8.5 For example, a neighbourhood plan might take forward strategic housing requirements by including local sites, it could indicate local needs for investment (in terms of Planning Obligations), or it could point out local priorities in terms of nature or heritage conservation. In assisting higher policy to move from the general to towards the specific, the neighbourhood plan ensures that local things important to the community are recognised early in the planning process, saving time and speeding consensus, thus 'adding value' to the overall planning process. In this way, avoiding repetition but adding detail, it can provide clarity and certainty for both developers and the community.

Planning Policy 1: Housing (General) Continued >

- a. Development of the sites identified in this plan must include a reasonable proportion of 1, 2 and 3 bedroom homes
- b. A proportion of homes must be affordable in accordance with Wiltshire Core Strategy Policy, however in meeting this requirement, a significant proportion of affordable homes provided can be discounted or shared ownership housing rather than affordable rent.
- c. 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 subject to compliance with the other policies of the plan.
 - Affordable self-build homes; sites delivering single units of self-build housing will be supported within the built-up area of the main village subject to compliance with the policies of this plan and the Wiltshire Core Strategy
 - 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 compliance with other policies of the NDP, acceptable impacts on neighbours and policies of the Wiltshire Core Strategy.
- d. Applications for development at 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. The strategy should be based on an FRA demonstrating how flood risk is to be managed and how sustainable drainage can be provided without adverse impacts.
- e. All sites must consider carefully how their designs respect and avoid harm to both landscape and heritage interests. Sub-surface archaeology is present at some sites. Heritage Impact statements or similar reports may be required.
- f. So as not to preclude future development, proposals should consider access needs of potential future development on nearby land.
- g. Market Lavington contains some sensitive landscapes and wildlife habitats. These are valued by the community. As such mature, native, broadleaved trees and hedgerows within all sites should be retained and enhanced.

Context	References
NDP Objectives	1, 2, 6
Wiltshire Core Strategy	1, 2, 41, 43, 45, 50, 51, 57, 58
NPPF	NPPF: Paragraphs 28, 59, 61-66,

Planning Policy 2: Housing Sites

8.9 Introduction and justification:

The NPPF requires Neighbourhood Plans to 'plan positively', taking forward the policies of the local Development Plan. One way of doing this is to allocate sites for housing. The Market Lavington Neighbourhood Plan allocates 4 sites, totaling 88 new homes. This is 10% higher a quantum than was originally proposed in the draft Housing Site Allocations Plan (HSAP) but within the range of development quanta indicated as acceptable by the community, and hence likely to pass referendum.

Justification for both the quantum and location of the sites is given in sections 4, 5 and most especially section 7. But, the sites are intended:

- To take forward Wiltshire Core Strategy and national policy on housing, including provision of affordable housing to meet local need
- To support the overall spatial strategy of the WCS, locating development close to infrastructure, reducing the need to travel
- To improve the critical mass of Market Lavington, helping to improve viability of local businesses and services
- To respect the wishes of the community
- To help pay for needed infrastructure, raising life quality, improving self-containment and helping to deliver sustainable development
- To provide homes over the plan period.

8.10 Community consultation suggested that the community would support up to around 100 additional homes during the plan period. However it is not proposed to impose a rigid cap or limit. Similarly the quantum of homes suggested for each site allocated is indicative only. On some sites (especially site 4 / SHLAA ref 3268) this figure may need to be reduced in order to take account of contextual factors such as surface water flooding, landscape, biodiversity, heritage and impact on neighbours. The overall aim should be to ensure schemes of good design quality, respect for environmental and heritage assets and provide homes with excellent life quality for new and existing residents.



The community prefers smaller high quality developments that fit in well with the village heritage and landscape.

Policy 2 Housing Sites

SITE	Indicative No.'s	Policy Requirements
All allocated housing sites	N/A	<ol style="list-style-type: none"> 1. Market Lavington is an area rich in heritage. All schemes for development of allocated sites must provide acceptable archaeological evaluation of schemes, as well as proposals for monitoring if appropriate. 2. Numbers given are indicative and lower numbers may be necessary to achieve a satisfactory scheme – for example, all schemes must comply with Wiltshire Core Strategy policies 57 and 58. 3. Each site should deliver a range of homes to meet local needs – for example some 1, 2 and 3 bedroom dwellings. 4. Where possible, housing schemes should include measures to encourage walking and cycling by improvements to local public rights of way and cycle routes, as on site walking and cycling permeability. Such measures would be expected to result from transport assessments required to accompany planning applications for each site. 5. Informal action will create a village sustainable travel plan to help reduce impacts of traffic and congestion.
Site 2 North of Spin Hill (non-SHLAA)	30	<ol style="list-style-type: none"> 6. Development must be located in the southern half of the site, limited to one hectare and maintaining separation from the powerlines and homes of at least 70 metres. 7. At this site it will be important to create sustainable transport links to and from the main village. This will require enhancement of footpaths, possible creation of new routes, including pavements and lighting along Spin Hill main road (see map with this policy and Sustainable Transport report as Appendix 11). A footpath/cycleway should be provided across the site frontage with the provision of dropped kerbs at either end to allow connection to existing footpath on the southern side of the road. Public Transport improvements may be required. Proposals for enhanced sustainable transport should be set out in a Sustainable Travel Plan accompanying applications. 8. Existing trees and hedgerows should be retained / enhanced in accordance with advice from Natural England. 9. The settlement boundary will be extended to bring incorporate nearby housing and this site into the village.
Site 4. SHLAA ref 3268 The Longfield, The Spring	20 (Likely Maximum)	<ol style="list-style-type: none"> 10. 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 into the conservation area. This may mean reducing the number of homes on the site to below the indicative number in this policy. A good design could be achieved through low-rooflines set back from the roadside behind vegetation. Care must be taken to retain unobstructed view views west from St. Mary's church, or from existing houses on the north side of the street. Trees should be retained or new trees planted as replacements. A Heritage Impact Statement 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. 11. Trees should be retained or new trees planted as replacements. 12. Because there is a nearby priority BAP habitats – the stream to the south of the site. Appropriate ecological assessment would be needed to inform design. Additional planting and mitigation measures may be required, which are likely to include limiting the density of the housing to achieve an adequate buffer to the stream, subsequently reducing site capacity. 13. Development of the site would benefit from an improvement to footway across the site frontage to 3m cycleway.

Policy 2 Housing Sites – continued >

SITE	Indicative No.'s	Policy Requirements
Site 5 - SHLAA 3443 Lavington School	15	<p>14. Careful design of access necessary to avoid danger to visitors and children. The overall number of dwelling on site may need to be limited by this same consideration.</p> <p>15. Ecological survey will be required prior to design and scheme should aim for no significant loss to biodiversity overall. This may reduce total number of homes that can be delivered and lead to imposition of lighting conditions. Existing mature trees should be retained or compensated for.</p> <p>16. A connection to the existing public rights of way network north of the stream should be achieved from the site through the existing woodland /scrub area.</p>
Site 9. 1089 Southcliffe	23	<p>17. The development should be screened from the surrounding landscape and views (from the listed St. Mary's church, looking south-east towards the Ridgeway, and from the Ridgeway, looking north-west towards the church and the village core). This may involve preserving existing vegetation and adding to it as required.</p> <p>18. Access roads into the site should approach from the east and north, rather than along the south and west boundaries, to connect with existing roads in the housing estate and avoid loss of vegetation.</p> <p>19. The site is close to a business park. Impacts of business and residential uses on each other must be considered</p> <p>20. Any loss of trees should be compensated for by replacement planting.</p>
INDICATIVE TOTAL	88	

Context	References
NDP Objectives	1, 2, 6
Wiltshire Core Strategy	1, 2, 12, 41, 43, 45, 50, 51, 57, 58
NPPF	NPPF: Paragraphs 68-69, 70-72, 78, 127, 150



Justification:

The policy aims to deliver housing of good design quality on small-to medium sized sites around the village to comfortably meet assessed needs while being acceptable to the community and therefore being likely to pass a referendum. The policy is also designed to respect the local heritage and distinctive character of Market Lavington as described in the approved Conservation Area Statement and as required by Wiltshire Core Strategy Policies 57 and 58. The policy and its requirements reflect the advice of Historic England, Natural England, consultants Wessex Archaeology and DM Mason (highways consultant), Cole Easdon Civil Engineers (Flood Risk Consultants), and the LPA's conservation officer.

Numbers below provide justification of specific points and relate to the policy note numbers in the third column of above table.

1. In order to prevent harm to archaeology, to comply with advice received from Historic England and to comply with WCS Core Policy 58 and NPPF paragraph 128).
2. All sites have the potential to impact on heritage assets and on the local character and distinctiveness of the village. In particular, the village has an ancient linear pattern and typical modern layouts may not be appropriate. This has implications for layout, density and quantity in achieving a satisfactory design as required by Wiltshire Core Strategy Core Policy 57.
3. To reflect local needs and the preferences of the community and survey data as set out in the Housing Needs Survey and the Consultation Statement that accompany the NDP.
4. To minimise transport problems and help deliver more sustainable development.
5. To minimise transport problems and help deliver more sustainable development.
6. Reducing the site size to 1 hectare would allow homes to be sited 70m from nearest high voltage power line (On a precautionary basis, to reduce any possible risk from EMF). This would also reduce landscape impacts, which is an important consideration as noted by Natural England. At a typical local density of 30dph this would provide 30 homes.
7. Sustainable transport links are important to reduce the need to travel by car, delivering more sustainable development and were identified as necessary by the LPA. The installation of a new foot/cycle path across the site frontage reflects advice from Wiltshire council, the local highway authority.
8. Treatment of existing trees and hedgerows is based on advice from Natural England.
9. To create a more logical settlement boundary incorporating the homes at Spin Hill and those in the new site
10. To reflect the advice of Historic England and to protect the setting of a listed building.
11. To reflect advice from Wiltshire Council and Natural England and to conserve biodiversity
12. To reflect the advice of Natural England
13. To reflect advice from Wiltshire Council and to improve sustainable transport
14. To create a safe access and to avoid harm to pupils, teachers and visitors to the school. Quantum reduced on suggestion of Wiltshire Council.
15. To reflect the recommendations of Natural England and to minimise impact on biodiversity.
16. To improve sustainable transport links in accordance with the NPPF (paragraphs 102 ff)
17. To minimise harm to heritage assets and protect local landscape and character.
18. To reflect the concerns of Natural England regarding loss of vegetation.
19. To protect the amenity and living conditions of occupiers of the residential development
20. To reflect the concerns of Natural England and to preserve habitat.

8.11 Sites Policy Map showing overall distribution of sites

