

WEST LAVINGTON NEIGHBOURHOOD PLAN 2017-2026: Final Decision Statement

Date of publication: 7th June 2019

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 7th June 2019 pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004, to 'make' the West Lavington Neighbourhood Plan (the 'Plan').
- 1.2 The West Lavington Neighbourhood Plan now forms part of the Development Plan and its policies will be given full weight when assessing planning applications that affect land covered by the Plan.

2. Reasons for Decision

- 2.1 With the Examiner's recommended modifications, and additional modifications made by the Council, the Plan meets the basic conditions set out in paragraph 8(2) of the Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 6th June 2019 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of West Lavington) and posed the question "Do you want Wiltshire Council to use the Neighbourhood Plan for West Lavington to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 6th June 2019 and greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the neighbourhood plan area. The results of the referendum were:

Response	Votes	Percent of total
YES	262	86.18%
NO	42	13.82%
Turnout	33.08%	

- 2.4 Wiltshire Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3. Background

- 3.1 The West Lavington Neighbourhood Plan Area, situated in the central part of Wiltshire, comprises of the parish area of West Lavington. The neighbourhood area was designated on 17th July 2013 as an area for the purpose of preparing a neighbourhood plan in accordance with section 61G of the Town and Country Planning Act 1990 (as amended).

- 3.2 West Lavington Parish Council (the 'qualifying body'), submitted the draft West Lavington Neighbourhood Plan, along with supporting documents, to Wiltshire Council in April 2018 for consultation, independent examination and remaining stages of the draft Plan's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 3.3 Following submission of the draft West Lavington Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 11th June 2018 to 30th August 2018.
- 3.4 In September 2018, Wiltshire Council appointed an independent examiner Mr Nigel McGurk to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received in November 2018 and concluded that, subject to making the modifications recommended in the report, the draft Plan met the Basic Conditions as set out in legislation and should proceed to referendum. The examiner also recommended that the West Lavington Neighbourhood Area (the parish area) is an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner's report, in November 2018 a change to the Neighbourhood Planning Regulations in December 2018 resulted in an amendment to one of the Basic Conditions in relation to the Habitats Regulations. Whilst Wiltshire Council did not disagree with the examiner on his view at the time of examination, in light of this change in basic conditions, further consideration was needed by the Council on this matter.
- 3.7 In January 2019, the HRA screening decision of the WLNP by Wiltshire Council was reviewed, and it was concluded that an 'Appropriate Assessment' (AA) was required due to potential impacts on the Salisbury Plain Special Protection Area (SPA), which in this case triggered the need for a Strategic Environmental Assessment (SEA) of the WLNP.
- 3.8 Subsequently, an Appropriate Assessment (AA) under the Habitats Regulations and an Environmental Assessment under the SEA Regulations were carried out and the necessary consultation was undertaken.
- 3.9 The AA concluded beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA, alone or in- combination with other plans and projects. Therefore, no changes were required to be made to the WLNP because of the AA. Natural England agreed with this conclusion.
- 4.0 The SEA identified that the WLNP could have potential significant environmental effects and it concluded by making recommendations to enable mitigation of the effects identified. Consultation was carried out and responses were received, which have been considered by the Council. The consultation comments and any consequential changes to the WLNP arising would be documented in the SEA adoption statement as per the SEA Regulations.
- 4.1 The revised Screening Decisions, the subsequent HRA Appropriate Assessment and SEA report are available on the Wiltshire Council website, along with comments submitted during the consultation.

- 4.2 Wiltshire Council made the examiner's modifications with additional modifications proposed by the Council to the draft West Lavington Neighbourhood Plan, for the purpose of correcting errors (which includes amendments necessary to achieve accuracy and consistency in the wording of policies and supporting text) and to ensure that it meets legal requirements, including the Basic Conditions as set out in legislation.
- 4.3 Wiltshire Council was satisfied that the WLNP and supporting documents already considered the environmental effects that were identified through the SEA. These together with the modifications required, appropriately took into consideration the recommendations of the SEA Environmental Report.
- 4.4 Wiltshire Council published the Decision Statement to confirm that the Council was satisfied that the West Lavington Neighbourhood Plan, as modified, complied with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the West Lavington Neighbourhood Area (the parish area) would be an appropriate area within which to hold the referendum.
- 4.5 A referendum was held on 6th June 2019 and 86.18% of those who voted were in favour of the Plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The Council are not subject to this duty if the making of the Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 4.6 This Decision Statement and the Neighbourhood Plan have been published on Wiltshire Council's website along with details of where they can be inspected. This information has also been brought to the attention of people who live, work or carry out business in the neighbourhood area.

Signed:



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Dated: 7th June 2019