

# West Lavington Neighbourhood Plan (First Review)



**Explanatory  
Statement**

**April 2023**

West  
Lavington  
Parish  
Council

**Our Place: Our Plan**  
A Plan for West Lavington and Littleton Panell

# West Lavington Neighbourhood Plan (First Review) 2017-2036

## *Our Place: Our Plan A Plan for West Lavington and Littleton Panell*

### Explanatory Statement - April 2023

The First Review of the West Lavington Neighbourhood Plan produced as a Modification Proposal in accordance with the Neighbourhood Planning Regulations 2012

The Neighbourhood Plan Steering Group for the First Review on behalf of West Lavington Parish Council:

Councillor Richard Gamble (Chair), Paul Bryant, Councillor Julia Ford, Kelvin May, Su Newson, Paul Rayner, Councillor Richard Scott, Chris Thorne, Councillor Peter West

The Parish Council received professional planning support from NEIGHBOURHOOD-PLAN.CO.UK during the production of this Neighbourhood Plan.



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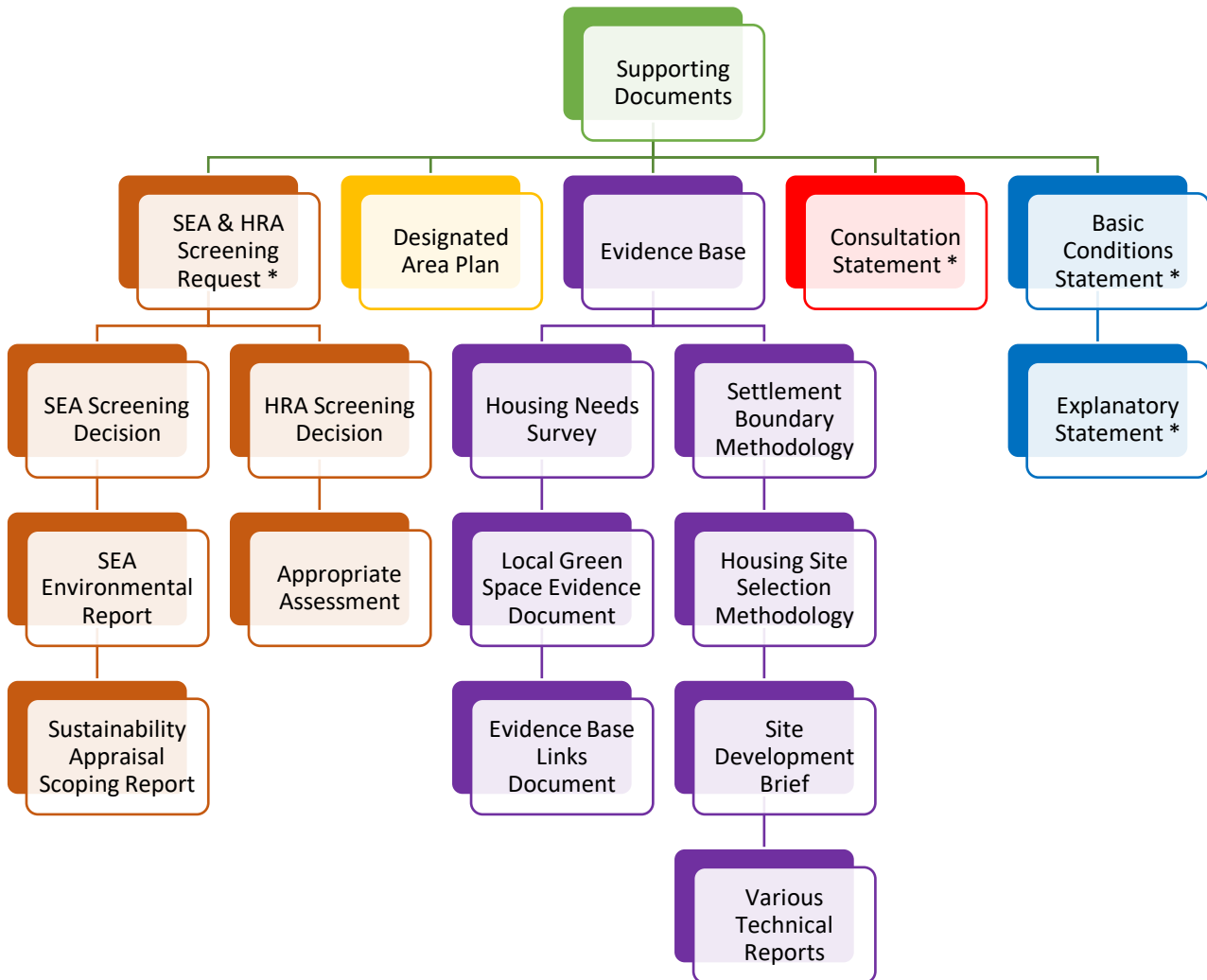
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# West Lavington Neighbourhood Plan 2017-2036

## The Neighbourhood Plan (First Review) \* Annexe 1 - Character Appraisal \*



Note - the documents marked \* have been updated or are new documents as part of the First Review to take account of the Modification Proposal; the other documents which supported the original version of the Neighbourhood Plan remain valid and do not need to be updated

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# Explanatory Statement

1. This Explanatory Statement has been prepared to accompany the First Review of the West Lavington Neighbourhood Development Plan (“the Neighbourhood Plan”) under the Neighbourhood Planning (General) Regulations 2012 (“the Regulations”). The relevant local planning authority is Wiltshire Council. The current West Lavington Neighbourhood Plan was [made](#)<sup>1</sup> on the 7 June 2019 following a Referendum on the 6 June 2019.
2. The Neighbourhood Plan First Review has been prepared by West Lavington Parish Council, a qualifying body, (Section 38A(12) of the Planning and Compensation Act 2004) for the Neighbourhood Area covering the Parish of West Lavington, as designated by Wiltshire Council on 17 July 2013. The name of the neighbourhood area is the 'West Lavington Neighbourhood Area'. It does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.
3. The policies described in the Neighbourhood Plan relate to the development and use of land in the designated Neighbourhood Area only. The document sets out the period of the Neighbourhood Plan First Review which is from 2017 to 2036.



## Designation of West Lavington Parish as a Neighbourhood Planning Area

4. A formal application was made by West Lavington Parish Council in February 2013 as a ‘relevant body’ under Section 61G of the Town and Country Planning Act 1990 (as amended) for the designation of a neighbourhood area in order to develop a neighbourhood plan. The area of the Neighbourhood Plan is based upon the parish boundary, which was seen as appropriate as this area is recognised as the distinct community of West Lavington and Littleton Panell. The request was that the Parish Council be recognised as a Neighbourhood Area for the purpose of producing a neighbourhood plan, in accordance with the Neighbourhood Planning Regulations 2012.
5. Wiltshire Council publicised this application to produce a Neighbourhood Plan for the required 6-week period during April and May 2013. Wiltshire Council designated the Parish of West Lavington as a neighbourhood area on 17 July 2013.

## Current Neighbourhood Plan

6. In terms of procedural compliance there can only be one Neighbourhood Plan for any locality and as explained earlier the existing West Lavington Neighbourhood Plan was ‘made’ on 7 June 2019 after a referendum on the 6 June 2019.
7. The First Review of the West Lavington Neighbourhood Plan in legal terms is produced as a ‘Modification Proposal’ in accordance with the Neighbourhood Planning Regulations

<sup>1</sup> <https://www.wiltshire.gov.uk/media/592/West-Lavington-Neighbourhood-Plan-2017-2026-Final-decision-statement/pdf/sppnp-west-lavington-final-decision-statement-june-2019.pdf?m=637102916370730000>

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2012<sup>2</sup>. What that means is it modifies and updates the existing Neighbourhood Plan. The First Review of the Neighbourhood Plan now looks to extend the plan period from 2026 through to 2036, which requires various matters to be updated and the First Review adds a Character Appraisal for the two villages into the Neighbourhood Plan as an Annexe.

### **Modification Proposal**

8. As the West Lavington Neighbourhood Plan First Review is technically a ‘modification proposal’ then for consultation under Regulation 14 and for submission under Regulation 15, it is necessary to produce ‘a statement setting out whether or not the qualifying body consider that the modifications contained in the modification proposal are so significant or substantial as to change the nature of the neighbourhood development plan which the modification proposal would modify’ - colloquially sometimes called a modification statement.
9. We have produced a short separate statement to accompany the Neighbourhood Plan as part of the overall document suite, called ‘Explanatory Statement’ (this document).
10. The West Lavington Neighbourhood Plan First Review will replace in entirety the current West Lavington Neighbourhood Plan that was made in 2019.
11. In summary the modifications made to the current West Lavington Neighbourhood Plan to form the West Lavington Neighbourhood Plan First Review are:

#### General Updates

- General updating of references, links and data where available for example to account for website link changes;
- The current Neighbourhood Plan was examined against the 2012 version of the NPPF; therefore it has been necessary to do some general updating of references to NPPF paragraph numbers to account for the 2021 version alongside the updating of Planning Practice Guidance references where appropriate;
- General text updated to refer to the First Review;
- Maps renumbered;
- The Employment Section 9 has been updated to refer to the latest use classes;
- Section 13 on the Natural Environment has been updated to refer to the designation of Special Areas of Conservation and Special Protection Areas (SACs & SPAs) post leaving the EU;
- The Monitoring and Review section has been updated to reflect the First Review;
- Glossary has been updated where necessary to reflect changes in the NPPF Glossary

#### Plan Period

- Plan period end amended from 2026 to 2036 to take account of emerging Local Plan Review and consequential new emerging strategic housing requirement;
- Section 7 on Housing has been updated to reflect the emerging strategic housing requirement and the indicative housing figure from Wiltshire Council given to the Parish Council to plan for the period 2016 to 2036;

#### Policy Amendments

- Character appraisal produced and added to the Neighbourhood Plan to underpin a number of policies and to introduce a number of design guidelines;
- Policy BE2 (Design of New Development and Local Distinctiveness) has been amended to refer to the character appraisal including features identified in the character appraisal (open spaces, topographical features, character of lanes, road

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<sup>2</sup> <https://www.legislation.gov.uk/ukxi/2012/637/contents>

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- gateways); together with the addition of design advice on residential extensions; extensions to other buildings; and outbuildings;
- New Policy BE3 (Views and Vistas) has been added to refer to the important public views and vistas identified in the character appraisal;
  - New Policy BE4 (Boundary Treatment, Trees and Public Realm) has been added to refer to the important walls, hedges and trees identified in the character appraisal; the policy also refers to four sites identified as opportunities for enhancement in the character appraisal;
  - Policy BE5 (Highway Impact) and Policy BE6 (Heritage Assets) were renumbered from previously being BE3 and BE4 to account for the two new policies inserted
  - Policy BE6 (Heritage Assets) has been reworded to reflect the 2021 NPPF and the policy has been widened in scope through the identification of a list as ‘Locally Important Buildings’ thereby being non-designated heritage assets. The Conservation Area Statement identifies ‘significant unlisted buildings and walls’; these are considered to constitute Non-Designated Heritage Assets; in addition, other buildings have been identified through the Character Appraisal process to be worthy of being identified as Non-Designated Heritage Assets;
  - Policy NE2 (Setting of West Lavington Parish) has been amended through the inclusion of eight specific areas that contribute to the setting of the Parish that have been identified through the character appraisal process.

### Nature of Modifications

12. Having regard to the advice in Planning Practice Guidance<sup>3</sup> it is the view of West Lavington Parish Council that the ‘modifications’ fall within the scope of *“Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.”* (Planning Practice Guidance Reference ID; 41-106-20190509)
13. As the current West Lavington Neighbourhood Plan had already planned for housing growth and had allocated a significant site, the alteration to the plan period does not require additional housing land to be identified. Therefore, the change of plan period does not change the nature of the current Neighbourhood Plan.
14. The general updates are predominantly factual and do not materially change the content of the Neighbourhood Plan.
15. The policy amendments principally arise from the production of the character appraisal which now informs and underpins a number of policies. Although this is a substantial document, the character appraisal draws on two dated documents namely the West Lavington and Littleton Panell Conservation Area Statement that was adopted in January 2003 by the former Kennet District Council; and the West Lavington and Littleton Panell Village Design Statement that was adopted by the former Kennet District Council as Supplementary Planning Guidance in September 2004. As such the character appraisal contents are not completely new and build upon the previous policies in the current Neighbourhood Plan including the current Policies BE2 (Design of New Development and Local Distinctiveness); BE4 (Heritage Assets) and NE2 (Setting of West Lavington Parish). The Parish Council is of the view that this is similar to the Planning Practice Guidance example of adding a Design code, so falls within the scope of a material modification that does not change the nature of the Neighbourhood Plan.

<sup>3</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>



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16. Having regard to all matters and the reasoning set above, the Parish Council as the qualifying body is of the view that the modifications are not so significant or substantial as to change the nature of the plan. Thereby in the view of the Parish Council the West Lavington Neighbourhood Plan First Review will require Examination but will not require a Referendum.
17. This explanatory statement will be published at the Regulation 14 stage as required and any consultation responses made by any parties on the conclusions made will be taken into account in formulating the position of the Parish Council at submission under Regulation 15.
18. This 'Explanatory Statement' complies with the requirement under Regulations 14 and 15 of the Neighbourhood Planning Regulations 2012 to explain a modification proposal.
19. Wiltshire Council as the local planning authority must (when sending the modified plan to the independent examiner) state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons. The local planning authority must also submit a copy of the original plan to the independent examiner. It will then be for the independent examiner appointed to undertake the examination under Regulation 17 to formally decide whether examination is required and then conclude as to whether he/she recommends a need for a Referendum.



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West Lavington Neighbourhood Plan is led by a Steering Group made up of local volunteers and Parish Councillors supported by West Lavington Parish Council

[www.westlavington.org.uk](http://www.westlavington.org.uk)



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