

# West Lavington Neighbourhood Plan



**Basic Conditions  
Statement**

**November 2017**

West  
Lavington  
Parish  
Council

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

# West Lavington Neighbourhood Plan 2017-2026

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

### Basic Conditions Statement - November 2017 Pre-Submission draft of the Neighbourhood Plan in accordance with Regulation 14 of Neighbourhood Planning Regulations 2012

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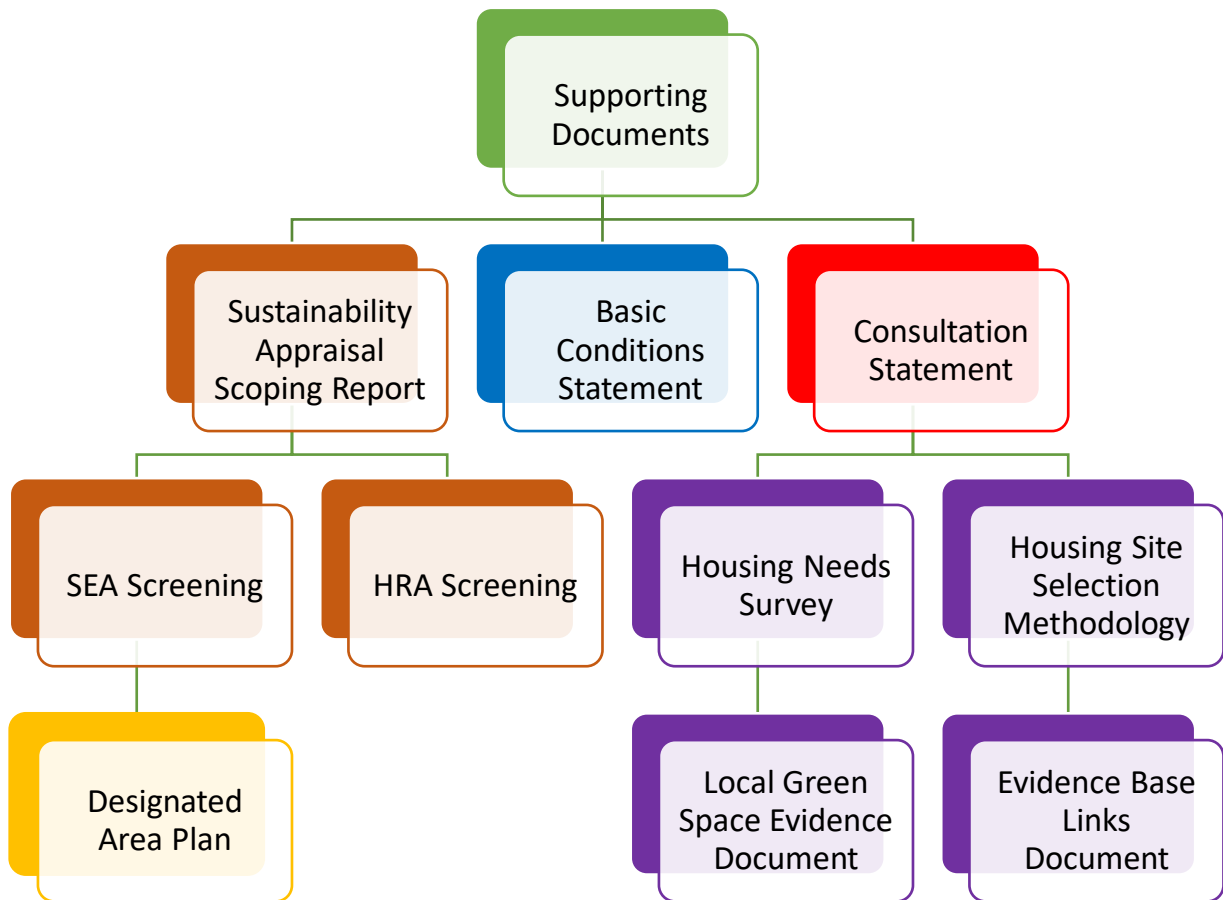
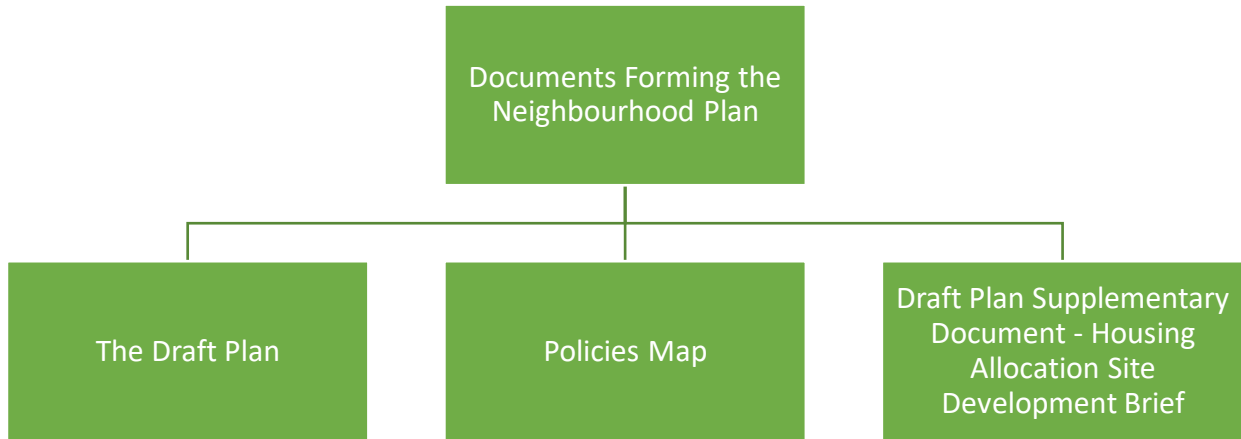
The Parish Council received professional planning support from NEIGHBOURHOOD-PLAN.CO.UK during the production of this Neighbourhood Plan.



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# West Lavington Neighbourhood Plan 2017-2026



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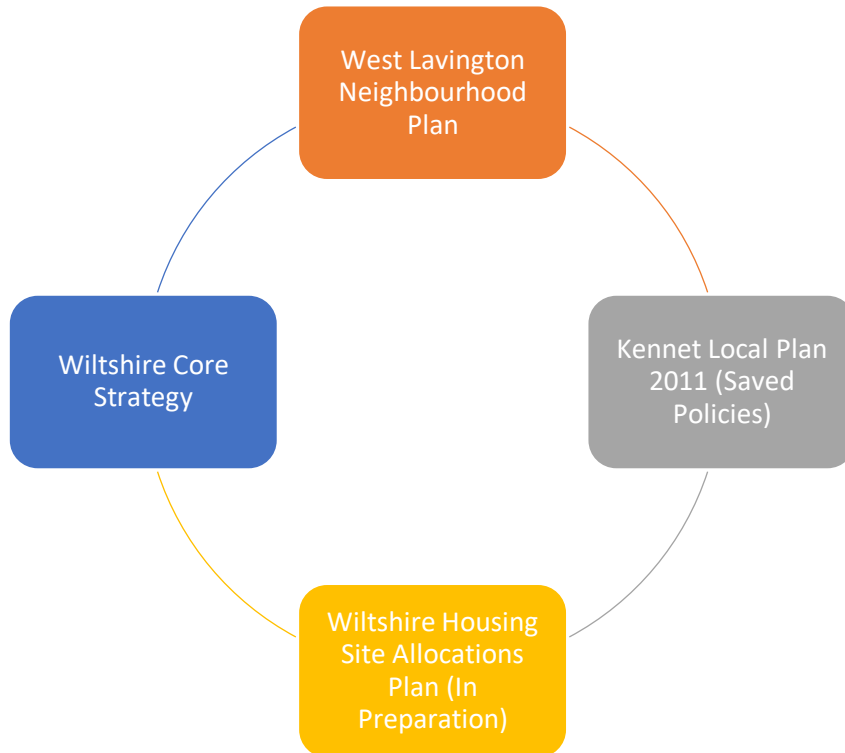
# Introduction

1. This Statement has been prepared to accompany the Pre-Submission version 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.
2. The Neighbourhood Plan 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 which is from 2017 to 2026.
4. The Neighbourhood Plan does not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.
5. The decision to develop a neighbourhood plan was based on ‘adding local value and needs specific to the Parish of West Lavington’ that are not covered in the NPPF or other parts of the statutory Development Plan.
6. The Statement addresses each of the four ‘basic conditions’ required of the Regulations and explains how the Neighbourhood Plan meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act.
7. The Regulations state that a neighbourhood plan will be considered to have met the basic conditions if:
  - Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood development plan;
  - The making of the neighbourhood development plan contributes to the achievement of sustainable development;
  - The making of the neighbourhood development plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
  - The making of the neighbourhood development plan does not breach, and is otherwise compatible with, EU obligations.



## West Lavington Neighbourhood Plan Basic Conditions Statement November 2017

8. The Parish Council, with support and security of Elected and Co-opted Members of the entire Parish Council, is the main decision making body with input and recommendations from the Neighbourhood Plan Steering Group.
9. The 'Development Plan' (excluding Minerals and Waste) for West Lavington is made up of 4 elements as follows:



Note - For Minerals and Waste the 'Development Plan' includes the Wiltshire Minerals Core Strategy; the Wiltshire Waste Core Strategy; Wiltshire Minerals Development Control Policies DPD; Wiltshire Waste Development Control Policies DPD; Wiltshire Waste Site Allocations Local Plan; Wiltshire Aggregate Minerals Site Allocations Local Plan; and the Saved Policies of the Wiltshire Minerals Local Plan 2001.

10. All policies within the West Lavington Neighbourhood Plan should be read in conjunction with the Wiltshire Core Strategy, the saved policies of the Kennet Local Plan and the emerging Wiltshire Housing Site Allocations Plan. When determining proposals for development, no policy will be applied in isolation and account will be taken of all relevant policies.

### Relationship to Wiltshire Core Strategy

11. The Wiltshire Core Strategy was adopted in January 2015. The Core Strategy defines the spatial vision for the area, includes a number of objectives to achieve the vision and sets out the development strategy to meet these objectives. The document includes strategic planning policies to guide and control the overall scale, type and location of development including the allocation of strategic sites. It indicates the number of homes to be built by 2026.



### Relationship to Kennet Local Plan 2011

12. The Kennet Local Plan 2011, adopted in June 2004 was in part replaced by the Wiltshire Core Strategy. In common with all Local Plans that were in place in 2008, it was necessary to decide which policies were to be 'saved'. As such certain policies ceased to have effect in 2008, other policies were superseded by the adoption of the Wiltshire Core Strategy. The remaining saved policies are used for development management purposes. The remaining Kennet Local Plan 2011 (Saved Policies) will be replaced upon the adoption of the Wiltshire Housing Site Allocations Plan.



### The Emerging Wiltshire Housing Site Allocations Plan

13. Wiltshire Council has published the emerging Wiltshire Housing Site Allocations Plan, along with accompanying evidence reports, for formal consultation over the summer of 2017. This document will revise the settlement boundary for West Lavington and Littleton Panell. The Wiltshire Housing Site Allocations Plan has still to undergo its Independent Examination to determine whether it should become part of the Development Plan.

### Strategic policies for the purposes of neighbourhood planning

14. The system of neighbourhood planning allows Parish and Town Councils to produce neighbourhood plans to guide development at a local level. One of the requirements of such plans is that they should be in line with the 'strategic policies' of the adopted development plan for the local area.

15. Wiltshire Council as the Local Planning Authority defines which policies are to be considered 'strategic' with regard to the production of a Neighbourhood Plan. They have not published a specific statement as to what constitutes 'strategic policies for the purposes of neighbourhood planning' unlike some other LPAs. However it is considered that the policies and allocations contained within the Wiltshire Core Strategy, are all 'strategic' for the purposes of neighbourhood planning.



### Surrounding Neighbourhood Plans

16. The West Lavington Neighbourhood Plan cannot be developed without consideration of other adjoining Neighbourhood Plans being developed. The **Worton Neighbourhood Plan** is in preparation, to date no draft plan has been produced, it is not anticipated to contain any proposals with cross boundary implications for the West Lavington Neighbourhood Plan. The Parish of Worton lies to the north of West Lavington.



17. The **Market Lavington Neighbourhood Plan** is also in preparation, to date no draft plan has been produced, it is not anticipated at this stage that it will contain any proposals with cross boundary implications for the West Lavington Neighbourhood Plan. The two neighbouring Parish Councils have regular contact and liaison regarding their respective Neighbourhood Plans. The Parish of Market Lavington lies to the east of West Lavington.
18. To the west of West Lavington is the Parish of Cheverell Parva, to the southwest is the Parish of Heytesbury (separated by the Danger Area of the Salisbury Plain Training Area), and to the southeast is the Parish of Tilshead. None of these Parishes are presently working on Neighbourhood Plans.



## Conformity with National Planning Policy

19. The Neighbourhood Plan has been prepared with regard to national policies as set out in the National Planning Policy Framework (NPPF) of April 2012. It is also mindful of the National Planning Practice Guidance (NPPG) published by the Government in April 2014 (as amended) in respect of formulating neighbourhood plans.

### National Planning Policy Framework (NPPF)

20. Throughout the Neighbourhood Plan reference is made to the National Planning Policy Framework (NPPF). The NPPF sets out the government's planning policies for England and how these are expected to be applied.
21. The NPPF provides a framework to produce locally distinctive Neighbourhood Plans which reflect the needs and aspirations of the community. The NPPF is clear that the planning system remains plan led. As set out in paragraph 2 of the NPPF, Section 38(6) of the Planning and Compulsory Purchase Act 2004 remains unchanged and requires that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
22. At the heart of the NPPF is a presumption in favour of sustainable development. One of the most widely used definitions of sustainable development comes from the report of the World Commission on Environment and Development (the Brundtland Commission), 'Our Common Future' (1987), which defines it as *"development that meets the needs of the present without compromising the ability of future generations to meet their own needs"*. A more detailed definition is offered in the UK Sustainable Development Strategy, Securing the Future, which includes the following five guiding principles for sustainable development.



- a. Ensuring a Strong, Healthy and Just Society - Meeting the diverse needs of all people in existing and future communities, promoting personal wellbeing, social cohesion and inclusion and creating equal opportunity for all.
- b. Using Sound Science Responsibly - Ensuring policy is developed and implemented on the basis of strong scientific evidence, whilst taking into account scientific uncertainty (through the precautionary principle) as well as public attitudes and values.
- c. Promoting Good Governance - Actively promoting effective participative systems of levels of society - engaging people's creativity and diversity.
- d. Achieving a Sustainable Economy - Building a strong, stable and sustainable economy which provides prosperity and governance in all opportunities for all, and in which environmental and social costs fall on those who impose them (polluter pays) and efficient resource use is incentivised.
- e. Living within Environmental Limits - Respecting the limits of the planet's environment, resources and biodiversity - to improve our environment and ensure that the natural resources needed for life are unimpaired and remain so for future generations.



23. The West Lavington Neighbourhood Plan contributes towards the achievement of sustainable development.

### **NPPF Paragraphs 11, 12, 13, 14 and 15**

24. Having a neighbourhood plan in place with suitable planning policies ensures that local needs are considered taking account the presumption in favour of development as set out in the NPPF and any strategic planning policy already in existence.

### **NPPF Paragraph 16**

25. The Neighbourhood Plan positively supports the Wiltshire Core Strategy, the saved policies of the Kennet Local Plan 2011 and the emerging Wiltshire Housing Site Allocations DPD. The Neighbourhood Plan aims to add local character and needs that are not covered in the other documents in the Development Plan.



### **NPPF Paragraphs 18, 19, 20, 21 and 22**

26. The Parish Council considers that the retail, business and employment planning policies within the Neighbourhood Plan sets out a clear economic vision and strategy for its area which positively and proactively encourages sustainable economic growth of the Parish.

### NPPF Paragraphs 69 and 70

27. The policies within the Plan, including those relating to retail provision, community facilities, and the natural and built environment are aimed at facilitating social interaction and creating healthy, inclusive communities. The residents' priorities have been taken into account and are reflected within the Neighbourhood Plan.

### NPPF Paragraph 183

28. The Parish Council believes that the Neighbourhood Plan has set a vision that reflects the views of the majority of the residents and the objectives and policies of the Plan will help towards delivering that vision for West Lavington.

### NPPF Paragraph 184

29. The Parish Council believes that the policies within the Neighbourhood Plan are in general conformity with the NPPF and the Wiltshire Core Strategy yet reflect the priorities and aspirations of its residents.

### NPPF Paragraph 185

30. Working with the Local Planning Authority has ensured that there is no duplication or conflicting elements within the Neighbourhood Plan. If agreed at referendum and once made the Neighbourhood Plan should be considered key, alongside any other material considerations in determining planning applications.



## Planning Practice Guidance

### Planning Practice Guidance

31. The Planning Practice Guidance sets out the government's advice on how to undertake neighbourhood planning within England. This is set out in detail within Section 41 of Planning Practice Guidance.
32. Planning Practice Guidance highlights that: *“Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided, and grant planning permission for the new buildings they want to see go ahead. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.”*

# General conformity with the Strategic Policies of the Wiltshire Core Strategy

33. The table set out in Appendix One shows with the relevant strategic policies of the Wiltshire Core Strategy to which the Neighbourhood Plan policies conform.

## Contribution to Achieving Sustainable Development

34. Every Neighbourhood Plan needs to consider the need for a Sustainability Appraisal (incorporating a Strategic Environmental Assessment) for the Neighbourhood Plan. SA is a mechanism for considering and communicating the impacts of an emerging plan, and potential alternatives in terms of key sustainability issues. The aim of SA is to inform and influence the plan-making process with a view to avoiding and mitigating negative impacts. Through this approach, the SA where it is undertaken for the Neighbourhood Plan seeks to maximise the Neighbourhood Plan's contribution to sustainable development. The early stages of the Neighbourhood Plan production was informed by an SA Scoping Report.

35. Part of the Neighbourhood Plan process is to ascertain if a Strategic Environment Assessment (SEA) is needed, and to clarify any environmental impacts the plan may have. The Steering Group has sought a SEA Screening Assessment for the West Lavington Neighbourhood Plan from Wiltshire Council which has demonstrated that a SEA is not required.



36. The Neighbourhood Plan achieves positive planning for sustainable development as defined under the NPPF that requires the following aspects to be considered when preparing a neighbourhood plan, 'an economic role', 'a social role' and 'an environmental role'. These factors cannot be considered in isolation as well designed houses and improved environmental aspects can lead to improving the lives and health of residents. Considering the economic, social and environmental roles throughout the neighbourhood plan process can help achieve sustainable development. The table set out in Appendix Two shows how each policy contributes towards sustainable development in terms of economic, social and environmental factors.

# Compatibility with EU Obligations and legislation

37. The Neighbourhood Plan is required to meet EU obligations, Paragraph 8(2)(f) Schedule 4B of the Town and Country Planning Act 1990.

38. The Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

39. A Strategic Environmental Assessment Screening Determination has been sought from Wiltshire Council. In the request sent to Wiltshire Council a Report has been produced which indicates the view of West Lavington Parish Council that the Neighbourhood Plan complies with all appropriate requirements. A Habitat Regulations Assessment Determination has also been sought from Wiltshire Council. In the request sent to Wiltshire Council a Report has been produced which indicates the view of West Lavington Parish Council that the Neighbourhood Plan does not require an Appropriate Assessment. Although the Neighbourhood Plan Area does contain an EU designated site, there is not considered to be an adverse impact cumulatively on any EU designated sites.



## Conclusion

40. As a result of the assessment the Neighbourhood Plan Steering Group and West Lavington Parish Council consider that the Neighbourhood Plan meets the relevant 'Basic Conditions'.

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# Appendix One: Conformity with Strategic Policies of the Development Plan

41. Wiltshire Council as the Local Planning Authority defines which policies are to be considered 'strategic' with regard to the production of a Neighbourhood Plan. They have not published a specific statement as to what constitutes 'strategic policies for the purposes of neighbourhood planning' unlike some other LPAs. However it is considered that the policies and allocations contained within the Wiltshire Core Strategy, are all 'strategic' for the purposes of neighbourhood planning. The Table below has assessed the relationship between the Neighbourhood Plan's policies in terms of general conformity with the Strategic Policies of the Development Plan and Other Policies.

	Wiltshire Core Strategy Policies	Kennet Local Plan 2011 (Saved Policies)	Emerging Wiltshire Housing Site Allocations Plan
<b>Built Environment</b>			
Policy BE1 - Settlement Boundary	1, 2 & 12	---	Section 6
Policy BE2 - Design of New Development and Local Distinctiveness	41, 51 & 57	---	---
Policy BE3 - Highway Impact	57, 61 & 62	---	---
Policy BE4 - Protection of Heritage Assets	58	---	---
<b>Housing</b>			
Policy H1 - New Housing	1, 2, 12, 43 & 45	HC34	---
<b>Economy</b>			
Policy E1 - Retention of Employment Land and Buildings	1, 2, 12 & 35	---	---
Policy E2 - Employment Development	1, 2, 12, 34 & 36	---	---
<b>Community Facilities</b>			
Policy CF1 - Community Facilities	49	TR17	---
Policy CF2 - Educational Facilities	49	HC37	---
<b>Natural Environment</b>			
Policy NE1 - Local Green Space	52	---	---
Policy NE2 - Setting of West Lavington Parish	50, 51 & 52	---	---

# Appendix Two: Assessment of Sustainability of Neighbourhood Plan Policies

42. The Table below has assessed Neighbourhood Plan’s policies in terms of how it will deliver sustainable development in the economic, social and environmental aspects of sustainability. It shows how the plan’s policies are attributing to sustainability by using the following indicators against the economic, social and environmental factors on a scale - \*\* = very positive \* = positive - = neutral x = negative and xx = very negative

	Economic Factors	Social Factors	Environmental Factors
<b>Built Environment</b>			
Policy BE1 - Settlement Boundary	*	**	**
Policy BE2 - Design of New Development and Local Distinctiveness	*	**	**
Policy BE3 - Highway Impact	*	*	*
Policy BE4 - Protection of Heritage Assets	*	**	**
<b>Housing</b>			
Policy H1 - New Housing	*	**	-
<b>Economy</b>			
Policy E1 - Retention of Employment Land and Buildings	**	*	-
Policy E2 - Employment Development	**	*	-
<b>Community Facilities</b>			
Policy CF1 - Community Facilities	-	**	*
Policy CF2 - Educational Facilities	*	**	*
<b>Natural Environment</b>			
Policy NE1 - Local Green Space	-	**	**
Policy NE2 - Setting of West Lavington Parish	*	**	**



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

West Lavington Parish Council

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