

**WEST DEAN AND WEST TYTHERLEY
NEIGHBOURHOOD DEVELOPMENT PLAN 2021-2035**

Final Decision Statement

Date of publication: 11 May 2022

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Test Valley Borough Council has decided, pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004, to 'make' the West Dean and West Tytherley Neighbourhood Development Plan (the 'Plan').
- 1.2 The West Dean and West Tytherley Neighbourhood Development 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 Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 17 March 2022 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of West Dean and West Tytherley and posed the 'Do you want Test Valley Borough Council and Wiltshire Council to use the Neighbourhood Plan for West Dean and West Tytherley to help it decide planning applications in the Neighbourhood area?'
- 2.3 The count took place on 17 March 2022 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	Percentage
YES	176	94.1%
NO	11	5.9%
Turnout	26.64%	

- 2.4 Test Valley Borough 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 Dean and West Tytherley Neighbourhood Plan Area, was designated in June 2016 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). Due to a boundary review in 2018, West Dean and West Tytherley Parish Council submitted an application for the designation of the Neighbourhood Area to cover the whole of the amended parish boundary. The Council considered the application and approved the designation on 3 April 2020.

- 3.2 West Dean and West Tytherley Parish Council (the 'qualifying body'), submitted the draft West Dean and West Tytherley Neighbourhood Development Plan, along with supporting documents, to Test Valley Borough Council for consultation, independent examination and remaining stages of the draft Plan's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.

Following submission of the draft West Dean and West Tytherley Neighbourhood Development Plan, Test Valley Borough Council publicised the Plan and supporting documents and invited representations during the consultation period from 21 June to 10 August 2021. Representations received at the Regulation 16 stage raised concerns about the plans potential impacts on European Sites. The plan therefore had an additional consultation on a Habitat Regulations Assessment (HRA) and a Strategic Environmental Assessment (SEA). This consultation commenced on 21 June until 27 July 2021.

- 3.3 Test Valley Borough Council appointed an independent examiner, David Hogger to examine the Plan and consider whether it should proceed to referendum.
- 3.4 The examiner's report was received in December 2021 and concluded that, subject to making the modifications recommended in the report, the draft Plan met the Basic Conditions and should proceed to referendum. The examiner also recommended that the West Dean and West Tytherley Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.5 Following receipt of the examiner's report, Test Valley Borough Council published a Decision Statement in January 2022 to confirm that the Council was satisfied that the West Dean and West Tytherley Neighbourhood Development Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the West Dean and West Tytherley Neighbourhood Area would be an appropriate area within which to hold a referendum.

- 3.6 A referendum was held on 17 March 2022 and 94.1% 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).
- 3.7 This Decision Statement and the Neighbourhood Plan have been published on Test Valley Borough 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.

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