

# OVER WALLOP NEIGHBOURHOOD DEVELOPMENT PLAN 2011 - 2035

## Final Decision Statement

Date of publication: 7 May 2024

### 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 Over Wallop Neighbourhood Development Plan (the 'Plan').
- 1.2 The Over Wallop 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 2 May 2024 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Over Wallop) and posed the question "Do you want Test Valley Borough Council to use the Neighbourhood Plan for Over Wallop to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 3 May 2024 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	307	89.5%
NO	36	10.5%
Turnout	24.64%	

- 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 Over Wallop Neighbourhood Plan Area, was designated in March 2021 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 Over Wallop Parish Council (the 'qualifying body'), submitted the draft Over Wallop 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.
- 3.3 Following submission of the draft Over Wallop Neighbourhood Development Plan, Test Valley Borough Council publicised the Plan and supporting documents and invited representations during the consultation period from 30th May until 12th July 2023
- 3.4 Test Valley Borough Council appointed an independent examiner, David Hogger to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received in October 2023 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 Over Wallop Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.6 Having considered each of the modifications in the examiner's report and the reasons for them, Test Valley Borough Council in consultation with Over Wallop Parish Council did not accept two of the modifications to the draft plan.
- 3.7 As the Borough Council proposed to make a decision which differs from that recommended by the examiner, representations were invited from the qualifying body, anyone whose representation was submitted to the examiner and any consultation body that was previously consulted. The 6 weeks consultation commenced on Friday 12 January until Friday 23 February 2024.
- 3.8 Responses were received from Historic England, Natural England, Southern Water and Rushmoor Borough Council, all of whom had no comment to make.

- 3.9 Following receipt of the examiner's report and the consultation on the draft decision statement, Test Valley Borough Council published the Decision Statement in February 2024 to confirm that the Council was satisfied that the Over Wallop Neighbourhood Development Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Over Wallop Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.10 A referendum was held on 2 May 2024 and 89.5% 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).
- 3.11 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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Test Valley Borough Council