

## **Englishcombe Neighbourhood Plan Final Decision Statement**

Decision Publication Date: 15th November 2016

### **1. DECISION**

- 1.1 Following an independent examination and a positive referendum result, Bath & North East Somerset Council has decided, on 14<sup>th</sup> November 2016, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to 'make' the Englishcombe Neighbourhood Plan ('the Plan').
- 1.2 The Englishcombe Neighbourhood Plan now forms part of the Development Plan and the policies in the Plan will be given full weight when assessing planning applications that affect land covered by the Plan.

### **2. REASONS FOR DECISION**

- 2.1 With the examiners recommended modifications the Plan meets the basic conditions set out in paragraph 8(2) of the Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The Referendum held on 15th September 2016 met the requirements of the Localism Act 2011. It was held in the Neighbourhood Plan area and posed the question "Do you want Bath & North East Somerset Council to use the Neighbourhood Plan for Englishcombe to help it decide planning applications in the Neighbourhood Area?"
- 2.3 The results of the referendum were: 90.8% in favor (59/65) and 9.1% against (6/65). The turnout was 25.9%.
- 2.4 Bath & North East Somerset 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 Englishcombe Neighbourhood Plan Area comprises the whole parish of Englishcombe in the Bath & North East Somerset Council authority area (B&NES). On 15<sup>th</sup> March 2013, B&NES

Council approved that the Englishcombe Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

- 2.2 Englishcombe Parish Council submitted the draft Englishcombe Neighbourhood Plan, and supporting documents, to B&NES Council on 20<sup>th</sup> January 2016.
- 2.3 Following submission of the Englishcombe Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 2<sup>nd</sup> March-13<sup>th</sup> April 2016.
- 2.4 In April 2015, B&NES Council appointed an independent examiner, Ms Janet Cheesley BA (Hons) DipTP MRTPI, to review the Plan and consider whether it should proceed to referendum.
- 2.5 The examiner's report was received on 3<sup>rd</sup> May 2016 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should not extend beyond the Neighbourhood Area to which the plan relates.
- 2.6 A referendum was held on 15<sup>th</sup> September 2016 and 90.8% 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 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 be otherwise incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.7 This decision statement, the Plan and details of where it can be inspected, have been published on our website. This information has also been brought to the attention of people who live, work or conduct business in the Neighbourhood area.

**Signed:**



**Lisa Bartlett**

Divisional Director – Development  
Bath & North East Somerset Council

**Dated:** 15<sup>th</sup> November 20

