

## Publow with Pensford Neighbourhood Plan Final Decision Statement

Decision Publication Date: 30<sup>th</sup> June 2017

### 1. DECISION

- 1.1 Following an independent examination and a positive referendum result, Bath & North East Somerset Council has decided, on 20<sup>th</sup> June 2017, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to 'make' the Publow with Pensford Neighbourhood Plan ('the Plan').
- 1.2 The Publow with Pensford 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 4<sup>th</sup> May 2017 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 Publow with Pensford to help it decide planning applications in the Neighbourhood Area?".
- 2.3 The results of the referendum were: 67% in favour (266/397) and 32% against (127/397). The turnout was 42%.
- 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 Publow with Pensford Neighbourhood Plan Area comprises the whole parish of Publow with Pensford in the Bath & North East Somerset Council authority area (B&NES). On 20<sup>th</sup> June, B&NES Council approved that the Publow with Pensford Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

- 2.2 Publow with Pensford Parish Council submitted the draft Publow with Pensford Neighbourhood Plan, and supporting documents, to B&NES Council on 20<sup>th</sup> October 2016.
- 2.3 Following submission of the Publow with Pensford Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 18<sup>th</sup> November 2016 to 13<sup>th</sup> January 2017.
- 2.4 In December 2016, 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 9<sup>th</sup> February 2017 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 4<sup>th</sup> May 2017, 67% 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:** 30<sup>th</sup> June 2017