

Whitchurch Village Neighbourhood Plan Final Decision Statement

Decision Publication Date: 18/12/2017

1. DECISION

- 1.1 Following an independent examination and a positive referendum result, Bath & North East Somerset Council has decided, on the 6th December 2017, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to 'make' the Whitchurch Village Neighbourhood Plan ('the Plan').
- 1.2 The Whitchurch Village 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 the 16th November 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 Whitchurch Village to help it decide planning applications in the Neighbourhood Area?"
- 2.3 The results of the referendum were: 96.5% in favour (413/428) and 3.27% against (14/428). The turnout was 38.52%.
- 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).

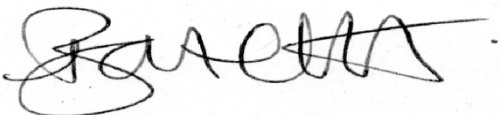
3. BACKGROUND

- 3.1 The Whitchurch Neighbourhood Plan Area comprises the whole parish of Whitchurch in the Bath & North East Somerset Council authority area (B&NES). On 3rd November 2014, B&NES Council

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

- 2.2 Whitchurch Village Council submitted the draft Whitchurch Village Neighbourhood Plan, and supporting documents, to B&NES Council on 27th April 2017
- 2.3 Following submission of the Whitchurch Village Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 19th May 2017 to 30th June 2017.
- 2.4 Erroneously the content of the Consultation Statement available for consultation as part of the package of documents publicised for comment under Regulation 16 did not accord with the requirements of Regulation 15 (2) in The Regulations. To rectify the situation, B&NES Council publicised a revised Consultation Statement as part of the documents for a further six week consultation period from 7 July 2017 to the 18 August 2017 under Regulation 16.
- 2.5 In May 2017, 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.
- 2.6 The examiner's report was received on 27th September 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.
- 2.7 A referendum was held on the 16th of November 2017, 96.5% 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 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).
- 2.8 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: 18/12/2017