

Wiltshire Council

Bradford on Avon Neighbourhood Plan: Final Decision Statement

Date of publication: 25 October 2017

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 25 October 2017 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Bradford on Avon Neighbourhood Plan (the 'Plan').
- 1.2 The Bradford on Avon Neighbourhood 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 48 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 B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 20th September 2017 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Bradford on Avon) and posed the question "Do you want Wiltshire Council to use the Neighbourhood Plan for Bradford on Avon to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 20th September 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	Percent of total
YES	2510	94.68%
NO	140	5.28%
Turnout	33.03%	

1 ballot paper was returned as "unmarked or void for uncertainty"

- 2.4 Wiltshire 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 Bradford on Avon Neighbourhood Plan Area, situated in the west of Wiltshire, comprises the parish area of Bradford on Avon. The neighbourhood area was designated on 18th November 2013 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 Bradford on Avon Parish Council (the 'qualifying body'), submitted the draft Bradford on Avon Neighbourhood Plan, along with supporting documents, to Wiltshire Council on 2nd December 2016 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 Bradford on Avon Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 16th January 2016 to 8th March 2017.
- 3.4 In March 2017, Wiltshire Council appointed an independent examiner Mr Nigel McGurk BSc (Hons) MBA MCD MRTPI to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received on 14th June 2017 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 Bradford on Avon Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner's report, in July 2017 Wiltshire Council published a Decision Statement to confirm that the Council was satisfied that the Bradford on Avon Neighbourhood Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Bradford on Avon Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum. An addendum to the Decision Statement was published in August 2017 listing additional modifications to be made to the plan.
- 3.7 A referendum was held on 20th September 2017 and 94.68% 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).
- 3.8 This Decision Statement and the Neighbourhood Plan have been published on Wiltshire 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.

Signed:

A handwritten signature in black ink, appearing to read 'M Wilmott', with a long, sweeping underline.

Mike Wilmott
Acting Associate Director
Economic Development and Planning

Dated: 25 October 2017