

Wiltshire Council

Burbage Neighbourhood Development Plan: Final Decision Statement

Date of publication: 27 July 2018

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 27 July 2018 pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Burbage Neighbourhood Development Plan (the 'Plan').
- 1.2 The Burbage 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 B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 26 July 2018 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Burbage and posed the question "Do you want Wiltshire Council to use the Neighbourhood Plan for Burbage to help it decide planning applications in the neighbourhood area?")
- 2.3 The count took place on 26 July 2018 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	414	88%
NO	56	12%
Turnout	32.04%	

- 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 Burbage Neighbourhood Development Plan Area, situated in the central part of Wiltshire, comprises the parish area of Burbage. The neighbourhood area was designated on 14 July 2014 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 Burbage Parish Council (the 'qualifying body'), submitted the draft Burbage Neighbourhood Development Plan, along with supporting documents, to Wiltshire Council in July 2017 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 Burbage Neighbourhood Development Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 31 August 2017 to 12 October 2017.
- 3.4 In November 2017, Wiltshire Council appointed an independent examiner Ms Ann Skippers to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received in March 2018 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 Burbage Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner's report, in March 2018 Wiltshire Council published a Decision Statement to confirm that the Council was satisfied that the Burbage Neighbourhood Development Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Burbage Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.7 A referendum was held on 26 July 2018 and 88% 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 Development 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:



Tim Martienssen
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Economic Development and Planning

Dated: 27 July 2018