

## Wiltshire Council

### Devizes Area Neighbourhood Plan: Final Decision Statement

**Date of publication: 7 December 2015**

#### 1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 7 December 2015 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Devizes Area Neighbourhood Plan (the 'Plan').
- 1.2 The Devizes Area 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 Examiner's recommended modifications 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 17 September 2015 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the neighbourhood area and the parishes of Potterne and Rowde) and posed the question "Do you want Wiltshire Council to use the neighbourhood plan for Devizes Area to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 17 September 2015 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area. The results of the referendum were:

Response	Votes	Percent of total
YES	3402	90.02%
NO	369	9.76%
Turnout	22.08%	

- 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 Devizes Area Neighbourhood Plan Area, situated in the east of Wiltshire, comprises the whole of the parishes of Devizes Town, Bishops Cannings and Roundway. The Area was designated on 27 September 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 Devizes Town Council, Bishops Cannings Parish Council and Roundway Parish Council – the ‘qualifying bodies’, submitted the draft Devizes Area Neighbourhood Plan (dated July 2014), along with supporting documents, to Wiltshire Council on 11 September 2014 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 Devizes Area Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 29 September to 22 December 2014.
- 3.4 In March 2015, Wiltshire Council appointed an independent examiner, Mr John R Mattocks, BSc DipTP MRTPI FRGS, to review the Plan and consider whether it met the basic conditions required by legislation and whether it should proceed to referendum.
- 3.5 The examiner's report was received on 5 May 2015 and concluded that subject to making the modifications recommended in the report, that the draft Plan met the basic conditions and should proceed to referendum. The examiner also recommended that the area for the referendum should be extended to include the parishes of Potterne and Rowde.
- 3.6 Following the receipt of the examiner's report, on 21 July 2015 Wiltshire Council published a decision statement to confirm that the Council was satisfied that the neighbourhood plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the referendum process should be extended to encapsulate the parishes of Potterne and Rowde.
- 3.7 A referendum was held on 17 September 2015, 90% 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, the Plan, and a Sustainability Appraisal Adoption Statement have been published on our 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 'Alistair Cunningham', written over a light grey rectangular background.

Alistair Cunningham  
Associate Director  
Economic Development and Planning

Dated: 07.12.15