

Wiltshire Council

Freshford and Limpley Stoke Neighbourhood Plan: Final Decision Statement

Date of publication: 10 November 2015

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 10 November 2015 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Freshford and Limpley Stoke Neighbourhood Plan (the 'Plan').
- 1.2 The Freshford and Limpley Stoke 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 in the Wiltshire Council authority area.

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 10 September 2015 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 and Wiltshire Council to use the neighbourhood plan for Freshford and Limpley Stoke to help them decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 10 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	319	74.36%
NO	110	25.64%
Turnout	50.12%	

- 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 Freshford and Limpley Stoke Neighbourhood Plan Area comprises the whole of the two parishes of Freshford in the Bath & North East Somerset Council authority area (B&NES) and Limpley Stoke in the Wiltshire Council authority area. On 30 October 2013, B&NES Council, acting on behalf of both local authorities, approved that the Freshford and Limpley Stoke Neighbourhood Area be designated 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 Freshford and Limpley Stoke Parish Councils submitted the draft Freshford and Limpley Stoke Neighbourhood Plan, and supporting documents, to B&NES Council and Wiltshire Council on 18 July 2014 for consultation, independent examination and the remaining stages of the draft Plan's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 3.3 Following submission of the draft Freshford and Limpley Stoke Neighbourhood Plan, B&NES Council and Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 27 October to 10 December 2014.
- 3.4 In December 2014, B&NES Council, acting on behalf of both authorities, appointed an independent examiner, Ms Janet Cheesley BA (Hons) DipTP MRTPI, 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 30 January 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 considered whether the referendum area should be extended beyond the Neighbourhood Plan area but confirmed that there was no reason to alter or extend this area for the purpose of holding a referendum.
- 3.6 Following the receipt of the examiner's report, on 26 February 2015 B&NES Council and Wiltshire Council jointly published a decision statement to confirm that the local authorities were satisfied that the neighbourhood plan, as modified, complies with the legal requirements and could proceed to referendum.
- 3.6 A referendum was held on 10 September 2015, 74% 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 local authorities must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. Wiltshire Council is 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).

- 3.7 This decision statement, the Plan and details of where they can both be inspected, have been published on our website. 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 circular stamp.

Alistair Cunningham
Associate Director
Economic Development and Planning

Dated: 10.11.15