

WILTSHIRE COUNCIL

Malmesbury Neighbourhood Plan: Final Decision Statement

Date of publication – 25 February 2015

1. Decision

- 1.1. Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 25 February 2015 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Malmesbury Neighbourhood Development Plan (the 'Plan').
- 1.2. The Malmesbury 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 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 27 November 2014 met the requirements of the Localism Act 2011. It was held in the neighbourhood plan area and posed the question "Do you want Wiltshire Council to use the neighbourhood plan for Malmesbury to help it decide planning applications in the neighbourhood area?"
- 2.3. The count took place on the night of Thursday 27 November 2014 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	1768	90.2%
NO	190	9.7%
Turnout	32.4%	

- 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 Malmesbury Neighbourhood Plan Area, situated in the north of Wiltshire, comprises the three parishes of Malmesbury Town, Brokenborough Parish and St Paul Malmesbury Without Parish. The Malmesbury Neighbourhood Plan Area was designated on 16 January 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) for the purposes of Neighbourhood Planning.

- 3.2. Malmesbury Town Council, Brokenborough Parish Council and St. Paul Malmesbury Without Parish Council, at their Extraordinary Full Council Meetings of 7 October 2013 and 8 October 2013, approved the draft Malmesbury Neighbourhood Plan (as amended) for submission to Wiltshire Council for consultation, independent examination and remaining stages of the draft Plan's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012; and delegated authority to the Malmesbury Neighbourhood Steering Group to prepare and submit the documents to accompany the Neighbourhood Plan.
- 3.3. Following submission of the Malmesbury Neighbourhood Plan to the Council, the plan and its supporting documents were publicised and representations invited between 20 January 2014 and 12 March 2014.
- 3.4. Wiltshire Council appointed an independent examiner, Mr John Mattocks (BSc DipTP MRTPI FRGS), in August 2014 to review the Plan and consider whether the plan met the basic conditions required by legislation and whether it should proceed to referendum. A public hearing session took place on 18 September 2014.
- 3.5. The examiner's report was received on 26 September 2014 and concluded that subject to making the modifications recommended in section 3 of the report, that the draft Plan met the basic conditions and was compatible with Convention Rights as set out in Schedule 4(B) of the Town and Country Planning Act (as amended) 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.
- 3.6. A referendum was held on 27 November 2014, 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).
- 3.7. 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.



Alistair Cunningham

Director of Economic Development and Planning

Wiltshire Council

25 February 2015