

**Wiltshire Council**

**Pewsey Neighbourhood Development Plan: Final Decision Statement**

**Date of publication: 22 October 2015**

**1. Decision**

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 21 October 2015 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Pewsey Neighbourhood Development Plan (the 'Plan').
- 1.2 The Pewsey Neighbourhood Development 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 21st 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 Wiltshire Council to use the neighbourhood plan for Pewsey to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on the 21st 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:

<b>Response</b>	<b>Votes</b>	<b>Percent of total</b>
YES	693	93%
NO	47	6%
Turnout	25%	

- 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 Pewsey Neighbourhood Development Plan Area, situated in the north-east of Wiltshire, and comprises the entire parish of Pewsey. The Area was designated on 28th May 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 On 1 October 2014, Pewsey Parish Council approved the draft Pewsey Neighbourhood Development Plan 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.
- 3.3 Following submission of the Pewsey Neighbourhood Development Plan to the Council, on 10th October 2014, the plan and its supporting documents were publicised and representations invited between 3rd November 2014 and 17th December 2014.
- 3.4 Wiltshire Council appointed an independent examiner, Ms Ann Skippers BSc (Hons) Dip Mgmt (Open) PGC (TLHE) (Open) MRTPI FHEA FRSA AoU on 2<sup>nd</sup> March 2015, to review the Plan and consider whether the plan met the basic conditions required by legislation and whether it should proceed to referendum.
- 3.5 The examiner's report was received on 17th April 2015 and concluded that subject to making the modifications recommended, that the draft Plan met the basic conditions and was compatible with Convention Rights as set out in Schedule 4(8) of the Town and Country Planning Act (as amended) 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 A referendum was held on 21st September 2015, 93% 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 Wiltshire Council's 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 in a cursive style.

Alistair Cunningham  
Associate Director  
Economic Development and Planning  
Wiltshire Council

Dated: 22.10.15