

TOCKENHAM NEIGHBOURHOOD PLAN 2019-2026: Final Decision Statement

Date of publication: 19th May 2021

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Wiltshire Council has decided on 19th May 2021 pursuant to section 38A (4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Tockenham Neighbourhood Plan (the 'Plan').
- 1.2 The Tockenham Neighbourhood 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 Section 38B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 6th May 2021 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Tockenham, and posed the question "Do you want Wiltshire Council to use the Neighbourhood Plan for Tockenham to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 9th May 2021 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	107	89.17%
NO	13	10.83%
Turnout	61.86%	

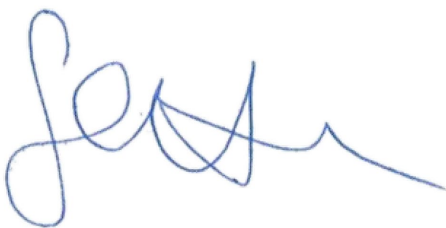
- 2.4 Wiltshire Council has assessed that the Plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).

3. Background

- 3.1 The Tockenham Neighbourhood Plan area, situated in the north part of Wiltshire, comprises of the parish area of Tockenham. The neighbourhood area was designated on 12th July 2017 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 Tockenham Parish Council (the 'qualifying body'), submitted the draft Tockenham Neighbourhood Plan, along with supporting documents, to Wiltshire Council on 30th July 2019 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 Tockenham Neighbourhood Plan, Wiltshire Council publicised the Plan and supporting documents and invited representations during the consultation period 10th September 2019 to 23rd October 2019.
- 3.4 In October 2019, Wiltshire Council appointed an independent examiner Deborah McCann BSc MRICS MRTPI Dip Arch Con Dip LD, to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received in February 2020 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 Tockenham Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner's report, in February 2020 Wiltshire Council published a Decision Statement to confirm that the Council was satisfied that the draft Tockenham Neighbourhood Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Tockenham Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.7 A referendum was held on 6th May 2021 and 89.17% 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 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:



Sam Fox
Corporate Director for Place
Wiltshire Council

Dated: 19th May 2021