

Bath & North East Somerset Council

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Stanton Drew Neighbourhood Plan Final Decision Statement

Decision Publication Date: 26th June 2021

1. DECISION

- 1.1 Following an independent examination and a positive referendum result, Bath & North East Somerset Council has decided, on 26th June 2021, pursuant to Section 38A(4) of the Planning & Compulsory Purchase Act, 2004, to 'make' the Stanton Drew Neighbourhood Plan ('the Plan').
- 1.2 Stanton Drew 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 examiners recommended modifications the Plan meets the basic conditions set out in paragraph 8(2) of the Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provision made under Section 38A and B 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 Neighbourhood Plan area and posed the question "Do you want Bath & North East Somerset Council to use the Neighbourhood Plan for Stanton Drew to help it decide planning applications in the Neighbourhood Area?".
- 2.3 There was a 50% turnout of the overall Neighbourhood Area electorate. A majority (64%) were in favour of using the Stanton Drew NDP to help decide planning applications in the Neighbourhood Area.
- 2.4 Bath & North East Somerset 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 Stanton Drew Neighbourhood Plan Area comprises the whole parish of Stanton Drew in the Bath & North East Somerset Council authority area (B&NES). On 11th October 2013,

B&NES Council approved that the Stanton Drew Neighbourhood Area be designated in accordance with the Neighbourhood Planning (General) Regulations 2012.

- 3.2 Stanton Drew Parish Council (the 'qualifying body') submitted the draft Stanton Drew Neighbourhood Plan, and supporting documents, to B&NES Council on in August 2019.
- 3.3 Following submission of Stanton Drew Neighbourhood Plan to the local authority, B&NES Council publicised the Plan and supporting documents and invited representations during the consultation period 22 November 2019 and 24 January 2020. A further 6-week consultation period ran from 8 June 2020 to 20 July 2020 relating to an updated consultation to support the plan.
- 3.4 In February 2020, B&NES Council appointed an independent examiner, Ms Janet Cheesley BA (Hons) DipTP MRTPI, to review the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received on 13th August 2020 and concluded that subject to making the modifications recommended in the report, that the draft Plan meets the Basic Conditions 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 Following receipt of the examiner's report, in March 2019 B&NES Council published a Decision Statement to confirm that the Council was satisfied that the Stanton Drew Neighbourhood Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Stanton Drew Neighbourhood Area (the parish area) would be an appropriate area within which to hold a referendum.
- 3.7 A referendum was held 6th May 2021, a majority 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 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 be otherwise 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 details of where it can be inspected, have been published on our website. This information has also been brought to the attention of people who live, work or conduct business in the Neighbourhood area.

Signed:

Simon de Beer

Simon de Beer

Head of Planning

Bath & North East Somerset Council

Dated: 26th June 2021