
Bath & North East Somerset Council

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Freshford Village Memorial Hall Community Right to Build Order

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 61E (4) of the Town and Country Planning Act 1990 (as amended), to 'make' the Freshford Village Memorial Hall Community Right to Build Order ('the Order').
- 1.2 As a result of making the Order the proposal within the order (Freshford Village Memorial Hall Redevelopment Project), has been granted planning permission.

2. REASONS FOR DECISION

- 2.1 Section 61E (4) of the Town and Country Planning Act 1990 (as amended) requires the Council to make the Community Right to Build Order if more than half of those voting in the referendum have voted in favour of the development in the Order being granted planning permission.
- 2.2 The referendum took place on the 6th May 2021. In accordance with the regulations, the question posed in the referendum was: 'Do you want the development in the Community Right to Build Order for Freshford and Limpley Stoke to have planning permission?'
- 2.3 There was a 57.57% turnout of the overall Neighbourhood Area electorate. A majority (91%) were in favour of Community Right to Build Order having planning permission.
- 2.4 Section 61E (8) of the Town and Country Planning Act 1990 (as amended) states that Local Planning Authority is not subject to the duty to make the Order if it considers that the making of the Order would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
- 2.5 There has been full and adequate opportunity for interested parties to take part in the preparation of the Order and to make their comments known. The examiner concluded that the documents supporting the Order evidence that it has been consulted upon and demonstrates that public consultation undertaken in association with the Order was both appropriate and fundamental to the production of the Order. The Council is satisfied that the

Order does not therefore breach Human Rights requirements. the Council therefore considers that the Order does not breach, nor is in any way incompatible with any obligation imposed by the European Union, the European Convention on Human Rights and the Human Rights Act.

- 2.6 The Council considers that the Order meets the basic conditions (set out in paragraph 8(2) of Schedule 4B of the Town and County Planning Act 1990 (as amended)), its preparation process was compliant with legal and procedural requirements, it does not breach the legislation (set out in Section 61E (8) of the Town and Country Planning Act 1990 (as amended)). and confirms that more than half of those who voted in the referendum, voted in favour of making that Order.

3. BACKGROUND

- 3.1 The designated area for the Order comprises Freshford (B&NES) and Limpley Stoke (Wiltshire) parish boundaries. On 30 October 2013, the Council formally approved that the Freshford and Limpley Stoke Neighbourhood Area be designated for the purposes of a Community Right to Build Order, in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 3.2 Freshford Village Memorial Hall Charitable Incorporated Organisation, (CIO) is the designated 'qualifying body' and constitutes a community organisation for the purposes of undertaking a Community Right to Build Order. The CIO submitted the draft Order, along with supporting documents, to Bath and North East Somerset Council in August 2019 for consultation, independent examination and the remaining stages of the draft Order's preparation in accordance with the Neighbourhood Planning (General) Regulations 2012
- 3.3 Following submission of the draft Order, the Council publicised the Order and supporting documents and invited representations during the consultation period, 3 September 2019 to 5 October 2019, in line with Part 6 Regulation 23 in The Regulations.
- 3.4 The Trustees decided to make further amendments to the Order, which required a repeat of this Consultation. B&NES publicised the revised submission Order for comment during the publicity period between 6 November 2019 and 18 December 2019 in line with Part 6 Regulation 23 in The Regulations.
- 3.5 In September 2019, B&NES Council appointed an independent examiner, Janet L Cheesley BA (Hons) DipTP MRTPI to review the Plan and consider whether it should proceed to referendum.
- 3.6 Following the receipt of the examiner's report, in March 2021 the Council published a Decision Statement to confirm that the Council was satisfied that the draft order complied with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Freshford and Limpley Stoke Neighbourhood Area was the appropriate area within which to hold a referendum.
- 3.7 On the 6th May 2021, the Order was successfully passed through in a referendum with 91% voting in favour of the development in the Community Right to Build Order being granted planning permission.

3.8 On 26th June 2021 the Cabinet Member for Planning and Licensing resolved that the Order be made, granting permission for the Freshford Village Memorial Hall Redevelopment Project.

4. Other Information

4.1 In accordance with Regulation 26(b) of the Neighbourhood Planning (General) Regulations 2012 (as amended), a copy of this Decision Statement has been sent to:

- The qualifying body, namely Freshford Village Memorial Hall Charitable Incorporated Organisation
- The persons who asked to be notified of the decision

4.2 This Decision Statement and the Community Right to Build Order and relevant document can be viewed on Bath & North East Somerset 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:

Simon de Beer

Simon de Beer

Head of Planning

Bath & North East Somerset Council

Dated: 26th June 2021