



Upper Broughton Neighbourhood Development Plan Final Decision Statement

1. Summary

- 1.1 Following a positive referendum result Rushcliffe Borough Council is publishing its decision to 'make' the Upper Broughton Neighbourhood Development Plan part of the Development Plan for Rushcliffe Borough in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

- 2.1 Upper Broughton Parish Council, as the qualifying body, successfully applied for Upper Broughton Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012). The Parish of Upper Broughton was designated as a Neighbourhood Area on 15 November 2016.
- 2.2 Following the submission of the Upper Broughton Neighbourhood Plan to the Borough Council, the plan was publicised and comments were invited from the public and stakeholders. The period for representations to be made closed on 7 June 2019.
- 2.3 The Borough Council appointed independent Examiner, Andrew Mead, to review whether the plan met the 'basic conditions' and other requirements required by legislation and whether the plan should proceed to referendum.
- 2.4 The Examiner concluded that the plan met the basic conditions and that, subject to the modifications proposed in his report, and which are set out in the Upper Broughton Neighbourhood Plan Decision Statement published 13 November 2019, the plan should proceed to a referendum. At its meeting on 5 December 2019, the Borough Council agreed that the amended Neighbourhood Plan should proceed to a referendum and that, subject to a positive referendum result, the Neighbourhood Plan should be made part of the Development Plan for Rushcliffe Borough.
- 2.5 A referendum was held on 30 January 2020 and 88.2% of those who voted were in favour of the plan.
- 2.6 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as

amended requires that the Borough Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

- 2.7 The Borough Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any European Union (EU) obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3. Decision and Reasons

- 3.1 With the inclusion of the Examiner's recommended modifications, the Upper Broughton Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of 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.

- 3.2 The referendum held on 30 January 2020 met the requirements of the Localism Act 2011, it was held in the parish of Upper Broughton and posed the question: 'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Upper Broughton to help it decide planning applications in the neighbourhood area?'

- 3.3 The count took place on 30 January 2020 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:

	Votes Recorded	Percentage
Number cast in favour of yes	90	88.2%
Number cast in favour of no	12	11.8%

- 3.4 Rushcliffe Borough 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).

- 3.5 In accordance with the Regulations and the Borough Council's decision of 13 November 2019 the Neighbourhood Development Plan is 'made' and now forms part of the Development Plan for Rushcliffe Borough.

- 3.6 The Plan and its supporting documentation can be inspected at:
<http://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/>