



Rushcliffe Borough Council

East Leake 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 East Leake 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 East Leake Parish Council, as the qualifying body successfully applied for East Leake parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in December 2012.

2.2 Following the submission of the East Leake Neighbourhood Plan Submission Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on Monday 2 April 2015.

2.3 Rushcliffe Borough Council appointed independent Examiner, Gary Kirk, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

2.4 The Examiner's Report concluded that the plan meets the basic conditions, and that subject to the modifications proposed in his report and which are set out in the East Leake Neighbourhood Plan Decision Statement published September 2015, the plan should proceed to a referendum. At its meeting on 24 September 2015, the Borough Council agreed that the Examiner's recommended modifications should be accepted, that the amended Neighbourhood Plan should proceed to a referendum and that subject to a positive referendum, the Neighbourhood Plan should be made.

2.5 A referendum was held on 19 November 2015, 94.58% 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 Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

2.7 The council is 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. Decision and Reasons

3.1 With the Examiner's recommended modifications the East Leake 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 19 November 2015 met the requirements of the Localism Act 2011; it was held in the parish of East Leake and posed the question: 'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for East Leake to help it decide planning applications in the neighbourhood area?'

3.3 The count took place on Thursday 19 November 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:

	Votes Recorded	Percentage
Number cast in favour of yes	1205	94.58%
Number cast in favour of no	69	5.42%

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 24 September 2015 the Neighbourhood Development Plan is 'made' and now forms part of the Development Plan for Rushcliffe Borough.