



Hickling Parish Neighbourhood Plan – Final Decision Statement

1. Summary

- 1.1 Following a positive referendum result Rushcliffe Borough Council is publishing its decision to 'make' the Hickling Parish Neighbourhood 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 Hickling Parish Council, as the qualifying body, successfully applied for Hickling Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012). The Parish of Hickling was designated as a Neighbourhood Area on 23 February 2017.
- 2.2 Following the submission of the Hickling Parish Neighbourhood Plan to the Borough Council, the plan was publicised and comments were invited from the public and other stakeholders. The period for representations to be made closed on 3 May 2021.
- 2.3 The Borough Council appointed David Kaiserman as an independent Examiner to review whether the plan met the 'basic conditions' and other requirements required by legislation and whether the plan should proceed to referendum. His report was published on 10 July 2021 and it was his conclusion that, subject to a number of recommended modifications, the plan should proceed to referendum.
- 2.4 The Borough Council, in October 2021, decided to accept of the Examiner's recommended modifications with the exception of modification 09, which relates to Policy H11 (The Wharf), and modification 10, which would be a consequential amendment to Policy 10 (Housing Provision). It was considered that these two modifications are unnecessary to meet the Basic Conditions and would make both policies less clear than the versions included within the submission draft of the Plan. It was decided that all other recommended modifications meet the Basic Conditions' and other regulatory requirements.
- 2.5 In accordance with relevant statutory requirements, the Borough Council consulted

on the proposed decision not to accept two of the recommended modifications. The consultation was undertaken over a six-week period ending on 9 December 2021 and no issues were raised to alter the Borough Council's position that the Examiner's recommended modifications 09 and 10 are unnecessary to meet the Basic Conditions and would make the policies less clear.

- 2.6 It was subsequently agreed by the Borough Council on 11 January 2022 that the plan was in a position to proceed to referendum in order to determine whether residents of Hickling Parish support the plan and it should become part of the statutory development plan. The referendum took place on Thursday 3 March 2022.
- 2.7 At this referendum 66.2% of those who voted were in favour of the plan.
- 2.8 Section 38A (4) 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.
- 2.9 The Borough Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with any retained European Union (EU) legislation (as set out within the European Union (Withdrawal) Act 2018) 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 (apart from modifications 09 and 10), the Hickling Parish Neighbourhood 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 retained EU legislation 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 3 March 2022 met the requirements of the Localism Act 2011, it was held in the parish of Hickling and posed the question: 'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Hickling to help it decide planning applications in the neighbourhood area?'
- 3.3 The count took place on 3 March 2022 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	149	66.2%
Number cast in favour of no	76	33.8%

- 3.4 Rushcliffe Borough Council has assessed that the plan, including its preparation, does not breach, and would not otherwise be incompatible with any retained EU legislation 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 3 March 2022 the Hickling Parish Neighbourhood 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/>

4 March 2022