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## **Bigbury Neighbourhood Plan Regulation 19 Decision Statement**

Statement published 6<sup>th</sup> May 2020, pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012

**South Hams District Council decided by resolution of Executive Committee on 23<sup>rd</sup> April 2020 to make the Bigbury Neighbourhood Development Plan under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended). The Bigbury Neighbourhood Development Plan now forms part of the Development Plan for South Hams District.**

### **1. Summary**

1.1 This document is the Decision Statement required to be prepared under section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) and Regulation 19 of the Neighbourhood Planning (General Regulations) 2012 (As amended). It sets out the Council's considerations and formal decision in bringing the Bigbury Neighbourhood Development Plan into legal force.

1.2 Following an independent examination and positive referendum, held on 27/02/2020, South Hams District Council decided to make the Bigbury Neighbourhood Development Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

### **2. Background**

2.1 In December 2015, Bigbury Parish Council, as the qualifying body, submitted proposals to South Hams District Council to designate the boundary of the Bigbury Neighbourhood Plan Area.

2.2 The Neighbourhood Area application was approved by South Hams District Council (the Council) on 18/12/2015 in accordance with the Neighbourhood Planning (General) Regulations 2012 (As amended).

2.3 Following initial consultation stages, a revised Draft Plan was publicised and representations were invited in accordance with Regulation 14 in January 2019.

2.4 The final draft neighbourhood plan was submitted to South Hams District Council on 22/07/2019. A final stage of publicity and consultation was undertaken over a 6-week period up to 9<sup>th</sup> September 2019 to determine if there were any unresolved objections to the plan.

2.5 South Hams District Council, with the agreement of Bigbury Parish Council, appointed an independent Examiner, to review whether the Plan met the “Basic Conditions” required by legislation and could proceed to referendum.

2.6 The Examiner’s report was received 6<sup>th</sup> November 2019. This concluded that the plan met the basic conditions, and that subject to the modifications proposed in the report the plan should proceed to a referendum.

### **3. Decision and Reasons**

3.1 With the Examiner's recommended modifications the Bigbury 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 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 A local referendum was held in Bigbury on 27<sup>th</sup> February 2020 to decide whether the local community were in favour of the Bigbury Neighbourhood Plan. From the votes recorded, of those who voted 80.59% were in favour of the plan. The turnout of electors was 53.26%.

3.3 Section 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.

3.4 South Hams District 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 Neighbourhood Planning (General) Regulations 2012 (As amended), Bigbury Neighbourhood Development Plan is ‘made’ and planning applications in the parish must be considered against the Bigbury Neighbourhood Development Plan, as well as existing planning policy, such as the Local Development Plan and the National Planning Policy Framework.