

Cottesmore Neighbourhood Plan

Decision Statement

published pursuant to Section 38A(9) of the Planning and Compulsory Purchase Act 2004 and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012

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 Cottesmore Neighbourhood Development Plan into legal force.
- 1.2 Following an independent examination and positive referendum, held on 14th April 2016 Rutland County Council decided to make the Cottesmore Neighbourhood Development Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 ('the Act').

2. Background

- 2.1 In February 2014, Cottesmore Parish Council, as the qualifying body, submitted proposals to Rutland County Council to designate the boundary of the Cottesmore Neighbourhood Plan Area.
- 2.2 The plan area designated covers the entire Parish comprising the village of Cottesmore, surrounding agricultural land and land owned by the Ministry of Defence which is contained behind security fencing.
- 2.3 The Neighbourhood Area application was approved by Rutland County Council 'the Council' in April 2014 in accordance with the Neighbourhood Planning (General) Regulations 2012. The first draft of the Cottesmore Neighbourhood Plan was publicised and representations were invited. The consultation period closed on 13th December 2014.

- 2.4 A revised Second Draft Plan was subsequently publicised and representations were invited. The consultation period closed on 15th March 2015.
- 2.5 The final draft neighbourhood plan was submitted to Rutland County Council in July 2015. A final 6-week stage of publicity and consultation was undertaken over a 6-week period up to 4th September 2015 to determine if there are any unresolved objections to the plan.
- 2.6 Rutland County Council, with the agreement of Cottesmore Parish Council, appointed an Independent Examiner, to review whether the Plan met the “Basic Conditions” required by legislation and proceed to referendum.
- 2.7 The Examiner’s report was published in November 2015. This concluded that the plan met the basic conditions, and that subject to the modifications proposed in his report the plan should proceed to a Neighbourhood Planning referendum.
- 2.8 The modifications agreed to the neighbourhood plan made by Rutland County Council under delegated authority are set out in the Cottesmore Neighbourhood Plan Decision Statement published on 22nd February 2016

3. Decision and Reasons

- 3.1 With the Examiner's recommended modifications the Cottesmore 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 Sections 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.
- 3.2 A local referendum was held in Cottesmore on 14th April 2016 to decide whether the local community were in favour of the Cottesmore Neighbourhood Plan. From the votes recorded, 271 out of 323 (84%) of those who voted were in favour of the plan. The turnout of electors was 20%.
- 3.3 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the County Council must ‘make’ the neighbourhood plan if more than half of those voting have voted in favour of the plan.

- 3.4 Rutland County 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, Cottesmore Neighbourhood Development Plan is 'made' and planning applications in the parish must be considered against the Cottesmore Neighbourhood Development Plan, as well as existing planning policy, such as the County Council's Core Strategy Development Plan Document (DPD), the Site Allocations & Policies DPD and the National Planning Policy Framework.

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