



## **1 Summary**

- 1.1 Following a positive referendum result Rutland County Council is publishing its decision to 'make' the Edith Weston Neighbourhood Development Plan as part of Rutland County Council's Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

## **2 Background**

- 2.1 Edith Weston Parish Council, as the qualifying body, successfully applied for Edith Weston parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.
- 2.2 Following the submission of the Edith Weston Neighbourhood Plan for examination the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 4th November 2013.
- 2.3 Rutland County Council appointed independent Examiner, Terry Hesleton, 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 met the basic conditions, and that subject to the modifications proposed in his report the plan should proceed to a referendum. Modifications agreed to by Rutland County Council under delegated authority are set out in the Edith Weston Neighbourhood Plan Decision Statement published on 17th February 2014,
- 2.5 A referendum was held on 3rd April 2014 at which just over 90% of those who voted were in favour of the plan. The turnout of electors was 21.8%.
- 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 Edith Weston 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 3<sup>rd</sup> April 2014 met the requirements of the Localism Act 2011; it was held in the parish of Edith Weston and posed the question: 'Do you want Rutland County Council to use the Neighbourhood Plan for Edith Weston to help it decide planning applications in the Neighbourhood area?'
- 3.3 The count took place on Thursday 3<sup>rd</sup> April 2014 and more than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
- 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 Edith Weston Neighbourhood Development Plan is 'made' and planning applications in the village must be considered against the Edith Weston Neighbourhood Development Plan, as well as existing planning policy, such as the County Council's Core Strategy, the emerging Site Allocations & Policies DPD and the National Planning Policy Framework.

Statement published 23 June 2014.