



## Harborough District Council

### Scraptoft Neighbourhood Development Plan - Final Decision Statement

#### 1. Summary

- 1.1 Following a positive referendum result Harborough District Council is publishing its decision to 'make' the Scraptoft Neighbourhood Development Plan part of Harborough District Councils Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### 2. Background

- 2.1 Scraptoft Parish Council, as the qualifying body successfully applied for Scraptoft 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 Scraptoft Neighbourhood Plan Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on Monday 11<sup>th</sup> May 2015.
- 2.3 Harborough District Council appointed an Independent Examiner, Dr Angus Kennedy, 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 and which are set out in the Scraptoft Neighbourhood Plan Decision Statement published on 4<sup>th</sup> January 2016, the plan should proceed to a referendum. At its meeting on 14<sup>th</sup> December 2015, the Council agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
- 2.5 A referendum was held on 11<sup>th</sup> February 2016, 94% 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 are 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 Scraftoft 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 11th February met the requirements of the Localism Act 2011; it was held in the Parish of Scraftoft and posed the question: 'Do you want Harborough District Council to use the Neighbourhood Plan for Scraftoft to help it decide planning applications in the Neighbourhood area?'
- 3.3 The count took place on Thursday 11<sup>th</sup> February 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:

<b>Response</b>	<b>Votes</b>	<b>% of votes cast</b>
<b>Yes</b>	<b>355</b>	<b>94%</b>
<b>No</b>	<b>22</b>	<b>6%</b>
<b>Turnout - 27%</b>	<b>377</b>	
<b>Electorate total</b>	<b>1405</b>	

- 3.4 Harborough 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 Convention rights (within the meaning of the Human Rights Act 1998).
- 3.5 In accordance with the Regulations and the Council's scheme of delegation the Scraftoft Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Scraftoft Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Core Strategy and the National Planning Policy Framework and Guidance.