

## Harborough District Council

### Shearsby 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 Shearsby 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. Shearsby Parish Council, as the qualifying body successfully applied for Shearsby 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 Shearsby 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 23<sup>rd</sup> May 2018.
- 2.3. Harborough District Council appointed an Independent Examiner, Mr Martin Lee, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4. The Examiners 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 Shearsby Neighbourhood Decision Statement published in November 2018, the plan should proceed to a referendum. At its meeting on 13<sup>th</sup> November 2018 the Councils Executive agreed that all of the Examiner's recommended modifications should be accepted, with the exception of Policy S1 (Presumption in Favour of Sustainable Development) which had been included in error within the Examiner's report dated 25<sup>th</sup> September 2018 and should therefore be disregarded, and that the amended Neighbourhood Plan should proceed to a referendum.
- 2.5. A referendum was held on 10<sup>th</sup> January 2019 and a 'yes' vote was returned with 105 out of 113 persons that voted, voting '*to use the Neighbourhood Plan for Shearsby to help it decide planning applications in the Neighbourhood area.*'
- 2.6. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the Council must 'make' the Neighbourhood Plan within 8 weeks 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 Shearsby Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 48 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 10<sup>th</sup> January 2019 met the requirements of the Localism Act 2011; it was held in the Parish of Shearsby and posed the question:

*'Do you want Harborough District Council to use the Neighbourhood Plan for Shearsby to help it decide planning applications in the Neighbourhood area?'*

3.3. The count took place on 10<sup>th</sup> January 2019 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:

Description		Votes
Total number of votes cast		<b>113</b>
Number cast in favour of a "YES"		<b>105</b>
Number cast in favour of a "NO"		<b>8</b>
The number of Ballot Papers rejected was as follows	(a) Want of Official Mark	
	(b) Voting more times than the voter was entitled to	
	(c) Writing or mark by which the voter could be identified	
	(d) Being unmarked or wholly void for uncertainty	
	(e) Rejected in part	
	Total number of Spoilt Votes	<b>0</b>
Turnout – <b>61.1%</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 Shearsby Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Shearsby Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Core Strategy and the National Planning Policy Framework and Guidance.

**4. Where to view this Decision Notice**

4.1. The decision notice may be viewed at:

Harborough District Council  
The Symington Building  
Adam and Eve Street  
Market Harborough  
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm