

## **Nuthall Neighbourhood Plan Final Decision Statement**

### **1. Summary**

- 1.1 Following a positive referendum result, Broxtowe Borough Council is publishing its decision to 'make' the Nuthall Neighbourhood Plan as part of the Development Plan for the Borough of Broxtowe in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

### **2. Background**

- 2.1 Nuthall Parish Council, as the qualifying body, successfully applied for Nuthall Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations 2012. The Parish of Nuthall was designated as a Neighbourhood Area on 17<sup>th</sup> September 2014.
- 2.2 Following the submission of the Nuthall Neighbourhood Plan to the Borough Council, the plan was publicised and comments were invited from the public and stakeholders. The period for representations to be made closed on 20<sup>th</sup> April 2018.
- 2.3 The Borough Council appointed independent Examiner, Jill Kingaby (BSc (Econ) MSc MRTPI), to review whether the plan met the 'basic conditions' and other requirements required by legislation, and whether the plan should proceed to referendum.
- 2.4 The Examiner concluded that the plan meets the basic requirements and that, subject to the modifications proposed in her report, and which are set out in the Nuthall Neighbourhood Plan Decision Statement published, 5<sup>th</sup> November 2018, the plan should proceed to a referendum. The Borough Council agreed that the Neighbourhood Plan, with its modifications, should proceed to a referendum and that, subject to a positive result, the Neighbourhood Plan should be made part of the Development Plan for Broxtowe Borough.
- 2.5 A referendum was held on 13<sup>th</sup> December 2018 and 88% 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 Borough Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.
- 2.7 The Borough Council is not subject to this duty if the making of the plan would breach, or otherwise be incompatible with, any European Union (EU) obligation

or any of the Convention rights (within the meaning of the Human Rights Act 1998).

### 3. Decisions and Reasons

3.1 With the inclusion of the Examiner’s recommended modifications, the Nuthall 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 28A and B of the Planning and Compulsory Purchase Act 2004 as amended.

3.2 The referendum held on 13<sup>th</sup> December 2018 in the parish of Nuthall met the requirements of the Localism Act 2011 and posed the question: ‘Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Nuthall to help it decide planning applications in the neighbourhood area?’

3.3 The count took place on 13<sup>th</sup> December 2018 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>Votes Recorded</b>	<b>Percentage</b>
Number cast in favour of yes	629	87.6%
Number cast in favour of no	89	12.2%

3.4 Broxtowe Borough 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 and the Borough Council’s decision of 5<sup>th</sup> November 2018, the Neighbourhood Plan is ‘made’ and now forms part of the Development Plan for Broxtowe Borough.

3.6 The Plan and its supporting documentation can be inspected at:

<https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/nuthall-neighbourhood-plan/>