



**Broxtowe
Borough
COUNCIL**

COSSALL NEIGHBOURHOOD DEVELOPMENT PLAN

(2022 – 2037)

**REGULATION 19 OF THE
THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS
2012 (AS AMENDED)**

**SECTION 38A(4) OF THE PLANNING AND COMPULSORY
PURCHASE ACT 2004 (AS AMENDED)**

REGULATION 19 DECISION STATEMENT

BROXTOWE BOROUGH COUNCIL

MARCH 2024

1.0 Summary

- 1.1 This Decision Statement has been prepared to meet the requirements of Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). It sets out the Council's decision to 'make' the Cossall Neighbourhood Plan, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), following a positive referendum result on the 15 February 2024.
- 1.2 This Decision Statement, along with the Cossall Neighbourhood Plan, Policies Map and other supporting documents can be viewed on Broxtowe Borough Council's website at the following link:
<https://www.broxtowe.gov.uk/cossallneighbourhoodplan>.
- 1.3 A paper copy of this Decision Statement and the Cossall Neighbourhood Plan can be viewed during normal opening times (Monday –Thursday 9am – 5pm, Friday 9am - 4.30pm) at the following location:

Broxtowe Borough Council (Reception),
Council Offices,
Foster Avenue,
Beeston,
Nottingham,
NG9 1AB.

2.0 Background

- 2.1 Schedule 4B of the Town and Country Planning Act 1990 (as amended) places a statutory duty on the Borough Council to assist communities in the preparation of Neighbourhood Plans and to take the Plans through a process of examination and referendum. The Localism Act 2011 sets out the Local Planning Authority's responsibilities under neighbourhood planning.
- 2.2 The Cossall Neighbourhood Plan relates to the Cossall Neighbourhood Area which was designated on 4 December 2017. The Cossall Neighbourhood Area is the pre-April 2023 Cossall Parish Area. A plan showing this area is shown as Plan A on page 6 of this Statement.
- 2.3 The Pre-Submission Draft Cossall Neighbourhood Plan was made available for consultation in accordance with Regulation 14 of the Neighbourhood Planning (General) Regulations 2012 (as amended), from 20 September until 1 November 2022.
- 2.4 Cossall Parish Council formally submitted the Neighbourhood Plan to Broxtowe Borough Council on 9 March 2023. Broxtowe Borough Council held a consultation (in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended)), on the Submission Draft of the Cossall Neighbourhood Plan from 30 May until 14 July 2023.

- 2.5 An Independent Examiner (Jill Kingaby BSc (Econ) MSc MRTPI) was appointed by Broxtowe Borough Council to undertake the Independent Examination of the Submission version of the Cossall Neighbourhood Plan. The Independent Examiner's Report was sent to Broxtowe Borough Council and Cossall Parish Council on 9 November 2023.
- 2.6 The Independent Examiner's Report is available to view on Broxtowe Borough Council's website at the following link:
<https://www.broxtowe.gov.uk/media/hm3lya1o/cossall-ndp-examiner-report.pdf>
- 2.7 The Independent Examiner concluded that, subject to the modifications recommended, the Cossall Neighbourhood Plan would meet the Basic Conditions and other relevant legal requirements.
- 2.8 Broxtowe Borough Council (in liaison with Cossall Parish Council) agreed that all of the modifications recommended by the Independent Examiner be incorporated within the revised Cossall Neighbourhood Plan, in order for it to proceed to public referendum. This decision was made at the 5 December 2023 meeting of Broxtowe Borough Council's Cabinet.
- 2.9 Further information in relation to the 5 December 2023 meeting of the Council's Cabinet is available to view on the Borough Council's website at the following link:
<https://democracy.broxtowe.gov.uk/ieListDocuments.aspx?CId=229&MId=3969> (Item 93.2).
- 2.10 At its 5 December 2023 meeting, Broxtowe Borough Council's Cabinet resolved that:
1. The Cossall Neighbourhood Plan should be modified as proposed by the Independent Examiner.
 2. Once modified as proposed by the Independent Examiner, it is considered the Neighbourhood Plan will meet the Basic Conditions.
 3. The Cossall Neighbourhood Plan should proceed to a referendum, with the extent of the area eligible to vote to be based upon the Cossall Neighbourhood Area as shown within appendix 1 to this report.
- 2.11 A copy of the plan referred to within part 3 (appendix 1) of the above decision is included as Plan A within this Statement.

3.0 Decision and Reasons

3.1 A referendum was held on Thursday 15 February 2024. A majority of those who voted were in favour of the Neighbourhood Plan.

3.2 The results of the referendum were:

Question:

“Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Cossall to help it decide planning applications in the neighbourhood area?”.

	Votes recorded	Percentage
Number of votes cast in favour of a Yes	115	93.5%
Number of votes cast in favour of a No	8	6.5%

The turnout was 26.28%.

3.3 Paragraph 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Local Planning Authority must ‘make’ a Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

3.4 The Council is not subject to this duty if the Council considers that 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).

3.5 The Council does not consider that the plan would breach, nor be otherwise incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.6 Accordingly, the Council resolved to ‘make’ the Cossall Neighbourhood Plan at its meeting of Cabinet on 12 March 2024. Further information in relation to this meeting and the decision can be viewed on Broxtowe Borough Council’s website at the following link:

<https://democracy.broxtowe.gov.uk/ieListDocuments.aspx?CIId=229&MIId=5283>

3.7 In accordance with the Regulations and the Council’s procedure, the Cossall Neighbourhood Plan is ‘made’ and planning applications in the area must be considered against the Cossall Neighbourhood Plan, as well as existing planning policy.

4.0 Further Information

- 4.1 If you have any questions or would like any further information in relation to the Cossall Neighbourhood Plan or this Decision Statement, please feel free to contact the Borough Council's Planning Policy Team on 0115 917 3015 or via email at: policy@broxtowe.gov.uk.

Broxtowe Borough Council
March 2024

PLAN A: COSSALL NEIGHBOURHOOD PLAN AREA BOUNDARY

