



Hinckley & Bosworth
Borough Council

Desford Neighbourhood Plan

Decision Statement

Regulation 19

The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

Following a positive referendum result Hinckley and Bosworth Borough Council is publishing its decision to 'make' the Desford Neighbourhood Development Plan part of the Borough Council's Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

Background

In February 2015, following a four week consultation, the council formally designated the Desford Neighbourhood Area on Wednesday 9 September 2015 for the purpose of producing a neighbourhood development plan. The designated area covers Desford Parish only.

The Desford Neighbourhood Plan submission version was submitted to Hinckley & Bosworth Borough Council, who undertook the statutory consultation in accordance with Regulation 16, between Wednesday 22 January 2020 and 5pm Wednesday 4 March 2020.

The Borough Council with the agreement of Desford Parish Council appointed an independent Examiner (via the NPIERS referral service). Mr Tim Jones, Barrister, FCI Arb (No5 Chambers) was appointed to examine whether the Desford Neighbourhood Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990, and to recommend whether the Desford Neighbourhood Plan should proceed to a referendum.

The Examiner's Report recommends a range of modifications and additions to policies, as well as some of the supporting content in the Plan to provide clarity in order to ensure that the Basic Conditions are met. The Examiner's Report (August 2020) concludes by stating: 'I recommend that the modified NDP proceed to a referendum, the referendum area being the area of the Draft DNP.'

The Scheme of Delegation and Council Constitution gives the Director of Environment and Planning delegated authority for the approval of proceeding neighbourhood plans to the referendum stage and for the making of Neighbourhood Development Plans following a successful result at referendum.

A referendum was held on Thursday 6 May 2021 and a 'yes' vote was returned with 1331 out of 1463 persons that voted, voting *'to use the Neighbourhood Plan for Desford Parish to help it decide planning applications in the Neighbourhood Area.'*

Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 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.

Decisions and Reasons

With the Examiner's recommended modifications the Desford 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 Sections 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

The Borough Council has assessed that the Neighbourhood Plan 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).

The referendum held on Thursday 6 May 2021 in the Parish of Desford posed the question: 'Do you want Hinckley and Bosworth Borough Council to use the Neighbourhood Plan for the Desford Neighbourhood Area to help it decide planning applications in the Neighbourhood Area?'

The count took place overnight Thursday 6 May 2021 into Friday 7 May 2021 and greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the Neighbourhood Area. The results of the referendum were as follows:

Description		Number	Percentage
Ballot Papers Issued		1463	
Number cast in favour of a 'Yes'		1331	90.98%
Number cast in favour of a 'No'		105	7.17%
The number of ballot papers rejected was as follows:	(a) want of official mark	0	0%
	(b) voting for more than one answer	0	0%
	(c) writing or mark by which voter could be identified	1	0.06%
	(d) being unmarked or wholly void for uncertainty	27	1.84%
Turnout			41.94%

Therefore, in accordance with the regulations, Desford Neighbourhood Development Plan is 'made' and planning applications within the Neighbourhood Area must be considered against the Desford Neighbourhood Plan, as well as existing national and local planning policy such as the National Planning Policy Framework and Guidance, and the Borough Council's Local Plan 2006-2026.

Where to view this Decision Notice

This Decision Statement may be viewed online at www.hinckley-bosworth.gov.uk/desfordplan

And at the following address:

Hinckley and Bosworth Borough Council

Hinckley Hub
Rugby Road
Hinckley
Leicestershire
LE10 0FR

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