



Hinckley & Bosworth
Borough Council

Witherley Neighbourhood Plan Regulation 18 Decision Statement – Wednesday 1 March 2023

Regulation 18(2) of The Neighbourhood Planning (General) Regulations 2012 (as amended)

Summary

Following an independent examination undertaken by written representations, the council have considered all of the information available and this Decision Statement outlines the Local Planning Authority's (LPA) decision in regards to the Witherley Neighbourhood Plan.

This Decision Statement will be made available on the Borough Council's website and by prior request at the Hinckley Hub.

Background

In January 2017 Witherley Parish Council submitted an application to designate a neighbourhood area in order to prepare a neighbourhood development plan to cover the whole area of Witherley parish. A six-week public consultation on whether this was an appropriate area to designate for the purpose of undertaking a neighbourhood development plan ended on 20 March 2017. Following the consultation, the Borough Council formally designated Witherley Neighbourhood Area for the purpose of producing a neighbourhood development plan. The designated area covers Witherley Parish only.

The Witherley Neighbourhood Plan submission version was submitted to Hinckley & Bosworth Borough Council, who undertook the statutory consultation in accordance with Regulation 16, between 9am Friday 16 September and 5pm Friday 4 November 2022.

The Borough Council with the agreement of Witherley Parish Council appointed an independent Examiner (via the NPIERS referral service). Mr Chris Collison was appointed to examine whether the Witherley 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 Witherley Neighbourhood Plan should proceed to a referendum.

The Examiner's Report recommends a range of modifications to policies and supporting content in the Plan, including corrections, to provide clarity in order to ensure that the Basic Conditions are met.

The Examiner's Report (25 January 2023) concludes by stating:

"I have recommended 25 modifications to the Submission Version Plan. I recommend an additional modification in the Annex to my report.

...

I recommend to Hinckley and Bosworth Borough Council that the Witherley Neighbourhood Development Plan for the plan period up to 2039 should, subject to the modifications I have put forward, be submitted to referendum.

...

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Hinckley and Bosworth Borough Council as a Neighbourhood Area on 3 April 2017."

Modifications required

As stated above, the Independent Examiner recommended in total 26 modifications to the plan. These are included in the accompanying modifications table, including the Council's response to each of the modifications, as required by Regulation 18(2) of The Neighbourhood Planning (General) Regulations 2012 (as amended), and the associated action required to produce the Referendum Version of the plan.

The Local Planning Authority has also recommended one further modification, as discussed with Witherley Parish Council. Since receiving the final examiner's report, it came to light that some information contained within the plan could no longer be evidenced. As such, the Local Planning Authority has outlined a small modification to rectify and clarify. This is outlined in the accompanying modifications table.

Decision

The Neighbourhood Planning (General) Regulations 2012, Regulation 18 requires the local planning authority to outline what action to take in response to the recommendations of an examiner made in a report under paragraph 10 of Schedule 4a to the Town and Country Planning Act 1990 (as applied by Section 38A of the Planning and Compulsory Purchase Act 2004).

Having considered the recommendations made in the examiner's report, and the reasons for them, and all information available to the Council at the time, Hinckley and Bosworth Borough Council has agreed to accept the modifications made to the draft plan under paragraph 12(6) of Schedule 4B to the Town and Country Planning Act 1990 and proceed to referendum as soon as reasonably practical.

To meet the requirements of the Localism Act 2011 a referendum which poses the question, 'Do you want Hinckley and Bosworth Borough Council to use the Neighbourhood Plan for Witherley Parish to help it decide planning applications in the neighbourhood area?' will be held in the area formally designated as the Witherley Neighbourhood Area.