

Uttlesford District Council

Felsted Neighbourhood Plan: Final Decision Statement

Date of publication: 26 February 2020

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Uttlesford Council decided on 25 February 2020 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to 'make' the Felsted Neighbourhood Plan (the 'Plan').
- 1.2 The Felsted Neighbourhood Plan now forms part of the Development Plan and its policies will be given full weight when assessing planning applications that affect land covered by the Plan.

2. Reasons for Decision

- 2.1 With the Examiner's recommended modifications, the Plan meets the basic conditions set out in paragraph 8(2) of the 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 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 2.2 The referendum held on 30 January 2020 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Felsted and posed the question "Do you want Uttlesford District Council to use the Neighbourhood Plan for Felsted to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 30 January 2020 and greater than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the neighbourhood plan area. The results of the referendum were:

Response	Votes	Percent of Total
YES	687	91.11%
NO	65	8.62%
SPOILT PAPERS	2	0.27%
TURNOUT	754	31.76%

- 2.4 Uttlesford 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 of the Convention Rights (within the meaning of the Human Rights Act 1998).

3. Background

- 3.1 The Felsted Neighbourhood Plan Area, situated in the south of Uttlesford District, comprises the parish area of Felsted. The neighbourhood area was designated on 4

December 2014 as an area for the purpose of preparing a neighbourhood plan in accordance with section 61G of the Town and Country Planning Act 1990 (as amended).

- 3.2 Felsted Parish Council (the ‘qualifying body’), submitted the draft Felsted Neighbourhood Plan, along with supporting documents, to Uttlesford District Council on 10 June 2019 for consultation, independent examination and remaining stages of the draft Plan’s preparation in accordance with the Neighbourhood Planning (General) Regulations 2012.
- 3.3 Following submission of the draft Felsted Neighbourhood Plan, Uttlesford District Council publicised the Plan and supporting documents and invited representations during the consultation period 12 June 2019 to 24 July 2019.
- 3.4 In April 2019, Uttlesford District Council appointed an independent examiner Mr Christopher Collison BA (Hons) MBA MRTPI MIED MCMI IHBC to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner’s report was received on 29 September 2019 and concluded that, subject to making the modifications recommended in the report, the draft Plan met the Basic Conditions and should proceed to referendum. The examiner also recommended that the Felsted Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner’s report, in November 2019 Uttlesford District Council published a Decision Statement to confirm that the Council was satisfied that the Felsted Neighbourhood Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Felsted Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.7 A referendum was held on 30 January 2020 and 91.11% of those who voted were in favour of the Plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan. The Council is 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).
- 3.8 This Decision Statement and the Neighbourhood Plan have been published on Uttlesford District Council’s website along with details of where they can be inspected. This information has also been brought to the attention of people who live, work or carry out business in the neighbourhood area.

Signed:



Gordon Glenday

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Dated: 26.02.2020