

Uttlesford District Council

Thaxted Neighbourhood Plan: Final Decision Statement

Date of publication: 22 February 2019

1. Decision

- 1.1 Following an Independent Examination and a positive referendum result, Uttlesford District Council decided on 21 February 2019 pursuant to section 38A(4) of the Planning and Compulsory Purchase Act 2004, to **'make'** the Thaxted Neighbourhood Plan (the 'Plan').
- 1.2 The Thaxted 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 24 January 2019 met the requirements of the Localism Act 2011. It was held in the referendum area (consisting of the parish area of Thaxted and posed the question "Do you want Uttlesford District Council to use the Neighbourhood Plan for Thaxted to help it decide planning applications in the neighbourhood area?"
- 2.3 The count took place on 25 January 2019 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 number of people entitled to vote in the referendum was 2554. The total votes cast were 897 meaning that the turnout was just over 35%.The results of the referendum were:

Response	Votes	Percent of Total
YES	861	95.99%
NO	35	3.90%
SPOILT PAPERS	1	0.11%
TURNOUT	897	

- 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 Thaxted Neighbourhood Plan Area, situated in the east of Uttlesford District, comprises the parish area of Thaxted. The neighbourhood area was designated on 10 December 2015 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 Thaxted Parish Council (the 'qualifying body'), submitted the draft Thaxted Neighbourhood Plan, along with supporting documents, to Uttlesford District Council on 20 April 2018 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 Thaxted Neighbourhood Plan, Uttlesford District Council publicised the Plan and supporting documents and invited representations during the consultation period 4 May 2018 to 19 June 2018.
- 3.4 In July 2018, Uttlesford District Council appointed an independent examiner, Mr Tony Burton CBE BA MPhil (Town Planning) FRIBA FRSA, to examine the Plan and consider whether it should proceed to referendum.
- 3.5 The examiner's report was received in September 2018 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 Thaxted Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.6 Following receipt of the examiner's report, in September 2018 Uttlesford District Council published a Decision Statement to confirm that the Council was satisfied that the Thaxted Neighbourhood Plan, as modified, complies with the legal requirements and could proceed to referendum. The Council also agreed with the examiner that the Thaxted Neighbourhood Area would be an appropriate area within which to hold a referendum.
- 3.7 A referendum was held on 24 January 2019 and 95.99% 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 plan area.

Signed:



Gordon Glenday
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Dated: 22.02.2019