

## Burghwallis Neighbourhood Development Plan – Final Decision Statement

### **1. Summary**

1.1 Following a positive referendum result on the 27<sup>th</sup> October 2016 Doncaster Council is publicising its decision to ‘make’ the Burghwallis Neighbourhood Development Plan part of the Development Plan for Doncaster in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

### **2. Background**

2.1 Burghwallis Parish Council, as the qualifying body successfully applied for the parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012) (as amended) in November 2012

2.2 Following the submission of the Burghwallis Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on Friday 9<sup>th</sup> October 2015.

2.3 The Council appointed an independent Examiner; Nigel Mark McGurk BSC (Hons) MBA MCD MRTPI, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

2.4 The Examiner’s Report concluded that the plan met the basic conditions, and that subject to the modifications proposed in his report and which are set out in the Burghwallis Neighbourhood Plan Decision Statement published on Friday 16<sup>th</sup> September, the plan should proceed to a Referendum.

2.5 A referendum was held on the 27<sup>th</sup> October 2016, 87% of those who voted were in favour of the plan.

2.6 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.

2.7 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. Decision and Reasoning**

3.1 The referendum held on 27<sup>th</sup> October 2016 met the requirements of the Localism Act 2011; it was held in the parish of Burghwallis and posed the question: 'Do you want Doncaster Metropolitan Borough Council to use the Neighbourhood Plan for Burghwallis to help it decide planning applications in the neighbourhood area'.

3.2 The count took place on the evening of the 27<sup>th</sup> October 2016 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

3.3 The results of the referendum were:

Number of votes cast in favour of a:

'YES' = 76

'NO' = 11

Ballot papers issued: 87 (49 polling station and 38 Postal Votes)

Rejected: 0

Electorate: 245

Turnout: 35.51%

3.3 The 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).

3.4 In accordance with the Regulations and the Council's procedure the Burghwallis Neighbourhood Development Plan is 'made' and planning applications in the area must be considered against the Burghwallis Neighbourhood Development Plan, as well as existing planning policy, such as the Doncaster Core Strategy and its successors and the National Planning Policy Framework and Guidance.