

Harborough District Council

Misterton with Walcote Neighbourhood Development Plan - Final Decision Statement

1. Summary

- 1.1. Following a positive referendum result Harborough District Council is publishing its decision to 'make' the Misterton with Walcote Neighbourhood Development Plan part of Harborough District Councils Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

- 2.1. Misterton with Walcote Parish Council, as the qualifying body successfully applied for Misterton with Walcote Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.
- 2.2. Following the submission of the Misterton with Walcote Neighbourhood Plan Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 7 October 2020.
- 2.3. Harborough District Council appointed an Independent Examiner, Mr Christopher Collison, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4. The Examiners 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 Misterton with Walcote Neighbourhood Decision Statement published in April 2021, the plan should proceed to a referendum. At its meeting on 8th March 2021 the Councils Cabinet agreed that all of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
- 2.5. A referendum was held on 3rd June 2021 and a 'yes' vote was returned with 78 out of 118 persons that voted, voting '*to use the Neighbourhood Plan for Misterton with Walcote to help it decide planning applications in the Neighbourhood area.*'
- 2.6. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 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.
- 2.7. The council are 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 Reasons

3.1. With the Examiner's recommended modifications the Misterton with Walcote 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 Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

3.2. The referendum held on 3rd June 2021 met the requirements of the Localism Act 2011; it was held in the Parish of Misterton with Walcote and posed the question:

'Do you want Harborough District Council to use the Neighbourhood Plan for Misterton with Walcote to help it decide planning applications in the Neighbourhood area?'

3.3. The count took place on 3rd June 2021 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. The results of the referendum were:

Description		Votes
Total number of votes cast		118
Number cast in favour of a "YES"		78
Number cast in favour of a "NO"		40
The number of Ballot Papers rejected was as follows	(a) Want of Official Mark	0
	(b) Voting more times than the voter was entitled to	0
	(c) Writing or mark by which the voter could be identified	0
	(d) Being unmarked or wholly void for uncertainty	0
	(e) Rejected in part	0
	Total number of Spoilt Votes	0
Electorate 377 Turnout – 31.4%		

3.4. Harborough 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 Convention rights (within the meaning of the Human Rights Act 1998).

3.5. In accordance with the Regulations and the Council's scheme of delegation the Misterton with Walcote Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the Misterton with Walcote Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Local Plan and the National Planning Policy Framework and Guidance.

4. Where to view this Decision Notice

4.1. The decision notice may be viewed at:

Harborough District Council
The Symington Building
Adam and Eve Street
Market Harborough
LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm