

## **PEAK DISTRICT NATIONAL PARK AUTHORITY**

### **BRADWELL NEIGHBOURHOOD PLAN DECISION STATEMENT**

This Decision Statement is published pursuant to the Localism Act 2011 Schedule 38A and Regulation 19 of the Neighbourhood Planning (General) Regulations 2012

#### **1. Summary**

1.1 At the meeting of the Peak District National Park Planning Committee on 13 November 2015, and following a positive referendum result, under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, the Peak District National Park Authority, resolved to make the Bradwell Neighbourhood Development Plan.

1.2 The Bradwell Neighbourhood Development Plan now forms part of the Development Plan for the Peak District National Park.

#### **2. Background**

2.1 The Peak District National Park Authority (on 8 March 2013) designated the area comprising the Parish of Bradwell as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan.

2.2 Following submission by Bradwell Parish Council of the draft Bradwell Neighbourhood Plan to the Peak District National Park Authority, and in accordance with Neighbourhood Planning Regulations Part 5 (14), the plan was publicised and representations were invited. This took place between 3 November 2014 and 15 December 2014.

2.3 On April 17<sup>th</sup> 2015, the Peak District National Park Authority, with the agreement of Bradwell Parish Council, and under Schedule 4B (para 7) of the Town and Country Planning Act 1990, and Regulation 17 of the Neighbourhood Planning (General) Regulations 2012, agreed to the appointment of an independent examiner and to the making of any arrangements that are necessary for the holding of the examination. Mr. Nigel Mc.Gurk, was appointed as an independent Examiner to review whether the plan met the Basic Conditions required by legislation and should proceed to referendum.

2.4 The Examiner's report was received on 8<sup>th</sup> August 2015 and was made available for viewing on the Councils' web-sites. The Examiner concluded that the Bradwell Neighbourhood Plan, as modified by his recommendations, met the Basic Conditions set out in the legislation. Informally, and on the same date, Derbyshire Dales District Council was made aware of the likely progression of the plan to referendum.

2.5 At its meeting of 13 November 2015, the Peak District National Park Authority determined that the modifications recommended by the Examiner be accepted and confirmed their satisfaction that the Bradwell Neighbourhood Plan meets the Basic Conditions; is compatible with the Convention rights; complies with the definition of a Neighbourhood Development Plan; and that the provisions that can be made by a Neighbourhood Plan should proceed to a Neighbourhood Planning referendum.

2.6 A referendum was held on Thursday 22<sup>nd</sup> October 2015. Of those eligible to vote, 260 people voted 'yes', whilst 46 voted 'no'. Therefore 85% of those who voted, voted 'yes', and 15% voted 'no'. The turnout was 26.8%.

2.7 Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to "make" (adopt) the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. 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 Reasons**

3.1 The Peak District National Park Authority decided at the planning committee meeting (held on 13 November 2015) to make the Bradwell Neighbourhood Development Plan part of the Development Plan for the Parish.

3.2 The reasons for this decision are that the Neighbourhood Plan meets the Basic Conditions and its preparation and promotion complied with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Councils to make the Neighbourhood Plan if more than half of those voting in a referendum upon the plan have voted in favour of the plan being used to help decide planning applications in the area. The plan was endorsed by a majority 'yes' vote in the referendum held on 22<sup>nd</sup> October 2015.

### **4. The Decision Statement**

4.1 This Decision Statement can be inspected at the following address:

- Peak District National Park Authority, Aldern House, Baslow Road, Bakewell, Derbyshire DE45 1AE (Monday to Friday, 8.45am to 5pm)
- Bradwell Memorial Hall noticeboard, Netherside, Bradwell, Derbyshire
- [www.Bradda.org](http://www.Bradda.org)

4.2 A copy of this Decision Statement is being sent to:

- The qualifying body, namely Bradwell Parish Council.
- Any person who asked to be notified of the decision.

### **5. The Neighbourhood Plan**

5.1 The Bradwell Neighbourhood Development Plan and its associated documents are available to view on the Authority's web-site at:

<http://www.peakdistrict.gov.uk/planning/community-ledplanning/neighbourhood-planning/neighbourhood-plans/bradwellneighbourhood-plan>

5.2 Paper copies of the Neighbourhood Plan are also available to view at Peak District National Park Authority office as detailed at 4.1 of this Decision Statement.

This Statement is dated December 11th 2015.