



Department for Environment and Community Services

## Charfield Neighbourhood Plan Decision Statement

### Introduction

This document is the Decision Statement which South Gloucestershire Council (the “Council”) is required to prepare under Section 38A(9) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) and Regulation 19(a) of the Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”). It sets out the Council’s considerations and formal decision to make (i.e. adopt) the Charfield Neighbourhood Plan following the Plan’s Referendum held on Thursday 6th May 2021.

In accordance with Regulation 19 of the Regulations, this Decision Statement can be viewed on the Council’s website: <https://beta.southglos.gov.uk/made-neighbourhood-plans/>

In accordance with Regulation 20 of the Regulations, the Charfield Neighbourhood Plan and related documents are available for inspection from 8.45am - 5pm Mondays to Wednesdays and 8.45am - 4.30pm Thursdays and Fridays, at the Council’s One-Stop Shops, which are located at:

- Patchway One Stop Shop, The Patchway Hub, Rodway Road, Patchway BS34 5PE
- Kingswood One Stop Shop, Civic Centre, High Street, Kingswood BS15 9TR
- Yate One Stop Shop (access via West Walk), Kennedy Way, Yate BS37 4DQ

These documents are available to view on the Council’s website at [www.southglos.gov.uk/policiesitesandplaces](http://www.southglos.gov.uk/policiesitesandplaces) and at the South Gloucestershire Libraries (please refer to [www.southglos.gov.uk/libraries](http://www.southglos.gov.uk/libraries) for locations and opening times).

In accordance with Regulation 19(b) of the Regulations, a copy of this Decision Statement has been sent to:

- The Qualifying Body (Charfield Parish Council); and,
- The persons who asked to be notified of the decision.

### Background

Charfield Parish Council applied for designation as a Neighbourhood Area in December 2015; the Neighbourhood Area was then designated on the 27 January 2016.

The Neighbourhood Plan Group undertook a six week Pre-Submission Consultation between August and September 2019 under Regulation 14 of the 2012 Regulations.

The Neighbourhood Plan was then submitted to South Gloucestershire Council on 19<sup>th</sup> February 2020 and consultation on the proposed Submission Plan was undertaken between 17<sup>th</sup> August 2020 and 12<sup>th</sup> October 2020 under Regulation 16.

In order to comply with relevant Regulations, a neighbourhood plan must be reviewed by an Independent Neighbourhood Planning Examiner. South Gloucestershire Council and Charfield Parish Council appointed an Independent Examiner (IE) through the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). A neighbourhood plan can either be considered at a public hearing or through independent examination of written representations. In this case it was determined that a public hearing of the neighbourhood plan was not necessary, with the Examiner conducting the Examination through written representations.

The IE assessed the Plan against the Basic Conditions and considered whether or not to recommend that it proceed to Referendum, and whether the Referendum area should go beyond the neighbourhood area. South Gloucestershire Council received the final report from the IE on 16<sup>th</sup> December 2020. The IE recommended that the Plan proceed to Referendum subject to modifications to the Plan and concluded that the Referendum area should not go beyond the neighbourhood area.

Upon receipt of the IE's report the Council had eight weeks to consider the report and publish its decision statement in line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The recommendations were accepted and South Gloucestershire Council published a decision statement on the 10<sup>th</sup> February 2021 which recommended the Charfield Neighbourhood Development Plan go forward for referendum on the 6<sup>th</sup> May 2021.

The Referendum, to decide if the Council should use the Neighbourhood Plan for Charfield to help it decide planning applications in the area, was held on Thursday 6<sup>th</sup> May 2021. The question asked was *"Do you want South Gloucestershire Council to use the Neighbourhood Plan for Charfield to help it decide planning applications in the neighbourhood area?"*. Should more than half of voters vote in favour of the Plan, the Plan is made (i.e. adopted). The result of the Referendum was 92.5% of those who voted being in favour. The declaration of results can be seen [here](#).

## **Decision and Reasons**

Under the Neighbourhood Planning Act (2017) changes were made to Section 38 of the Planning and Compulsory Purchase Act (2004) which means that if a Plan is supported at Referendum, it becomes part of the Statutory Development Plan from that point (unless the Council decides not to make the Plan).

Section 38A(6) of the 2004 Act states that the Local Planning Authority (i.e. the Council) is not subject to the duty if it considers that 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 (as amended)).

The Qualifying Body provided a Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Determination in January 2020, which confirmed that a SEA was not required on the Charfield Neighbourhood Plan and a HRA was screened out.

The IE for the Plan found, in the [Examiner's Report](#), that the Plan is compatible with EU obligations and that the Plan does not breach, nor is in any way incompatible with the European Convention on Human Rights. This Council therefore decided that it will make (i.e. adopt) the Plan.

The Council considered that the Charfield Neighbourhood Plan met the Basic Conditions (set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended)), its promotion process was compliant with legal and procedural requirements and it did not breach the legislation (set out in Section 38A(6) of the 2004 Act). More than half of those who voted in the referendum on 6<sup>th</sup> May 2021, voted in favour of making the Plan, confirmed in the [declaration](#).

The Council proposed formally to make the Plan at the Full Council meeting on 21<sup>st</sup> July 2021 as the first opportunity to seek approval after the Referendum, with Full Council meetings scheduled every 2 months. However, this meeting was postponed at short notice due to the very high temperatures seen at that time (combined with Covid-19 restrictions) and therefore the risk to public health.

The report recommending that the Charfield Neighbourhood Plan be formally made was therefore reported to the rescheduled [meeting of Full Council, on 22<sup>nd</sup> September](#). The minutes of this meeting will be published in due course alongside the agenda for the next meeting, but the webcast of the meeting can be found [here](#). Full Council approved the recommendation formally to make the Plan. The Charfield Neighbourhood Plan is therefore retained in legal force in accordance with Section 38A (4) of the 2004 Act.

This Council has formally made the Plan for use in the planning system as part of the [Statutory Development Plan](#) through approval at Full Committee on 22<sup>nd</sup> September and through this Decision Statement. Planning decisions on whether or not to grant planning permission in the Charfield Neighbourhood Plan Area should be made in accordance with the Statutory Development Plan, unless there are other material considerations that indicate otherwise.