



Department for Environment and Community Services

Oldbury 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 Oldbury Neighbourhood Plan following the Plan’s Referendum held on Thursday 31 March 2022.

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 Oldbury Neighbourhood Plan and related documents are available for inspection online 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 [Made Neighbourhood Plans](#) webpage and at the South Gloucestershire Libraries (please refer to 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 (Oldbury Parish Council); and,
- The persons who asked to be notified of the decision.

Background

Oldbury Parish Council applied for designation as a Neighbourhood Area in October 2016; the neighbourhood area was then designated on the 27 October 2016.

The Neighbourhood Plan Group undertook a six-week Pre-Submission Consultation between 16 March 2020 and 27 April 2020 under Regulation 14 of the 2012 Regulations. The Neighbourhood Plan was then submitted to South Gloucestershire

Council on 14 October 2020 and consultation on the proposed submission plan was undertaken between 11 June 2021 and 23 July 2021 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 Oldbury 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 IE 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 14 December 2021. 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 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). Officers prepared an Executive Members Report and presented this as at the Executive Members meeting on 12 January 2022. The recommendations were accepted, and South Gloucestershire Council published a decision statement on the 8 February 2022 which recommended the Oldbury Neighbourhood Development Plan go forward for referendum on the 31 March 2022.

Democratic Services subsequently put in place a referendum for the Plan which took place on the 31 March 2022 alongside local elections already taking place.

The declaration of the results can be found attached with this report however the summary of the results are:

- 128 votes recorded a Yes vote. This was 78.53% of those who voted.
- 35 votes recorded a No vote. This was 21.47% of those who voted.
- The turnout for the referendum was 25.15% of the registered electorate.

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 Oldbury 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 Oldbury 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 6th 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 18 May 2022 as the first opportunity to seek approval after the Referendum, with Full Council meetings scheduled every 2 months. The report recommending that the Oldbury Neighbourhood Plan be formally made was therefore reported to the meeting of Full Council, on 18 May 2022. The minutes of this meeting will be published in due course alongside the agenda for the next meeting. Full Council approved the recommendation formally to make the Plan. The Oldbury 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 18 May 2022 and through this Decision Statement. Planning decisions, on whether or not to grant planning permission in the Oldbury Neighbourhood Plan Area, should be made in accordance with the Statutory Development Plan, unless there are other material considerations that indicate otherwise.