

# **AMBER VALLEY BOROUGH COUNCIL**

## **HAZELWOOD NEIGHBOURHOOD PLAN** **FINAL DECISION STATEMENT**

### **1. Summary**

- 1.1 Following the result of the Referendum on 20 October 2016, Amber Valley Borough Council formally 'made' the Hazelwood Neighbourhood Plan on 16 November 2016.
- 1.2 The Hazelwood Neighbourhood Plan now forms part of the Development Plan for Amber Valley, in relation to the Parish of Hazelwood.
- 1.3 The Borough Council is publishing its decision to 'make' the Hazelwood Neighbourhood Plan in accordance with Regulation 19 of the Town and Country Planning (Neighbourhood Plan) (General) Regulations 2012 (as amended).

### **2. Background**

- 2.1 On 10 February 2014, Amber Valley Borough Council designated Hazelwood Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 The qualifying body, Hazelwood Parish Council, invited representations on a draft Neighbourhood Plan between 1 October 2015 and 16 November 2015. The draft Neighbourhood Plan was subsequently formally submitted to the Borough Council on the 29 April 2016. The submitted Plan was then publicised on 9 May 2016 and representations invited within a 6 week period, which ended on 20 June 2016.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Christopher Collison, to carry out an examination of the Plan. The Examiner concluded that certain modifications to the submitted Hazelwood Neighbourhood Plan were required, in order to meet the 'basic conditions', as set out in Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.

- 2.4 At its meeting on 7 September 2016, the Borough Council's Cabinet resolved to confirm that the Hazelwood Neighbourhood Plan, with the recommended modifications, meets the 'basic conditions', as required by Paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990. The Cabinet therefore resolved to make the modifications to the Plan, to ensure that it met the 'basic conditions'.
- 2.5 The Cabinet also resolved to approve arrangements for the holding of a Referendum in relation to the modified Plan, to authorise the Borough Council's Executive Director (Resources) to finalise the date and detailed arrangements for the Referendum, in consultation with the Leader and relevant Cabinet Members and that the electoral area for the Referendum shall be the Parish of Hazelwood and not be extended beyond that area.
- 2.6 The date for the Referendum was subsequently agreed as 20 October 2016.
- 2.7 The result of the Referendum, in relation to the following question

*'Do you want Amber Valley Borough Council to use the Neighbourhood Plan for Hazelwood to help it decide planning applications in the neighbourhood area?'*

was as follows:-

- Number of votes cast in favour of a 'Yes' 82 (84%)
- Number of votes cast in favour of a 'No' 16 (16%)
- Number of ballot papers rejected 0

### **3 Decision and Reasons**

- 3.1 At the meeting of the Full Council on 16 November 2016, the Borough Council was advised that as the number of votes in the Referendum cast in favour of a 'Yes' constituted more than half of those voting (i.e. 50% plus 1), it must 'make' the Hazelwood Neighbourhood Plan as soon as reasonably practical. The Borough Council was also advised that, in accordance with Regulation 19 of the Neighbourhood Plan (General) Regulations 2012 (as amended), it would need to publicise its decision and the reasons for the decision (the 'decision statement') and details of where and when the 'decision statement' can be inspected, as well as sending a copy of the 'decision statement' to Hazelwood Parish Council and to any person(s) who asked to be notified of the decision.
- 3.2 The Borough Council therefore resolved on 16 November 2016 that the Hazelwood Neighbourhood Plan be formally 'made' and forms part of the Development Plan and be used in the determination of planning applications for the Parish of Hazelwood.

- 3.3 With the Examiner's recommended modifications, the Hazelwood Neighbourhood Plan meets the 'basic conditions' set out in paragraph 8(2) of the Schedule 4B 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.
- 3.4 The Borough Council has assessed that the Hazelwood Neighbourhood 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).

#### **4. The Neighbourhood Plan**

- 4.1 The Hazelwood Neighbourhood Plan and its associated documents are available to view on the Council's website at:

[www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/neighbourhood-planning/hazelwood-neighbourhood-plan](http://www.ambervalley.gov.uk/environment-and-planning/planning/community-planning/neighbourhood-planning/hazelwood-neighbourhood-plan).

Paper copies of the Neighbourhood Plan and the Decision Statement are also available to view at:-

Amber Valley Borough Council  
Town Hall  
Market Place  
Ripley  
Derbyshire  
DE5 3BT

during normal opening hours.

Signed:



Assistant Director (Local Plan Manager)

17 November 2016