

**BOROUGH OF TELFORD & WREKIN**  
**Waters Upton Neighbourhood Plan Decision Statement**  
**Regulation 19 Neighbourhood Planning (General) Regulations 2012**

**1. Summary**

1.1. Following a positive referendum result Borough of Telford & Wrekin (“Telford & Wrekin Council”) is publishing its decision to make the Waters Upton Neighbourhood Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 which is now part of Telford & Wrekin Councils Development Plan.

**2. Background**

- 2.1. On 14 November 2013, Telford & Wrekin Council designated the area comprising the Parish of Waters Upton as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part 2 of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2. Following the submission of the Waters Upton Neighbourhood Plan (Examination Version) to Telford & Wrekin Council, the plan was publicised and representations were invited. The publicity period began on 8 July and ended on 22 July 2015.
- 2.3. Telford & Wrekin Council appointed an Independent Examiner, Mr John Parmiter, to review whether the Plan met the Basic Conditions and satisfied certain other criteria as required under the legislation and whether it should proceed to Referendum.
- 2.4. On 6 January 2016 the Council received the Independent Examiner's report on the Waters Upton Neighbourhood Plan. The report concluded that with a few modifications the Plan should proceed to Referendum.
- 2.5. Having considered each of the recommendations made in the Independent Examiner's report, and the reasons for them, Telford & Wrekin Council decided to make the recommended modifications to the draft Plan to secure that it met the Basic Conditions set out in legislation. At its meeting on 25

February 2016, the Council agreed that the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.

2.6. A referendum was held on 5 May 2016 and 86% of those who voted were in favour of the plan.

2.7. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the neighbourhood development plan if more than half of those voting have voted in favour of the plan.

2.8. 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 Waters Upton Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of 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.

3.2. The referendum held on 5 May 2016 met the requirements of the Localism Act 2011 posing the question: 'Do you want Borough of Telford & Wrekin to use the Neighbourhood Plan for Waters Upton to help it decide planning applications in the Neighbourhood area?'

3.3. The count took place on Thursday 5 May 2016 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;

<b>Response</b>	<b>Votes</b>	<b>% of votes cast</b>
<b>Yes</b>	282	86
<b>No</b>	45	14
<b>Rejected</b>	1	0
<b>Turnout –</b>	328	44
<b>Electorate total</b>	747	

3.4. Telford & Wrekin 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. The Waters Upton Neighbourhood Plan has now been made and planning applications in the area to which the Plan relates i.e. the administrative area of Waters Upton Parish Council, must be considered against the Waters Upton Neighbourhood Plan, as well as existing planning policy, such as the Telford & Wrekin Council Local Development Framework Core Strategy, Saved Policies of the Wrekin Local Plan and the National Planning Policy Framework and Guidance.

Richard Partington Managing Director Telford & Wrekin Council

This statement is dated 17 June 2016