

**South Derbyshire District Council**  
**Hilton, Marston on Dove and Hoon Neighbourhood Development Plan - Final**  
**Decision Statement**

**1. Summary**

1.1. Following a positive referendum result South Derbyshire District Council is publishing its decision to 'make' the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, for it to become part of South Derbyshire District Council's Development Plan.

**2. Background**

2.1. Hilton Parish Council, as the qualifying body, successfully applied for Hilton, Marston on Dove and Hoon parishes to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.

2.2. Following the submission of the Hilton, Marston on Dove and Hoon Neighbourhood Development Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The six-week publicity period ended on 19 October 2020.

2.3. South Derbyshire District Council appointed an Independent Examiner, Mr Derek Stebbing B.A. (Hons), Dip. E.P., MRTPI, to review whether the Plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

2.4. The Examiner concluded that the Plan, subject to the modifications proposed in his report, met the basic conditions and should proceed to a referendum. At its meeting on 24 June 2021 the Council agreed that all of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.

2.5. A referendum was held on 16 September 2021 and a 'yes' vote was returned, with 790 out of 847 persons that voted, voting yes to *“Do you want South Derbyshire District Council to use the Neighbourhood Plan for Hilton, Marston-on-Dove and Hoon to help it decide planning applications in the neighbourhood area?”*

2.6. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the Council must 'make' the Neighbourhood Plan within 8 weeks if more than half of those voting have voted in favour of the plan.

2.7. 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. Decisions and Reasons**

3.1 With the Examiner's recommended modifications, the Hilton, Marston on Dove and Hoon Neighbourhood Development 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 16 September 2021 met the requirements of the Localism Act 2011; it was held in the parishes of Hilton, Marston on Dove and Hoon and posed the question:

*“Do you want South Derbyshire District Council to use the Neighbourhood Plan for Hilton, Marston-on-Dove and Hoon to help it decide planning applications in the neighbourhood area?”*

3.3. The count took place on 16 September 2021 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:

Question	Number of Votes		
	Yes	No	*
Do you want South Derbyshire District Council to use the Neighbourhood Plan for Hilton, Marston-on-Dove and Hoon to help it decide planning applications in the neighbourhood area?	790	57	

\* If the proposal has been carried the word 'Carried' appears against the Question.

\* If the proposal has not been carried the word 'Failed' appears against the Question.

The number of ballot papers rejected was as follows:	Number of ballot papers
A want of official mark	
B voting for and against the same question	
C writing or mark by which voter could be identified	
D unmarked or void for uncertainty	1
E rejected in part	
Total	1

Electorate: 6127

Ballot Papers Issued: 848

Turnout: 13.79%