

South Derbyshire District Council
Melbourne 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 Melbourne 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. Melbourne Parish Council, as the qualifying body, successfully applied for Melbourne parish 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 Melbourne 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 November 2021.

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 12 May 2022 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 7 July 2022 and a 'yes' vote was returned, with 663 out of 758 persons that voted, voting yes to *“Do you want South Derbyshire District Council to use the Neighbourhood Plan for Melbourne 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 require 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 Melbourne 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 7 July 2022 met the requirements of the Localism Act 2011; it was held in the parish of Melbourne and posed the question:

“Do you want South Derbyshire District Council to use the Neighbourhood Plan for Melbourne to help it decide planning applications in the neighbourhood area?”

3.3. The count took place on 7 July 2022 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 Melbourne to help it decide planning applications in the neighbourhood area?	663	95	Carried

* 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	1
C writing or mark by which voter could be identified	
D unmarked or void for uncertainty	
E rejected in part	
Total	1

Electorate: 4116

Ballot Papers Issued: 759

Turnout: 18.44%