North East Derbyshire District Council
BRACKENFIELD NEIGHBOURHOOD PLAN

Final Decision Statement:
Brackenfield Neighbourhood Plan

8 October 2019

Following a positive referendum result on the 5 September 2019 the Brackenfield Neighbourhood Development Plan is part of the North East Derbyshire Development Plan.
(In accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.)

Background

In January 2019, Brackenfield Parish Council, as the qualifying body, submitted the Draft Brackenfield Neighbourhood Plan to North East Derbyshire District Council. In accordance with the Neighbourhood Planning (General) Regulations (2012) the Plan was publicised, and comments were invited from the public and stakeholders. The Plan was then examined by an independent examiner.

It was agreed, through Cabinet, on the 11 July 2019 that in line with the examiner’s Report on the plan and subject to the modifications proposed in that report the Plan meets the required Basic Conditions. The Council issued a decision that the Plan should proceed to referendum and on successful referendum it should be brought into effect (‘made’).

A referendum was held on 5 September 2019. Over half (86.36%) of those who voted were in favour of the plan and thus the Council must make the Neighbourhood Plan (see footnote). The results of the referendum are available on the Council’s Web site:

Planning applications in the Parish will now be considered against the Brackenfield Neighbourhood Development Plan as part of the District’s Development Plan.

Following consultation with the Portfolio Holder for Planning, the Chief Executive Officer has exercised his authority, under the scheme of delegation as set out in the Council’s Constitution, to make the Brackenfield Neighbourhood Development Plan.

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Final Decision Statement:
Brackenfield Neighbourhood Plan (Cont'd)

This Decision Statement, the Plan, the independent examiners report and other plan documents can be inspected:

- At North East Derbyshire District Council’s Offices at Mill Lane, Wingerworth between 9am – 4.30pm
- Online via the Council’s website:-
- Other information is available on the Brackenfield Neighbourhood Plan website:-
  https://www.brackenfield.org/neighbourhood-plan-developments/

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

North East Derbyshire District 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).

The North East Derbyshire District Council has assessed that the 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).