

## **Selby District Council**

### **CHURCH FENTON NEIGHBOURHOOD PLAN**

#### **Final Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)**

#### **1. Summary**

Following a positive referendum result on the 3<sup>rd</sup> August 2021, Selby District Council is publicising its decision made on 28<sup>th</sup> September 2021 by Full Council to 'make' the Church Fenton Neighbourhood Plan as part of the Selby District Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### **2. Background**

Church Fenton Parish Council, as the qualifying body, successfully applied for the parish of Church Fenton to be designated as the Church Fenton Neighbourhood Area under the Neighbourhood Planning (General) Regulations (2012). Following submission of the Church Fenton Neighbourhood Plan to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 12<sup>th</sup> February 2021.

#### **3. Decision and Reasoning**

Selby District Council appointed an independent Examiner; Mr Andrew Ashcroft BA (Hons) MA, DMS, MRTPI, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in the report and which are set out in the Church Fenton Neighbourhood Plan Decision Statement (dated 10<sup>th</sup> June 2021), the plan should proceed to a referendum.

A referendum was held on Tuesday 3<sup>rd</sup> August and 88% of those who voted were in favour of the plan. 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. Selby District Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligations or any of the Convention rights (within the meaning of the Human Rights Act 1998).

The referendum held on 3<sup>rd</sup> August met the requirements of the Localism Act 2011; it was held in the Church Fenton Neighbourhood Area and posed the question:

“Do you want Selby District Council to use the Neighbourhood Plan for Church Fenton to help it decide planning applications in the neighbourhood area?”

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 recorded (%)</b>
Yes	88%
No	12%
Turnout	20%

The Council considers that the Church Fenton Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 as amended), its promotion process was compliant with legal and procedural requirements and it does not breach the legislation (set out in Section 38A(6) of the Planning and Compulsory Purchase Act 2004).

#### **4. Inspection of Decision Statement and made Neighbourhood Plan**

The decision statement can be viewed on Selby District Council’s website and the Church Fenton Neighbourhood Plan website:

<https://www.selby.gov.uk/cfndp>  
<http://c9755498.myzen.co.uk/cfnp/>

In accordance with Regulation 20 of the Regulations, the Church Fenton Neighbourhood Plan can be viewed on the Council’s website and the Church Fenton Neighbourhood Plan website:

<https://www.selby.gov.uk/cfndp>  
<http://c9755498.myzen.co.uk/cfnp/>

A copy of this decision statement is being sent to:

- The qualifying body, Church Fenton Parish Council; and
- To any person who asked to be notified of the decision.

For further information please contact the Planning Policy Team on [localplan@selby.gov.uk](mailto:localplan@selby.gov.uk) or 01757 292134.