

WOLVERHAMPTON CITY COUNCIL

HEATHFIELD PARK NEIGHBOURHOOD PLAN: FINAL DECISION STATEMENT

DATE OF PUBLICATION – 17 SEPTEMBER 2014

1. Summary

1.1 Following a positive referendum result Wolverhampton City Council has made the Heathfield Park Neighbourhood Development Plan part of the statutory Development Plan for Wolverhampton at a full council meeting on Wednesday 17 September 2014.

2 Background

2.1 The Heathfield Park Neighbourhood Forum, as the qualifying body successfully applied to be designated as a neighbourhood area and a Neighbourhood Forum in December 2012, under the Neighbourhood Planning (General) Regulations (2012).

2.2 Following the submission of the Heathfield Park Neighbourhood Plan Examination Version to the Council, the plan was published and comments were invited from the public and stakeholders. The consultation period closed on 7 March 2014.

2.3 Wolverhampton City Council appointed an independent Examiner; Louise Brooke-Smith, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

2.4 The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications proposed in her report and which are set out in the Heathfield Park Neighbourhood Plan Decision Statement of the examination, the plan should proceed to a Referendum.

2.5 A referendum was held on 17 July 2014, 91% 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. 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 Plan meets the basic conditions set out in paragraph 8(2) of the 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 17 July 2014 met the requirements of the Localism Act 2011, it was held in the neighbourhood plan area and posed the question "Do you want Wolverhampton City Council to use the Neighbourhood Plan for Heathfield Park to help it decide planning applications in the neighbourhood area?".

3.3 The count took place on the night of Thursday 17 July 2014 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:

Response	Votes	Percent of Total
YES	410	91%
NO	43	9%
TURNOUT	8.36%	

3.4 The 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).

3.5 The Council decided at the Council meeting on 17 September 2014 to make the Heathfield Park Neighbourhood Plan part of the statutory Development Plan for Wolverhampton.

Helen Smith
Planning Officer
Wolverhampton City Council
17 September 2014