



Tollerton Neighbourhood Plan Final Decision Statement

1. Summary

- 1.1 Following a positive referendum result Rushcliffe Borough Council is publishing its decision to 'make' the Tollerton Neighbourhood Plan as part of the Development Plan for Rushcliffe Borough in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

- 2.1 In 2016 Tollerton Parish Council, as the qualifying body, successfully applied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. In 2022, Tollerton Parish Council, as the qualifying body, successfully reapplied for its parish area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Parish of Tollerton was re-designated as a Neighbourhood Area on 28 February 2022.
- 2.2 The plan was submitted to Rushcliffe Borough Council on the 14 June 2023 and representations were invited from the public and other stakeholders, with the six-week period for representations commencing in August and closing on 9 October 2023.
- 2.3 The Borough Council appointed an independent Examiner, David Kaiserman, to examine the Plan and to consider whether it met the 'Basic Conditions' and other legal requirements, and whether it should proceed to referendum.
- 2.4 The Examiner completed his examination of the Plan and his report was provided to Rushcliffe Borough Council on the 17 January 2024. He concluded that, subject to the implementation of the modifications set out in his report, the Plan met the prescribed Basic Conditions and other statutory requirements and that it should proceed to referendum.

- 2.5 The Borough Council, in September 2024, decided to accept the Examiner's recommended modifications with the exception of modification 5, modification 6 and modification 20. It was considered that these three modifications were unnecessary to meet the Basic Conditions. It was decided that all other recommended modifications met the Basic Conditions' and other regulatory requirements.
- 2.6 In accordance with relevant statutory requirements, the Borough Council consulted on the proposed decision not to accept three of the recommended modifications. The consultation was undertaken over a six-week period ending on 27 October 2024 and no issues were raised to alter the Borough Council's position that the Examiner's recommended modifications 5, 6 and 20 were unnecessary to meet the Basic Conditions.
- 2.7 It was subsequently agreed by the Borough Council on 5 December 2024 that the plan was in a position to proceed to referendum in order to determine whether residents of Tollerton Parish support the plan and whether it should become part of the statutory development plan. The referendum took place on Thursday 13 February 2025.
- 2.8 At this referendum 85.6% of those who voted were in favour of the plan.
- 2.9 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 as amended requires the Borough Council to 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.
- 2.10 The Borough Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any retained European Union (EU) legislation (as set out within the European Union (Withdrawal) Act 2018) or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3. Decisions and Reasons

- 3.1 With the inclusion of the Examiner's recommended modifications (apart from modification 5, 6 and 20), the Tollerton Neighbourhood 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 retained EU legislation and the Convention rights and complies with the 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 13 February 2025 met the requirements of the Localism Act 2011, it was held in the parish of Tollerton and posed the question: "Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Tollerton to help it decide planning applications in the neighbourhood are?".

3.3 The count took place on 13 February 2025 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:

	Votes Recorded	Percentage
Number cast in favour of yes	415	85.6%
Number cast in favour of no	70	14.4%

3.4 Rushcliffe Borough Council has assessed that the neighbourhood plan, including its preparation, does not breach and would not otherwise be incompatible with any retained EU legislation or any other Convention rights (within the meaning of the Human Rights Act 1998).

3.5 In accordance with the Regulations and the Borough Council's decision of 14 February 2025 the Tollerton Neighbourhood Plan is 'made' and now forms part of the Development Plan for Rushcliffe Borough.

3.6 The Neighbourhood Plan and its supporting documentation can be inspected at <https://www.rushcliffe.gov.uk/planning-growth/planning-policy/neighbourhood-planning/#Tollerton>

Date 14 February 2025