

EXECUTIVE DECISION NOTICE

Date of Decision	16th April 2024
Decision Taker(s) Portfolio holder	Cllr David Walsh
Designation	Planning
Subject Matter	The Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 – Independent Examiner’s Report and Progress to Referendum
Decision	<p>a) The Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038, as modified (please see Appendix B), can proceed to referendum.</p> <p>b) A recommendation to ‘make’ the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 be made to a Cabinet meeting after the referendum if the result of the referendum is in support of making the plan and there are no other issues identified that would go against such a decision.</p>
Reason for the Decision	To progress the Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 to referendum so that pending a favourable vote, the plan can be ‘made’.
Alternative Options considered and rejected	<p>The Council can decide not to follow the recommendations of the Examiner, but it must set out its reasons for doing so.</p> <p>The Council has agreed to accept all of the Examiner’s recommendations made within his report (Appendix A).</p>
Consultees	The plan has been subject to a large amount of public consultation as it has been progressed.
Budget Implications	On making a formal decision to progress the plan to referendum, the Council is highly likely to become eligible for a grant of £20,000. This grant is intended to cover the costs associated with the Council’s input into the production of the neighbourhood plan including the examination and referendum. The grant of £20,000 will be sufficient to cover the costs associated with the examination and referendum.

Legal Implications	A legal challenge could theoretically be made against a decision to proceed to referendum. Such a challenge could be made on the basis that the neighbourhood plan, as modified, does not meet the basic conditions, is not compatible with the Convention rights or because it does not comply with the definition of a neighbourhood development plan. However, the independent Examiner has considered these matters in light of all of the comments received during the public consultation and examination periods. Given the evidence before them, officers consider that there is no basis for reaching a different view to the Examiner.
Any Conflict of Interest?	None.
Reference Documents	<ul style="list-style-type: none"> • Appendix A: Examiner’s Report • Appendix B: Buckhorn Weston and Kington Magna Neighbourhood Plan 2021 to 2038 – Referendum Version



Signed:

Date: 16th April 2024

Designation: Portfolio Holder for Planning