

## **Harborough District Council**

### **South Kilworth Neighbourhood Development Plan - Final Decision Statement**

#### **1. Summary**

- 1.1. Following a positive referendum result Harborough District Council is publishing its decision to 'make' the South Kilworth Neighbourhood Development Plan part of Harborough District Council's Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### **2. Background**

- 2.1. South Kilworth Parish Council, as the qualifying body successfully applied for South Kilworth Parish to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012.
- 2.2. Following the submission of the South Kilworth Neighbourhood Plan Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 1<sup>st</sup> August 2018.
- 2.3. Harborough District Council appointed an Independent Examiner, Mr Nigel McGurk, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 2.4. The Examiners report concluded that the plan met the basic conditions, and that subject to the modifications proposed in his report and which are set out in the South Kilworth Neighbourhood Decision Statement published in November 2018, the plan should proceed to a referendum. At its meeting on 13<sup>th</sup> November 2018 the Council's Executive agreed that all of the Examiner's recommended modifications should be accepted and that the amended Neighbourhood Plan should proceed to a referendum.
- 2.5. A referendum was held on 10<sup>th</sup> January 2019 and a 'yes' vote was returned with 140 out of 145 persons that voted, voting '*to use the Neighbourhood Plan for South Kilworth to help it decide planning applications in the Neighbourhood area.*'
- 2.6. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended, the Neighbourhood Planning (General) (Amendment) Regulations 2015 and the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 requires that the Council must 'make' the Neighbourhood Plan within 8 weeks if more than half of those voting have voted in favour of the plan.
- 2.7. 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 South Kilworth Neighbourhood Development Plan meets the basic conditions set out in paragraph 8(2) of Schedule 48 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 10<sup>th</sup> January 2019 met the requirements of the Localism Act 2011; it was held in the Parish of South Kilworth and posed the question:
- 'Do you want Harborough District Council to use the Neighbourhood Plan for South Kilworth to help it decide planning applications in the Neighbourhood area?'*
- 3.3. The count took place on 10<sup>th</sup> January 2019 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:

Description	Votes
Total number of votes cast	<b>145</b>
Number cast in favour of a "YES"	<b>140</b>
Number cast in favour of a "NO"	<b>5</b>
The number of Ballot Papers rejected was as follows	(a) Want of Official Mark (b) Voting more times than the voter was entitled to (c) Writing or mark by which the voter could be identified (d) Being unmarked or wholly void for uncertainty (e) Rejected in part Total number of Spoilt Votes
<b>Turnout – 37.5%</b>	<b>0</b>

- 3.4. Harborough 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 Convention rights (within the meaning of the Human Rights Act 1998).
- 3.5. In accordance with the Regulations and the Council's scheme of delegation the South Kilworth Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against the South Kilworth Neighbourhood Development Plan, as well as existing planning policy, such as the Harborough District Core Strategy and the National Planning Policy Framework and Guidance.

**4. Where to view this Decision Notice**

4.1. The decision notice may be viewed at:

Harborough District Council

The Symington Building

Adam and Eve Street

Market Harborough

LE16 7AG

Open - Mon/Tues/Thu/Fri: 8.45am - 5pm. Wed: 9.30am - 5pm