

Harborough District Council

The Kibworths Neighbourhood Development Plan Review – Final Decision Statement

1. Summary

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

2. Background

- 2.1. Kibworth Beauchamp Parish Council, as the qualifying body successfully applied for The Parishes of Kibworth Beauchamp and Kibworth Harcourt to be designated as The Kibworths Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force in April 2012. On 16 January 2015 Harborough District Council approved the designation of the entire parish as The Kibworths Neighbourhood Area in accordance with the Neighbourhood Planning (General) Regulations (2012) Part 2, Regulation 7.
- 2.2. Following the submission of The Kibworths Neighbourhood Plan Review Examination Version to the Council, the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 29 June 2022.
- 2.3. The Council, with the agreement of the Qualifying Body, appointed an independent examiner, Mr Timothy Jones, to review whether the changes to the Plan were significant as to change the nature of the Plan. The Examiner determined that an examination and referendum would be required. The examiner considered the changes against the Basic Conditions required by legislation and that the Plan should proceed to referendum.
- 2.4. The Examiner's Report concludes that, subject to making the modifications proposed by the Examiner, the Neighbourhood Plan meets the Basic Conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.5. A referendum was held on 4 May 2023 and a 'yes' vote was returned with 1423 out of 1584 persons that voted, voting '*to use the Neighbourhood Plan for The Kibworths 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 Kibworths 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 4 May 2023 met the requirements of the Localism Act 2011; it was held in the Parish of The Kibworths and posed the question:

'Do you want Harborough District Council to use the Neighbourhood Plan for The Kibworths to help it decide planning applications in the Neighbourhood area?'

3.3. The count took place on 5 May 2023 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		1584
Number cast in favour of a "YES"		1423
Number cast in favour of a "NO"		161
The number of Ballot Papers rejected was as follows	(a) Want of Official Mark	3
	(b) Voting more times than the voter was entitled to	11
	(c) Writing or mark by which the voter could be identified	0
	(d) Being unmarked or wholly void for uncertainty	30
	(e) Rejected in part	0
	Total number of Spoilt Votes	44
Electorate 5376 Turnout– 29%		

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 Kibworths Neighbourhood Development Plan is 'made' and planning applications in the Parish must be considered against The Kibworths Review 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