

## **ASHFORD BOROUGH COUNCIL**

### **PLUCKLEY NEIGHBOURHOOD PLAN 2016-31 – REGULATION 19 DECISION STATEMENT**

**21<sup>ST</sup> APRIL 2017**

#### **1. Summary**

1.1 Following a positive referendum result, Ashford Borough Council is publishing its decision to 'make' the Pluckley Neighbourhood Plan 2016-31 as part of Ashford Borough Council's Development Plan in accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

#### **2. Background**

2.1 Pluckley Parish Council, as the qualifying body, successfully applied for Pluckley Parish to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated on 10<sup>th</sup> March 2015.

2.2 Following the submission of the Pluckley Neighbourhood Plan to the Borough Council, it was publicised and comments invited from the public and stakeholders. The consultation period closed on 24<sup>th</sup> October 2016.

2.3 Ashford Borough Council appointed an independent examiner, Richard High BA(Hons). MA. MRTPI, to review the whether the Neighbourhood Plan met the basic conditions required by legislation and whether it should proceed to referendum.

2.4 The examiner's report concluded that, subject to certain modifications proposed in his report dated December 2016, the Plan did meet the basic conditions and could therefore proceed to a local referendum.

2.5 The Neighbourhood Plan (amended in line with the examiner's proposed modifications) was the subject of a referendum held on Thursday 9<sup>th</sup> March 2017. 88.2% of those who voted were in favour of the Neighbourhood Plan. Paragraph 38(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Borough Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan unless this would breach or would otherwise be incompatible with an 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 proposed modifications, the Neighbourhood Plan is judged to have met the basic conditions laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the Convention rights and

complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

3.2 The referendum held on Thursday 9<sup>th</sup> March 2017 met the requirements of the Localism Act 2011, it was held in the parish of Pluckley and posed the question “Do you want Ashford Borough Council to use the Neighbourhood Plan for Pluckley to help it decide planning applications in the neighbourhood area?”

3.3 The result of the referendum was:

<b>Response</b>	<b>Votes Cast</b>	<b>Percentage of Total votes cast</b>
YES	239	88.2 %
NO	32	11.8%

No ballot papers were rejected as being unmarked or wholly void for uncertainty.

3.4 The Borough Council has assessed that the Neighbourhood Plan, including its preparation, does not 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).

3.5 Therefore, in accordance with the relevant Regulations, the Pluckley Neighbourhood Plan is ‘made’ and shall form part of the Development Plan for the Borough of Ashford.

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