

SOUTH KESTEVEN DISTRICT COUNCIL

OLD SOMERBY NEIGHBOURHOOD PLAN: DECISION STATEMENT

1 Summary

- 1.1 *Following a positive referendum result, South Kesteven District Council has made the Old Somerby Neighbourhood Plan part of the Development Plan.*

2 Background

- 2.1 *Old Somerby Parish Council, as the qualifying body, successfully applied for the parish of Old Somerby to be designated as a Neighbourhood Area, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.*
- 2.2 *Following submission of the Old Somerby Neighbourhood Plan to the Council in May 2019, the plan was publicised, and representations invited. The consultation period closed on 18 September 2019.*
- 2.3 *South Kesteven District Council appointed an Independent Examiner Dr Andrew Ashcroft B.A., M.A, M.R.T.P.I, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.*
- 2.4 *The Examiner's Report concluded that the plan meets the Basic Conditions, and that subject to the modifications set out in his report, should proceed to Referendum.*
- 2.5 *A referendum was held on Thursday 6 May 2021 and 55% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. 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 Old Somerby 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 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 Thursday 6th May 2021 met the requirements of the Localism Act 2011. It was held in the parish of Old Somerby and posed the question: "Do you want South Kesteven District Council to use the Neighbourhood Plan for Old Somerby to help it decide planning applications in the neighbourhood area?"*
- 3.3 *The count took place on Friday 7th May 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:*

<i>Response</i>	<i>Votes</i>	<i>Per cent of total</i>
YES	60	55
NO	49	45
TURNOUT	61%	

- 3.4 *The Council has assessed that the plan (including its preparation stages) and has concluded that it does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).*
- 3.5 *The Old Somerby Neighbourhood Plan was made part of the Development Plan for South Kesteven on 29th June 2021 under delegated powers granted to the Portfolio Holder for Housing and Planning.*

Signed: *Nick Robins*

Nick Robins - Portfolio Holder – Planning and Planning Policy

Signed: *Nicola McCoy - Brown*

Nicola McCoy - Brown - Director of Growth & Culture

