



South Kesteven District Council

Claypole Neighbourhood Development Plan: Decision Statement

1. Summary

1.1 Following a positive referendum result, South Kesteven District Council has made the Claypole Neighbourhood Development Plan part of the South Kesteven Statutory Development Plan.

2. Background

2.1 Claypole Parish Council as the qualifying body successfully applied for the Claypole Parish area to be designated as a Neighbourhood Area, under the Neighbourhood Planning General Regulations (2012). The area was designated on the 20 March 2014.

2.2 The formal submission version of the Claypole Neighbourhood Plan was submitted to South Kesteven District Council on the 27 May 2022.

2.3 The Claypole Neighbourhood Plan was formally publicised, and representations invited over a six week period. The consultation period closed on the 1 February 2023.

2.4 South Kesteven District Council appointed an Independent Examiner to review whether the Claypole Neighbourhood Plan met the basic conditions required by legislation and whether the Claypole Neighbourhood Plan should proceed to referendum.

2.5 The Examiner's report concluded that the Claypole Neighbourhood Plan meets the Basic Conditions, and that subject to the modifications set out in the report, should proceed to referendum.

2.6 A referendum was held on Thursday 5 October 2023 and **95.9%** of those who voted were in favour of the Claypole Neighbourhood 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 Neighbourhood Plan. The Council are not subject to this duty if the making of the plan would breach or would otherwise be incompatible with any retained 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 Claypole Neighbourhood Plan meets the basic conditions set out in the paragraph 8(2) of the Schedule 4B of the Town and Country Planning Act 1990, is compatible with retained EU obligations and the Convention rights and complies with relevant provision made under Section 38A and B of the Planning and Compulsory Purchase Act 2004, as amended.

3.2 The referendum held on Thursday 5 October 2023 met the requirements of the Localism Act 2011 and Neighbourhood Planning Referendum Regulations (2012). The referendum was held in the parish area of Claypole and posed the question: "Do you want South Kesteven District Council to use the Neighbourhood Plan for Claypole to help it decide planning applications in the neighbourhood area?"

3.3 The count took place on Thursday 5 October 2023 and greater than 50% of those voted were in favour of the Claypole Neighbourhood Plan being used to help decide planning applications in the area. The results of the referendum were:

Response	Votes	Percent of total
Yes	350	95.9%
No	15	4.1%
Turnout	37.97%	

3.4 The Examining Inspector has assessed the Neighbourhood Plan (Including its preparation stages) and has concluded that it does not breach, and would not otherwise be incompatible with, any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act (1998). South Kesteven District Council agrees with this decision.

3.5 The Claypole Neighbourhood Plan was made part of the Statutory Development Plan for South Kesteven on the **23 November at a meeting of Full Council.**

Signed - *Emma Whittaker*

**Assistant Director of Planning
South Kesteven District Council**

Date – 23 November 2023

