

Chichester District Council

Development Plan Panel

Thursday 15 May 2014

**Making the Kirdford Neighbourhood Plan
Part of the Development Plan for Chichester District
(Excluding the National Park)**

1. Contact

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2. Recommendation

- 2.1 **That the Development Plan Panel recommends to the Cabinet and the Council to make the Kirdford Neighbourhood Plan part of the Development Plan for Chichester District (excluding the National Park).**

3 Background

- 3.1 Chichester District Council is the planning authority for only part of Kirdford parish, the South Downs National Park Authority (SDNPA) being the planning authority for the remainder. As the planning authority for the main built-up area of Kirdford and the majority of the parish, Chichester District Council is the lead authority for supporting neighbourhood planning in Kirdford.
- 3.2 Kirdford Parish Council was identified as the qualifying body and the parish of Kirdford was designated as a Neighbourhood Area on 2 October 2013 by Chichester District Council and the SDNPA on 13 September 2013 under the *Neighbourhood Planning (General) Regulations 2012* which came into force on 6 April 2012.
- 3.3 Kirdford Parish Council developed a neighbourhood plan with its local community and submitted it to Chichester District Council. The submitted version of the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 2 September 2013.
- 3.4 The appointed independent examiner was Janet Cheesley, who reviewed whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
- 3.5 The examiner concluded that subject to the modifications proposed in her report the plan met the 'basic conditions' set out in paragraph 8 (2) of Schedule 4B to the *Town and Country Planning Act 1990*, is compatible with EU obligations and the Convention rights, complies with relevant provision made by or under section 38A and 38B of the *Planning and Compulsory Purchase Act 2004* and should proceed to a referendum.

- 3.6 The Cabinet at its meeting on 25 February 2014 resolved that having received confirmation from Kirdford Parish Council of its acceptance of the modifications set out in the draft Decision Statement that the Kirdford Neighbourhood Plan proceeds to referendum. A referendum was held on Thursday 1 May 2014. The turn-out was 44% and of those who voted 95% was in favour of the plan.
- 3.7 Paragraph 38A (4) (a) of the *Planning and Compulsory Purchase Act 2004* requires that Chichester District Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. Chichester District Council is not subject to this duty if (and only 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*).

4. Conclusion

- 4.1 The independent examiner found that subject to the modifications proposed in her report the plan met the basic conditions and other requirements prescribed by the relevant legislation.
- 4.2 The referendum held on Thursday 1 May 2014 met the requirements of the *Localism Act 2011* and the *Neighbourhood Planning (Referendums) Regulations 2012*. More than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
- 4.3 Accordingly it is recommended that the Kirdford Neighbourhood Plan is made part of the Development Plan for Chichester District.
- 4.4 The SDNPA will also take the recommendation to its planning committee to be made part of SDNPA's development plan on Thursday 12 June 2014.
- 4.5 Chichester District Council will publish a formal decision statement as required under the *Neighbourhood Planning (General) Regulations 2012*.