

## North Kesteven District Council



### 1. Summary

- 1.1. Following a positive referendum result North Kesteven District Council has made the Thorpe on the Hill Neighbourhood Plan part of the Development Plan at a full council meeting on Tuesday 6 March 2018.

### 2. Background

- 2.1 On 11 September 2014 North Kesteven District Council resolved to designate the whole of the Parish of Thorpe on the Hill as a Neighbourhood Plan Area in accordance with the Section 61G of Town and Country Planning Act 1990 (as amended by the Localism Act 2011). The designation of a Neighbourhood Area being one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted and formally become a part of the Development Plan, and be used in the determination of planning applications by the District Council.
- 2.2 Following the submission of the Thorpe on the Hill Neighbourhood Plan to the District Council, the plan was publicised and representations were invited. The publicity period ended on 8 September 2017.
- 2.3 The District Council appointed an independent examiner. Nigel McGurk BSc (Hons) MCD MBA MRTPI to review whether the Plan met the basic conditions as set out in Schedule 4B to the Town and Country Planning Act 1990 and whether the Thorpe on the Hill Neighbourhood Plan should proceed to referendum.
- 2.4 The examiner's report concludes that subject to a number of recommended modifications that the Thorpe on the Hill Neighbourhood Plan is able to comply with the 'basic conditions' and other relevant statutory provisions, and that the draft plan as modified can be submitted for a referendum.

- 2.5 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the District Council has resolved that the modifications are required in order for the Thorpe on the Hill Neighbourhood Plan to meet the "basic conditions" set out in Schedule 4B to the Town and Country Planning Act 1990.
- 2.6 A referendum was held on Thursday 22 February, 89% 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.

### **3 Decision and Reasons**

- 3.1 With the Examiner's recommended modifications the 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 22 February 2018 met the requirements of the Localism Act 2011, it was held in the parish of Thorpe on the Hill and posed the question: 'Do you want North Kesteven District Council to use the Neighbourhood Plan for the Thorpe on the Hill Area to help it decide planning applications in the neighbourhood area?'.  
The results of the referendum were:
- Electorate: 442
  - Votes cast: 172
  - Percentage turnout: 39%
  
  - Yes votes: 153
  - No votes: 16
  - Spoiled ballot papers: 3
  - Percentage in support: 89%
- 3.4 The Council has assessed that the plan including its preparation 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 Council decided at the Council meeting on Tuesday 6 March to make the Thorpe on the Hill Neighbourhood Plan part of the Development Plan for North Kesteven.