
Subject:	WORTH NEIGHBOURHOOD DEVELOPMENT PLAN
Meeting and Date:	Cabinet – 1 December 2014 Council – 28 January 2015
Report of:	Nadeem Aziz Chief Executive
Portfolio Holder:	Councillor Nicholas Kenton, Portfolio Holder for Environment, Waste and Planning
Decision Type:	Key decision
Classification:	Unrestricted

Purpose of the report: To inform Council of the results of the Worth Neighbourhood Planning Referendum and to formerly bring the Worth Neighbourhood Development Plan into force.

Recommendation: Cabinet recommends to Council:

1. to make the Worth Neighbourhood Development Plan, as set out in Appendix 1, part of the Development Plan for the Worth Neighbourhood Area, in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004; and
2. the 'Decision Statement', as set out in Appendix 2, to be published in accordance with Section 38A (9) (10) of The Planning & Compulsory Purchase Act 2004 & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

1. Summary

- 1.1 The Worth Neighbourhood Development Plan (NDP) has now been subject to a Neighbourhood Planning Referendum. The referendum was held on the 6th November and 91% of the electorate who voted were in favour of using the Worth NDP to help decide planning applications within the Neighbourhood Area.
- 1.2 In accordance with 38A(4) of the Planning and Compulsory Purchase Act 2004 , as inserted by of the 2011 Localism Act, the District Council must now bring the Plan into force so that it becomes part of the statutory development plan for the Worth Neighbourhood Area. A copy of the Worth NDP Plan is attached in Appendix 1.
- 1.3 The District Council must also publicise the decision on the NDP in a 'Decision Statement' (Appendix 2) and publish where the Decision Statement can be inspected. A copy must also be sent to Worth Parish Council.

2. Introduction and Background

- 2.1 Worth Parish Council indicated that they would like to undertake a Neighbourhood Development Plan (NDP) in early 2012 and the Neighbourhood Area, the first formal

stage in the process, was designated by the District Council in January 2013. The Plan was considered by an Independent Examiner in February 2014, who recommended that it should proceed, with modifications, to the final stage, the referendum.

2.2 At the July 2014 Cabinet, it was agreed to modify the Worth NDP in line with the Examiner's recommendations, to publicise the decision and to undertake a referendum.

2.3 The referendum took place on the 6th November 2014. In accordance with the regulations, the question posed in the referendum was:

'Do you want Dover District Council to use the Neighbourhood Plan for Worth to help decide planning applications in the Neighbourhood Area?'

2.4 There was a 44.82% turnout of the overall Neighbourhood Area electorate. Of the 268 votes, 245 voted 'yes' and 22 voted 'no', giving a 91% majority in favour of using the Worth NDP to help decide planning applications in the Neighbourhood Area. A simple majority of 51% (of those who have voted) has to be in favour of the Plan for it to be brought into force.

2.5 In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 as inserted by the Localism Act 2011, the District Council now has to make the Plan part of the development plan (which currently includes the adopted Core Strategy 2010, saved policies in the Dover District Local Plan 2002 and, when adopted, the Land Allocations Local Plan).

2.6 The District Council must also publicise (on the web site or in any other manner to bring it to the attention to those who live, work or carry on business in the Neighbourhood Area) their decision on the NDP and the reasons for that decision in a 'Decision Statement' (s38A (9) (10) of The Planning & Compulsory Purchase Act 2004 & Regulation 19 of the Neighbourhood Planning (General) Regulations 2012). A copy of the Decision Statement is attached to Appendix 2. The District Council must also publish where and when the Decision Statement can be inspected and send a copy to Worth Parish Council.

2.7 The District Council does not have to bring the Plan into force if it is considered that it would breach, or be incompatible, with any EU obligations or any European convention Human Rights (Section 38A (8) of the Planning & Compulsory Purchase Act 2004 Act, as inserted by the Localism Act 2011).

3. Identification of Options

3.1 Option 1 – That the Worth NDP does not breach or is not incompatible, any EU obligations or any European convention Human Rights, and is made part of the Development Plan for the area and the District Council's Decision Statement is published; or

3.2 Option 2 – That the Worth NDP breaches, or is incompatible, with any EU obligations or any European convention Human Rights, and is not made part of the Development Plan for the area.

4. Evaluation of Options

- 4.1 The question as to whether or not the Worth NDP would breach, or is incompatible, with EU obligations or any European convention Human Rights has been considered by the Independent Examiner in his Report. His conclusions were that, subject to the modifications proposed, it did not. There have also been no changes to either the EU Obligations or the European convention Human Rights since his report that would change this conclusion. The only option would be, therefore, to make the Plan part of the Development Plan for the area and the Decision Statement to be published.

5. Resource Implications

- 5.1 The resource implications have been set out in past Cabinet Reports. The major costs for producing the Worth NDP were for the independent examination and the referendum and these have been funded through the Government Neighbourhood Planning fund. Apart from the cost of printing the document (approximately £100) and publishing the Decision Statement in the press (approximately £70), both of which are covered in the Neighbourhood Planning budget, there should be no more costs associated with the Worth Neighbourhood Development Plan.

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: Finance has been consulted and has nothing further to add (SB)
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make.
- 6.3 Comment from the Equalities Officer: This report does not specifically highlight any equalities implications however, in discharging their responsibilities members are required to comply with the public sector equality duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15>.

7. Appendices

Appendix 1 – Worth Neighbourhood Plan

Appendix 2 – Worth Neighbourhood Development Plan Decision Statement

8. Background Papers

Cabinet Report July 7th 2014 – Worth Neighbourhood Development Plan

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