



Kempsey Neighbourhood Plan

Decision Statement published pursuant to Section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended)

At its Council meeting on the 28 November 2017, Malvern Hills District Council decided to make the Kempsey Neighbourhood Plan under 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended). The Kempsey Neighbourhood Plan now forms part of the Development Plan for Malvern Hills District.

Reasons for the Decision

The Kempsey Neighbourhood Plan meets the Basic Conditions and its promotion process is compliant with legal and procedural requirements. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Neighbourhood Plan if more than half of those voting in the Referendum have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum on 5 October 2017.

Background

The Kempsey Neighbourhood Plan was prepared by Kempsey Parish Council, which is the relevant body for the purposes of neighbourhood plan preparation. The application to designate the parish of Kempsey as a Neighbourhood Area for the purposes of preparing a neighbourhood plan was approved by Malvern Hills District Council in July 2013.

The Parish Council published the draft Kempsey Neighbourhood Plan for pre-submission consultation between 12 March and 30 April 2016, in line with regulation 14 of the Neighbourhood Planning (General) Regulations 2012.

The Parish Council submitted the draft Kempsey Neighbourhood Plan and supporting documents (including a Basic Conditions Statement and Consultation Statement) to the District Council in January 2017. The submitted Plan was

published by the District Council for public consultation between 13 January and 24 February 2017.

Malvern Hills District Council, with the consent of Kempsey Parish Council, appointed an independent examiner, Mr Andrew Ashcroft, to review the Plan and consider whether it should proceed to referendum.

The Examiner's Report was received on 22 June 2017. The examiner recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan will meet the Basic Conditions and legal requirements. The examiner also recommended that the area for the referendum be based on the designated neighbourhood area which the Plan relates to.

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the District Council to make the Neighbourhood Plan if more than half of those voting in a referendum have voted in favour of the Plan being used to help to decide planning applications in the area.

A local referendum was held in Kempsey on 5 October 2017 to decide whether the local community were in favour of the Kempsey Neighbourhood Plan. From the votes recorded, 993 out of 1,083 (91.6%) of those who voted were in favour of the Plan. The turnout of electors was 38.4%.

The District Council has also assessed and concluded 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). As such, the District Council decided at the Full Council meeting on 28 November 2017 to make (adopt) the Kempsey Neighbourhood Plan so that it is part of the statutory Development Plan for Malvern Hills District, sitting alongside the South Worcestershire Development Plan and other material considerations in determining planning applications in the Kempsey parish.

Inspection of Decision Statement and made Neighbourhood Plan

This decision statement can be viewed on the Malvern Hills District Council and Kempsey Neighbourhood Plan websites:

<https://www.malvernhills.gov.uk/kempsey1>

<http://www.kempseyhub.co.uk/the-parish-council/kempsey-neighbourhood-plan.html>

In accordance with Regulation 20 of the Regulations, the Kempsey Neighbourhood Plan can be viewed on the Malvern Hills District Council and Kempsey Neighbourhood Plan websites:

<https://www.malvernhills.gov.uk/kempsey1>

<http://www.kempseyhub.co.uk/the-parish-council/kempsey-neighbourhood-plan.html>

Paper copies of this statement and the made Kempsey Neighbourhood Plan can also be viewed at:

- Malvern Hills District Council, Council House, Avenue Road, Malvern, WR14 3AF (*Monday-Friday 9am-5pm*)
- Malvern Library, Graham Road, Malvern, WR14 2HU (*Monday, Thursday and Friday 9am-5.00pm, Tuesday and Wednesday 9am-7pm and Saturday 9am-4pm*)



Gary Williams

Head of Housing and Planning, Malvern Hills District Council

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