

## **AMBER VALLEY BOROUGH COUNCIL**

### **RIPLEY NEIGHBOURHOOD PLAN** **FINAL DECISION STATEMENT**

#### **1. Summary**

- 1.1 Following the result of the Referendum on 15 October 2015, Amber Valley Borough Council formally 'made' the Ripley Neighbourhood Plan on 18 November 2015.
- 1.2 The Ripley Neighbourhood Plan now forms part of the Development Plan for the Parish of Ripley.
- 1.3 The Borough Council is publishing its decision to 'make' the Ripley Neighbourhood Plan in accordance with Regulation 19 of the Town and Country Planning (Neighbourhood Plan) (General) Regulations 2012 (as amended).

#### **2. Background**

- 2.1 On 04 March 2013, Amber Valley Borough Council designated Ripley Parish as a Neighbourhood Area, for the purpose of preparing a Neighbourhood Plan in accordance with the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 The qualifying body, Ripley Parish Council, invited representations on a draft Neighbourhood Plan between 04 February 2014 and 21 April 2014. The draft Neighbourhood Plan was subsequently formally submitted to the Borough Council on 10 September 2014. The submitted Plan was then publicised on 10 September 2014 and representations invited within a 6 week period, which ended on 22 October 2014.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent Examiner, Mr Nigel McGurk, to carry out an examination of the Plan. The Examiner concluded that certain modifications to the submitted Ripley Neighbourhood Plan were required, in order to meet the 'basic conditions', as set out in Paragraph 8(2) of schedule 4B to the Town and Country Planning Act 1990, as applied to Neighbourhood Plans by section 38A of the Planning and Compulsory Purchase Act 2004.
- 2.4 At its meeting on 11 March 2015, the Borough Council's Cabinet resolved to confirm that the Ripley Neighbourhood Plan, with the recommended modifications, meets the 'basic conditions', as required by Paragraph 12 of Schedule 4B of the Town and Country Planning Act 1990. The Cabinet therefore resolved to make the modifications to the Plan, to ensure that it met the 'basic conditions'.
- 2.5 The Cabinet also resolved to approve arrangements for the holding of a Referendum in relation to the modified Plan, to authorise the Borough Council's Executive Director (Resources) to finalise the date and detailed arrangements

for the Referendum, in consultation with the Leader and relevant Cabinet Members and that the electoral area for the Referendum shall be the Parish of Ripley and not be extended beyond that area.

2.6 The date of the Referendum was subsequently agreed as 15 October 2015.

2.7 The results of the Referendum, in relation to the following question

*'Do you want Amber Valley Borough Council to use the Neighbourhood Plan for Ripley to help it decide planning applications in the neighbourhood area?'*

Was as follows: -

- Number of votes cast in favour of a 'Yes' 3098
- Number of votes cast in favour of a 'No' 355

### **3. Decision and Reasons**

3.1 At the meeting of the Full Council on 18 November 2015, the Borough Council was advised that as the number of votes in the Referendum cast in favour of a 'Yes' constituted more than half of those voting (i.e. 50% plus 1), it must 'make' the Ripley Neighbourhood Plan as soon as reasonably practical. The Borough Council was also advised that, in accordance with Regulation 19 of the Neighbourhood Plan (General) Regulations 2012 (as amended), it would need to publicise its decision of where and when the 'decision statement' can be inspected.

3.2 The Borough Council therefore resolved on 18 November 2015 that the Ripley Neighbourhood Plan be formally 'made' and forms part of the Development Plan and be used in the determination of planning applications for the Parish of Ripley.

3.3 With the Examiner's recommended modifications the Ripley Neighbourhood Plan meets the 'basic conditions' set out in paragraph 8(2) of the 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.

3.4 The Borough Council has assessed that the Ripley Neighbourhood 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).

#### 4. The Neighbourhood Plan

4.1 The Ripley Neighbourhood Development Plan and its associated documents are available to view on the Councils' web-sites at:

<https://www.ambervalley.gov.uk/planning/planning-policy/neighbourhood-planning/ripley-neighbourhood-plan/>

Paper copies of the Neighbourhood Plan and the Final Decision Statement are also available to view at the following location during normal opening hours:

Amber Valley Borough Council  
Town Hall,  
Market Place  
Ripley  
DE5 3BT

Signed:



Assistant Director (Community Planning)

19 November 2015