

AMBER VALLEY BOROUGH COUNCIL

KIRK LANGLEY NEIGHBOURHOOD PLAN **FINAL DECISION STATEMENT**

1. Summary

- 1.1 Following the result of the Referendum on 6 May 2021, Amber Valley Borough Council formally 'made' the Kirk Langley Neighbourhood Plan on 30 June 2021.
- 1.2 The Kirk Langley Neighbourhood Plan now forms part of the Development Plan for Amber Valley, in relation to the Parish of Kirk Langley.
- 1.3 The Borough Council is publishing its decision to 'make' the Kirk Langley 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 7 April 2017, Amber Valley Borough Council designated Kirk Langley 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 (as amended).
- 2.2 The qualifying body, Kirk Langley Parish Council, invited representations on a draft Neighbourhood Plan between 20 September 2019 and 2 November 2019. The draft Neighbourhood Plan was formally submitted to the Borough Council and publicised with comments invited between 13 December 2019 and 7 February 2020 and subsequently from each of the consultation bodies referred to in the consultation statement submitted alongside the Neighbourhood Plan, as required by Regulation 16 (b) of the Neighbourhood Planning (General) Regulations 2012 (as amended), between 7 February 2020 and 20 March 2020.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent examiner, Mr Christopher Collison, to carry out an examination of the Plan. The examiner concluded that certain modifications to the submitted Kirk Langley 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 An executive decision by the Leader of the Council was made on 12 June 2020, confirming that the Kirk Langley Neighbourhood Plan, with the recommended modifications, meets the 'basic conditions', as required by Paragraph 12 of Schedule 4B to the Town and Country Planning Act 1990.

2.5 The executive decision also resolved to approve arrangements for the holding of a Referendum in relation to the modified Plan, authorising the Borough Council's Executive Director (Resources) to make arrangements for the Referendum on the 6 May 2021 and that the electoral area for the Referendum shall be the Parish of Kirk Langley and not be extended beyond that area.

2.6 The result of the Referendum, in relation to the following question:

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

was as follows:-

- Number of votes cast in favour of a 'Yes' 298 (93.4%)
- Number of votes cast in favour of a 'No' 19 (6%)
- Number of ballot papers rejected 2

3 Decision and Reasons

3.1 On 30 June 2021, the Borough Council's Cabinet, 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 Kirk Langley Neighbourhood Plan. The Cabinet was also advised that, in accordance with Regulation 19 of the Neighbourhood Plan (General) Regulations 2012 (as amended), the Borough Council would need to publicise its decision and the reasons for the decision (the 'decision statement') and details of where and when the 'decision statement' can be inspected, as well as sending a copy of the 'decision statement' to Kirk Langley Parish Council and to any person(s) who asked to be notified of the decision.

3.2 Subsequently, the Cabinet resolved that the Kirk Langley Neighbourhood Plan be formerly 'made' and now forms part of the Development Plan to be used in the determination of planning applications for the Parish of Kirk Langley.

3.3 With the Examiner's recommended modifications, the Kirk Langley Neighbourhood Plan meets the 'basic conditions' set out in paragraph 8(2) of the Schedule 4B of the Town and Country Planning Act 1990 and would neither be in breach of, nor would be incompatible with, any EU obligation or any 'Convention Right' within the meaning of the Human Rights Act 1998 and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004, as amended.

3.3 The Borough Council has assessed that the Kirk Langley 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

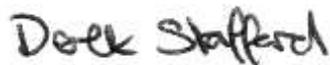
4.1 The Kirk Langley Neighbourhood Plan and its associated documents are available to view on the Council's website at:

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

Paper copies of the Neighbourhood Plan and the Decision Statement are also available to view at: -

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

Signed:



Assistant Director (Planning)

30 June 2021