

# **AMBER VALLEY BOROUGH COUNCIL**

## **QUARNDON NEIGHBOURHOOD PLAN** **FINAL DECISION STATEMENT**

### **1. Summary**

- 1.1 Following the result of the Referendum on 27 June 2019, Amber Valley Borough Council formally 'made' the Quarndon Neighbourhood Plan on 20 August 2019.
- 1.2 The Quarndon Neighbourhood Plan now forms part of the Development Plan for Amber Valley, in relation to the Parish of Quarndon.
- 1.3 The Borough Council is publishing its decision to 'make' the Quarndon 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 22 July 2016, Amber Valley Borough Council designated Quarndon 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, Quarndon Council, invited representations on a draft Neighbourhood Plan between 4 July 2018 and 15 August 2018. The draft Neighbourhood Plan was subsequently formally submitted to the Borough Council on the 5 November 2018. The submitted Plan was then publicised on 9 November 2018 and representations invited within a 6-week period, which ended on 21 December 2018.
- 2.3 Following consultation with the Parish Council, the Borough Council appointed an independent examiner, Mr Andrew Mattheson, to carry out an examination of the Plan. The examiner concluded that certain modifications to the submitted Quarndon 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 24 April 2019, confirming that the Quarndon 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 27 June 2019 and that the electoral area for the Referendum shall be the Parish of Quarndon 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 Quarndon to help it decide planning applications in the neighbourhood area?'*

was as follows:-

- Number of votes cast in favour of a 'Yes' 291 (94.5%)
- Number of votes cast in favour of a 'No' 17 (5.5%)
- Number of ballot papers rejected 0

## **2 Decision and Reasons**

- 3.1 On 20 August 2019, the Leader of 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 Quarndon Neighbourhood Plan as soon as reasonably practical. The Leader of 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 Quarndon Council and to any person(s) who asked to be notified of the decision.
- 3.2 Subsequently, under executive powers the Leader of the Borough Council's Cabinet resolved that the Quarndon 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 Quarndon.
- 3.3 With the Examiner's recommended modifications, the Quarndon 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.
- 3.4 The Borough Council has assessed that the Quarndon 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 Quarndon Neighbourhood Plan and its associated documents are available to view on the Council's website at:

[www.ambervalley.gov.uk/quarndonneighbourhoodplan](http://www.ambervalley.gov.uk/quarndonneighbourhoodplan)

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

during normal opening hours.

Signed:



Assistant Director (Planning)

20 August 2019