

**SWALE BOROUGH COUNCIL**  
**FAVERSHAM CREEK NEIGHBOURHOOD PLAN 2016-31**  
**REGULATION 19 DECISION STATEMENT**  
**July 2017**

## **Summary**

Following a positive referendum result, Swale Borough Council is publishing its decision to 'make' the Faversham Creek Neighbourhood Plan 2016-31 as part of Swale Borough Council's Development Plan in accordance with regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

## **Background**

Faversham Town Council, as the qualifying body, successfully applied for the Faversham Creek area to be designated a Neighbourhood Area under Part 2 of the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated on 20<sup>th</sup> February 2014.

Following the submission of the Faversham Creek Neighbourhood Plan to the Borough Council, it was publicised and comments invited from the public and stakeholders. The consultation period closed in November 2014.

Swale Borough Council appointed an independent examiner, Mr Tim Jones LLB FCI Arb, to review the whether the Neighbourhood Plan met the basic conditions required by legislation and whether it should proceed to referendum.

After a Hearing, the examiner's report concluded that, subject to certain modifications proposed in his report in April 2016, the Plan did meet the basic conditions and could therefore proceed to a local referendum.

## **Decision and Reasons**

With the examiner's proposed modifications, the Neighbourhood Plan is judged to have met the basic conditions laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with the relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended.

The referendum held on Thursday 4<sup>th</sup> May 2017 across all of Faversham town (as directed by the Examiner) and posed the question "Do you want Swale Borough Council to use the Neighbourhood Plan for Faversham Creek to help it decide planning applications in the neighbourhood area?"

The result of the referendum was:

YES: 88.2 %

NO: 11.8%

No ballot papers were rejected as being unmarked or wholly void for uncertainty.

Paragraph 38(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Borough Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan unless this would breach or would otherwise be incompatible with an EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Borough Council has assessed that the Neighbourhood Plan, including its preparation, does not breach or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

Full Council (28<sup>th</sup> June 2017) therefore, agreed that, in accordance with the relevant regulations, the Faversham Creek Neighbourhood Plan should be 'made' and shall form part of the Development Plan for the Borough of Swale.

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Swale Borough Council