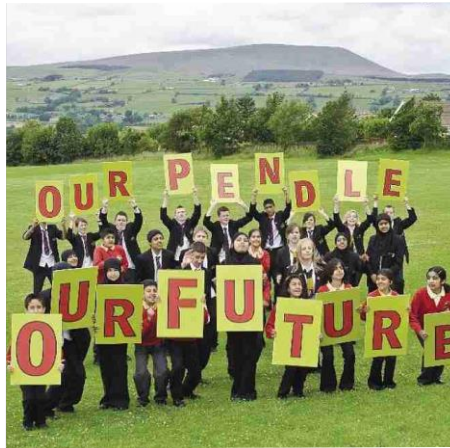


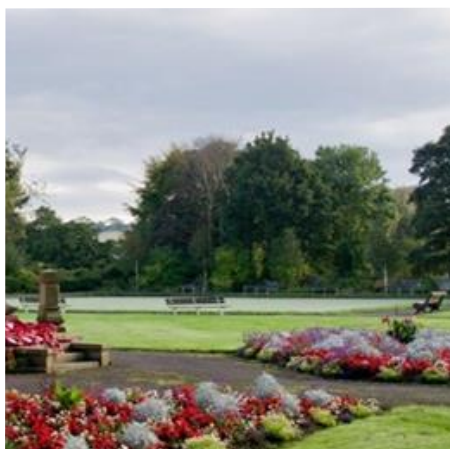
# Kelbrook & Sough Neighbourhood Development Plan



## Decision Statement

Regulations 19 & 20

December 2022



اردو

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Borough of  
**Pendle**



# **Pendle Borough Council**

## **Kelbrook and Sough Neighbourhood Plan**

### **Decision Statement published pursuant to the Localism Act 2011 Schedule 38A (9) and Regulations 19 & 20 of the Neighbourhood Planning (General) Regulations 2012**

#### **Decision**

**NOTICE IS HEREBY GIVEN** that Pendle Council has decided by resolution at Council on 8 December 2022 to make the Kelbrook and Sough Neighbourhood Plan under Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended by the Neighbourhood Planning Act 2017), and under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

In accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, following a positive referendum result on the 27 October 2022, the Kelbrook and Sough Neighbourhood Plan now forms part of the adopted Development Plan for the Borough of Pendle.

#### **Introduction**

This document sets out the Council's considerations and formal decision in bringing the Kelbrook and Sough Neighbourhood Development Plan [“KSNDP”] into legal force, following an independent examination and positive referendum, held on Thursday 27 October 2022.

#### **Background**

In June 2017 Kelbrook and Sough Parish Council, as the qualifying body, submitted an application to Pendle Council requesting that it designate the Parish of Kelbrook and Sough as a Neighbourhood Area for the purposes of preparing a Neighbourhood Plan. Following a six week consultation, the Neighbourhood Area was formally designated by Pendle Council’s Executive committee on 24 August 2017.

Kelbrook and Sough Parish Council made the Pre-submission Draft KSNDP available for a minimum six week consultation from the 13 September 2021.

The Submission Draft KSNDP was received by Pendle Council on 18 February 2022. A final stage of publicity and consultation was held between 4 March 2022 and 25 April 2022, to determine if there were any unresolved objections to the plan. On 28 April 2022 the Submission Draft KSNDP, all supporting documents and the representations received in response to the consultation, were forwarded to Mr Andrew Ashcroft BA (Hons) M.A. EMS MRTPI, the independent examiner appointed to conduct the Examination of the Plan.

The Examiner’s Report was received by Pendle Council on 11 July 2022, concluding the Examination. The report recommended that subject to modifications the KSNDP met the necessary Basic Conditions and should proceed to Referendum.

The agreed modifications to the KSNDP, were published as part of the Regulation 18(2) Decision Statement issued on 25 August 2022, which confirmed that Pendle Council was satisfied that the KSNDP met the Basic Conditions and that its promotion process was compliant with legal and procedural requirements.

## Reasons for decision

With the Examiner's recommended modifications the KSNDP:

- Meets the Basic Conditions 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;
- Would not breach and is otherwise compatible with EU or human rights obligations; within the meaning of the Human Rights Act 1998 (s61E (8) of the Town and Country Planning Act 1990 and s38A (8) of the Planning & Compulsory Purchase Act 2004 Act (as amended) by the Localism Act 2011; and
- Complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).

A referendum was held in the Parish of Kelbrook and Sough on Thursday 27 October 2022. A total of 196 votes were cast – from an electorate of 760 – representing a 25.8% turnout. The result of the votes cast in the referendum was as follows:

Number cast in favour of **Yes**      182   (93%)

Number cast in favour of **No**      14   (7%)

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

More than half of those voting in the Referendum on 27 October 2022 voted in favour of the KSNDP, which was duly made by Pendle Council on 8 December 2022.

A copy of this decision statement is being sent to:

- The qualifying body, namely Kelbrook and Sough Parish Council; and
- To any person who asked to be notified of the decision.

This decision statement can be viewed on the Pendle Council website at:

[https://www.pendle.gov.uk/info/20072/planning\\_policies/585/kelbrook\\_and\\_sough\\_neighbourhood\\_plan](https://www.pendle.gov.uk/info/20072/planning_policies/585/kelbrook_and_sough_neighbourhood_plan)

Copies are also available to view at the following locations, during opening hours:

- Kelbrook and Sough Village Hall, Dotcliffe Road, Kelbrook, Barnoldswick, BB18 6TQ.
- Number One Market Street, Nelson, BB9 7LJ

Rose Rouse  
Chief Executive, Pendle Council  
Friday 9 December 2022



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**Liberata**

