

Local Development Framework Panel		Agenda Item: 6
Meeting Date	20 June 2017	
Report Title	Faversham Creek Neighbourhood Plan: Referendum Results and Adoption	
Cabinet Member	Cllr Gerry Lewin, Cabinet Member for Planning	
SMT Lead	Emma Wiggins	
Head of Service	James Freeman	
Lead Officer	Natalie Earl	
Key Decision	No	
Classification	Open	
Forward Plan	Reference number:	
Recommendations	1. That Members receive this report for information, noting that a Full Council resolution is required to adopt the Neighbourhood Plan.	

1 Purpose of Report and Executive Summary

- 1.1 This report outlines the process since the receipt of the Examiner's Report, covering the Judicial Review and the Referendum stages. The adoption of the Neighbourhood Plan needs to be by Full Council. This item is therefore to inform Panel Members of the outcome of the above processes and the final steps to adoption.

2 Background

- 2.1 Panel Members will recall receiving a report on 19 May 2016 on the Examiner's Report and the next steps to the referendum stage. Members agreed to accept the modifications to the Faversham Creek Neighbourhood Plan as set out in the Examiner's Report and approved the organisation of a referendum.
- 2.2 In July 2016, Swale received notification that Swan Quay LLP were seeking permission to bring a claim for a Judicial Review against the decision of the Defendant (Swale Borough Council) to hold a referendum.
- 2.3 A hearing was scheduled for 12th January 2017 at the High Court, London and was attended by Officer Natalie Earl and a barrister instructed by Mid-Kent Legal Services. The hearing took two days.

- 2.4 On 27th January 2017 Mr Justice Dove conducted a read out of his judgement. He concluded that the claim was dismissed. (See Appendix I.)
- 2.5 The referendum was then held alongside the Kent County Council elections on Thursday 4th May. The question asked, as set out in national guidance, was "*Do you want Swale Borough Council to use the neighbourhood plan for Faversham Creek to help it decide planning applications in the neighbourhood area?*"
- 2.6 5,418 (88%) voted in favour and 706 (12%) voted not in favour. Turnout was 42.28%.
- 2.7 The Localism Act requires local planning authorities to 'make' a Neighbourhood Development Plan as soon as reasonably practicable following a successful referendum. A report will therefore be taken to Full Council on 26th July for adoption of the Neighbourhood Plan.
- 2.8 Once adopted, the neighbourhood plan will become part of the Development Plan and will be used when assessing planning applications in the neighbourhood plan area.

3 Proposals

- 3.1 The proposal for Panel is simply to acknowledge this report for information.

4 Alternative Options

- 4.1 No alternative options are proposed.

5 Consultation Undertaken or Proposed

- 5.1 The Neighbourhood Plan was subject to extensive public consultation throughout its preparation and there was public involvement at the hearing sessions and the Referendum stage.

6 Implications

Issue	Implications
Corporate Plan	Supports the Council's corporate priorities for a Borough and a community to be proud of.
Financial, Resource and Property	None identified at this stage.
Legal and	None identified at this stage.

Statutory	
Crime and Disorder	None identified at this stage.
Sustainability	A Sustainability Appraisal report was undertaken for the Neighbourhood Plan.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.

7 Appendices

Appendix I: Judgement of Mr Justice Dove Case No. CO/3447/2016

8 Background Papers