**Medway Council Local Planning Authority**

**Arches Chatham Neighbourhood Plan 2022 to 2040**

REGULATION 18 DECISION STATEMENT (proceeding to referendum)

1. Introduction

1.1 In accordance with the Town and Country Planning Act 1990 (as amended), the Council has a statutory duty to assist communities in the preparation of neighbourhood plans and to progress their neighbourhood plans through examination, referendum and to ‘make’ the Plan.

1.2 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 Medway Council has produced this ‘Decision Statement’ in relation to the Arches Chatham Neighbourhood Plan (Arches Chatham NP). This statement confirms that the modifications proposed in the Examiner’s Report on the Arches Chatham NP have been accepted by Medway Council and the Plan has been consequently amended. The Plan can now proceed to referendum.

1.3 The Examiner’s Report and Referendum version of Arches Chatham Neighbourhood Plan, including supporting documents, can be viewed on the Council’s website at:

<https://www.medway.gov.uk/info/200149/planning_policy/142/neighbourhood_planning/5>

Hard copies of the documents can also be viewed at Chatham Library:

Dock Road, Chatham, Kent ME4 4TX

2. Background

2.1 On 6 August 2019 Medway Council designated the Arches Chatham Neighbourhood Area, and the Arches Chatham Neighbourhood Forum for the purpose of preparing a Neighbourhood Plan. The plan area covers a defined area within central Chatham and Luton, and lies solely within the Medway Council Local Planning Authority Area.

2.2 Arches Chatham Neighbourhood Forum, the qualifying body, submitted the draft Arches Chatham NP and supporting documents to Medway Council in December 2022.

2.3 Following submission of the Arches Chatham Neighbourhood Plan, Medway Council publicised the Plan and supporting documents and invited representations during the consultation period which ran from 17 March to 30 April 2023.

2.4 Medway Council, with the consent of Arches Chatham Neighbourhood Forum, appointed an independent examiner, Nigel McGurk, to review the Plan and assess whether it should proceed to referendum.

2.5 The Examiner’s Report was received in November 2023 and recommended that, subject to a number of proposed modifications, the Plan should proceed to referendum. The modifications are required to ensure that the Plan meets the basic conditions set out in the legislation (Para 8(2) Schedule 4B Town and Country Planning Act 1990). The examiner also recommended that the area for the referendum should be based on the designated neighbourhood area which the Plan relates to.

2.6 In accordance with the legislation (Schedule 4B paragraph 12 Town and Country Planning Act 1990), the Local Planning Authority must decide what action to take in response to the examiner’s recommendations, what modifications to make to the Plan and whether the Plan should proceed to referendum.

2.7 If the Local Planning Authority is satisfied that the Plan can proceed to referendum, it is also required to consider whether the Referendum Area should be extended beyond the Arches Chatham Neighbourhood Area (Schedule 4B paragraph 12(8) Town and Country Planning Act 1990).

3. Local Planning Authority Decision

3.1 Having considered the Examiner’s Report the Local Planning Authority confirms that:

* The Examiner’s recommended modifications are accepted and agreed. The modifications have been agreed and are supported by the Local Planning Authority in the interests of ensuring that the Arches Chatham NP meets the basic conditions, improving precision for accurate interpretation of the Plan, and making necessary minor edits to the Plan.
* The Arches Chatham NP, incorporating all the recommended modifications and consequential modifications, should proceed to referendum as the Plan:
* meets the basic conditions in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 (as amended);
* is compatible with Convention Rights (the European Convention on Human Rights) and complies with the Human Rights Act 1998;
* is compliant with the provision made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.
* The recommended modifications will not have significant adverse environmental effects. A Habitats Regulation Assessment and a Strategic Environmental Assessment were prepared for the Arches Chatham NP.
* It agrees with the Examiner’s recommendation to proceed to a referendum based on the Arches Chatham Neighbourhood Area as approved by the Council.

3.2 This decision has been made in accordance with the relevant legislation, guidance and advice and in response to the recommendations made in the Examiner’s Report.

3.3 Not less than 28 days before the date of the referendum the Council must publish on its website and make available an information statement and specified documents (which will include the Arches Chatham NP, as revised in light of the Examiner’s recommendations). These documents will be made available during the referendum period for inspection including at the Chatham Library.