

CABINET MEMBER DECISION



Decision:

That approval is granted for the Foston Neighbourhood Plan to be made part of the Development Plan for South Kesteven.

(1) **Details of Decision**

To consider whether the Foston Neighbourhood Plan should be made part of the Development Plan for South Kesteven

(2) **Considerations/Evidence**

The decision to make the Foston Neighbourhood Plan part of the Development Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the district council should not make this decision is where the making of the plan would 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). The Council is satisfied that there is no breach of EU obligations.

The 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). Therefore the only available option open to the Council is to make the plan part of the Development Plan for South Kesteven.

There is a requirement that the District Council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012. The district council will therefore publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

(3) **Reasons for Decision:**

The Localism Act 2011 (the Act) introduced Neighbourhood Planning as a new way for communities to help shape future development in their area. One of the types of Neighbourhood Planning that has been introduced is Neighbourhood Development Plans (NDP), which set out policies for the development and use of land in a particular area. If a NDP has successfully passed all stages of preparation including an Examination and Referendum the LPA must adopt it as part of the Development Plan for the Neighbourhood Area.

In accordance with Neighbourhood Plan Regulations 2012 (as amended), the Authority must 'make' the Plan through its own constitutional process, in this case a non-key decision by the Portfolio Holder for Economy and Development within 8 weeks of the referendum date, which in this instance is 30 June 2017. The non-key decision must also be published on the Council website in accordance with standard practice and procedure.

The Plan has been through a significant amount of formal and informal consultation. Pre-submission Consultation (Regulation 14) on the Foston Neighbourhood Plan took place between 16 September and 4 November 2015. The Plan was subsequently Published under Regulation 16 by the Council between 7 October and 18 November 2016.

The Council, with the agreement of Foston Parish Council, appointed Dr Angus Kennedy OBE, MA, MRTPI, MCIH as the Independent Examiner. All the representations received on the Examination version of the Plan were forwarded to him for consideration.

The Examiner decided that the issues raised in the representations did not require a public hearing to be held.

It is the role of the Examiner to consider whether a neighbourhood plan meets the Basic Conditions. In order to do this the Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with European Union obligations and, not breach, nor be in anyway incompatible with the European Convention on Human Rights.

The Examiner's report into the Plan was received on the 20 February 2017. Subject to the recommended changes, the Examiner found that, the Plan meets the basic conditions in terms of:

- having appropriate regard to national planning policy
- contributing to the achievement of sustainable development
- being in general conformity with the strategic policies in the development plan for the local area
- being compatible with human rights requirements
- being compatible with European Union obligations

The Examiner recommended to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.

The Referendum was held on 4 May 2017 and the following question was

asked - *Do you want South Kesteven District Council to use the neighbourhood plan for Foston to help it decide planning applications in the neighbourhood area?* 48% of those on the Electoral Register for Foston Parish turned out for the Referendum. 87% voted in favour, i.e. of the 207 votes cast, 180 were cast in favour of 'yes' and 27 were cast in favour of 'no'.

Conflicts of Interest

(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded).

NONE

Dispensations

(Any dispensation granted by the Monitoring Officer in respect of any declared conflict of interest to be noted).

NONE

Decision taken by:

Name: Councillor Mike King
Cabinet Member for Economy and Development

Date of Decision: 25 May 2017

Date of Publication of Record of Decision: 25 May 2017

Date decision effective (i.e. 5 days after the date of publication of record of decision unless subject to call-in by the Chairman of an Overview and Scrutiny Committee or any 5 members of the Council from any political groups):

05 June 2017