

REPORT TO CABINET

REPORT OF: Portfolio Holder – Grow the Economy

REPORT NO: SEG02

DATE: 21st May 2015

TITLE:	Modifications to, and arrangements for a Referendum about the Stubton Neighbourhood Plan	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Frances Cartwright Grow the Economy, Economic Development Portfolio Holder	
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INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	n/a	n/a
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Stubton Neighbourhood Plan Submission version Examiner's Report on the Stubton Neighbourhood Plan http://www.southkesteven.gov.uk/index.aspx?articleid=7549 Cabinet Report PLA1092 13 th April 2015 http://moderngov.southkesteven.gov.uk/mgConvert2PDF.aspx?ID=3089&T=10	

1. RECOMMENDATION

1.1 That Council:

- a) accept the Examiner's recommended modifications in respect of the Stubton Neighbourhood Plan are accepted;
- b) agree with the Examiner's recommendation that the Stubton Neighbourhood Plan as modified by recommendation a) should proceed to a referendum of voters within the Parish of Stubton;

- c) **and, following the referendum, if more than half of those voting in the referendum vote in favour of the Stubton Neighbourhood Plan, delegate the decision to bring the plan into force as part of the Development Plan to the Executive Manager for Development and Growth in consultation with the relevant Portfolio Holder**

2. PURPOSE OF THE REPORT

- 2.1 To consider the recommendations of the Examiner following the examination of the Stubton Neighbourhood Plan and to make a decision on how to proceed.
- 2.2 The Cabinet considered a report on this matter on the 13th April 2015 (Report PLA1091) and recommended that the decision regarding taking the Stubton Neighbourhood Plan forward to referendum be made to Council.

3. DETAILS OF REPORT

- 3.1 The Stubton Neighbourhood Plan (the Plan) has been produced by Stubton Parish Council, in conjunction with the local community. The Plan primarily seeks to conserve and enhance the environmental assets, both natural and built, of the Parish. It does not allocate any sites for development.
- 3.2 The Examination version of the Stubton Neighbourhood Plan was submitted to the Council in August 2014. Following initial verification checks, a six week period of public consultation on the Plan was held between 3rd October and 14th November 2014. At the end of the consultation period 12 representations were received.
- 3.3 The Council, with the agreement of Stubton Parish Council, appointed Colin Blundel as the Independent Examiner. All the representations received on the Examination version of the Plan were forwarded to him for consideration.
- 3.4 The Examiner decided that the issues raised in the representations did not require a public hearing to be held.
- 3.5 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.
- 3.6 The Examiner's report into the Plan was received on the 13th January 2015. It has been published on the website. In his report the Examiner recognises that the Plan has taken a balanced approach to meeting the economic,

social and environmental needs of the area and has taken a long-term approach. By including the policies relating to the natural and built environment in particular, the Examiner considers that if development is to take place in Stubton it is likely to be carried out in a sustainable manner. He considers the preparation of the Neighbourhood Plan has included an inclusive and comprehensive approach to seeking the opinions of all interested parties at all stages of the plan-making process. He also recognises that a lot of hard work has gone into preparing the Plan and the Parish Steering Group should be congratulated on pulling it together.

- 3.7 A schedule of the Examiner's recommendations is set out at Appendix 1. The main changes recommended by the Examiner (in order to meet the Basic Conditions) involve relatively minor changes to the wording of several policies and/or supporting text.
- 3.8 The Examiner also recommends to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.
- 3.9 The legislation sets out that the Council must consider each of the recommendations made by the Examiner, including the reasons for them, and decide what action to take in response to each recommendation (see Appendix 1).
- 3.10 Stubton Parish Council has given the Examiner's Report due consideration and agree the recommended amendments should be made to the Plan.
- 3.11 It is considered that the recommended modifications should be approved so as to ensure that the Plan meets the basic conditions and comprises a user-friendly document. The revised Plan should then proceed to Referendum in Stubton Parish to determine if local people support it.
- 3.12 The Examiner was also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area (the Parish area). He concludes that a Referendum based on the Stubton Neighbourhood Area is appropriate.

Next Steps

- 3.13 The Neighbourhood Planning (General) Regulations 2012 sets out that once the Council has considered the Examiner's report and recommendations, it has to publish a 'Decision Statement' on the Plan. This must set out the Council's decision on the Stubton Neighbourhood Plan and the reasons for making that decision. It is normal practice for the date of the Referendum to be specified also. The suggested changes will then be made to the Plan ready for publication as one of the specified documents in respect of the Referendum.
- 3.14 The date for the Referendum is provisionally set for 2nd July 2015. Therefore the final version of the Plan and other relevant documents must be on the website at least 28 working days before that date. The Council will also need to ensure that the publication of 'notice of referendum' takes place at least 25 working days before the Referendum. The detailed requirements in respect of the referendum process are set out in the Neighbourhood Planning (Referendums) Regulations 2012 (as amended).

- 3.15 The Referendum will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question (the wording of which is specified in the Regulations) 'Do you want South Kesteven District Council to use the neighbourhood plan for Stubton to help it decide planning applications in the neighbourhood area?' Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (i.e. bring it into force). The 'making' of the Plan is currently a decision of Full Council.
- 3.16 As a result of the current procedures and requirements for decision making on Neighbourhood Development Plans the proposed referendum date is some six months after receipt of the Examiner's report. To avoid any further delay in 'making' the Stubton Neighbourhood Plan it is proposed that, following a successful referendum, the decision to make the Stubton Neighbourhood Plan is delegated to the Executive Manager for Development and Growth in consultation with the Portfolio Holder (Grow the Economy).
- 3.17 If the result of the Referendum is "no", then the District Council takes no further action and the Parish Council would have to decide what it wished to do – for example it may wish to re-draft the Plan.

4. OTHER OPTIONS CONSIDERED

- 4.1 To reject some or all of the Examiner's recommendations. This option is not considered appropriate as the proposed modifications will make the Plan more robust, enable it to meet the basic conditions and make it more user-friendly.
- 4.2 To decide not to proceed to referendum on the Neighbourhood Plan. Given that the Plan has managed to get through the examination process successfully, there is no reason why the Plan, including modifications, should not proceed to Referendum. This option is not considered appropriate

5. RESOURCE IMPLICATIONS

- 5.1 The costs associated with the holding of the examination and arranging the referendum can be met from the direct financial support from the Department of Communities and Local Government (DCLG) for Neighbourhood Planning. This direct support is to ensure that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance; holding the examination; and making arrangements for the referendum. In relation to the Stubton Neighbourhood Plan claims of £5,000 on neighbourhood area designation and £5,000 on completion of the pre-submission consultation have already been claimed. An additional £20,000 can be claimed now that the Plan has progressed through the examination stage successfully.
- 5.2 It is estimated that the referendum will cost in the region of £1000.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and no high risks have been identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 In preparing the Plan, the Parish Council has taken time to involve and inform as wide a range of individuals, households, businesses and interest/community groups as possible through a variety of means. This is set out in the Consultation Statement which accompanies the Plan.
- 7.2 Furthermore, in his report the Examiner concludes that the Plan is compatible with European Union obligations and does not breach, nor is in any way incompatible, with the European Convention on Human Rights.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None arising out of this report.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 The report confirms that the Council can claim the costs back from Central Government.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which were set out in law following the Localism Act (see Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990) and this has been confirmed in the Examiner's Report. It is also considered to meet all the relevant legal and procedural requirements.
- 10.2 Should the Council decide to accept the recommendations of this report; a Decision Statement will be prepared and published on the website in accordance with the regulations, and preparations for a referendum in accordance with the Neighbourhood Planning Referendum Regulations will proceed.

11. APPENDICES:

- 11.1 Appendix 1: Examiner's recommendations and action proposed