



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Council

25 July 2022

Report of: Councillor Nick Robins

Cabinet Member for Planning and
Planning Policy



Stamford Neighbourhood Plan: Referendum and Decision to ‘make’ (adopt) as a South Kesteven Development Plan Document

To seek approval for the Stamford Neighbourhood Plan to be ‘made’ part of the Development Plan for South Kesteven following the positive outcome of the referendum held on 14 July 2022.

Report Author

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Corporate Priority:	Decision type:	Wards:
Growth	Key	Stamford All Wards

Reviewed by:	Shaza Brannon, Principal Planning Policy Officer	18 July 2022
Approved by:	Nicola McCoy-Brown, Director of Growth and Culture	19 July 2022
Signed off by:	Councillor Nick Robins, Cabinet Member for Planning and Planning Policy	19 July 2022

Recommendations to the decision makers

That South Kesteven District Council:

1. “Makes” (adopts) the Stamford Neighbourhood Plan (Referendum version) so that it becomes part of the statutory development plan, and a material consideration for determining planning applications in the Stamford Neighbourhood Area.
2. Approves the publication of the Decision Statement at Appendix 1 as part of the making of the Stamford Neighbourhood Plan.

- 3. Gives delegated authority to the Assistant Director of Planning, to make minor non-material consequential changes to the plan, as necessary, and exercise all of the Council's functions and responsibilities in relation to making the Stamford Neighbourhood Plan.**

1 The Background to the Report

- 1.1 The Localism Act 2011 (the Act) introduced Neighbourhood Planning as a new way for communities to help guide and shape future development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) in 2012, and later revisions in 2018 and 2019.
- 1.2 One of the types of Neighbourhood Planning that has been introduced is Neighbourhood Development Plans (NDP), these 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 Local Planning Authority (LPA) must adopt it as part of the Development Plan for the area.
- 1.3 In the case of a successful referendum, in accordance with the Neighbourhood Planning General Regulations (2012) (and amendments); and Neighbourhood Planning Guidance, a successful Neighbourhood Plan must be made by the Local Planning Authority within eight weeks of the referendum.
- 1.4 Neighbourhood Plans, once made, form part of Council's adopted Local Plan Policies. They help the Council deliver its aspirations set out in the Council's Corporate Plan (2020-2023) by creating housing that meets the needs of all residents, building healthy and strong communities and creating a clean and sustainable environment. They also help to deliver the Council's growth agenda by ensuring sustainable development through a range of economic and social objectives.
- 1.5 Paragraph 3.1.1 of the Council's constitution policy framework (The Local Development Plan and Development Policy Documents) requires NDPs to be 'Made' (adopted) at Full Council.

Stamford Neighbourhood Plan – Designation

- 1.6 The Stamford Neighbourhood Plan area was designated on 29 March 2016. The designated area includes all of the parish of Stamford. A link to the designation decision report is in paragraph 14.2.

Neighbourhood Plan – Examination

- 1.7 The Stamford Neighbourhood Plan has been through a significant amount of community consultation including its statutory pre-submission consultation (Regulation 14) undertaken by the Stamford First Neighbourhood Plan Group (on behalf of Stamford Town Council). The formal Examination version of the Stamford Neighbourhood Plan (including supporting documentation) was submitted to South Kesteven District Council (SKDC) on 20 November 2020. Following initial verification checks, the Stamford Neighbourhood Plan was subsequently published for its formal consultation period (Regulation 16) which ended on 19 April 2021.
- 1.8 The Council, in consultation with Stamford First Neighbourhood Plan Group (on behalf of Stamford Town Council), appointed Andrew Ashcroft B.A., M.A, M.R.T.P.I. as the Independent Examiner.
- 1.9 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
- Not breach, and be otherwise compatible with, European Union (EU) obligations and European Convention on Human Rights obligations

1.10 All representations received on the submission version of the Plan were forwarded to the Examiner for consideration. The Examiner, after reading the representations received on the Stamford Neighbourhood Plan, decided the issues raised in the representations did not require a public hearing and could be examined under written representations.

1.11 On 19 October 2021, as a result of Rutland County Council (RCC) withdrawing their Local Plan, Examination on the Stamford Neighbourhood Plan was postponed. This was due to the withdrawal of the RCC Local Plan having important consequential implications for the wider development and delivery of the Stamford North strategic development site. Following meetings between South Kesteven District Council (SKDC), Stamford Neighbourhood Plan Steering Group and the Examiner, a joint agreement was made in terms of proceeding with the Neighbourhood Plan examination, which subsequently resumed on 7 February 2022.

1.12 The Examiner's report into the Stamford Neighbourhood Plan was received on 17 May 2021. The Examiner concluded that subject to recommended modifications, the Stamford Neighbourhood Plan meets the basic conditions as outlined in paragraph 1.9.

1.13 A link to the Examiners report is in paragraph 14.3.

Stamford Neighbourhood Plan referendum

1.14 Following the examination, SKDC in consultation with the Stamford First Neighbourhood Plan Group (on behalf of Stamford Town Council), considered and accepted the examiner's recommended modifications. It was decided on 6 June 2022 to proceed to referendum.

1.15 The Referendum was held on 14 July 2022 and the following question was asked:

“Do you want South Kesteven District Council to use the neighbourhood plan for Stamford to help it decide planning applications in the neighbourhood area?”

1.16 13.56% of those on the Electoral Register for The Stamford Area turned out for the Referendum. Of 2,116 votes cast, 1,615 were in favour of 'yes' and 497 in favour of 'no'. Four ballot papers were rejected. This resulted in a **76.5% positive vote** for the Stamford Neighbourhood Plan.

1.17 In line with 38A of the Planning and Compulsory Purchase Act 2004, the Local Planning Authority must “make” a neighbourhood development plan to which the proposal relates if in each applicable referendum more than half (50%) of those voting have voted in favour of the plan. 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 retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

1.18 The Council (along with the appointed independent Examiner) are satisfied that Stamford Neighbourhood Plan does not breach and would not otherwise be incompatible with, any retained 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.

- 1.19 The referendum version of the Stamford Neighbourhood Plan can be viewed online via the following link:

[StamfordNeighbourhoodPlanReferendumVersionJune2022.pdf \(southkesteven.gov.uk\)](https://www.southkesteven.gov.uk/Assets/DocumentLibrary/StamfordNeighbourhoodPlanReferendumVersionJune2022.pdf)

2 Consultation and Feedback Received, Including Overview and Scrutiny

- 2.1 Before formal submission of the Stamford Neighbourhood Plan to SKDC, a number of draft consultation exercises were undertaken by Stamford First Neighbourhood Plan Group (on behalf of Stamford Town Council). Information around these draft consultations can be found within the Stamford Neighbourhood Plan statement of community consultation, which can be found in paragraph 14.4 of this report.
- 2.2 Upon receiving the submission version of the Stamford Neighbourhood Plan, SKDC undertook a six week formal consultation. The Stamford Neighbourhood Plan and all supporting documentation were made available to view and access from the Council website. A general notification of the consultation was issued via email and letter to those on the consultation database, including nearby parish councils, statutory bodies, interested parties and Stamford Ward Councillors.
- 2.3 The Council received 24 comments from various consultees, including both statutory and non-statutory which were passed onto the independent Examiner as part of the examination process.
- 2.4 The Neighbourhood Plan document has not been to an Overview and Scrutiny Committee.

3 Available Options Considered

- 3.1 Option 1: As a result of the successful referendum, the Council proceeds to ‘make’ (adopt) the Plan as outlined above to become part of the Development Plan for South Kesteven; publishes the Decision Statement; and gives delegated authority to the Assistant Director of Planning, to make minor non material consequential changes to the plan, as necessary.
- 3.2 Option 2: The Council could decide not to “make” the Neighbourhood Plan. However as outlined above, the only circumstances in which this decision could be made would be if the Council considers the neighbourhood plan has breached, or is otherwise incompatible with, any retained EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). However, the Stamford Neighbourhood Plan is considered by the Examining Inspector to be compatible with these rights and obligations.

4 Preferred Option

Option 1: As a result of the successful referendum, the Council proceed to ‘make’ (adopt) the Plan as outlined above to become part of the Development Plan for South Kesteven, publishes the Decision Statement and gives delegated authority to the Assistant Director for Planning to make minor non material consequential changes to the plan, as necessary.

5 Reasons for the Recommendations

- 5.1 It is concluded that The Stamford Neighbourhood Plan has met each of the specified criteria as set out in legislation, undertaken its statutory examination and had a positive referendum vote of over 50%. Therefore, it is recommended the Stamford Neighbourhood Plan should be ‘made’ (adopted) as a South Kesteven Development Plan document.

6 Next Steps – Communication and Implementation of the Decision

- 6.1 In accordance with Regulation 19 and 20 of the 2012 Regulations, the Council must as soon possible after deciding whether to make a neighbourhood development plan:
- a) Publish on its website and in such other manner as is likely to bring the Plan to the attention of people who live, work or carry on business in the neighbourhood area the 'decision statement' (at Appendix 1) and neighbourhood plan, giving details of where and when they can be inspected.
 - b) Send a copy of the 'decision statement' to the parish council, statutory consultees and any person who has asked to be notified of the decision.

7 Financial Implications

- 7.1 There are no specific comments arising from this report.

Financial Implications reviewed by: Richard Wyles, Chief Finance Officer

8 Legal and Governance Implications

- 8.1 A Local planning authority must, by virtue of section 38A (4) (a) of the Planning and Compulsory Purchase Act 2004, make a neighbourhood development plan to which the proposal relates if in each applicable referendum more than half of those voting have voted in favour of the plan. This is unless, the authority considers that the making of the plan would breach, or would otherwise be incompatible with, any retained EU obligations or any of the Convention rights within the meaning of the Human Rights Act. There is no apparent incompatibility with EU or any other Convention rights.
- 8.2 The Judicial review / legal challenge can be made in relation to:
- a) The Council declining to make a Neighbourhood Plan which has been successful at referendum within eight weeks (Unless agreed with the qualifying body, or if the plan is considered to breach the retained EU obligations or convention rights). Proceedings must be brought within six weeks of the day the decision is published.
 - b) The conduct of the referendum. Proceedings must be brought by a claim for judicial review filed within six weeks beginning the day on which the results are published.

Legal Implications reviewed by: Mandy Braithwaite, Legal Executive

9 Equality and Safeguarding Implications

- 9.1 The Neighbourhood Plan was prepared by the Stamford First Neighbourhood Plan Group (on behalf of Stamford Town Council, the qualifying body), as such it is not the responsibility of South Kesteven District Council to undertake an Equalities Impact Assessment. However, the Neighbourhood Plan is in 'general conformity' with the South Kesteven Local Plan (as required by the Town & County Planning Act 1990), which has been subject to an Equalities Impact Assessment
- 9.2 There are no safeguarding implications arising from the report.

10 Risk and Mitigation

- 10.1 The plan has been prepared in line with legislation and guidance. Please see Legal and Governance section for information on judicial review implications.

11 Community Safety Implications

11.1 There are no community safety implications arising from this report.

12 How will the recommendations support South Kesteven District Council's declaration of a climate emergency?

12.1 The Stamford Neighbourhood Plan has within it, a community objective (*objective 5*) which aims to reduce the impacts of climate change on the town through encouraging low carbon technology and climate change adaptation into new developments such as carbon neutral housing and car charging points.

12.2 The policy relating to new development on the allocated site at Stamford North has a climate change adaptation criterion. This policy criterion aims to ensure that new development demonstrates careful consideration has been given to minimising CO₂ emissions; and measures are put in place that will allow all new buildings within the allocation to adapt to climate change.

13 Other Implications (where significant)

13.1 **Environment or Sustainability** - The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.

13.2 To comply with this requirement, Officers undertook a screening exercise in October 2020 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. It was concluded that the neighbourhood plan was not likely to have any significant effects on the environment and accordingly would not require a SEA. The plan proposals have not significantly changed since that time.

14 Background Papers

14.1 Stamford Neighbourhood Plan Webpage, available online via:
<http://www.southkesteven.gov.uk/index.aspx?articleid=15295>

14.2 Stamford Neighbourhood Plan - Designation Decision Statement, available online via:
<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=17617>

14.3 Stamford Neighbourhood Plan - Examination Report, available online via:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28302>

14.4 Stamford Neighbourhood Plan - Statement of Community Consultation, available online via: <http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=27057>

15 Appendices

15.1 Appendix 1 – Stamford Neighbourhood Plan Decision Statement