



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Council

18 May 2023

Report of Nicola M^cCoy-Brown -
Director of Growth and Culture

Making of the Rippingale Neighbourhood Plan

Report Author

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Purpose of Report

This report seeks Members' approval to 'make' (adopt) the Rippingale Neighbourhood Plan (NP) as part of the South Kesteven Development Plan. The report follows the NP's successful referendum which was held on 4 May 2023.

Recommendations

It is recommended Full Council:

- 1. Makes (Approves) the Rippingale Neighbourhood Plan (referendum version) to become part of South Kesteven District Council's 'Statutory Development Plan', and a material consideration for determining planning applications in the Rippingale Neighbourhood Area.**
- 2. Delegates authority to the Assistant Director of Planning to make minor 'nonmaterial' changes to the Rippingale Neighbourhood Plan as necessary, and exercise all of the Council's functions and responsibilities in relation to making the Rippingale Neighbourhood Plan.**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

Growth and our economy
Housing that meets the needs of all residents
Healthy and strong communities
Clean and sustainable environment

Which wards are impacted?

Aveland

1 Implications

Finance and Procurement

- 1.1 The Council receives a grant of £20,000 from the Department of Levelling Up, Housing and Communities for each successful Neighbourhood Plan referendum to help support its neighbourhood planning role in the district. A claim of £20,000 has been submitted for the Rippingale Neighbourhood Plan (NP); the costs associated with this Neighbourhood Plan are covered by the grant.
- 1.2 Once the Neighbourhood Plan has been “made” there are no further financial implications arising due to this report.

Completed by: Alison Hall-Wright, Assistant Director of Finance

Legal and Governance

- 1.3 This work is a duty under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. All statutory requirements have been fulfilled, with a decision of Full Council necessary in accordance with the Council’s Policy Framework.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

Risk and Mitigation

- 1.4 The amended Neighbourhood Plan General Regulations (2012) also 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. In order to comply with this requirement, Rippingale Parish Council (as the Qualifying body) undertook a screening exercise in May 2022 on the need or otherwise for a Strategic

Environmental Assessment to be prepared for the Rippingale Neighbourhood Plan. It was concluded that the Rippingale Neighbourhood Plan is not likely to have any significant effects on the environment and accordingly would not require a Strategic Environmental Assessment. Section 7.8 of the background papers provides a link to the screening report for the Strategic Environmental Assessment. The Strategic Environmental Assessment was made available for comment during the statutory consultation period.

Diversity and Inclusion

- 1.5 The Rippingale Neighbourhood Plan has been prepared by the Rippingale Parish Council Plan (as the qualifying body). Neighbourhood Plans must comply with Human Rights legislation. Their compliance is tested as part of the examinations process carried out by an independent examiner. This Neighbourhood Plan is also in 'general conformity' with the South Kesteven Local Plan (as required by the Town and Country Planning Act 1990), which has been subject to its own Equalities Impact Assessment so its implementation and delivery will comply with the findings of that assessment to ensure equitability.

Climate Change

- 1.6 The Neighbourhood Plan should have regard for national and strategic planning policy by requiring developments to address climate change and flood risk issues. At the examination, the examiner was satisfied the Neighbourhood Plan had met this condition.
- 1.7 The Rippingale Neighbourhood Plan has within it a community objective (**objective 3**) which seeks to ensure that any new development is sustainable by using renewable energy and reducing waste and toxic substances.
- 1.8 The Rippingale Neighbourhood Plan also has within it an additional community objective (**objective 5**) which seeks to preserve and maintain adequate access for all to the countryside and green open spaces, and to contribute to the health and well-being of residents and wildlife.
- 1.9 The Rippingale Neighbourhood Plan also has within it a number of policies which aim to encompass the environmental requirements of sustainable development and meet the above objectives, as referenced within the Independent Examination Report

2 Background to the Report

- 2.1 Localism Act (2011) introduced Neighbourhood Planning as a new way for communities to help shape future development within their locality. One of the types of Neighbourhood Planning introduced is 'Neighbourhood Development Plans' which are documents created by local people setting out policies for the development and use of land in their particular area.

- 2.2 South Kesteven District Council's Corporate Plan expressly references working hand-in-hand with public sector partners across Lincolnshire to collectively deliver for residents and businesses. The Council takes its spatial planning role seriously and is keen to see interaction between place and spaces and the communities that use them and aims to balance the competing demands of the economy, environment, and community.
- 2.3 If a Neighbourhood Development Plan has successfully passed all stages of preparation, including an examination and referendum, the relevant Local Planning Authority must adopt (make) it as part of the 'Statutory Development Plan' for the specified area. Once "made", planning applications are assessed against the relevant policies in the Neighbourhood Plan.
- 2.4 Rippingale Parish Council, as the Qualifying Body, received South Kesteven District Council approval on 23 September 2016 to prepare a Neighbourhood Plan (NP). Rippingale Parish Council have been preparing the Rippingale Neighbourhood Development Plan over several years with input from local residents, local businesses interested parties and other stakeholder organisations.

Decision and Reasoning

- 2.5 The Rippingale Neighbourhood Plan was submitted to South Kesteven District Council for examination on 18 June 2022 and comments were invited from the public and stakeholders between 26 September 2022 and 7 November 2022.
- 2.6 After the statutory consultation period ended, South Kesteven District Council (in consultation with Rippingale Parish Council) appointed an Independent Examiner for the Rippingale Neighbourhood Plan. All representations received during the statutory consultation period were forwarded to the Independent Examiner for consideration.
- 2.7 The appointed Independent Examiner, after reading the representations received on the Rippingale Neighbourhood Plan, decided the issues raised in the representations did not require a public hearing and could be examined under written representations.
- 2.8 The examination report was received on 24 February 2023 and concluded that the Rippingale Neighbourhood Plan met the basic conditions and, subject to the modifications proposed in the report, the Neighbourhood Plan should proceed to a referendum within the specified area (in this case, Rippingale Parish).
- 2.9 On 13 March 2023, South Kesteven District Council, in consultation with the Rippingale Parish Council considered and accepted the Examiner's recommendations and issued a decision notice confirming that the amended Rippingale Neighbourhood Plan should proceed to referendum.
- 2.10 The referendum version of the Rippingale Neighbourhood Plan can be found in online
<https://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13887>
- 2.11 The referendum was held on 4 May 2023 and the following question was asked:

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

- 2.12 39.15% of those on the Electoral Register for the Rippingale Parish area turned out for the Referendum. Of the 278 votes cast, 249 were cast in favour of ‘yes’ and 27 were cast in favour of ‘no’. 2 ballot papers were also rejected. This resulted in an **89.5% positive vote** for the Rippingale Neighbourhood Plan.
- 2.13 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 Neighbourhood Development Plan. The only circumstance where the Local Planning authority should not make this decision is where the making of the Neighbourhood Development 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).
- 2.14 South Kesteven District Council (as the Local Planning Authority), along with the appointed Independent Examiner, are satisfied that the Rippingale Neighbourhood Plan 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 is to formally ‘make’ the Rippingale Neighbourhood Plan part of the Statutory Development Plan for South Kesteven.
- 2.15 As set out in the amended Neighbourhood Planning General Regulations (2012), the decision statement to ‘make’ a Neighbourhood Development Plan under section 38A (4) of the 2004 planning and compulsory Purchase act must be done within eight weeks of a published successful referendum result. This statement has been appended to this report (**Appendix 1**).
- 2.16 As referenced in Article 4 of South Kesteven District Councils constitution, the ‘making’ of the Rippingale Neighbourhood Plan must be a decision undertaken by Full Council, as it is a ‘Development Plan Document’ making up part of the wider Development Framework for South Kesteven District Council.

3 Key Considerations

- 3.1 As a result of the successful referendum, South Kesteven District Council proceed to ‘make’ (adopt) the Rippingale Neighbourhood Plan as outlined above to become part of the Statutory Development Plan for South Kesteven and to give delegated authority to the Assistant Director for Planning, to make minor ‘non material’ amendments to the Neighbourhood Plan, as necessary.

4 Other Options Considered

- 4.1 The Rippingale Neighbourhood Plan is considered to have been prepared in accordance with EU obligations and Convention Rights within the meaning of the Human Rights Act (1998), by both South Kesteven District Council and the appointed Independent Examiner.

5 Reasons for the Recommendations

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

6 Consultation

- 6.1 Before formal submission of the Rippingale Neighbourhood Plan to South Kesteven District Council, several draft consultation exercises were undertaken by Rippingale Parish Council. Information around these draft consultations can be found within the Rippingale Neighbourhood Plan statement of community consultation, which can be found in Section 7.5 of the background papers.
- 6.2 Upon receiving the submission version of the Rippingale Neighbourhood Plan, South Kesteven District Council undertook a six-week formal consultation.
- The Rippingale Neighbourhood Plan and all supporting documentation were made available to view and access from the Councils website.
 - A general notification of the consultation was issued via email and a letter to those on the Council's consultation database, including nearby parish councils, statutory bodies, interested parties and Aveland Ward Councillors.
 - Hardcopy versions of the Rippingale Neighbourhood Plan were available to view within the Rippingale Parish area.
- 6.3 South Kesteven District Council received 11 comments from various consultees, including both statutory and non-statutory parties. All received comments were passed onto the Independent Examiner as part of the examination process and published on the South Kesteven District Council Rippingale Neighbourhood Plan webpage.

7 Background Papers

- 7.1 *The Rippingale Neighbourhood Plan Webpage*, available online at:
<http://www.southkesteven.gov.uk/index.aspx?articleid=15891>

- 7.2 *The Rippingale Neighbourhood Plan - Designation Decision Statement* (23 September 2016), available online at:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19119>
- 7.3 *The Rippingale Neighbourhood Plan – Neighbourhood Area Map* (March 2022), available online at:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28489>
- 7.4 *The Rippingale Neighbourhood Plan 2022-2036*, an Examination Report to South Kesteven District Council prepared on 24 February 2023, available online at:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=29159>
- 7.5 *The Rippingale Neighbourhood Plan – Consultation Statement* (May 2022), available online at:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28369&p=0>
- 7.6 *The Rippingale Neighbourhood Plan: Submission Publication*, Officer Delegated Decision of 2 September 2022, Published 8 September 2022, available online at:
<https://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?ID=1222>
- 7.7 *Rippingale Neighbourhood Plan: Examination Modifications and Referendum Decision*, Officer Delegated Decision of 13 March 2023, Published 14 March 2023, available online at:
<https://moderngov.southkesteven.gov.uk/ieDecisionDetails.aspx?ID=1288>
- 7.8 *Strategic Environmental Assessment & Habitats Regulations Assessment Screening Report* (May 2022), available online at:
<https://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28490>

Relevant Legislation

- 7.9 *The Localism Act (2011)*, available online at:
<https://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>
- 7.10 *The Neighbourhood Planning General Regulations (2012)*, available online at:
<https://www.legislation.gov.uk/uksi/2012/637/contents/made>
- 7.11 *The Neighbourhood Planning Referendum Regulations (2012)*, available online at:
<https://www.legislation.gov.uk/ukdsi/2012/9780111525050/contents>
- 7.12 *Planning and Compulsory Purchase Act 2004*, available online at:
<https://www.legislation.gov.uk/ukpga/2004/5/contents>
- 7.13 *Rippingale Neighbourhood Plan – Referendum Version* (May 2023), available online at:

<https://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?sch=doc&cat=13887>

8 Appendices

- 8.1 Appendix 1 – The Rippingale Neighbourhood Plan – Adoption Decision Statement (May 2023)