

COUNCIL

09 October 2017

GREETHAM NEIGHBOURHOOD PLAN

Report of the Chief Executive

Strategic Aim:	Sustainable Growth Reaching our Full Potential	
Exempt Information	No	
Cabinet Member(s) Responsible:	Councillor Oliver Hemsley (Deputy Leader) Portfolio Holder for Growth, Trading Services and Resources (except Finance).	
Contact Officer(s):	Roger Ranson, Planning Policy Manager	Tel: 01572 722577 rranson@rutland.gov.uk
	Colin Dunigan, Planning Officer (Neighbourhood Plans)	Tel: 01572 758478 cdunigan@rutland.gov.uk
Ward Councillors	Cllr N Begy	

DECISION RECOMMENDATIONS

That Council:

1. Approves the making of the Greetham Neighbourhood Plan in Appendix A to this report; and
2. Approves the publication of the Decision statement in Appendix B as part of the making of the Greetham Neighbourhood Plan.

1 PURPOSE OF THE REPORT

- 1.1 For Greetham's Neighbourhood Plan to be 'made' by resolution of Council following an examination by an Independent Examiner and a referendum on the plan with the local community.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 In response to comments raised during the initial consultation stages from June to August 2014 and January to April 2015, Greetham Parish Council (GPC) prepared a revised draft version of the Greetham Neighbourhood Plan (GNP) and consulted the local community and key stakeholders on the plan between March and May

2016. A submission draft plan was drawn up and submitted to RCC in November 2016. The plan was accompanied by a statement explaining how the submission draft GNP meets the necessary "Basic Conditions" and enclosed all the necessary supporting documents. This included a consultation statement setting out the main issues raised to support the plan.

- 2.2 On 21st February 2017, Cabinet (Report no. 42/2017) agreed that the submission version of the draft GNP met the legal requirements and was in general conformity with the statutory development plan. The Council agreed to take the plan forward.
- 2.3 A final consultation process on the submission version of the draft GNP began in March and concluded on 14th April 2017. In April 2017, an Independent Examiner was appointed by the Council to examine the plan and all representations submitted in response to the consultation exercise.
- 2.4 In May 2017 the Independent Examiner recommended that, subject to modifications set out in his report, the GNP met the basic conditions. Modifications were then made to the plan to meet the Examiner's requirements. A Decision Statement for the GNP was published on 23rd June 2017 explaining the modifications and the reason for them and on 28th July 2017, an Information Statement and specified documents including the referendum version of the Plan were published on the website.
- 2.5 A local referendum was held in Greetham on 7th September 2017 to decide whether the local community were in favour of the GNP. From the votes recorded, 225 out of 248 (91%) of those who voted were in favour of the plan. The turnout of electors was 45%. Section 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the County Council must 'make' the neighbourhood plan if more than half of those voting have voted in favour of the plan. The Council may therefore proceed to make the neighbourhood plan. As the GNP has now been approved by referendum, the legislation requires the County Council to treat the GNP as part of the statutory development plan, unless the plan is not made in the circumstances mentioned in paragraph 6.1.
- 2.6 The final stage is the formal making of the GNP by the County Council. In making the plan it becomes part of the statutory development plan for the area. Any decisions on whether or not to grant planning permission on planning applications in the neighbourhood area will need to be made in accordance with the Neighbourhood Development Plan unless material considerations indicate otherwise.
- 2.7 Following a positive referendum result the regulations require the plan to be adopted within eight weeks of the referendum.

3 CONSULTATION

- 3.1 In accordance with the relevant legislation and regulations, the Council must, as soon as possible after deciding to make the neighbourhood plan publish the plan and decision statement on the Council website; provide details of where and when the plan and statement may be inspected; notify and send a copy of the decision statement to the Parish Council and any person who asked to be notified of the decision.

Once the GNP is made and formally advertised, it will be followed by a six week period for a High Court application to challenge the plan, should anyone believe there are any grounds on which the document is not within the appropriate power or a procedural requirement has not been complied with.

4 ALTERNATIVE OPTIONS

- 4.1 As more than half of those voting in the referendum have voted in favour of the neighbourhood plan, the Council may only refuse to make the plan if it considers that it would breach or be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

5 FINANCIAL IMPLICATIONS

- 5.1 The cost of the County Council engagement in the delivery of the neighbourhood plan has been contained within existing budgets supplemented by DCLG grant being drawn down during the plan's preparation. There are no additional financial implications of making the neighbourhood plan other than publishing the details of the plan on the Council's website and notifying consultees of where the documents may be inspected.

6 LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 A risk associated with the making of the GNP is a legal challenge. Once the GNP is made and formally advertised, it will be followed by a six week period during which High Court challenges can be made to the GNP on the grounds set out in paragraph 3.2. The risk has been minimised by ensuring it is within the appropriate power and by taking all of the necessary procedural steps to ensure the document is legally compliant.
- 6.2 As the GNP has now been approved by referendum, the legislation requires the County Council to treat the GNP as part of the statutory development plan, unless the plan is not made in the circumstances mentioned in paragraph 4.1.

7 EQUALITY IMPACT ASSESSMENT

- 7.1 An Equality Impact Assessment (EqIA) has not been completed for the following reasons:
- a) DCLG guidance on the application of EqIA indicates that RCC is not required to undertake such an assessment of the neighbourhood plan;
 - b) an EqIA is not required to satisfy the 'basic conditions' that need to met in drawing up the submission draft plan.

8 COMMUNITY SAFETY IMPLICATIONS

- 8.1 None.

9 HEALTH AND WELLBEING IMPLICATIONS

- 9.1 The plan encourages development to be located in such a way as to encourage

use of walking and cycling.

10 ORGANISATIONAL IMPLICATIONS

10.1 Environmental implications

- 10.2 The plan includes a number of policies and proposals designed to preserve and enhance the local environment. The Council will be required to have regard to these policies and proposals when it considers any planning applications for development in the area covered by the GNP.

11 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 11.1 The Greetham Neighbourhood Plan has been prepared in accordance with the relevant legislative requirements, including public consultation, independent examination and local referendum. More than 50% of those voting in the referendum voted in favour of the plan and therefore the Council is formally required to make the plan.
- 11.2 It is recommended that the GNP be made by resolution of the Council on 9th October 2017. Once made, the GNP will become part of the statutory development plan. It will then be an important consideration in the determination of planning applications for development in Greetham.

12 BACKGROUND PAPERS

- 12.1 There are no additional background papers to the report.

13 APPENDICES

- 13.1 Appendix A - Greetham Neighbourhood Plan
- 13.2 Appendix B - Decision Statement on the Greetham Neighbourhood Plan

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.