

CABINET

18 December 2018

SUBMISSION DRAFT BARROWDEN & WAKERLEY NEIGHBOURHOOD PLAN

Report of the Strategic Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/170518	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr O Hemsley Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Resources	
Contact Officer(s):	Steve Ingram, Strategic Director for Places	Tel: 01572 758868 singram@rutland.gov.uk
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Ward Councillors	Mr Gary Conde and Mr Gordon Brown	

DECISION RECOMMENDATIONS

That Cabinet:

1. authorises publication of the Submission Draft Barrowden & Wakerley Neighbourhood Plan, for consultation with the local community and key stakeholders;
2. authorises submission of the document and supporting information to an independent examiner appointed by the Council in order to carry out an examination of the plan;
3. authorises the Director for Places to:
 - i) undertake the statutory consultation required as part of the submission procedure and on completion of that consultation, prepare a post-submission Statement of Consultation for consideration by the independent examiner; and
 - ii) prepare the necessary documentation to accompany the Submission Draft Document through the local referendum process, including consultation and publicity material.
 - iii) appoint an independent examiner to carry out an examination of the Barrowden & Wakerley Neighbourhood Plan and, following receipt of the examiner's report, to organise a local referendum to consider the Neighbourhood Plan.

4. authorises the Strategic Director for Places, in consultation with the Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development and Resources (other than Finance) to:
 - i) identify, in consultation with Barrowden & Wakerley Parish Councils, any such minor changes to the Submission Draft Barrowden & Wakerley Neighbourhood Plan that may be required in response to representations received and submit them to the independent examiner;
 - ii) seek to determine, in consultation with Barrowden & Wakerley Parish Councils, any modifications identified in the independent examiner's report before it can proceed to the referendum; and
 - iii) agree any changes to the referendum area if recommended by the independent examiner.

1. PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's authorisation to carry out consultation on the proposed Barrowden and Wakerley Neighbourhood Plan followed by submission to an independent examiner and holding of a local referendum.

2. BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 Barrowden Parish Council and Wakerley Parish Meeting has submitted its Draft Neighbourhood Plan to the Council for independent examination.
- 2.2 This follows public consultation by the Parish Councils on the Draft Plan between April and May 2018. The Draft Plan was considered and supported by the Places Scrutiny Panel in June 2018.
- 2.3 Rutland County Council is required to consider whether the plan complies with the relevant statutory requirements. Provided that it meets these requirements, the Council is required to publicise the Draft Plan, invite representations, notify consultation bodies and submit it for independent examination.
- 2.4 The Draft Neighbourhood Plan that has been submitted to the Council is attached as Appendix A, this is accompanied by a Basic Conditions Statement, Consultation Notes and a Sustainability and Habitats Regulations Assessment Screening Report. These are attached as Appendices B, C and D respectively.
- 2.5 The documents submitted by the Parish Council have been assessed in accordance with statutory requirements and it is considered that:
 - a) the Parish Council is the authorised body to prepare the neighbourhood plan;
 - b) the necessary documents have been submitted, including a map of the area, the proposed neighbourhood plan, statements of the consultation undertaken and how the plan meets the basic conditions, and a sustainability and habitats regulations screening report;
 - c) the Parish Council has undertaken the correct procedures in relation to pre-submission consultation and publicity.

3. CONSULTATION

- 2.6 If the Neighbourhood Plan meets the statutory requirements, the Council is required to publicise it, invite representations, notify consultation bodies and submit it for independent examination. It is intended that the publicity will take place over a 6-week period January to February 2019.
- 2.7 Any responses from the consultation will be assessed. In consultation with Barrowden & Wakerley Parish Councils, consideration will be given to whether any changes should be suggested to the independent examiner alongside submission of the plan. Cabinet is requested to delegate authority for such changes, to assist the examination process.
- 2.8 The Council will be responsible for appointing an independent examiner to conduct the examination, which it is anticipated will take place in March or April 2019. The Council will be required to consider the examiner's report and to decide whether the neighbourhood plan should proceed to a local referendum.
- 2.9 In the event that the independent examiner recommends that modifications are required to the neighbourhood plan, it will be necessary for the Council to consult with the Parish Council to agree any modifications. Cabinet is requested to delegate authority for such changes to assist the examination process.
- 2.10 Within 5 weeks of receipt of the examiner's report, the Council must modify the plan as per examiner's recommendation and publicise details of the modifications on its website. In the event that agreement cannot be reached it should be noted that Barrowden & Wakerley Parish Councils have the option of withdrawing the plan.
- 2.11 The Council would then be required to organise a referendum on the neighbourhood plan which it is anticipated would take place in Summer 2019.
- 2.12 Finally, if the Neighbourhood Plan secures community approval through the referendum process, the Council will be required to formally "make" the Plan as part of the statutory development plan within 8 weeks of the referendum date.

4. ALTERNATIVE OPTIONS

- 4.1 The Council may refuse to take forward the neighbourhood plan for independent examination if it considers that it does not comply with any of the criteria for a neighbourhood plan set out in legislation and regulations. The Council would be required to notify the Parish Councils and publicise its decision.

5. FINANCIAL IMPLICATIONS

- 5.1.1 There will be costs to the Council arising from publicising the neighbourhood plan, appointing an independent examiner, holding a public hearing (if required) and organising a local referendum. These costs are likely to be around £14,000, but may vary dependant on the amount of work involved. However, the Council receives a neighbourhood planning grant from the Ministry of Housing, Communities and Local Government (MHCLG) which will cover the costs involved in this process.

6. LEGAL AND GOVERNANCE CONSIDERATIONS

- 6.1 The neighbourhood plan, when “made” by the Council, will become part of the statutory development plan. Applications for planning permission are required to comply with the development plan unless material considerations indicate otherwise.

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 neighbourhood plan includes policies to protect the villages’ character and heritage and proposals on a range of topics including green infrastructure, housing, community facilities and services that could help to improve health and well being.

10. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 10.1 The submission draft Barrowden & Wakerley Neighbourhood Plan is considered to comply with the statutory requirements for submission of a neighbourhood plan to a local authority It is recommended that it be publicised and submitted for independent examination as required by legislation and regulations.

11. BACKGROUND PAPERS

- 11.1 None.

12. APPENDICES

- 12.1 Appendix 1: Submission version Barrowden & Wakerley Neighbourhood Plan
- 12.2 Appendix 2: Basic Conditions Statement
- 12.3 Appendix 3: Consultation Statement
- 12.4 Appendix 4: Sustainability and Habitats Regulations assessment screening report.

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