

## CABINET

20th August 2019

### BARROWDEN & WAKERLEY NEIGHBOURHOOD PLAN DECISION STATEMENT

#### Report of the Deputy Director for Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/120719	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr Hemsley, Leader and Portfolio Holder for Rutland One Public Estate & Growth, Tourism & Economic Development, Communications, Resources (other than Finance)	
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Ward Councillors	Cllr. Karen Payne, Cllr. Gordon Brown	

#### DECISION RECOMMENDATIONS

That Cabinet is recommended to:

1. Note the Examiner's Report and recommended modifications to the Barrowden & Wakerley Neighbourhood Development Plan to meet the Basic Conditions.
2. Agree to publish the 'Decision Statement' as set out at Appendix 2 of the report.
3. Agree to put the Barrowden and Wakerley neighbourhood Plan (subject to the recommended modifications) to Referendum and delegate all arrangements for this to the Chief Executive.
4. Following a referendum where more than 50% of those voting vote in favour of the proposal, to delegate the decision to "make" the Neighbourhood Plan part of the Development Plan to the Strategic Director for Places, in consultation with the Portfolio Holder.

## **1. PURPOSE OF THE REPORT**

To note the Examiner's recommended modifications to the Barrowden & Wakerley Neighbourhood Development Plan, agree the publication of the 'Decision Statement' and make arrangements to hold a Neighbourhood Plan Referendum on the plan.

## **2. BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 Barrowden Parish Council submitted the Barrowden & Wakerley Neighbourhood Development Plan (BWNDP) to Rutland County Council (RCC) for examination in May 2019. An Independent Examiner was appointed to examine the Plan; this took place between March and July 2019. The Examiner considered representations and determined that no public hearing was required.
- 2.2 The Examiner has now issued his final report and concludes, that subject to a number of modifications, the Barrowden & Wakerley Neighbourhood Development Plan can proceed to referendum. Rutland County Council must issue a 'Decision Statement' setting out how the Barrowden & Wakerley Neighbourhood Development Plan will be modified in response to the Examiner's Report.
- 2.3 The BWNDP covers the plan period 2016 to 2036 and has been prepared for a designated neighbourhood area which covers the whole of Barrowden Parish in Rutland and Wakerley Parish in East Northamptonshire District.

### **Recommended modifications to the BWNDP to meet the Basic Conditions**

- 2.4 The Examiner was appointed to assess whether the BWNDP meets certain legal requirements for NDPs, known as the 'Basic Conditions', these state NDPs should:
- i) Have regard to national policies and advice contained in guidance issued by the Secretary of State,
  - ii) Contribute to the achievement of sustainable development,
  - iii) Be in general conformity with the strategic policies contained in the development plan for the area,
  - iv) Not breach, and otherwise be compatible with, EU obligations.
- 2.5 Many of the Examiner's modifications are to bring clarity to the wording used and ensure a policy based approach that meets the needs of decision makers in applying the Plan when it is 'made'.
- 2.6 Details of each modification are contained in the Decision Statement (Appendix 2).

### **Decision Statement**

- 2.7 The Regulation 14 and 16 stages of the neighbourhood plan making process offers those parties affected by the NDP the opportunity to make representations on the plan. That is not just the right to object but also to support proposals in the plan or make comments.

- 2.8 This is followed by an examination and the issuing of a report (by an independent Examiner) containing a series of recommendations. The Neighbourhood Planning (General) Regulations 2012 state that a Local Planning Authority (LPA) must then publish the actions which will be taken in response to the recommendations of the Examiner. This is known as the 'Decision Statement'.
- 2.9 The Neighbourhood Plan Regulations impose no obligations for the examiner or the LPA to have to consult on the changes to the Plan which they are minded to accept. Anyone affected by the NDP that does not endorse the plan will have the chance to vote to reject it at referendum.
- 2.10 It is recommended that Members accept the Examiner's modifications to the BWNDP and approve the Decision Statement as attached at Appendix 2. The Barrowden & Wakerley NPG have reported they will ask Barrowden Parish Council to accept the plan as modified at their Parish Council meeting scheduled for 14th August. Similar arrangements will be made for the Wakerley Village Meeting to agree to the modifications.
- 2.11 The LPA must issue its final decision within 5 weeks and the submission version of the BWNDP would then be revised and a Referendum would take place.

### **Next Steps**

- 2.12 Following the publication of the Decision Statement, the BWNDP can proceed to referendum which will be organised by Rutland County Council. It is provisionally agreed that the referendum will be held no later than 17 October 2019. If over 50% of those voting are in favour of the BWNDP, then the Plan can be 'made' (adopted) by RCC and will form part of the statutory Development Plan for the Parishes of Barrowden and Wakerley.

## **3. ALTERNATIVE OPTIONS**

- 3.1 If the authority proposes to make a decision which differs from that recommended by the examiner, it must notify relevant people and invite representations. Any representations must be submitted within 6 weeks of the local planning authority inviting representations. The local planning authority may, if it considers it appropriate to do so, refer the issue to further independent examination.

## **IMPLICATIONS**

### **4. FINANCIAL IMPLICATIONS**

- 4.1 The Council can claim a neighbourhood planning grant from the Department for Communities and Local Government (DCLG) which will cover the costs involved in this process, once the date has been set for a referendum.

## 5. LEGAL AND GOVERNANCE CONSIDERATIONS

- 5.1 At the point where the local planning authority makes the decision on whether the neighbourhood plan should proceed to referendum, it needs to be satisfied that the neighbourhood plan proposal has regard to national policy and guidance, contributes to sustainable development, is in general conformity with the strategic policy of the development plan for the area and doesn't breach or is otherwise compatible with the EU obligations.
- 5.2 Following a successful referendum the neighbourhood plan, will be "made" by the Council, and will become part of the statutory development plan. Rutland County Council will have regard to the provisions of the neighbourhood plan as a material consideration in the determination of planning applications within the parish of Barrowden and East Northants District Council will have regard to the neighbourhood plan within the parish of Wakerley. .
- 5.3 Changes to the Neighbourhood Plan Regulations are now in force, bringing with them time limitations on taking Neighbourhood Plans through the statutory processes. In light of these it is considered appropriate to amend the Council's constitution to delegate decision making for a number of these stages (as set out in the table below). It is therefore proposed that the following scheme of delegation is incorporated into the constitution. This will ensure that future Neighbourhood Plans can progress in a timely manner whilst maintaining a Member involvement at appropriate stages.

Stage	Proposed Decision maker
Designate Neighbourhood Area or Neighbourhood Forum	Strategic Director: Places in consultation with Portfolio Holder
Council comments at Regulation 14 consultation	Strategic Director: Places in consultation with Portfolio Holder and relevant Ward member(s)
Submission consultation and proceed to Examination	Cabinet
Decision Statement in respect of recommendations within the Examiners report and proceed to Referendum	Strategic Director: Places in consultation with Portfolio Holder
Make the Neighbourhood Plan part of the Development Plan	Strategic Director: Places in consultation with Portfolio Holder

## 6. DATA PROTECTION IMPLICATIONS

- 6.1 A Data Protection Impact Assessments (DPIA) has not been completed for the following reason there are no risks/issues to the rights and freedoms of natural persons.

## **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 wellbeing.

## **10. CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATION**

10.1 The Barrowden & Wakerley Neighbourhood Plan is considered to meet the 'Basic Conditions' subject to modifications set out by the examiner. It is recommended the Decision Statement should be agreed and for the Neighbourhood Plan to proceed to a referendum within the statutory 56 days of the publication of the Decision Statement.

## **11. BACKGROUND PAPERS**

11.1 None

## **12. APPENDICES**

- 12.1 Appendix 1: Barrowden & Wakerley Neighbourhood Area Map
- 12.2 Appendix 2: Decision Statement and Recommended Modifications to the BWNDP
- 12.3 Appendix 3: Post Examination version of the Barrowden and Wakerley Neighbourhood Plan with modifications tracked changes

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