

## CABINET

15<sup>th</sup> December 2020

### SUBMISSION DRAFT OAKHAM & BARLEYTHORPE NEIGHBOURHOOD PLAN

#### Report of the Director of Places

Strategic Aim:	Sustainable Growth	
Key Decision: Yes	Forward Plan Reference: FP/ 161020	
Exempt Information	No	
Cabinet Member(s) Responsible:	Mr G Brown Deputy Leader and Portfolio Holder for Finance and Planning	
Contact Officer(s):	Penny Sharp, Director of Places	Tel: 01572 758160 psharp@rutland.gov.uk
	Roger Ranson, Planning Policy Manager	Tel: 01572 758238 rranson@rutland.gov.uk
Ward Councillors	Mr Paul Ainsley, Mr David Blanksby, Ms Joanna Burrows, Mr Jeff Dale, Mr Adam Lowe, Mr Ian Razzell, Mr Alan Walters, Mrs Sue Webb, Mr Nick Woodley	

#### DECISION RECOMMENDATIONS

That Cabinet agree that:

1. The draft Oakham and Barleythorpe Neighbourhood Plan is published for public consultation for a minimum of 6 weeks.
2. Following public consultation, the draft plan and representations received are submitted for independent examination.
3. The Director of Places be authorised to appoint an independent examiner in consultation with the Oakham and Barleythorpe Neighbourhood Plan Group.
4. That following receipt of the examiner's report that the Director of Places in consultation with the Portfolio Holder for Planning and Finance be authorised to publish the County Council's decision notice, update the Oakham and Barleythorpe Neighbourhood Plan and undertake a referendum.
5. Subject to the outcome of the referendum that the Director of Places in consultation with the Portfolio Holder for Planning and Finance be authorised to make the

## **1 PURPOSE OF THE REPORT**

- 1.1 To seek Cabinet's authorisation to carry out consultation on the proposed Oakham and Barleythorpe Neighbourhood Plan followed by submission of that plan to an independent examiner. Subject to the acceptance of the recommendations of the examiner, hold a local referendum and, subject to the outcome of that referendum, delegate the making of the Neighbourhood Plan to the Director of Places.

## **2 BACKGROUND AND MAIN CONSIDERATIONS**

- 2.1 Oakham Town Council and Barleythorpe Parish Council has submitted its Draft Neighbourhood Plan to the County Council for independent examination.
- 2.2 This follows public consultation by the Town and Parish Councils on the draft Plan between 6<sup>th</sup> May and 14<sup>th</sup> June 2019.
- 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 County 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 County Council is attached as Appendix A, this is accompanied by a Basic Conditions Statement, Consultation Statement 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 Town Council have been assessed in accordance with statutory requirement and it is considered that:
- a) the Town 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 Town Council has undertaken the correct procedures in relation to pre-submission consultation and publicity.

## **3 CONSULTATION**

- 3.1 If the Neighbourhood Plan meets the statutory requirements, the County 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 2021.
- 3.2 The County Council will be responsible for appointing an independent examiner in consultation with the Town and Parish Councils to conduct the examination, which it is anticipated will take place following the statutory consultation. The County

Council will be required to consider the examiner's report and to decide whether the neighbourhood plan should proceed to local referendum. Cabinet is requested to delegate arrangements for the referendum to the Director of Places.

- 3.3 In the event that the independent examiner recommends that modifications are required to the neighbourhood plan, it will be necessary for the County Council to consult with the Town Council to agree any modifications. Cabinet is requested to delegate authority for such changes to the Director of Places to assist the examination process.
- 3.4 Within 5 weeks of receipt of the examiner's report, the County 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 Oakham Town Council and Barleythorpe Parish Council have the option of withdrawing the plan.
- 3.5 If agreement is reached, the County Council would then be required to organise a referendum on the neighbourhood plan which it is anticipated could take place in Summer 2021. All referendums are postponed until 6<sup>th</sup> May 2021 in line with the Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020.
- 3.6 Finally, if the Neighbourhood Plan secures community approval through the referendum process, the County Council will be required to formally 'make' the Plan as part of the statutory development plan within 8 weeks of the referendum date. Cabinet is requested to delegate authority to make the Neighbourhood Plan to the Director of Places to ensure that this time limitation can be met.

#### **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 County Council would be required to notify the Town and Parish Councils and publicise its decision.

#### **5 FINANCIAL IMPLICATIONS**

- 5.1 There will be costs to the County 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 County 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 County 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.

- 6.2 The process for progressing a Neighbourhood Plan through the stages covered in this report are set out in Neighbourhood Plan Regulations (2012) Regulations 15 - 20 inclusive. Some of these stages include statutory time limits within which decisions and stages must be completed. The delegation of these stages to the Director of Places will enable these statutory time limits to be met.

## **7 DATA PROTECTION IMPLICATIONS**

- 7.1 A Data Protection Impact Assessments (DPIA) has not been completed.

## **8 EQUALITY IMPACT ASSESSMENT**

- 8.1 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 be met in drawing up the submission draft plan.

## **9 COMMUNITY SAFETY IMPLICATIONS**

- 9.1 None directly identified as part of this stage of decision making for the Neighbourhood Plan.

## **10 HEALTH AND WELLBEING IMPLICATIONS**

- 10.1 None directly identified as part of this stage of decision making for the Neighbourhood Plan.

## **11 ORGANISATIONAL IMPLICATIONS**

- 11.1 Environmental implications

- 11.2 None directly identified as part of this stage of decision making for the Neighbourhood Plan.

- 11.3 Human Resource implications

- 11.4 The County Council has a duty to support Neighbourhood Plans through the provision of advice and guidance as well as in appointing the independent examiner and in undertaking any subsequent referendum. This work is undertaken by existing staff with funding from the Government Neighbourhood Plan grant.

- 11.5 Procurement Implications

- 11.6 The County Council is responsible for procuring the services of an independent examiner and will follow financial regulations in doing so.

## **12 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS**

- 12.1 The submission draft Oakham and Barleythorpe Neighbourhood Plan is

considered to comply with the statutory requirements for submission of a neighbourhood plan to a local authority. It is therefore recommended that it be publicised and submitted for independent examination as required by legislation and regulations.

### **13 BACKGROUND PAPERS**

13.1 There are no additional background papers to the report.

### **14 APPENDICES**

14.1 Appendix 1 – Submission version of Oakham and Barleythorpe Neighbourhood Plan

14.2 Appendix 2 – Basic Conditions Statement

14.3 Appendix 3 – Consultation Statement

14.4 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.**