

CABINET

6 June 2023

WHISSENDINE NEIGHBOURHOOD PLAN

Report of the Portfolio Holder for Planning and Property

Strategic Aim:	Sustainable Growth	
Key Decision: No	Forward Plan Reference: FP/140423	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr Paul Browne – Portfolio Holder for Planning and Property	
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Ward Councillors	Cllr Rosemary Powell	

DECISION RECOMMENDATIONS

That Cabinet agree that:

1. The draft Whissendine 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 Strategic Director of Places be authorised to appoint an independent examiner in consultation with the Whissendine Neighbourhood Plan Group.
4. That following receipt of the examiner's report that the Strategic Director of Places in consultation with the Portfolio Holder for Planning and Property be authorised to publish the County Council's decision notice, update the Whissendine Neighbourhood Plan and undertake a referendum.
5. Subject to the outcome of the referendum that the Strategic Director of Places in consultation with the Portfolio Holder for Planning and Property be authorised to make the Whissendine Neighbourhood Plan part of the Development Plan for Rutland.

1 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's authorisation to carry out consultation on the proposed Whissendine 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 Strategic Director of Places.

2 BACKGROUND AND MAIN CONSIDERATIONS

- 2.1 The draft Whissendine Neighbourhood Plan has been submitted to the County Council for statutory consultation and subsequent independent examination.
- 2.2 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.
- 2.3 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, the Consultation Statement, the Strategic Environmental Assessment and Habitats Regulations Screening report and a map of the NPA. These are attached as Appendices B, C, D and E respectively.
- 2.4 The submitted documents 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; and
 - c) the Parish 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 consultation will take place over a 6-week period following the decision of Cabinet.
- 3.2 The County Council will be responsible for appointing an independent examiner in consultation with the Parish Council 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 of the neighbourhood plan should proceed to local referendum. Cabinet is requested to delegate arrangements for the referendum to the Strategic Director of Places.
- 3.3 If the independent examiner recommends that modifications are required to the neighbourhood plan, it will be necessary for the County Council to consult with the

Parish Council to agree any modifications. Cabinet is requested to delegate authority for such changes to the Strategic 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 the Parish Council has 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 later this year.
- 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 Strategic 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 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 unlikely to exceed £10,000 but may vary dependant on the amount of work involved.
- 5.2 However, the County Council receives a neighbourhood planning grant from the Department for Levelling-Up, Housing and Communities 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 Strategic 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 because there are no risks/issues to the rights and freedoms of natural persons within this

report.

8 EQUALITY IMPACT ASSESSMENT

8.1 An Equality Impact Assessment (EqIA) has not been completed for the following reasons:

a) Government 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 There are no direct community safety implications arising from this report, at this stage of decision making for the neighbourhood plan.

10 HEALTH AND WELLBEING IMPLICATIONS

10.1 There are no direct health and wellbeing implications arising from this report, at 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 Whissendine 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 Neighbourhood Plan Regulations:
<https://www.legislation.gov.uk/uksi/2012/637/contents/made>

13.2 Neighbourhood Plan guidance: <https://www.gov.uk/guidance/neighbourhood->

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- 14 APPENDICES (MANDATORY, SIMPLY STATE IF THERE ARE NO APPENDICES)**
- 14.1 Appendix A: Submission version of Whissendine Neighbourhood Plan
 - 14.2 Appendix B: Basic Conditions Statement
 - 14.3 Appendix C: Consultation Statement
 - 14.4 Appendix D: Strategic Environmental Assessment and Habitats Regulations Screening report
 - 14.5 Appendix E: Plan of the Neighbourhood Plan Area

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