

## CABINET

12 March 2024

### EDITH WESTON NEIGHBOURHOOD PLAN

#### Report of the Portfolio Holder for Planning, Property and Economic Development

Strategic Aim	A Diverse and Sustainable Economy	
Exempt Information	No	
Cabinet Member(s) Responsible:	Cllr P Browne, Portfolio Holder for Planning, Property and Economic Development	
Contact Officer(s):	Penny Sharp, Strategic Director of Places	Telep: 01572 758160 Email psharp@rutland.gov.uk
	Roger Ranson, Planning and Housing Policy Manager	Tel: 01572 758238 Email rranson@rutland.gov.uk
Ward Councillors	Councillor Gale Waller, Councillor Tim Smith	

## 1 SUMMARY AND RECOMMENDATIONS

### 1.1 Summary

- 1.1.1 The draft Edith Weston Neighbourhood Plan has been submitted to the County Council for statutory consultation and subsequent independent examination.

### 1.2 Recommendations

1. Approves the draft Edith Weston Neighbourhood Plan is published for public consultation for a minimum of 6 weeks.
2. Approves that following public consultation, the draft plan and representations received are submitted for independent examination.
3. Authorises the Strategic Director of Places to appoint an independent examiner in consultation with the Edith Weston Parish Council.
4. Authorises the Strategic Director of Places in consultation with the Portfolio Holder for Planning, Property and Economic Development, following receipt of the examiner's report, to publish the County Council's decision notice, update the Edith Weston Neighbourhood Plan and undertake a referendum.
5. Authorises, subject to the outcome of the referendum, the Strategic Director of

Places in consultation with the Portfolio Holder for Planning, Property and Economic Development to make the Edith Weston Neighbourhood Plan part of the Development Plan for Rutland

### **1.3 Reasons for Recommendations**

- 1.3.1 To enable the submitted Edith Weston Neighbourhood Plan to be the subject of public consultation, subsequent independent examination and referendum as required by legislation and regulations.

## **2 REPORT**

### **2.1 Introduction and background**

- 2.2 This report seeks Cabinet's authorisation to carry out consultation on the proposed Edith Weston Neighbourhood Plan, followed by submission of that plan to an independent examiner. Subject to the acceptance of the recommendations of the examiner, authorisation is also sought to hold a local referendum. Subject to the outcome of that referendum, the report requests that Cabinet delegate the making of the Neighbourhood Plan to the Strategic Director of Places.

- 2.3 The draft Edith Weston Neighbourhood Plan has been submitted to the County Council for statutory consultation and subsequent independent examination.

- 2.4 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.

- 2.5 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, and the Strategic Environmental Assessment Screening report. These are attached as Appendices B, C and D respectively.

- 2.6 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 appraisal screening report; and
- c) the Parish Council has undertaken the correct procedures in relation to pre-submission consultation and publicity.

### **2.7 Options Considered**

- 2.7.1 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 Council and publicise its decision.

## **2.8 Consultation**

- 2.8.1 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 IMPLICATIONS OF THE RECOMMENDATION**

### **3.1 FINANCIAL IMPLICATIONS**

*This section has been approved by Andrew Merry, Head of Finance*

- 3.1.1 The main financial issues arising for this Report are as follows. 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 unlikely to exceed £10,000 but may vary dependant on the amount of work involved. The Council receives a neighbourhood planning grant from the Department for Levelling-Up, Housing and Communities (DLUHC) which will cover the costs involved in this process.

### **3.2 LEGAL IMPLICATIONS**

*This section has been approved by Sarah Khawaja, Head of Legal & Democratic Services*

- 3.2.1 The legal implications are that 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.
- 3.2.2 The process for progressing a Neighbourhood Plan through the relevant stages 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.
- 3.2.3 The delegation of these stages to the Strategic Director of Places will enable these statutory time limits to be met.

### **3.3 Risk Management Implications**

- 3.3.1 The main risk to this report relates to the possibility of judicial review of any decisions made by the County Council. This is considered to be low.

### **3.4 DATA PROTECTION IMPLICATIONS**

- 3.4.1 A Data Protection Impact Assessments (DPIA) has not been completed because there are no identified risks or issues to the rights and freedoms of individuals.

### **3.5 EQUALITY IMPLICATIONS**

- 3.5.1 An Equality Impact Assessment (EqIA) has not been completed for the following reasons:
- 3.5.1.1 Government guidance on the application of EqIA indicates that RCC is not required

to undertake such an assessment of the neighbourhood plan;

- 3.5.1.2 An EqlA is not required to satisfy the 'basic conditions' that need to be met in drawing up the submission draft plan.

### **3.6 COMMUNITY SAFETY IMPLICATIONS**

3.6.1 The Council has a duty in accordance with S17 Crime and Disorder Act 1988, when exercising its functions, to have due regard to the likely effect of that exercise of those functions on and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social behaviour).

3.6.2 This duty has been considered and there are no direct community safety implications arising from this report, at this stage of decision making for the neighbourhood plan.

### **3.7 HEALTH AND WELLBEING IMPLICATIONS**

3.7.1 There are no direct health and wellbeing implications arising from this report, at this stage of decision making for the neighbourhood plan.

### **3.8 ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS**

3.8.1 On 11 January 2021 Rutland County Council acknowledged that it was in a climate emergency. The Council understands that it needs to take urgent action to address it.

3.8.2 The Neighbourhood Plan sets out specific policies with respect to the environment which will be subject to consultation.

### **3.9 PROCUREMENT IMPLICATIONS**

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

### **3.10 HR IMPLICATIOINS**

3.10.1 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.

## **4 BACKGROUND PAPERS**

4.1 Neighbourhood Plan Regulations:

<https://www.legislation.gov.uk/ukxi/2012/637/contents/made>

4.2 Neighbourhood Plan guidance: <https://www.gov.uk/guidance/neighbourhood-planning--2>

## **5 APPENDICES**

5.1 Appendix A: Submission version of Edith Weston Neighbourhood Plan

5.2 Appendix B: Basic Conditions Statement

- 5.3 Appendix C: Consultation Statement
- 5.4 Appendix D: Strategic Environmental Assessment Screening report
- 5.5 Appendix E - Map of Neighbourhood Plan Area

**An Accessible Version of this Report is available upon request – Contact 01572 722577.**