

ITEM NO. 14

REPORT TO THE COUNCIL MEETING OF 14th December 2015

Meeting: Council
Date: 14th December 2015
Subject: Scraptoft Neighbourhood Plan
Report of: Christopher Brown (Planning Policy Officer)
Portfolio Holder: Cllr King
Status:
Relevant Ward(s): Scraptoft

1 Purpose Report

- 1.1 The Scraptoft Neighbourhood Development Plan (Neighbourhood Plan) was submitted to the Council on 13th March 2015, and following a statutory publicity and consultation period (23 March 2015 to 11 May 2015) proceeded to Independent Examination. As part of the Examination a public hearing was deemed not required. The Examiner's report has now been received and recommends that the Neighbourhood Plan proceeds to referendum, subject to a number of modifications.
- 1.2 The purpose of this report is to consider the recommendations of the Examiner and make a decision on how to proceed.

2 Recommendations:

- 2.1 **The Council accepts the Independent Examiner's recommended changes to the Scraptoft Neighbourhood Plan as set out in schedule at Appendix A and notes the recommendation that the amended Scraptoft Neighbourhood Plan should proceed to a Referendum of voters within the Parish of Scraptoft.**
- 2.2 **The Council approves the holding of a Referendum for the Scraptoft, Neighbourhood Plan to include the Parish of Scraptoft provisionally on Thursday 11th February 2016.**

3 Summary of Reasons for the Recommendations

- 3.1 The Council is committed to supporting the neighbourhood planning process in Harborough. Helping communities wishing to carry out neighbourhood plans is identified in the Corporate Plan 2013-2015 as a way to deliver the priority 'to develop places in which to live and be happy'.

- 3.2 The Scraptoft Neighbourhood Plan ('the Plan') has been produced by the Scraptoft Neighbourhood Plan Group, led by the Parish Council, in conjunction with the local community. The Plan provides for housing levels within the minimum requirement of the Core Strategy and also deals with the issues of community provision, affordable housing, design, transport and countryside and landscape.
- 3.3 Taking into account the written consultation responses received during the submission Plan consultation, the Examiner's report into the Plan was received in November 2015. The report recommends to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.
- 3.4 The legislation sets out that the Council must consider each of the recommendations made by the report, including the reasons for them, and decide what action to take in response to each recommendation (see Appendix A). It is considered that the recommended modifications should be approved so as to ensure that the Plan meets the basic conditions and comprises a user-friendly document. On this basis, the Plan should then proceed to Referendum in Scraptoft Parish to determine if local people support it.

4 Impact on Communities

- 4.1 The Neighbourhood Plan has been prepared with substantial input from the local community, through a series of consultations. As only the third neighbourhood plan in the District to successfully pass examination, it is testament to the time and effort that the Neighbourhood Plan Group has spent on marrying up the local community's aspirations with the need to delivering a realistic and deliverable plan.
- 4.2 In proceeding to a referendum with a Plan that meets the prescribed basic conditions, the whole community will be afforded the opportunity to vote on the future development of the village.

5 Key Facts

- 5.1 The Examination Version of the Scraptoft Neighbourhood Plan was submitted to the Council on 13th March 2015. Following initial verification checks, a seven week period of public consultation on the Plan was held running from 23rd March – 11th May 2015. 13 representations were received during the consultation.
- 5.2 The Council, with the agreement of Scraptoft Parish Council, appointed Dr Angus Kennedy as the Independent Examiner in July 2015. All the representations received on the Examination Version of the Plan were forwarded to him for consideration. The Examiner was satisfied that all the responses could be assessed without the need for a public hearing.
- 5.3 The role of the Examiner is to consider whether a neighbourhood plan meets the Basic Conditions. In order to do this the Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with European Union obligations and, not breach, nor be in anyway incompatible with the European Convention on Human Rights

5.4 The Examiner's Report into the Plan was sent to the Council in November 2015 and was made available to the public on the Council's website shortly after. A full copy is outlined in Appendix B of this report. The report recommends to the Council that, subject to the modifications proposed the Plan should proceed to a Referendum.

5.5 A schedule of the Examiner's recommendations is set out at Appendix A. The main changes recommended by the Examiner (in order to meet the 'Basic Conditions') are:

- Larger scale maps should be used for clarity;
- A Plan monitoring section should be added;
- The Basic Conditions Statement should be amended to accord with the twelve core planning principles outlined in the NPPF;
- Some objectives are not land use planning matters (e.g. providing an improved bus service and travel packs) and should be considered as aspirations;
- Reserve Site policy to be updated to include S106 requirements and criteria for a reserved matters application;
- Further justification and updated information for each Local Green Space allocation

5.6 In his report the Examiner praises the Parish Council for the amount of work undertaken in producing the Plan and adds, 'The Parish Council recognise that the Neighbourhood Plan will not solve all of the problems that face the residents in the area and that it will be necessary to use its best endeavours to support and influence the policies of key organisations such as Harborough District Council and Leicestershire County Council. The Plan demonstrates, however, the clear vision and aspiration of the community to protect and maintain the physical environment and improve amenities'.

5.7 The Examiner adds further that; 'I consider that the Scruptoft Neighbourhood Plan policies, subject to minor modification, will make a positive contribution to sustainable development. The policies could promote economic growth and serve to improve the physical appearance and image of the area. The production of the Plan should provide confidence to the community.'

5.8 Scruptoft Parish Council have given the Report due consideration following a meeting on 11th November 2015, and resolved that it is in agreement with the recommended modifications to the Neighbourhood Plan and supports the adoption of the Scruptoft Neighbourhood Plan by Harborough District Council. Given that proposed changes do not fundamentally alter the main aims of the Plan, Officers recommend acceptance of all the Examiner's recommendations, for the reasons expressed by the Examiner.

5.9 The Examiner was also tasked with considering whether the Referendum Area should be extended beyond the designated Neighbourhood Area (the Parish boundary). He concludes that a Referendum based on the Scruptoft Neighbourhood Area is appropriate. Officers agree with this recommendation.

6 Next Steps

6.1 The Neighbourhood Planning (General) Regulations 2012 set out that if the Council agrees to the recommendations of this report, it has to publish a 'Decision Statement' on the Plan. This must set out the Council's decision on the Scruptoft Neighbourhood Plan and the reasons for making that decision. It is normal practice for the date of the Referendum to be specified also. The suggested changes will then be made to the Plan ready for publication as one of the specified documents in respect of the Referendum.

6.2 The date for the Referendum is provisionally set for 11th February 2016. Therefore the final version of the Plan and other relevant documents must be on the website at least 28 working days before that date. The Council will also need to ensure that the publication of 'notice of referendum' takes place at least 25 working days before the Referendum. The detailed requirements in respect of the referendum process are set out in the Neighbourhood Planning (Referendums) Regulations 2012.

6.3 The Referendum will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question '**Do you want Harborough District Council to use the neighbourhood plan for Scruptoft to help it decide planning applications in the neighbourhood area?**' Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (adopt the Plan, with the Plan becoming the Development Plan for Scruptoft alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation this will be done by Officers as soon as possible after a favourable Referendum result. If the result of the Referendum is "no", then nothing further happens. The Parish Council would have to decide how it wishes to proceed.

7 Legal Issues

7.1 The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which were set out in law following the Localism Act (see Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990) and this has been confirmed in the Examiner's Report. The Plan is also considered to meet all the relevant legal and procedural requirements.

7.2 Should the Council decide to accept the recommendations of this report; a Decision Statement will be prepared and published on the website in accordance with the regulations and preparations for a referendum in accordance with the referendum regulations will proceed.

8 Resource Issues

- 8.1 The Council has been able to claim total of £10,000 direct financial support from the Department of Communities and Local Government (DCLG) in relation to the Scraftoft Neighbourhood Plan (£5,000 on neighbourhood area designation and £5,000 on completion of the pre-submission consultation). An additional £20,000 can be claimed now that the Plan has progressed through the examination stage successfully.
- 8.2 This direct support is to ensure that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance; holding the examination; and making arrangements for the referendum.
- 8.3 The cost of organising and running the referendum is funded through the grant described in paragraph 8.1.

9 Equality Implications

- 9.1 In preparing the Plan, the Scraftoft Neighbourhood Plan Group has taken time to involve and inform as wide a range of individuals, households, businesses and interest/community groups as possible through a variety of means. This is set out in the Consultation Statement accompanying the Plan, and the approach taken is praised by the Examiner in paragraph 10.10 (page 18) of the Examiners report.
- 9.2 Furthermore, in the report the Examiner concludes that the Plan is compatible with EU obligations and does not breach the European Convention on Human Rights obligations (paragraph 8 of the Report).

10 Impact on the Organisation

- 10.1 The preparation of the Plan has impacted primarily on the Strategic Planning Team to date in terms of advice, assistance and attendance at meetings given to the Steering Group and ensuring the correct procedural steps are followed. The Elections Team will now be heavily involved in ensuring a Referendum is held as soon as possible and as set out in the Regulations.

11 Community Safety Implications

- 11.1 There are not expected to be any Community Safety implications from this report.

12. Carbon Management Implications

- 12.1 There are no Carbon Management Implications arising from this report.

13. Risk Management Implications

- 13.1 The following risks have been identified:

- Not following the legislation and regulations correctly could lead the Council open to legal challenge. The circumstances where a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N

14 Consultation

- 14.1 In reaching this stage, the consultation requirements set out in the legislation and the regulations have been complied with as follows:
- Consultation on the Neighbourhood Plan Area 12 July -23 August 2012;
 - Pre-Submission Consultation 19 January – 2 March 2015; and
 - Submission Consultation 23 March – 11 May 2015.
- 14.2 The Neighbourhood Planning (General) Regulations (2012) require the Council's 'decision statement' in relation to the Examiner's recommendations to be published on the website along with the Examiner's report.

15 Options Considered

- 15.1 To reject some or all of the Examiner's recommendations. This option is not considered appropriate as the proposed modifications will make the Plan more robust and enable it to meet the basic conditions.
- 15.2 To decide not to proceed to referendum on the Neighbourhood Plan. Given that the Plan has managed to get through the examination process successfully, there is no reason why the Plan, including modifications, should not proceed to Referendum. This option is not considered appropriate

16 Background Papers

- 16.1 Local Planning Executive Advisory Panel meeting 9th December 2015
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Information Issued Under Sensitive Issue Procedure: N

Ward Members Notified: Y

Appendices:

Appendix A: Examiners Recommendations

Appendix B: Examiners Report