

PLACE COMMITTEE

6TH JUNE 2018

REPORT OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

'MAKING' OF NEIGHBOURHOOD PLANS.

1.0 PURPOSE OF REPORT

1.1 To inform Members of the progress been made to date on the following Neighbourhood Plans which have now completed Referendum and invite the Committee to formally 'make' the Plans.

- Wymondham
- Clawson, Hose and Harby
- Broughton and Dalby
- Waltham on the Wolds and Thorpe Arnold
- Frisby

2.0 RECOMMENDATIONS

2.1 It is recommended that:

- (i) **the Neighbourhood Plans listed in 1.1 above be formally 'made' (adopted) in accordance with the Neighbourhood Plan Regulations 2012 (as amended);**

3.0 BACKGROUND

3.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. A brief update in respect of each plan is outlined below. For further information out the plans' preparation, please refer to the relevant MEEA Committee reports when it was decided to advance the respective plans to Referendum. Since the Neighbourhood Planning Act 2017, Neighbourhood Plans which have passed referendum are treated as being part of the Development Plan.

3.2 The Wymondham Neighbourhood Plan is the plan had a successful Referendum on the 30th November, 2017. A turnout of 189 (28.3%) voted, with 92% of those voting in favour of the Neighbourhood Plan. This remains the highest percentage voting in favour of a Neighbourhood Plan in Melton Borough, albeit with the lowest turn out.

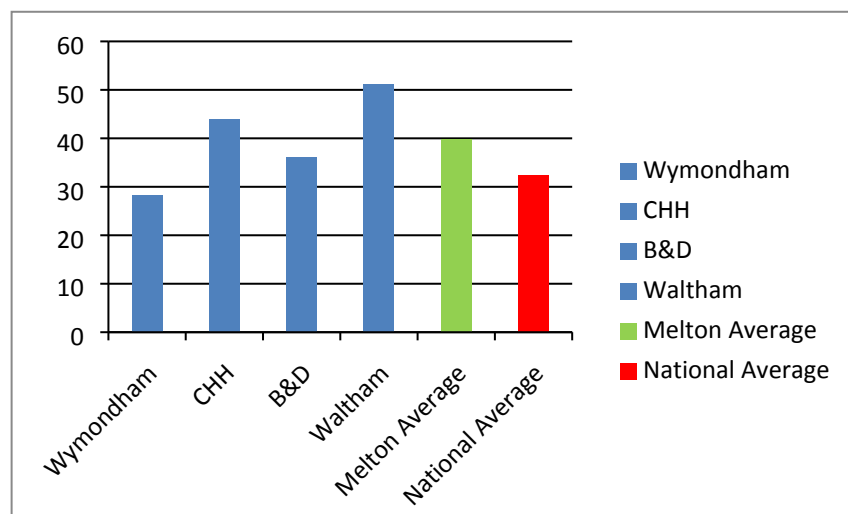
3.3 The Clawson, Hose and Harby Neighbourhood Plan was subject to referendum on the 15th February, 2018. The turnout was 878 (43.9%), with 90% voting in favour of the Neighbourhood Plan.

3.4 On the 12th April, 2018, referenda in respect of the respective neighbourhood plans were held in both Broughton & Dalby and Waltham on the Wolds & Thorpe Arnold Parishes. The turnout in Broughton and Dalby Parish was 385 (36.15%), with 88% voting in favour

of the Neighbourhood Plan. In Waltham, the turnout was 409 (51.12%), with 91% voting in favour.

3.5 The Frisby Neighbourhood Plan referendum took place 10th May, 2018. The turnout was 56.4% and votes in favour 92.7%.

3.6 The average turnout nationally for Neighbourhood Plan referendums is around 32.4%. To date, the average turnout in Melton for Neighbourhood Plan Referendums has been just under 40%. This shows engagement in these referendums is higher than it is nationally, by almost 10%. This is particularly remarkable, as none of these Referenda have coincided with other local/general elections, which statistically increase participation in Neighbourhood Planning Referendums and are inflate the national figure.



4.0 Decision

4.1 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan. The Council are not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

4.2 Through the Examination and consultation processes that neighbourhood plans must be navigated to reach this stage, there has been adequate and numerous opportunity for any potential breaches of Convention Rights to be brought to the Authority's attention. Furthermore, it is a specific role of the Examiner and Examination to ensure that the plan is compatible with EU regulations and Human Rights legislation, as this equates to one of the basic conditions that a plan must pass in order to be advanced to Referendum. Whilst a breach of Human Rights was cited in an objection to the Neighbourhood Plan in Frisby, the Authority and the Examiner was satisfied that the plan as amended would not contravene any individual's human rights. The Council and the independent Examiners, have assessed the plans, including their preparation and in all cases are satisfied that none breach, or would not otherwise be incompatible with any EU obligation or the convention rights (within the meaning of the Human Rights Act 1998).

4.3 The various referenda held for the Neighbourhood Plans to date have met the requirements of the Localism Act 2011. They have all been held in the respective

parishes and posed the question: "Do you want Melton Borough Council to use the Neighbourhood Plan for [Plan name here] to help it decide planning applications in the neighbourhood area?". In all cases, the result showed that more than 50% of those who voted in the referendum had voted in favour of the plan being used to help decided planning applications in the area.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 The funding for these Neighbourhood Plans, including their examinations and referenda has already been claimed. There are no known further costs which will arise from this decision other than to advertise their making, by way of public notices in the local press.. Staff time to complete the notice and other administrative tasks will be negligible, and within existing resources.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 If Members decide to make these plans, they will formally become part of the development plan for the area. However, since the provisions of the Neighbourhood Planning Act 2017 came into force, Neighbourhood Plans post referendum should be treated as if they had been formally made for the purposes of making planning decisions, so there will practically be little difference in how they are applied in decision making.

6.2 These Neighbourhood Plans have been considered by the Local Plan Inspector and have influenced the Local Plan. However, as the Local Plan will be adopted after these plans are made, there is no risk to the Local Plan with regards to primacy (that the plan made most recently will have precedent, wherein there is a conflict of policy).

6.3 There have been various opportunities for people to challenge the various plans to date and as yet there has not been any challenge. For perspective, the threat of Judicial Review was brought in relation to the Asfordby Neighbourhood Plan ahead of the Referendum.

7.0 COMMUNITY SAFETY

7.1 There are no community safety implications as a direct result of this report.

8.0 EQUALITIES

8.1 There are no foreseen equalities issues.

9.0 RISKS

L I K E L I H O O D	A	Very High				
	B	High				
	C	Significant				
	D	Low		2		
	E	Very Low				
	F	Almost Impossible			1	
			Negligible 1	Marginal 2	Critical 3	Catastrophic 4

IMPACT

Risk No	Risk Description
1	This decision is Judicially Challenged
2	There are unforeseen effects on the Local Plan

9.1 There have been various chances for people to challenge the various plans to date and as yet there has not been any challenge. For perspective, the threat of Judicial Review was brought to Asfordby ahead of the Referendum.

9.2 Due to the rationale at 6.2, there is not considered any likely or obvious risks to the development of the Local Plan at this stage.

10.0 **CLIMATE CHANGE**

10.1 These plans have been independently assessed as contributing towards sustainable development.

13.0 **CONSULTATION**

13.1 These Neighbourhoods Plans have been through numerous informal consultations, as well as formal consultation as prescribed by the Neighbourhood Planning Regulations. In all cases the various consultations were assessed as satisfactory by an independent examiner.

12.0 **WARDS AFFECTED**

12.1 Old Dalby, Frisby, Waltham on the Wolds, Wymondham, Long Clawson and Stathern.

Contact Officer J Worley, Assistant Director of Regulatory Services and Strategic Planning

Date: 25th May 2018

Background Papers:

(i) Neighbourhood Plans (Referendum Versions) for

-Wymondham

-Clawson, Hose and Harby

-Broughton and Dalby

-Waltham on the Wolds and Thorpe Arnold

-Frisby

(ii) Reports to MEEA Committee re the above