

NON KEY DECISION: REPORT TO CABINET MEMBER

DECISION TO BE TAKEN BY: Councillor Helen Goral
Cabinet Member for Growth and Communications

REPORT AUTHOR: Roger Ranson
Head of Planning Policy

REPORT NO. SEG63

DATE: 11 March 2019

SUBJECT OF NON KEY DECISION:	Adoption of the Carlby Neighbourhood Plan
-------------------------------------	--

CABINET MEMBER REMIT:	Growth and Communications	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available on the Council's website www.southkesteven.gov.uk via your Council and Democracy link	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Not Applicable	Full impact assessment required? Not Applicable
BACKGROUND PAPERS:	<p>The Localism Act 2011 (http://www.legislation.gov.uk/ukpga/2011/20/contents)</p> <p>The Neighbourhood Planning (General) Regulations 2012 and 2018 (http://www.legislation.gov.uk/uksi/2012/637/contents/made)</p> <p>Colsterworth and District Neighbourhood Plan and background documents which can be found at (www.southkesteven.gov.uk/colsterworthanddistrictplan)</p> <p>Notice of result of Poll for referendum 7 March 2019 – Carlby Parish</p>	

(1) PURPOSE OF REPORT

- 1.1 To consider whether the Carlby Neighbourhood Plan should be made part of the Development Plan for South Kesteven following the positive outcome of the referendum held on 7th March 2019.

(2) RECOMMENDATION(S)

- 2.1 That the Carlby Neighbourhood Plan is made part of the Development Plan for South Kesteven.**

**(3) REASONS FOR RECOMMENDATION(S)
(including any alternative options considered and rejected)**

- 3.1 The Localism Act 2011 (the Act) introduced Neighbourhood Planning as a new way for communities to help shape future development in their area. One of the types of Neighbourhood Planning that has been introduced is Neighbourhood Development Plans (NDP), which set out policies for the development and use of land in a particular area. If a NDP has successfully passed all stages of preparation including an Examination and Referendum the LPA must adopt it as part of the Development Plan for the Neighbourhood Area.
- 3.2 In accordance with Neighbourhood Plan Regulations 2012 (as amended), the Authority must 'make' the Plan through its own constitutional process, in this case a non-key decision by the Portfolio Holder for Economy and Development within 8 weeks of the referendum date. The non-key decision must also be published on the Council website in accordance with standard practice and procedure.
- 3.3 The Plan has been through a significant amount of formal and informal consultation including Pre-submission Consultation (Regulation 14) undertaken by the Parish Council. The Examination version of the Carlby Neighbourhood Plan was submitted to the Council in March 2018. Following initial verification checks, the Plan was subsequently published under Regulation 16 by the Council which ended on 8th June 2018.
- 3.3 The Council, with the agreement of Carlby Parish Council, appointed Andrew Ashcroft B.A.,M.A, M.R.T.P.I. as the Independent Examiner. All representations received on the Examination version of the Plan were forwarded to him for consideration.
- 3.4 The Examiner decided that the issues raised in the representations did not require a public hearing to be held.
- 3.5 It is the role of the Examiner 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 any way incompatible with the European Convention on Human Rights.
- 3.7 The Examiner's report into the Plan was received in December 2017. Subject to the recommended changes, the Examiner found that, the Plan meets the basic conditions in terms of:
- having appropriate regard to national planning policy;
 - contributing to the achievement of sustainable development;
 - being in general conformity with the strategic policies in the development plan for the local area;
 - being compatible with human rights requirements;
 - being compatible with European Union obligations.
- 3.8 The Examiner recommended to the Council that, subject to the modifications proposed, the Plan should proceed to a Referendum.
- 3.9 The Referendum was held on 7th March 2019 and the following question was asked - *Do you want South Kesteven District Council to use the neighbourhood plan for Carlby to help it decide planning applications in the neighbourhood area?* 33.7% of those on the Electoral Register for Carlby Parish turned out for the Referendum. 93% voted in favour, i.e. of the 130 votes cast, 121 were cast in favour of 'yes' and 9 were cast in favour of 'no'.
- 3.10 The decision to make the Carlby Neighbourhood Plan part of the Development Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the District Council should not make this decision is where 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). The Council is satisfied that there is no breach of EU obligations.
- 3.11 The Neighbourhood Plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Therefore the only available option open to the Council is to make the plan part of the Development Plan for South Kesteven.
- 3.12 There is a requirement that the District Council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012. The District Council will therefore publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

(4) COMMENTS FROM FINANCIAL SERVICES

- 4.1 The costs can be met from the Central Government New Burdens grant which is earmarked for use such as supporting new Neighbourhood Planning.

(5) COMMENTS FROM LEGAL AND DEMOCRATIC SERVICES

- 5.1 A local planning authority must, by virtue of section 38A (4) (a) of the Planning and Compulsory Purchase Act 2004, make a neighbourhood development plan to which the proposal relates if in each applicable referendum more than half of those voting have voted in favour of the plan unless, the authority consider that the making of the plan would breach, or would otherwise be incompatible with, any EU obligations or any of the Convention rights within the meaning of the Human Rights Act. There is no apparent incompatibility with EU or any other Convention rights.

(6) OFFICER CONTACT

Roger Ranson
Business Manager Spatial and Economic Growth
01476 406438

(7) DATE DECISION EFFECTIVE:

If decision taken on Tuesday 19 March date effective will be Thursday 28 March 2019