

## Decision under Delegated Powers

### Officer Requesting Decision

Group Leader Plans Policies and Place Making

### Officer Making the Decision

Head of Planning and Regeneration

### Recommendation

- 1) That the Barrow upon Soar Neighbourhood Plan is 'made' part of the statutory development plan for Charnwood, in accordance with the provisions of Section 38(A) (4) of the Planning and Compulsory Purchase Act 2004.

### Reason

- 1) To meet the requirements for plan making in accordance with The Neighbourhood Planning (General) Regulation 2012 (as amended).

### Authority for Decision

On the 14<sup>th</sup> December 2017 Cabinet delegated authority to the Head of Planning and Regeneration to formally make the Barrow upon Soar Neighbourhood Plan in the event of a successful referendum being held (minute 67/17 refers). The Barrow Referendum was held on 8 February 2018 returning a 95% in favour vote from those voting.

Section 8.1 of the Council's Constitution gives delegated authority to heads of service to take such action as may in his or her opinion be necessary or appropriate in connection with all operational management matters for those functions and service areas for which he or she has responsibility.

### Decision and Date



2 May 2018

### Background

#### Policy Justification and Previous Decisions

The Localism Act (2011) introduced new provisions to allow local communities to prepare neighbourhood development plans and establish them as part of the statutory development plan alongside the relevant local plan and mineral and waste plan. Further direction has been provided by the National Planning

Policy Framework (NPPF) and Planning Practice Guidance (PPG) with the Neighbourhood Planning (General) Regulations 2012 and subsequent amendments giving details on how neighbourhood plans are to be brought into effect.

The support to be provided by Charnwood Borough Council for the delivery of neighbourhood plans was set out by a Cabinet resolution on 14th March 2013 (Minute 121/13). The adopted Charnwood Local Plan 2011 to 2028 Core Strategy identifies opportunities which are available for communities to prepare neighbourhood plans and shape the future of development within their area.

#### Implementation Timetable including Future Decisions and Scrutiny

The Neighbourhood Planning (General) Regulations 2012 (as amended) prescribe time periods within which action must be taken, The time period relevant to this decision are:

- a) the decision whether to put a neighbourhood plan to referendum following receipt of the report of the independent examiner (5 weeks);
- b) the time period within which the referendum must be held, following the decision that the plan should be put to referendum (56 working days); and
- c) the time period to bring a neighbourhood plan into force after it has been approved in a referendum (8 weeks).

An extension to the time period under a) above was formally agreed with the parish council due to the time limit being unachievable as the Parish Council wished to for the Borough Council to pursue an amendment that was different to that recommended by the Examiner.

A formal decision on the Examiner's recommendations and the alternative proposed was made at Cabinet on 14<sup>th</sup> December 2017 and it was agreed that a referendum could be held. In the event of the referendum resulting in a positive result Cabinet delegated authority to the Head of Planning and Regeneration to formally make the plan part of the statutory development plan for Charnwood.

Following the successful Referendum on Thursday 8th February the plan should be made part of the development plan for the parish prior to 5<sup>th</sup> April 2018.

The Council must publish a decision statement notifying interested parties of the plans making and this is set out at Appendix 1.

#### Report Implications

The following implications have been identified for this report.

#### **Financial Implications**

The cost of producing neighbourhood plans falls mainly upon the neighbourhood planning group preparing the plan. The Borough Council provides support and advice to Neighbourhood Forums through existing resources and the arrangements for the examination and referendum are made and facilitated by the Council with the direct costs being met through grant funding drawn down from the Ministry for Housing Communities and Local Government (MHCLG). A neighbourhood area designation grant for £5,000 has been received for the Barrow upon Soar Neighbourhood Plan. The Council has received five designation grants but DCLG caps support at this stage at a maximum of five applications so the Council will not be able to receive any more funding for neighbourhood area designations in the future. Funding of £20,000 can be claimed once a referendum date has been set and can be used to pay for examination and referendum costs. This funding is to be claimed in the next available grant claim period

The cost of the referendum was approximately £3,000 and the cost of the examination was £4,568 Officer support costs have not been precisely calculated although nominally a figure of 20% of the Planning Policy team's time has been taken up by Neighbourhood Planning in recent months.

The Council must publicise and make the plan available for use as part of the development plan. The costs of this are limited to a small amount of photocopying and officer time (around half a day is anticipated), which can be met from the local plan budget.

### **Risk Management**

The risks associated with the delegated decision and proposed actions to mitigate those risks are set out in the table below.

Risk Identified	Likelihood	Impact	Risk Management Actions Planned
Council fails to make the neighbourhood development plan.	Possible	High	The Council would be in breach of their legal duty.

### *Equality and Diversity*

The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 help ensure that all groups within the community have participated in the preparation of the plan. The Examiner's Report confirms the neighbourhood plan has had regard to fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998 and there is no substantive evidence to the contrary. There are no equality and human rights implications arising from the recommendations in this report.

### *Sustainability*

The plan has been prepared with a presumption in favour of sustainable development. A Strategic Environmental Assessment/Habitats Regulation Assessment Screening Report has been undertaken, and has determined that it is unlikely that there will be any significant environmental effects arising from the Barrow upon Soar Neighbourhood Plan.

Key Decision: Yes

Background Papers:

[The Localism Act 2011](#)

[Town and Country Planning, England \(Referendums\) Regulations 2012](#) (SI 2012 No. 2031)

[Town and Country Planning, England, The Neighbourhood Planning \(General\) Regulations 2012](#) (SI 2012 No. 637)

[Barrow upon Soar Neighbourhood Plan Specified Documents](#)

[Decision under Delegated Powers \(DD92 13/14\) Barrow upon Soar Neighbourhood Area](#)

Officer to contact: Dave Pendle  
Group Leader Plans, Policies and Place,  
(01509) 634767  
[david.pendle@charnwood.gov.uk](mailto:david.pendle@charnwood.gov.uk)

## Appendix 1:



### **Barrow upon Soar Neighbourhood Plan – Decision Statement**

#### Summary

This Statement publicises the decision taken by Charnwood Borough Council to “make” the Barrow upon Soar Neighbourhood Plan as part of Charnwood Borough Council’s Development Plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

#### Background

On the 18<sup>th</sup> February 2014, Charnwood Borough Council designated Barrow upon Soar Parish as a Neighbourhood Area, for the purpose of preparing a neighbourhood plan, in accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended).

The qualifying body, Barrow upon Soar Parish Council, invited representations on a draft Neighbourhood Plan from the 13<sup>th</sup> June to the 25<sup>th</sup> July 2016. The draft Neighbourhood Plan was formally submitted to the Borough Council on the 20<sup>th</sup> February 2017. Following confirmation by the Borough Council that all the necessary material had been submitted, a further 6 week statutory consultation on the submission documents was undertaken by the Borough Council from the 10<sup>th</sup> March to the 21<sup>st</sup> April 2017.

After consultation with the Parish Council, the Borough Council appointed an independent Examiner to carry out an examination of the plan. The Examiner’s report was issued on 29<sup>th</sup> June 2017. This determined that the Barrow upon Soar Neighbourhood Plan met the basic conditions against which it was examined, subject to a number of proposed modifications, and recommended that the plan should proceed to referendum.

The Steering Group signalled that it was content with the examiner’s recommendations save for that in relation to Policy BuS15: Road Network. Following discussion between the Steering Group and officers from the Council, the parish council liaised with the highways authority and an alternative modification was proposed to the policy wording for BuS15: Road Network.

Further formal consultation with stakeholders was undertaken between the 5<sup>th</sup> October 2017 and 16<sup>th</sup> November 2017, and no concerns were raised with the revised policy wording for BuS15.

A decision was made at Cabinet on 14<sup>th</sup> December 2017 to accept the examiner's recommendation and the additional policy wording with regards to BuS15, and for the plan to proceed to referendum.

The Referendum for the Barrow upon Soar Neighbourhood Plan was held on Thursday 8th February. The referendum presented a single question upon which anybody registered to vote in the parish could answer 'yes' or 'no' to the following:

*Do you want Charnwood Borough Council to use the Neighbourhood Plan for Barrow upon Soar to help it decide planning applications in the neighbourhood area?*

All neighbourhood plans are required to gain a majority of 50% plus one in favour at a local referendum in order to be made by the local planning authority. A total of 21.7% of registered electors recorded votes. 999 votes were cast in favour of "Yes"; 56 votes were cast in favour of "No". It was declared by the Counting Officer that more than half of those voting had voted in favour of the Barrow upon Soar Neighbourhood Plan.

### Decision and Reasons

At the cabinet on 14<sup>th</sup> December 2017, it was agreed that in the event of the referendum resulting in agreement for the neighbourhood plan to be made, that authority be delegated to the Head of Planning and Regeneration to formally make the plan part of the statutory development plan for Charnwood, in accordance with the provisions of Section 38(A) (4) of the Planning and Compulsory Purchase Act 2004. As such this was formally resolved on xx March 2018.

### Barrow upon Soar Neighbourhood Plan

The Barrow upon Soar Neighbourhood Plan and associated documents are available to view on the Borough Council's website at:

<http://www.localplan.charnwood.gov.uk/content/index.php?id=130>

Paper copies are also available to view at:

Charnwood Borough Council Offices  
Southfield Road  
Loughborough

LE11 2TX

A handwritten signature in black ink, appearing to read 'R. Bennett', with a long horizontal flourish extending to the right.

Richard Bennett  
Head of Planning and Regeneration  
March 2018