

North East Derbyshire District Council

Cabinet

13 June 2019

Referendum and making of the Wessington Neighbourhood Plan

Report of Councillor Charlotte Cupit, Portfolio Holder for Environment

This report is public

Purpose of the Report

- To note the delegated decision of the Chief Executive that the Examiner's report on the Wessington Neighbourhood Plan (WNP) is accepted with no amendments, the recommended modifications are made and the Plan should proceed to referendum on 18 July.
- To note that the Chief Executive has delegated power following a successful referendum result in favour of the Wessington Neighbourhood Plan, to formally bring the Neighbourhood Plan into effect ('Made').

1 Report Details

Background

- 1.1 The Examiner's Report into Wessington Parish Council's Draft Neighbourhood Plan was received by the District Council on 8 April 2019. The Examiner recommended that the Wessington Neighbourhood Plan should proceed to a referendum subject to the modifications set out in his report. (Report available on the Council's web site).
- 1.2 The Council's decision on the Examiner's report would normally take place within 5 weeks of the report being received. Owing to recent elections and the timing of the report it was not possible to bring the decision to Cabinet. In addition, the Parish Council wished to see completion of the process and were very keen that a referendum takes place before the school holidays. Therefore the Chief Executive has exercised his delegated powers to decide on the Council's action. The Parish Council's patience over the process is appreciated.
- 1.3 The Council accepts all of the Examiners modifications without alteration and the Plan will proceed to referendum. The Council's Decision Statement, which sets out the examiner's recommended modifications along with the proposed Council responses, is available on the Council's web site.

Referendum Arrangements

- 1.4 The date for the Referendum is the **18 July 2019**. The Referendum Information Statement, with the final (referendum) version of the Plan, Decision Statement and other relevant documents were placed on the Council's website on **Monday 10 June**. The 'Notice of Referendum' will be published on **Wednesday 13 June**.
- 1.5 The Referendum will follow a similar format to an election. Electors will be issued with a ballot paper with the question 'Do you want North-East Derbyshire District Council to use the Neighbourhood Plan for Wessington to help it decide planning applications in the neighbourhood area?' a 'yes' or 'no' response.
- 1.6 If more than half of those voting in the referendum vote in favour, then the Neighbourhood Plan will immediately be included in the Development Plan for the Neighbourhood Plan Area and given weight in decisions on planning applications.

2 Conclusions and Reasons for Recommendation

- 2.1 The Chief Executive has determined under delegated powers that the Council decision is that, subject to the modifications set out in the Decision Notice, the Draft Neighbourhood Plan may proceed to referendum, to be held in the Parish of Wessington on **Thursday, 18 July 2019**.
- 2.2 In the event of a positive outcome to the referendum, the Plan also has to be formally 'made' by the District Council. It is proposed here that the Chief Executive in consultation with the Leader and Portfolio Holder for Environmental Health and Planning uses existing delegated powers to formally 'make' the Neighbourhood Plan within eight weeks of a successful referendum, unless there is any legal reason to prevent this.
- 2.3 There are no significant impacts or implications to the Cabinet decision; the action of 'making' the Plan is a formality and required by legislation.

3 Consultation and Equality Impact

- 3.1 Consultation with residents, businesses and other bodies with an interest in the Parish has been an integral part of the process and a consultation statement is required of the Parish, which has been examined both by the District Council and the Examiner. There is no requirement for an equality impact assessment of an individual Neighbourhood Plan

4 Alternative Options and Reasons for Rejection

- 4.1 There is no feasible alternative option as the action of 'making' the Plan is a formality and required by legislation.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 From April 2017, local planning authorities (LPAs) have been able to claim up to £20,000 (per plan) once they have set a date for a referendum following a successful

examination where a neighbourhood plan has not previously been made for that area. A claim for payment will need to be made within the relevant financial year, i.e. 2019/20, at a time yet to be determined by MHCLG. The costs of the Examination and Referendum will be the responsibility of the Local Planning Authority.

5.2 Legal Implications including Data Protection

5.2.1 These are set out in the report at paragraphs 1.4 – 1.6

5.3 Human Resources Implications

5.3.1 The planning support for current Neighbourhood Plans (NPs) demands significant resources accommodated within existing staffing arrangements. The Council's Planning Department, Electoral Services Team and Governance team are all involved at various stages.

6 Recommendations

6.1 That Cabinet notes the Chief Executive's delegated decision that the Examiner's report on the Wessington Neighbourhood Plan (WNP) is accepted with no amendments, the Examiner's recommended modifications are made and the Plan should proceed to referendum on 18th July.

6.2 That Cabinet note that the Chief Executive has existing delegated powers to make the plan if more than half of those voting in the referendum vote in favour of the Wessington Neighbourhood.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <i>Capital - £150,000</i> <i>NEDDC: Revenue - £100,000</i> <i>Capital - £250,000</i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>Has the relevant Portfolio Holder been informed</p>	Yes
<p>District Wards Affected</p>	Shirland (part)
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
N/A	
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<ol style="list-style-type: none"> 1) Report of the Examiner into the Wessington Neighbourhood Plan 2) Decision Notice on the Wessington Neighbourhood Plan, including schedule of recommendations and changes: www.ne-derbyshire.gov.uk/neighbourhood-planning 3) Delegated Decision on the Wessington Neighbourhood Plan 	
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