

COUNCIL

Agenda Item:

Wards: All

Portfolio: Planning and Growth

FROM: Cllr Nigel Woollcombe
Adams

Meeting Date:
12th December 2016

SUBJECT: Frome Neighbourhood Plan

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Report Sign off	Seen by:	Name	Date
	Legal	Lesley Dolan	11/11/2016
	Finance	Paul Deal	16/11/16
	Chief Executive Officer	Stuart Brown	25/11/16
	Group Manager	Ian Bowen	16/11/16
Summary:	<p>The Council has a statutory duty to support Neighbourhood Plans pursuant to Section 61G(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004) and the Neighbourhood Planning (General) Regulations 2012.</p> <p>Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan, meaning it will be a material consideration when considering development proposals.</p> <p>The Frome Neighbourhood Plan has now been successful at Referendum, with some 86% of voters voting in favour of the Plan. The Council is now required by law to 'make' the plan as soon as reasonably practicable in order for it to come into full legal force.</p>		
Recommendation:	Council is recommended to 'make' the Neighbourhood Plan for Frome pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.		
Direct and/or indirect impact on service delivery to our customers and communities	Neighbourhood Planning enables communities to have more influence in planning the development of their area.		
Financial Implications:	No significant financial implications arising from this report.		
Legal Implications:	The Council has a statutory duty to support Neighbourhood Plans		

	<p>pursuant to Section 61G(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004) and the Neighbourhood Planning (General) Regulations 2012. This includes making a decision on a Plan Proposal as outlined in Regulation 18. The Council could be challenged if a Plan is made that does not meet the requirements of the Act and the Regulations.</p> <p>The Plan, as modified by the Examiner, is considered to meet the Basic Conditions and all relevant legal and procedural requirements and this is supported in the Examiner's Report. Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to make the Plan if more than half of those voting in the referendum vote in favour of the Plan being used to help decide planning applications in the area.</p>
Crime and Disorder Implications:	N/A
Equalities Implications:	Public participation must inform a Neighbourhood Plan's production and consultation undertaken in line with the appropriate statutory regulations.
Risk Assessment and Adverse Impact on Corporate Actions:	Not 'making' the Plan following the successful referendum result would put the Council at risk of being in breach of the requirements of the Regulations pursuant to Section 61G(5) of the Town and Country Planning Act 1990 as applied to Neighbourhood Plans by Section 38A of the Planning and Compulsory Purchase Act 2004) and the Neighbourhood Planning (General) Regulations 2012.

INTRODUCTION

Once a Neighbourhood Plan has successfully passed all of the stages of preparation, including an Examination and Referendum, it is 'made' by the local planning authority and forms part of the authority's Development Plan, meaning it will be a material consideration when considering development proposals.

BACKGROUND

The Frome Neighbourhood Plan (also known as "A Neighbourhood Plan for Frome") has been prepared and submitted to Frome Town Council (FTC). The Town Council engaged the community in its preparation using a wide range of consultation methods.

Following the Plan's formal submission, it was published for consultation in accordance with the Regulations between Monday 10th November and Tuesday 23rd December 2014. In light of representations received during this period, Frome Town Council subsequently submitted a number of proposed minor modifications, a revised Neighbourhood Plan containing these changes and a response to the representation made by Mendip District Council.

The Council appointed an independent, experienced and suitably qualified examiner, Janet Cheesley to examine the Frome Neighbourhood Plan. All of the comments received at the Regulation 16 publication stage were passed on to the Examiner and considered a part of the examination. The Examiner's Report concluded that the Plan, as modified in line with the Examiner's recommendations, should proceed to referendum.

The Examiner's Report, Neighbourhood Plan for Frome and associated submission are available on the Council's website: <http://www.mendip.gov.uk/fromeneighbourhoodplan> . Hard copies are available for public inspection in the District and Town Council Offices and copies will also be placed in the Members' Room.

A referendum on the Plan was held in Frome on the 20th October 2016 and residents voted overwhelmingly in favour of using the Neighbourhood Plan for Frome to help it decide planning applications in the neighbourhood area. A total of 3631 people voted (a turnout of 17.9%) and over 86% voted "yes". The Frome Neighbourhood Plan now needs to be formally "made" by the District Council to come into full legal force.

OPTIONS CONSIDERED

Once a Plan has been supported by a majority of those voting following a referendum, the Council has no other option than to 'make' the Plan under section 38A (A)(4) of the Planning and Compulsory Purchase Act 2004. The Council is not subject to this duty if (and only if) the making of the plan would breach, or otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The neighbourhood plan, including in 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).

There are therefore no options open to the Council other than to 'make' the plan so that it will form part of the Development Plan for the district of Mendip.

RECOMMENDATION

Council is recommended to 'make' the Neighbourhood Plan for Frome pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.

REASONS FOR RECOMMENDATION

Having passed the referendum stage, the Council is required by law to 'make' the plan as soon as reasonably practicable after the referendum has been held.

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List of background Papers:

The Examiner's Report, Neighbourhood Plan for Frome and associated submission documents are too large to append in full, but are available on the Council's website: <http://www.mendip.gov.uk/fromeneighbourhoodplan> . Hard copies are available for public inspection in the District and Town Council Offices and copies will also be placed in the Members' Room.