

**Wards:** Rode

**Portfolio:** Planning and Growth

**FROM:** Cllr Nigel Woollcombe  
Adams

**Meeting Date:**  
7 August 2017

**SUBJECT: Rode Neighbourhood Plan**

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<b>Report Sign off</b>	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	Chief Executive/ Deputy Chief Executive(s)	Tracy Aarons	19/07/17
	Legal	Martin Evans	21/07/17
	Finance	Duncan Moss	20/07/17
	Group Manager	Ian Bowen	19/07/17
	Portfolio Holder	Cllr Woollcombe Adams	19/07/17
<b>Summary:</b>	<p>The Council has a statutory duty to support Neighbourhood Plans pursuant to <a href="#">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</a>) and the <a href="#">Neighbourhood Planning (General) Regulations 2012</a> as amended 2014, 2015 and 2016.</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 Rode Neighbourhood Plan has now been successful at Referendum, with some 80% of voters voting in favour of the Plan. The Council is now required to 'make' the plan within 8 weeks. The plan will become part of the development plan from 19<sup>th</sup> July 2017.</p>		
<b>Recommendation:</b>	Cabinet is recommended to 'make' the Rode Neighbourhood Plan pursuant to the provisions of section 38(A)(4) of the Planning and Compulsory Purchase Act 2004.		
<b>Direct and/or indirect impact on service delivery to our customers and communities</b>	Neighbourhood Planning enables communities to have more influence in planning the development of their area.		
<b>Financial Implications:</b>	No significant financial implications arising from this report.		

<p><b>Legal Implications:</b></p>	<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 as amended. 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.</p> <p>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> <p>A change in the regulations introduced on 19<sup>th</sup> July 2017 means that the plan will have the status of being part of the development plan from that day.</p>
<p><b>Crime and Disorder Implications:</b></p>	<p>N/A</p>
<p><b>Equalities Implications:</b></p>	<p>Public participation must inform a Neighbourhood Plan's production and consultation must be undertaken in line with the appropriate statutory regulations.</p>
<p><b>Risk Assessment and Adverse Impact on Corporate Actions:</b></p>	<p>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 as amended.</p>

## **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 Rode Neighbourhood Plan has been prepared and submitted by the Rode Neighbourhood Plan Group on behalf of Rode Parish Council who are the "qualifying body". The Neighbourhood Plan Group engaged the community in its preparation using a variety of consultation methods.

Following the Plan's formal submission, it was published for consultation in accordance with Regulation 16, between Thursday 1<sup>st</sup> September and Friday 14<sup>th</sup> October 2016

The Council appointed an independent, experienced and suitably qualified examiner, Ann Skippers, to examine the Rode 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, Rode Neighbourhood Plan and associated submissions are available on the Council's website <http://www.mendip.gov.uk/neighbourhoodplanning>.

A referendum on the Plan was held in Rode on the 18th July 2017 and residents voted overwhelmingly in favour of using the Neighbourhood Plan to help it decide planning applications in the neighbourhood area.

A total of 427 people voted (a turnout of 49%) and 80% voted "yes". The Rode Neighbourhood Plan now needs to be formally "made" by the District Council to come into full legal force.

At its meeting on 17<sup>th</sup> May 2017 Council agreed a change to the Council's scheme of delegation to allow Cabinet to execute the function of "making" neighbourhood plans.

A change to the regulations which commenced on 19<sup>th</sup> July provides for a neighbourhood plan to become part of the development plan for that area immediately after it is approved in the referendum and prior to the Council "making" the plan.

## **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**

Cabinet is recommended to 'make' the Rode Neighbourhood Plan 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 to 'make' the plan within 8 weeks after the referendum has been held.

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### **List of background Papers:**

The Examiner's Report, Rode Neighbourhood Plan and associated submission documents are available on the Council's website  
<http://www.mendip.gov.uk/neighbourhoodplanning>