

Meeting:	Council
Meeting date:	20 May 2016
Title of report:	Adoption of the Weston-under-Penyard neighbourhood development plan, adoption of the countywide policies map and delegation of future neighbourhood development plans to cabinet member infrastructure
Report by:	Cabinet member infrastructure

Classification

Open

Key decision

This is not an executive decision.

Wards affected

Countywide

Purpose

To adopt the Weston-under-Penyard neighbourhood development plan as part of the statutory development plan for Herefordshire; to adopt the policies map which accompanies the Herefordshire local plan together with the required consequential amendments in connection with the adoption of the Weston-under-Penyard neighbourhood plan; and to approve arrangements for future efficient adoption of future neighbourhood development plans and policies map amendments.

Recommendation(s)

THAT:

- (a) to ‘make’ the Weston-under-Penyard neighbourhood development plan (see link at paragraph 14 in the report below) and adopt as part of the statutory development plan for Herefordshire;**
- (b) the Herefordshire local plan policies map (see link at paragraph 16 in the report below) be adopted; and**
- (c) authority be delegated to the cabinet member infrastructure to undertake future adoption of neighbourhood development plans, and to approve any consequential amendments to the countywide policies map.**

Alternative options

- 1 There are no alternative options to recommendation (a) of the report, as the council is required to 'make'/adopt the Weston-under-Penyard neighbourhood development plan, following the positive local referendum result on 4 February 2016, under the relevant provisions of the Neighbourhood Planning (General) Regulations 2012.
- 2 There are no alternatives to adoption of the countywide policies map, as this is simply a visual depiction of the geographical spread of agreed policies as required by statutory regulations.
- 3 Council may choose not to delegate formal adoption of neighbourhood development plans; this is not recommended because the council is legally required to adopt plans, without amendment, once they have been subject to a successful referendum. The anticipated number of neighbourhood development plans requiring such adoption would result in a high volume of such reports being presented to Council and, given the frequency of Council meetings, delay such adoptions unnecessarily.

Reasons for recommendations

- 4 To fulfil the legal duty to make/adopt the Weston-under-Penyard neighbourhood development plan and the countywide policies map, as part of the statutory development plan for Herefordshire, and agree efficient transparent arrangements for future decisions making.

Key considerations

- 5 The relevant provisions of the Localism Act 2011 introduced new powers to allow local communities to prepare neighbourhood development plans and shape future development within their area. Herefordshire has positively supported communities to be involved in producing a neighbourhood development plan and currently has the greatest number being produced in a local authority area within England. One of the additional benefits of the adoption of such plans is that the community will benefit from 25 percent of the revenues from the Community Infrastructure Levy (CIL) arising in their area, The council are proposing to introduce CILs in the future
- 6 There are currently 97 plans being produced in Herefordshire by parish councils and their local communities. These neighbourhood development plans will provide more locally detailed policies to support the delivery of the Herefordshire Local Plan – Core Strategy and guide development within the local parish until 2031.
- 7 All neighbourhood development plans are required to be legally compliant and meet a set of requirements referred to as 'the basic conditions', these are that they:
 - 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 contained in the development plans for the area (Herefordshire Local Plan - Core Strategy);
 - do no breach, and be otherwise compatible with, EU obligations;
 - not be likely to have a significant effect on a European site either alone or in combinations with other plans or projects.

- 8 The neighbourhood area of Weston-under-Penyard was designated on 7 November 2013; this follows the administrative boundary of Weston-under-Penyard parish. The Weston-under-Penyard neighbourhood development plan was prepared by Weston-under-Penyard Parish Council, with assistance of a steering group and the local community.
- 9 The Weston-under-Penyard plan contains 5 objectives, and 24 policies, to guide future development within the parish. The plan contains two housing site allocations, a settlement boundary for the settlement of Weston-under-Penyard and a criteria based policy for Pontshill. Both these settlements are indicated within the local plan for proportional growth under policy RA2.
- 10 The plan was submitted to Herefordshire Council on 30 July 2015 and publicised under the provisions of regulation 16 of the Neighbourhood Planning (General) Regulations 2012. This consultation period took place between 4 August and 16 September 2015, where representations were invited. 11 in total were received.
- 11 On 3 November 2015, Mr Christopher Collison BA (Hons) MBA MRTPI MIED MCME IHBC was appointed by Herefordshire Council, with consent of the parish council, to undertake the independent examination of the Weston-under-Penyard neighbourhood development plan. The examiner was appointed via the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) set up in 2013 to enable Local Planning Authorities to source independent examiners.
- 12 The examiner's report concluded that, subject to making minor recommended modifications, the neighbourhood development plan met the 'basic conditions' and should proceed to a local referendum. On 15 December 2015, the 'Decision Statement'; a report outlining the examiner's modifications, and confirming that the plan can proceed to local referendum, was published.
- 13 All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum, in order to be 'made'/ adopted by the local planning authority. If the plan received a positive result, then the local planning authority have a legal duty to bring the plan into force.
- 14 A referendum was held on the 4 February 2016. 39.21% of the electorate voted within the referendum and the results were are follows:

Question in referendum	Number of Votes	
	Yes	No
Do you want Herefordshire Council to use the neighbourhood plan for Weston-under-Penyard to help it decide planning applications in the neighbourhood area?	317	12
96% of those voting have voted in favour of the Weston-under-Penyard neighbourhood development plan.		

The final plan is available at:

<https://www.herefordshire.gov.uk/media/8060249/post-examination-version-december-2015.pdf>

- 15 On adoption of the Weston-under-Penyard neighbourhood development plan, there will also be a requirement to update the countywide policies map which accompanies the local plan. The policies map illustrates geographically the application of the policies in the adopted development plan for the county. The adoption of the policies map is to ensure compliance with the provisions of paragraph 9 of the Town and County (Local Planning) (England) Regulations 2012.
- 16 The update to the policies map will reflect the range of statutory development plan policies set out in both the local plan and the Weston-under-Penyard neighbourhood development plan for the parish of Weston-under-Penyard. Such updates to the policies map are likely to be required each time a neighbourhood development plan is adopted. The updated countywide policies map is available at:
https://www.herefordshire.gov.uk/media/8060489/core_strategy_policies_map.pdf
- 17 A substantial number of neighbourhood development plans are being produced within Herefordshire, with a legal duty to adopt them, following a positive local referendum result. This report is therefore seeking agreement that final approval to make/adopt the neighbourhood development plans, and any consequential changes required to the policies map, can be delegated to the Cabinet Member – Infrastructure. A regular update report will be presented to council, outlining the neighbourhood development plans local referendum results, and date of their adoption within the period.

Community impact

- 18 The Weston-under-Penyard neighbourhood development plan has been produced by the parish council with assistance from the local community. The examiner commented that a thorough and comprehensive approach had been adopted by the steering group, and recorded within a consultation statement, which is available on the parish council website. Consultation events were held in July and December 2014, with a draft plan consultation being undertaken in June 2015. Questionnaires received a 72% response rate.
- 19 Community support has also been demonstrated for the plan during the referendum which yielded a higher than national average turnout and in favour vote for neighbourhood planning referendum across the country.
- 20 The adoption of the Weston-under-Penyard neighbourhood development plan will have a positive impact on the local community. The policies and proposals they have helped to develop over the past two years will become statutory planning policy for the area.

Equality duty

- 21 There are no direct implications on equality within this report. The neighbourhood development plan has been subject to a requirement within the 'basic conditions' not to breach any EU obligations or any Human Right obligations. This was tested at the independent examination.

Financial implications

- 22 There are no further financial implications as a result of adopting the plan. The local planning authority is responsible for financing the independent examination and

referendum of each neighbourhood development plan. This is funded by a grant from central government.

Legal implications

- 23 Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under the provisions of section 38A(4) Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive local referendum result in favour of the plan being used in the determination of planning applications. Therefore to not make/adopt the Weston-under-Penyard neighbourhood development plan would be in breach of these statutory provisions.
- 24 The countywide policies map illustrates geographically the application of the policies in the adopted development plan. The adoption of the policies map is to ensure compliance with the provisions of paragraph 9 Town and Country (Local Planning) (England) Regulations 2012.
- 25 In accordance with the provisions of regulation 19 of the Neighbourhood Planning (General) Regulations 2012, once the neighbourhood plan is formally made by the council, a “decision statement”, setting out the decision to make the plan and their reasons for it, is required be published on the council’s website, and elsewhere if its considered necessary, to publicise such decision to those who live and work in the neighbourhood area

Risk management

- 26 The risks of not approving this neighbourhood development plan would mean that the council would be in breach of their legal duty.

Consultees

- 27 The Weston-under-Penyard neighbourhood plan itself has been subject to extensive consultation during its production.

Appendices

None

Background papers

None identified.