
Decision maker:	Cabinet member: Infrastructure
Decision date:	30 March 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 plan adoptions to cabinet member infrastructure
Report by:	Neighbourhood planning team leader

Classification

Open

Key Decision

This is a key decision because it is likely to be significant in terms of its effect on communities living or working in an area comprising one or more wards in the county.

Notice has been served in accordance with Part 3, Section 10 (General Exception) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) Regulations 2012.

Wards Affected

Penyard

Purpose

To recommend the Weston-under-Penyard neighbourhood development plan to council for adoption as part of the statutory development plan for Herefordshire; to recommend to Council the adoption of 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 recommend to Council arrangements for efficient adoption of future neighbourhood development plans and policies map amendments

Recommendation(s)

THAT:

- (a) to recommend the Weston-under-Penyard neighbourhood development plan to council for adoption as part of the statutory development plan for Herefordshire;**
- (b) to adopt the Herefordshire Local Plan policies map; and**
- (c) to delegate future adoption of neighbourhood development plans and any consequential amendments to the countywide policies map to the cabinet member – infrastructure.**

Alternative options

- 1 There are no alternative options to recommendation (a) as the council is required to 'make'/adopted the Weston-under-Penyard neighbourhood development plan following the positive referendum result on 4 February 2016 under the Neighbourhood Planning (General) Regulations 2012.
- 2 There is 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 recommend 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 report 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, and agree efficient transparent arrangements for future decisions making.

Key considerations

- 5 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.
- 6 There are currently 96 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 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 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.
- 12 The examiner’s report concluded that subject to making the minor modifications recommended, the neighbourhood development plan meets the ‘basic conditions’ and should proceed to a referendum. On 15 December, the ‘Decision Statement’; a report outlining the examiner’s modifications and confirming that the plan can proceed to 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 as 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/planning-and-building-control/neighbourhood-planning/draft-plans-regulation-14-and-submitted-plans-regulation-16/weston-under-penyard-examination>

- 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. This 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 paragraph 9 of the Local Planning 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/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>
- 17 A substantial number of neighbourhood development plans are being produced within Herefordshire and the legal duty to adopt them following a positive 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 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 2 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 Rights 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 Under section 38A (4) of the Planning and Compensation Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. Therefore to not make/adopt the Weston-under-Penyard neighbourhood development plan would be in breach of the Act.
- 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 paragraph 9 of the Local Planning Regulations 2012.

Risk management

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

Consultees

- 26 None in relation to this report. The Weston-under-Penyard neighbourhood development plan itself has been subject to extensive consultation during its production.

Appendices

Appendix 1 - Weston under Penyard Neighbourhood Development Plan

Appendix 2 - Countywide policies map

Background papers

None identified