

## APPENDIX 1

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REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES	AGENDA ITEM:
DATE OF MEETING:	31 <sup>st</sup> MAY 2018	CATEGORY: RECOMMENDED
REPORT FROM:	STRATEGIC DIRECTOR (SERVICE DELIVERY)	OPEN
MEMBERS' CONTACT POINT:	IAN HEY (01283 228741) <a href="mailto:ian.hey@south-derbys.gov.uk">ian.hey@south-derbys.gov.uk</a>	DOC:
SUBJECT:	REPTON NEIGHBOURHOOD DEVELOPMENT PLAN	REF:
WARD(S) AFFECTED:	REPTON	TERMS OF REFERENCE: HCS

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### 1.0 Recommendations

- 1.1 That Members consider the Repton Neighbourhood Development Plan together with the Examiners Report and recommended changes.
- 1.2 That Members agree to the recommended changes identified by the independent Examiner.
- 1.3 That Members agree to the amended Repton Neighbourhood Development plan proceeding to Full Council to consider taking to the plan to referendum.

### 2.0 Purpose of Report

- 2.1 This report enables Members to review the plan in light of the independent examiners report and if satisfied recommending that it proceeds to Full Council to consider taking to the plan to referendum.
- 2.2 It confirms that the community of Repton has prepared a draft neighbourhood development plan. This has been submitted by Repton Parish Council to South Derbyshire District Council as the Local Planning Authority (LPA) with supporting documents.
- 2.3 It identifies that an independent Examiner was appointed and has now made recommendations as to changes that would need to be made to the Plan to allow it to proceed to referendum.
- 2.4 South Derbyshire District Council (SDDC) as the LPA is now required to decide whether to accept the Examiner's Report including any proposed modifications to the Plan.
- 2.5 As soon as possible after considering the Examiner's recommendations and deciding to take forward the neighbourhood plan the LPA must publish its

decisions in a Decision Statement, Town & Country Planning Act 1990, schedule 4B para 12.

- 2.6 If the Plan and the recommended changes are taken to and agreed at Full Council on 28<sup>th</sup> June 2018 the process will progress to a referendum.
- 2.7 The guidelines from the LGA regarding Regulation 17 identify that with a referendum, for all cases (other than businesses) at least 28 days (not including weekends, bank holidays or days of public thanksgiving) before the referendum itself the proper officer of the Council must ensure that the information statement and specified documents are to be published on the website. The information must remain available throughout the period of the referendum.

### **3.0 Detail**

- 3.1 Neighbourhood development plans were introduced by the Localism Act 2011.

#### **What is neighbourhood planning?**

- 3.2 Neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. They are able to choose where they want new homes, shops and offices to be built, have their say on what those new buildings should look like and what infrastructure should be provided. Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community where the ambition of the neighbourhood is aligned with the strategic needs and priorities of the wider local area.

#### **What can communities use neighbourhood planning for?**

- 3.3 Local communities can choose to set planning policies through a neighbourhood plan that is used in determining planning applications.

Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use.

#### **What are the benefits to a community of developing a neighbourhood plan?**

- 3.4 Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because unlike the parish, village or town plans that communities may have prepared, a neighbourhood plan forms part of the development plan and sits alongside the Local Plan prepared by the LPA. Decisions on planning applications will be made using both the Local Plan and the neighbourhood plan and any other material considerations.

Neighbourhood planning provides the opportunity for communities to set out a positive vision for how they want their community to develop over the next 10, 15, 20 years in ways that meet identified local need and make sense for local

people. They can put in place planning policies that will help deliver that vision or grant planning permission for the development they want to see.

### **Must a community ensure its neighbourhood plan is deliverable?**

- 3.5 If the policies and proposals are to be implemented as the community intended a neighbourhood plan needs to be deliverable. The National Planning Policy Framework requires that the sites and the scale of development identified in a plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

### **Does a neighbourhood plan have the same legal status as the Local Plan?**

- 3.6 A neighbourhood plan attains the same legal status as the Local Plan once it has been approved at a referendum. At this point it comes into force as part of the statutory development plan. Applications for planning permission must be determined in accordance with the development plan.
- 3.7 The draft Repton Neighbourhood Development Plan has been submitted by Repton Parish Council. This plan meets the basic conditions of the 1990 Act Schedule 4B in that:
- Repton Parish Council is authorised to act.
  - Rules for submission have been complied with.
  - The draft plan meets the definition of a neighbourhood plan.
  - The draft plan meets the scope of the NDP provisions, and

The correct procedures in relation to consultation and publicity have been undertaken.

- 3.8 The Council has undertaken appropriate Regulation 16 publicity via the SDDC web site, giving details of the plan, where it could be inspected and how representations could be made.
- 3.9 Following the Regulation 16 publicity an independent examiner was appointed in accordance with the Town and Country Planning Act 1990 and the plan was submitted for examination in accordance with Regulation 17.
- 3.10 In their report the Examiner is only able to recommend:
- The draft plan is submitted to referendum
  - That modifications are made as specified in the report and that the draft report as modified is submitted to referendum, or
  - The proposal is refused.
- 3.11 The report from the Examiner, attached at appendix B, recommended that the draft plan be submitted to referendum with modifications.
- 3.12 Repton Parish Council has received a copy of the Examiner's report with the Examiner's identified modifications. It has been confirmed that the report is accepted and that they wish to proceed to referendum.

- 3.13 The Examiner cannot recommend that the draft report goes to referendum if it does not meet the basic conditions or comply with the definition of a neighbourhood development plan.
- 3.14 Officers have reviewed the draft plan and the Examiner's report and consider that the draft meets all of the conditions within the 1990 Act and that it would be appropriate to proceed to referendum.
- 3.15 Members are asked to consider the plan (appendix A) and the Examiner's recommendations (Report - Appendix B) Further to this they are asked to confirm the modifications identified and agree to take the draft plan to referendum.
- 3.16 As soon as possible after considering the examiners recommendations and deciding to take forward the draft neighbourhood plan the Local Planning Authority must publish its decisions in a Decision Statement, Town & Country Planning Act 1990, schedule 4B para 12.
- 3.17 Rules covering the polls for the referendum are contained in the Neighbourhood Planning (Referendum) Regulations 2012 (as amended by the Neighbourhood Planning (Referendum) (Amendment) Regulations 2013 and the Neighbourhood Planning (Prescribed Dates) Regulations 2012.

#### **4.0 Financial Implications**

- 4.1 Costs of the referendum are initially met by the Council. Following the poll a fixed grant of can be claimed from the Department of Communities and Local Government to defray the costs.

#### **5.0 Corporate Implications**

- 5.1 There are no other legal, personnel or other corporate implications apart from any covered in the report.

#### **6.0 Community Implications**

- 6.1 The draft neighbourhood plan has been prepared by Repton Parish Council involving volunteers from the local community. This community involvement is encouraged by the 2011 Localism Act.
- 6.2 Taking the draft report to referendum will allow the people of Repton ward to be directly involved in setting policy for local planning decisions.

#### **7.0 Background Papers**

Appendix 1- Repton Neighbourhood Development Plan

Appendix 2- Repton Neighbourhood Development Plan- Independent Examiners Report

