

## Newcastle-under-Lyme Borough Council

### Head of Planning and Development Decision Report

**Date:** 15<sup>th</sup> February 2019

**Report Title:** Loggerheads Neighbourhood Development Plan: Decision to Make the Neighbourhood Plan after Referendum

**Portfolio Holder:** Councillor Paul Northcott, Portfolio Holder for Planning and Growth

**Decision maker:** Head of Planning as authorised by Executive Director, Regeneration and Development, in consultation with the most appropriate Cabinet Member, the Council Leader, (noting that the Portfolio Holder for Planning and Growth is also a Ward Councillor).

**Ward(s):** Loggerheads

**Ward Councillors:** Councillor Paul Northcott, Councillor Barry Panter

**Decision status:** To note the results of the referendum and agree to 'Make' the Loggerheads Neighbourhood Plan.

This report relates to the preparation the Loggerheads Neighbourhood Plan (the 'Neighbourhood Plan') which was subject to referendum on 10 January 2019 where it received a majority Yes vote. The Borough Council now has to formally 'make' the Neighbourhood Plan in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004..

The Loggerheads Neighbourhood Plan now forms part of the Development Plan and its policies will be given the weight to be accorded to part of the Development Plan when assessing planning applications that affect land covered by the Neighbourhood Plan.

#### **Reasons for Decision:**

The Examiner's report recommended modifications the Neighbourhood Plan, considered it met the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, and was compatible with EU obligations and the Convention of rights and complies with relevant provisions made by or under Sections 38A and 38B of the Planning and Compulsory Act 2004 (as amended).

The referendum held on 10 January 2019 met the requirements of the Localism Act 2011. It was held in the referendum area, consisting of the parish of Loggerheads and posed the question "Do you want Newcastle-under-Lyme Borough Council to use the Neighbourhood Plan for Loggerheads to help it decide planning applications in the neighbourhood area?"

The count took place on 10 January 2019 and greater than 50% of those who voted were in favour of the Neighbourhood Plan being used to help decide planning applications in the neighbourhood area. The results of the referendum were as follows:

Response	Votes	Percent of Total
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YES	807	91%
NO	79	8.9%
Turnout	24.9%	

1 ballot paper was returned as "unmarked or void for uncertainty"

Newcastle-under-Lyme Borough Council has assessed that the Neighbourhood Plan including 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). In accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 the Council must now make the Neighbourhood Plan.

## Background

1. The Loggerheads Neighbourhood Plan Area is situated in the southern part of the Borough and comprises the parish area of Loggerheads. The preparation of the Neighbourhood Plan began in 2015 and the neighbourhood area was designated on 16 September 2015 as an area for the purpose of preparing a neighbourhood plan in accordance with section 61G of the Town and Country Planning Act 1990 (as amended).
2. Between September 2015 and June 2018 the Neighbourhood Plan has been subject to further consultation and engagement with the local community. Consultation is a legal requirement of the neighbourhood planning process and has taken place throughout the preparation of the Neighbourhood Plan with multiple opportunities for the community and interested parties to participate in its development.
3. The final Neighbourhood Plan and its supporting documents were submitted to Newcastle-under-Lyme Borough Council in May 2018.
4. Newcastle-under-Lyme Borough Council undertook the required publicity between 8 May 2018 and 19 June 2018. Relevant consultees, residents and other interested parties were provided with information about the submitted Neighbourhood Plan and were given the opportunity to submit comments to the Examiner.
5. The Borough Council appointed Christopher Collison BA (Hons) MBA MRTPI MIED MCMI IHBC as the independent examiner of the Neighbourhood Plan to consider whether it complied with various legislative requirements and met the set of "Basic Conditions".
6. The Examiner's report was received on 6 November 2018. It contained his findings on legal and procedural matters and his assessment of the Neighbourhood Plan against the Basic Conditions and Convention rights. Overall it concluded that the Neighbourhood Plan did comply with the Basic Conditions and other statutory requirements and that, subject to his recommended modifications, it could proceed to a referendum.
7. A referendum was held on 10 January 2019 and 91% of those who voted were in favour of the Neighbourhood Plan being used by Newcastle-under-Lyme Borough Council to help it decide planning applications in the neighbourhood area. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004, as amended, requires that the Council 'make' the Neighbourhood Plan if more than half those voting have voted in favour of it. The Council are not subject to this duty if making the Neighbourhood Plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention Rights (within the meaning of the Human Rights Act 1998).