

Burntwood Neighbourhood Plan Final Decision Statement

Report of the Cabinet Member for Economic Development and Local Plan, Parks & Leisure
Councillor I. Eadie



Date:	8 June 2021
Agenda Item:	4
Contact Officer:	Patrick Jervis
Tel Number:	01543 308196
Email:	Patrick.jervis@lichfielddc.gov.uk
Key Decision?	YES
Local Ward Members	All Burntwood ward members

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Burntwood which has recently been subject to referendum. The Burntwood Neighbourhood Plan received a majority 'Yes' vote at its referendum held on 6 May 2021. The District Council now has to formally 'make' the Burntwood Neighbourhood Plan, following which it will form a part of the Development Plan in Lichfield District.

2. Recommendations

- 2.1 That cabinet notes the results of the referendum for the Burntwood Neighbourhood Plan as presented at paragraph 3.3 of this report.
- 2.2 That the Cabinet agrees to the making of the Burntwood Neighbourhood Plan and that this decision is reported to Full Council.

3. Background

- 3.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents.
- 3.2 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to a referendum. The referendum was held in accordance with the Neighbourhood Planning (Referendum) Regulations 2012. All those eligible to vote in the Burntwood Neighbourhood Area voted Yes or No to the following question, "Do you want Lichfield District Council to use the Neighbourhood Plan for Burntwood to help it decide planning applications in the Neighbourhood Area?" If the majority (50% +1) of the turnout vote in favour the Local Planning Authority (Lichfield District Council) must make the Neighbourhood Plan.
- 3.3 The referendum for Burntwood was held on 6 May 2021, this follows the postponement of the referendum in May 2020 due to the Coronavirus (Covid-19) pandemic. The Burntwood Neighbourhood Plan referendum received a turnout of 28.3%, with 4482 (76%) votes in favour and 1408 (24%) votes against the making of the Neighbourhood Plan.
- 3.4 The 2012 Regulations require that upon the completion of the referendum the Local Planning Authority is required to publish a 'Decision Statement' on their website. This Decision Statement will state that the Neighbourhood Plan has been successful at referendum and will now be 'made', and will

form a part of the Development Plan for Lichfield District. A proposed Decision Statement in respect of the Burntwood Neighbourhood Plan is attached at **Appendix A**.

- 3.5 The Cabinet is asked to note the referendum results set out at paragraph 3.3 of this report and the Decision Statement and agree to the making of the Burntwood Neighbourhood Plan. The Burntwood Neighbourhood Plan is attached at **Appendix B**. The decision of the Cabinet will then need to be endorsed by Full Council.
- 3.6 Subject to a decision to make the Neighbourhood, the District Council will need to publish the Decision Statement online, and provide the Decision Statement to the Qualifying Body (Burntwood Town Council) and any other stakeholder who has requested to be notified of the decision. The Neighbourhood Plan will form a part of the Development Plan for Lichfield District and will be used in determining planning applications. The made Neighbourhood Plan will be published online and the prescribed persons will be notified.
- 3.7 The Burntwood Neighbourhood Plan has been examined against the adopted Local Plan for Lichfield District. Members will be aware of the continued progress of the Local Plan 2040 (formerly Local Plan Review) which was most recently reported to Cabinet in February 2021. Once adopted the Local Plan 2040 will replace the adopted local plan. Should policies within the neighbourhood plan conflict with policies within the Local Plan 2040 (once adopted), and/or any subsequent adopted development plan document or area action plan, then the most recently adopted plan would have greater weight in decision-making on planning applications.

Alternative Options	<ol style="list-style-type: none"> 1. The Lichfield District Council refuses to make the Neighbourhood Plan. The Council can only do this if it considers this would breach, or be incompatible with any EU Obligation or any of the Convention Rights. 2. Following the making of the Neighbourhood Plan, Lichfield District Council can decide to modify or revoke the Neighbourhood Plan, in line with the Regulations.
Consultation	<ol style="list-style-type: none"> 1. In line with the Regulations the Neighbourhood Plan has been through numerous consultation periods. A Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process was provided by the Qualifying Body (Burntwood Town Council) as part of their Neighbourhood Plan Submission Documentation. 2. The Neighbourhood Plan Referendum was publicised according to the Neighbourhood Planning (Referendum) Regulations 2012.
Financial Implications	<ol style="list-style-type: none"> 1. The Government has made grant aid available to District Councils in recognition of the level of resourcing required in the administration of Neighbourhood Plans. 2. Communities with Neighbourhood Plans in place will be entitled to 25% of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15%.
Contribution to the Delivery of the Strategic Plan	<ol style="list-style-type: none"> 1. The Neighbourhood Plan demonstrates that it is in broad conformity with the Local Plan Strategy (2015) and Local Plan Allocations (2019) which conform with the Strategic Plan.

Equality, Diversity and Human Rights Implications	<ol style="list-style-type: none"> 1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community and covers human rights matters. 2. The Neighbourhood Planning (Referendum) Regulations 2012 ensure that all those eligible were entitled to vote in the referendums. <p>Equality Impact Assessments (EqIA) have been completed for the Fradley Neighbourhood Plan and is attached at Appendix C.</p>
Crime & Safety Issues	<ol style="list-style-type: none"> 1. Crime and community safety issues may be considered as part of the Neighbourhood Plans.
Environmental Impact	<ol style="list-style-type: none"> 1. The Council is required to assess the environmental impacts of any plan which it produces. Accordingly, a Strategic Environmental Assessment and Habitat Regulations Assessment Scoping report was undertaken on the Burntwood Neighbourhood Plan. 2. The independent examination of the Burntwood Neighbourhood Plan considered evidence including the aforementioned scoping report and considered this compliant with European legislation.
GDPR/Privacy Impact Assessment	<ol style="list-style-type: none"> 1. A Privacy Impact Assessment has been undertaken.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Qualifying Body propose the replacement of the Neighbourhood Plan.	Ensure the Qualifying Body produce the replacement Neighbourhood Plan in accordance to the Neighbourhood Planning (General) Regulations 2012.	Green
B	Lichfield District Council decide to modify the made Neighbourhood Plan.	Lichfield District Council in line with the Regulations will seek the permission of Qualifying Body before modifying the Neighbourhood Plan, and will carry out the process in accordance with the Regulations.	Green
C	Lichfield District Council decide to revoke the made Neighbourhood Plan.	Lichfield District Council will gain permission from the Secretary of State before revoking the Neighbourhood Plan, the revocation will be in accordance with the Regulations.	Green
D	Secretary of State revokes the made Neighbourhood Plan.	This would be outside the control of the District Council.	Green

Background documents

- [Burntwood neighbourhood plan referendum version](#)
- [Burntwood neighbourhood plan decision statement](#)
- [Burntwood neighbourhood plan examiner's report](#)

Relevant web links

- [Burntwood Neighbourhood Plan](#)