

Armitage with Handsacre Neighbourhood Plan – Referral to Referendum

Report of the Cabinet Member for Economic Growth, Environment & Development Services:
Councillor I. Pritchard



Date:	12 June 2018
Agenda Item:	10
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Key Decision?	No
Local Ward Members	All Armitage with Handsacre ward members

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Armitage with Handsacre which has recently been the subject of formal examination by an Independent examiner.
- 1.2 The examiner of the Armitage with Handsacre neighbourhood plan is recommending that subject to a number of modifications being made to the plan that it can proceed to referendum. The District Council now has to consider the examiner's report and recommendations and if it so wishes resolve to progress the Armitage with Handsacre Neighbourhood Plan to referendum by way of issuing a Decision Statement.

2. Recommendations

- 2.1 That the Cabinet accepts and agrees to the making of modifications as set out in the 'Decision Statement regarding Armitage with Handsacre Neighbourhood Plan proceeding to referendum' hereby referred to as the Decision Statement (**Appendix A**). This will enable the Plan to be proceed to the referendum stage.
- 2.2 That Cabinet approve the publication of the Decision Statement for the Armitage with Handsacre neighbourhood plan (**Appendix A**).
- 2.3 That Cabinet approve delegated authority to the Cabinet Member for Economic Growth, Environment & Development Services and the Head of Economic Growth to make factual changes to the maps as described at paragraph 3.7 of this report where necessary.

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 independent examination. The appointed independent examiner must consider whether a Neighbourhood Plan meets the 'Basic Conditions' as set out within the Independent Examiner's Report. Following the completion of an examination, the examiner must produce a report which can make one

of three recommendations; 1) That the neighbourhood plan can proceed to referendum; 2) That subject to identified modifications the neighbourhood plan can proceed to referendum; 3) That the neighbourhood plan should not proceed to referendum.

- 3.3 The Armitage with Handsacre Neighbourhood Plan has been independently examined and it is recommended in the examiners final report (**Appendix B**) that subject to the modifications outlined within the report the neighbourhood plan meets the ‘basic conditions’ and as such should proceed to referendum.
- 3.4 The Regulations require that upon receipt of the final report from an independent examination of a Neighbourhood Plan, the Local Planning Authority (Lichfield District Council) is required to consider the recommendations set out in the examiners reports. In addition there is a requirement to publish on our website a ‘decision statement’ which considers the recommendations of the independent examination within 5 weeks of receiving the report.
- 3.5 The examiner’s report and its proposed modifications have been considered by officers. On the basis of the assessment of the report and the proposed changes it is recommended that the District Council accepts the recommendations of the examiner and agrees all the modifications to the Armitage with Handsacre neighbourhood plans.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Armitage with Handsacre Neighbourhood Plan is attached at **Appendix B**. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications (**Appendix C**).
- 3.7 Two of the examiners proposed modifications include the recommendation that additional maps are produced and included within the neighbourhood plan to illustrate the proposed modification. These maps are shown at Appendix B, C and D of the proposed Decision Statement (**Appendix B**). The District Council has produced these maps on behalf of the Parish Council and is seeking clarification from the Parish that these are satisfactory to the Parish Council. The maps are factual illustrations of the polices as proposed to be modified by the examiner, therefore if there are any factual errors on the maps delegated authority will be sought to make changes to the maps and incorporate these into the Decision Statement (**Appendix B**) and the modified version of the Neighbourhood Plan ([Appendix C](#)).
- 3.8 The Cabinet is asked to note the examiner’s report for the Armitage with Handsacre neighbourhood plan, including the specific recommendations, and agree the Decision Statement allowing the plans referendum to follow.
- 3.9 Following a decision to allow a Neighbourhood Plan to proceed to referendum, the District Council will need to publish the Decision Statement online and provide the decision statement to the Qualifying Body and any other stakeholder who has requested to be notified of the decision. Following this the referendum will need to be organised.

Alternative Options	
	<ol style="list-style-type: none"><li data-bbox="461 1780 1490 1899">1. Lichfield District Council declines to send the Armitage with Handsacre Neighbourhood Plan to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development.<li data-bbox="461 1899 1490 2054">2. The Qualifying Body withdraws the Neighbourhood Plan prior to Lichfield District Council making a formal decision as outlined within the Decision Statement. Again this would mean the Neighbourhood Plan would retreat to an earlier stage of development.

Consultation	<ol style="list-style-type: none"> 1. In line with the Regulations the draft Armitage with Handsacre Neighbourhood Plan has been consulted upon for at least the minimum required 6 week period at both the pre-submission and local authority publicity stages prior to their submission for Independent Examination. Alongside the submission of the Plan the Qualifying Body (Armitage with Handsacre Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. These statements have been considered by the respective Independent Examiner along with all representations made at the Local Authority publicity period.
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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. Government guidance states that ‘this money is to ensure LPAs receive sufficient funding to enable them to meet new legislative duties on neighbourhood planning. Specifically, it covers the neighbourhood planning duties in the Localism Act which are to provide advice and assistance; to hold an examination; and to make arrangements for a referendum’. However it should be noted that the level of grant aid has decreased over time. 2. Upon successful referendum the District Council becomes eligible and can apply for a grant of £20,000. 3. Communities with Neighbourhood Plans in place will also be entitled to 25% uncapped of the Community Infrastructure Levy (CIL) receipts generated by eligible development in their area. Communities with no Neighbourhood Plan will be entitled to 15% which is capped.
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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 which conforms with the Strategic Plan.
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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.
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Crime & Safety Issues	<ol style="list-style-type: none"> 1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.
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	Risk Description	How We Manage It	Severity of Risk (RYG)
A	Plan received a ‘no’ vote in a referendum	Have regular dialogue with the Parish Council to ensure consultation and engagement gains ‘buy in’ from the community at the earliest opportunity. However there are limited controls available because the purpose of the referendum is to enable residents to decide whether they want a Plan.	Yellow
B	Parish decides to withdraw Neighbourhood Plan	Have regular dialogue with the parish Council to ensure understanding of process moving forward and the implications of withdrawing the plan.	Green

Background documents

1. [Neighbourhood Planning \(General\) Regulations 2012](#)
2. [Local Plan Strategy \(Adopted February 17 2015\)](#)
3. [Armitage with Handsacre Independent Examination Final Report](#)
4. [Armitage with Handsacre Neighbourhood Plan \(Submission version\)](#)

Relevant web links

[Local Plan](#)

[Neighbourhood Plans](#)

[My Community Funding & Support](#)

[Armitage with Handsacre Neighbourhood Plan](#)