

Elford Neighbourhood Plan – Referral to Referendum

Cabinet Member for Economic Growth, Environment & Development Services



Date:	9 October 2018
Agenda Item:	6
Contact Officer:	Patrick Jervis/Ashley Baldwin
Tel Number:	01543 308196
Email:	Patrick.jervis@lichfielddc.gov.uk Ashley.baldwin@lichfielddc.gov.uk
Key Decision?	No
Local Ward Members	All Elford ward members

CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Elford which has recently been the subject of formal examination by an Independent examiner.
- 1.2 The examiner of the Elford 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 Elford 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 Elford 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 Elford neighbourhood plan (**Appendix A**).

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 Elford 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 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 Elford neighbourhood plan.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Elford Neighbourhood Plan is attached at **Appendix A**. A modified version of the Neighbourhood Plan has been provided to clearly illustrate the proposed modifications ([Appendix C](#)).
- 3.11 The Cabinet is asked to note the examiner's report for the Elford Neighbourhood Plan, including the specific recommendations, and agree the Decision Statement allowing for the plans referendum to follow.
- 3.12 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"> 1. Lichfield District Council declines to send the Elford Neighbourhood Plans to referendum. This would mean the Neighbourhood Plan would retreat to an earlier stage of development. 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 Elford Neighbourhood Plans 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 (Elford 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.
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

	<p>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.</p> <ol style="list-style-type: none"> 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. [Elford Neighbourhood Plan Independent Examination Final Report](#)
4. [Elford Neighbourhood Plan](#) (Submission version)

Relevant web links

[Local Plan](#)
[Neighbourhood Plans](#)
[My Community Funding & Support](#)
[Elford Neighbourhood Plan](#)