

Shenstone Neighbourhood Plan – Referral to Referendum

Councillor Ian Pritchard, Cabinet Member for Economy

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Agenda Item: 7

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Key Decision? YES

Local Ward Members Shenstone Ward – Councillor Salter



CABINET

1. Executive Summary

- 1.1 This report relates to the preparation of a Neighbourhood Plan covering Shenstone, which has recently been the subject of formal examination by an Independent examiner. The examiner 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 Shenstone 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 Shenstone Neighbourhood Plan proceeding to referendum' to the Shenstone Neighbourhood Plan and allows the Plan to be proceed to the referendum stage.

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; [Appendix A](https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-A-background-to-neighbourhood-planning.pdf) (<https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-A-background-to-neighbourhood-planning.pdf>) of this report provides a background to neighbourhood planning and the formal process each plan must follow in their preparation.
- 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 in **Appendix A**. Following the completion of an examination, the examiner must produce a report which can make 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 Shenstone Neighbourhood Plan has been independently examined and it is recommended in the [examiners final report](#) 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 2012 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 and publish on their website a 'decision statement' which considers the recommendations of the independent examination.

- 3.5 The report and proposed modifications have been considered by your 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 respective modifications.
- 3.6 In line with the conclusions and recommendations of the examiner a proposed Decision Statement in respect of Shenstone Neighbourhood Plan is attached at [Appendix B](https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-B-Decision-Statement.pdf) <https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-B-Decision-Statement.pdf>. A modified version of the Shenstone Neighbourhood Plan has been provided to clearly illustrate the proposed modifications - see [Appendix C](https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-C-Shenstone-NP-with-modifications.pdf) (<https://www.lichfielddc.gov.uk/Council/Meetings-committees-and-papers/Cabinet/2016/09/06/Reports/Appendix-C-Shenstone-NP-with-modifications.pdf>).
- 3.7 The Cabinet is asked to note the examiner's report for the aforementioned plan, including the specific recommendations, and agree the Decision Statement allowing for referendum to follow.
- 3.8 Next Steps - 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.

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| Alternative Options | <ol style="list-style-type: none"> 1. Lichfield District Council declines to send the Shenstone Neighbourhood Plan 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 Shenstone 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 (Shenstone Parish Council) are required to submit a Consultation Statement detailing the consultation undertaken throughout the Neighbourhood Plan process. This statement was considered by the 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 substantial 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' 2. Upon designation of the Neighbourhood Area the first £5,000 of grant aid was claimed. A further £5,000 was claimed when the plan was publicised for examination. The final £20,000 can be claimed once the date for the Neighbourhood Plan referendum is set. 3. Communities with Neighbourhood Plans in place will also 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

1. The Neighbourhood Plan demonstrates that it is in broad conformity with the Local Plan Strategy which conforms with the Strategic Plan.

Equality, Diversity and Human Rights Implications

1. The extensive consultation procedures provided for by the Planning and Compulsory Purchase Act 2004 ensure that consultation is undertaken with the wider community.

Crime & Safety Issues

1. Crime and Community safety issues may be considered as part of an emerging Neighbourhood Plan.

| | 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. | 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. DCLG letter to Chief Planners 'Update on financial support for Neighbourhood Planning in 2016/17' 9th March 2016
3. Local Plan Strategy (Adopted February 17 2015)
4. Shenstone Neighbourhood Plan Independent Examination Final Report

Relevant web links

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