

<b>Key Decision Required:</b>	<b>No</b>	<b>In the Forward Plan:</b>	<b>Yes</b>
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## CABINET

8 OCTOBER 2020

### REPORT OF THE LEADER OF THE COUNCIL

#### **A.1 – THE MAKING (ADOPTION) OF THE ALRESFORD NEIGHBOURHOOD PLAN**

(Report prepared by Gary Guiver)

#### **PART 1 – KEY INFORMATION**

<b>PURPOSE OF THE REPORT</b>
<p>For Cabinet to agree to ‘make’ (adopt) the Alresford Neighbourhood Plan as part of the Council’s statutory development plan and for it to therefore become a material consideration in planning decisions alongside the Tendring District Local Plan. This follows a local referendum in which a clear majority of residents that turned out were in favour of the plan.</p>

<b>EXECUTIVE SUMMARY</b>
<p>Alresford Parish Council has prepared a ‘Neighbourhood Plan’ for its area that has passed through all the necessary stages of the plan-making process set out in the Town and Country Planning Act 1990 (“the Act”) and the Neighbourhood Planning (General) Regulations 2012 (as amended) including public consultation, independent examination and a referendum.</p> <p>In an official referendum held on Thursday 9<sup>th</sup> September 2021 and administered by Tendring District Council, residents of the Parish of Alresford were asked “<i>Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Alresford to help it decide planning applications in the neighbourhood area?</i>” With an overall turnout of 24.7%, 483 residents votes ‘YES’ and 18 residents voted ‘NO’ – a vote of 96.4% in favour of the plan.</p> <p>If the majority of those who vote in a referendum are in favour of the Neighbourhood Plan, it must be ‘made’ (adopted) by the Local Planning Authority within 8 weeks of the referendum. An Order must be made by the local authority before it has effect. Decisions in relation to the making of Neighbourhood Plans are an executive function and it therefore falls to the Cabinet to confirm the making or adoption of the Neighbourhood Plan. It will then become part of the ‘Development Plan’ and will be a material consideration, alongside the District Council’s Local Plan, in the determination of planning applications and in making other planning decisions.</p>

<b>RECOMMENDATION</b>
<p><b>That Cabinet notes the result of the referendum held on Thursday 9<sup>th</sup> September 2021 and duly agrees that the Alresford Neighbourhood Plan (attached as Appendix 1) be ‘made’ and that the necessary publicity and notifications are administered in accordance with Section 20</b></p>

## **PART 2 – IMPLICATIONS OF THE DECISION**

### **DELIVERING PRIORITIES**

The Alresford Neighbourhood Plan will support the Corporate Plan 2020-24 (aligned with the core themes of Tendring4Growth and Community Leadership) through delivery of interventions aimed at:

- Delivering High Quality Services
- Community Leadership Through Partnerships
- Building Sustainable Communities for the Future
- Strong Finances and Governance
- A Growing and Inclusive Economy

The Neighbourhood Plan supports and supplements the policies and proposals in the District Local Plan and seeks to achieve the objectives and aspirations of the Alresford community.

### **RESOURCES AND RISK**

The Alresford Neighbourhood Plan has been prepared by Alresford Parish Council. The responsibilities for resourcing this project lay principally with the Parish Council as the 'qualifying body'. However, this Council has statutory duties in regards to the preparation of the Local Plan and Neighbourhood Plans and these have been discharged by the Strategic Planning and Place Team with relevant expenses funded through the 'Local Development Framework Budget'.

A Neighbourhood Plan, once formally adopted, will carry the same legal status as the District Local Plan (and other documents that form part of the statutory 'development plan') and therefore becomes a material consideration in the determination of planning applications. Applications for planning permission would therefore be determined in accordance with the development plan (including any Neighbourhood Plan), unless material considerations indicate otherwise

It is important that Neighbourhood Plans support and supplement the policies and proposals in the District Local Plan. To ensure this, Officers worked constructively with the Parish Council in an advisory capacity in the preparation of their Neighbourhood Plan and the plan was the subject of an independent examination in line with regulatory process.

### **LEGAL**

The ability for a Town or Parish Council to produce a Neighbourhood Development Plan is contained within the Localism Act 2011. The Town and Country Planning Act 1990 ("the Act") and the Neighbourhood Planning (General) Regulations 2012 (as amended) provide the statutory process as to how a Neighbourhood Development Plan will be developed and implemented. The

Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, introduced new statutory timescales by which decisions relating to Neighbourhood Planning have to be made.

Neighbourhood Development Plans give communities the opportunity to set planning policies as Neighbourhood Development Plans which will form part of the development plan of a local authority once implemented and will sit alongside the Local Plan. The District Council's responsibility as Local Planning Authority is largely technical in nature, for example advising on conformity with the Development Plan and checking that Plans have followed correct procedures. Once made, a Local Planning Authority must consider a Neighbourhood Development Plan when deciding applications for planning permission, along with any other material consideration.

Decisions in relation to the making of Neighbourhood Development Plans are an executive function, that is because Neighbourhood Development Plans are not Development Plan Documents as defined in regulation 5 of the Town and Country Planning (Local Planning) England Regulations 2012 and as such do not come within the list of plans and strategies listed in Column 1 of the table to Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, which would require Council approval or adoption.

#### **OTHER IMPLICATIONS**

**Area or Ward affected:** Alresford Parish

**Consultation/Public Engagement:** See Supporting Information section below.

#### **PART 3 – SUPPORTING INFORMATION**

At the request of Alresford Parish Council, the Neighbourhood Area of Alresford was designated on 3 November 2016 for the purposes of preparing a Neighbourhood Plan and covers the whole of the administrative area of Alresford Parish. The Alresford Neighbourhood Plan has been prepared by the Parish Council who had undertaken local survey work and public engagement to inform the content of the plan. The Neighbourhood Plan was formally submitted to Tendring District Council who published the plan for consultation under Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 (as amended). Some of the key policies and proposals in the Alresford Neighbourhood Plan include new open spaces, additional protection for existing open spaces, the identification of important non-designated heritage assets, encouragement of developments of new housing for older people; and additional policy requirements aimed at incorporating wildlife into new development.

Following submission of the Neighbourhood Plan to Tendring District Council, a consultation under Regulation 16 took place between the 24 August and 12 October 2020. In December Ms. Ann Skippers MRTPI was appointed by Tendring District Council, with the consent of the Parish Council, to undertake the independent examination of the plan and produce a report of her findings.

The independent examination commenced on Monday 14th December 2020 and on 20 January 2021 Ms. Skippers issued a note of interim findings, in which she identified a number of procedural matters and points of clarification that needed to be addressed, advising that additional work and consultation needed to be carried out for the issues to be resolved and for the examination to be completed.

Between 19 February and 09 April 2021, a focused consultation was held, with comments being invited specifically on:

- an updated SEA (Strategic Environmental Assessment) and HRA (Habitats Regulation Assessment) report;
- an updated Consultation Statement;
- the adoption of Section 1 of the Tendring District Local Plan (and any implications this may have had on the Alresford Neighbourhood Plan); and
- a list of non-designated heritage assets prepared by the Parish Council.

Following this additional consultation, the examiner was able to conclude the examination of the plan and she issued a report recommending minor modifications to the plan. Having considered each of the recommendations made within the examiner's report and the reasons for them, Tendring District Council (in accordance with the 1990 Act Schedule 4B paragraph 12), with agreement with the Parish Council, decided to make the necessary modifications to ensure that the draft plan meets the basic conditions set out in legislation.

On 1<sup>st</sup> July 2021, the Acting Director of Planning in consultation with the Leader of the Council determined that the Neighbourhood Plan, with the necessary modifications, could proceed to a local referendum which was duly held on Thursday 9<sup>th</sup> September 2021. In the referendum which was administered by Tendring District Council, residents of the Parish of Alresford were asked *"Do you want Tendring District Council to use the Neighbourhood Plan for the Parish of Alresford to help it decide planning applications in the neighbourhood area?"* With an overall turnout of 24.7%, 483 residents votes 'YES' and 18 residents voted 'NO' – a vote of 96.4% in favour of the plan.

The Neighbourhood Plan must now be 'made' (or adopted) within 8 weeks of the referendum – at which point it will form part of the statutory development plan and will become a material consideration alongside the Local Plan in the determination of planning applications and other planning matters. On making the Neighbourhood Plan document will be made available on both the District Council and Parish Council's websites, and stakeholders will be notified, in accordance with Section 20 of the Neighbourhood Planning Regulations Town and Country Planning (Local Planning) (England) Regulations 2012.

## **APPENDICES**

Appendix 1 – The Alresford Neighbourhood Plan