

Report to Cabinet

Subject: Make Calverton Neighbourhood Plan

Date: 11th January 2018

Author: Service Manager Planning Policy

Wards Affected

Calverton Ward

Purpose

To seek Cabinet's approval and recommendation to Council that Council:

- 1.1. make the Calverton Neighbourhood Plan which was approved by referendum on 30th November 2017 and is attached at Appendices A and B; and
- 1.2. authorise the Planning Policy Service Manager to publicise the decision made by Council and the Calverton Neighbourhood Plan in accordance with statutory requirements – confirming that the neighbourhood plan has been made; and
- 1.3. authorise the Planning Policy Service Manager to make any minor typographical or formatting amendments to the Calverton Neighbourhood Plan as appropriate prior to publication.

Key Decision

- 2.1. This is not a key decision

Background

- 3.1. The ability for a town or parish council to produce a Neighbourhood Development Plan was introduced by the Localism Act 2011. The Town and Country Planning Act 1990 ("the 1990 Act"), the Planning and Compulsory Purchase Act 2004 (as amended by the Neighbourhood Planning Act 2017) ("the 2004 act"), and the Neighbourhood Planning (General) Regulations 2012 (as amended by the Neighbourhood Planning (General) (Amendment) Regulations 2015) ("the 2012 Regulations") provide the statutory process as to how a Neighbourhood Development Plan will be prepared and implemented.

3.2. Neighbourhood planning gives local communities the opportunity to set planning policies for their local area within their Neighbourhood Plan. The parish of Calverton was designated by the Council as a neighbourhood area on 16th January 2013. Following informal and formal consultation on the draft plan, it was submitted for examination and a public hearing session was held on 11th July 2017. The independent examiner issued his report on 11th September 2017 and the Council subsequently made available a Decision Statement under delegated authority to reflect that, subject to the Examiner's proposed specific modifications, the Calverton Neighbourhood Plan should proceed to referendum.

3.3. The referendum held on 30th November 2017 met the legal requirements, and posed the question:

'Do you want Gedling Borough Council to use the Neighbourhood Plan for Calverton to help it decide planning applications in the neighbourhood area?'

3.4. The count took place on 30th November 2017 and 94.63% of those who voted were in favour of the plan being used to determine planning applications in Calverton. The results of the referendum were:

| Results of the Calverton Neighbourhood Plan Referendum | | |
|---|----------------|----------------|
| | Votes recorded | Percentage (%) |
| Number of votes cast in favour of 'YES' | 1430 | 94.63 |
| Number of votes cast in favour of 'NO' | 80 | 5.29 |
| Number of ballot papers rejected | 1 | |
| Turnout: 26.65% (1511 out of 5669) | | |

3.5. The result was that the Calverton Neighbourhood Plan was approved by referendum and as a result currently forms part of the statutory development plan for Gedling Borough under the 2004 Act (as amended by the Neighbourhood Planning Act 2017). This means that the Calverton Neighbourhood Plan is now being used in conjunction with the Gedling Borough Aligned Core Strategy (2014) and the Gedling Borough Replacement Local Plan (2005) to determine planning applications in the Neighbourhood Plan area (being the parish of Calverton).

3.6. The final statutory stage in preparing a Neighbourhood Plan is for the Council to determine whether or not to formally 'make' the Neighbourhood Plan. There is a statutory requirement for the Council to make a neighbourhood plan that has been approved by referendum within 8 weeks following the day following the referendum, If the Council decides to 'make' the Neighbourhood Plan it will continue to form part of

the statutory development plan. If the Council decides to not 'make' the Neighbourhood Plan it ceases to form part of the statutory development plan.

- 3.7. Given that the Calverton Neighbourhood Plan has been approved by referendum, the 2004 Act (as amended) requires the Council to make the neighbourhood plan unless it considers that making the plan would breach or be otherwise incompatible with any EU obligation to any of the Convention rights (within the meaning of the Human Rights Act).
- 3.8. The Calverton Neighbourhood Plan contains 23 policies that will be used alongside national and Borough Council planning policies to determine planning applications in Calverton. The key policy objectives of the Calverton Neighbourhood Plan are:
- Policies to ensure the sustainable growth of Calverton (for example housing, employment and the village centre)
 - Policies related to infrastructure, services and facilities in Calverton
 - Policies related to the built environment of Calverton (for example design and public realm)
 - Policies related to the natural environment of Calverton (for example Local Green and Open Space designations, flooding and biodiversity).
- 3.9. The neighbourhood planning process has provided the opportunity to empower the residents of Calverton to influence development in their local area through the use of the Calverton Neighbourhood Plan by Planning Officers to determine planning applications. This is compatible with the Government's Localism agenda.
- 3.10. As soon as possible after a neighbourhood plan is made by the Council both a 'decision statement' (setting out the reasons for making this decision) and the Calverton Neighbourhood Plan document must be published and made available on the Council website including details of when and where the document can be inspected. Persons who asked to be notified of the making of the Calverton Neighbourhood Plan must be notified including details of where and when it can be inspected.

Proposal

- 4.1. It is proposed that Cabinet recommend that Council 'make' the Calverton Neighbourhood Plan that was approved by referendum on 30th November 2017 by the residents of Calverton. The Calverton Neighbourhood Plan and associated Policies Map are attached at **Appendices A and B**.
- 4.2. It is proposed that Cabinet recommend that Council authorise the Planning Policy

Service Manager to publicise the decision made by Council and the Calverton Neighbourhood Plan in accordance with statutory requirements – confirming that the neighbourhood plan has been made.

- 4.3. It is proposed that Cabinet recommend that Council delegates authority to the Planning Policy Service Manager to make any minor typographical or formatting amendments to the Calverton Neighbourhood Plan as appropriate prior to publication.

Alternative Options

- 5.1. The alternative option is for Council not to 'make' the Calverton Neighbourhood Plan. This would result in the Neighbourhood Plan ceasing to be used to determine planning applications in Calverton. This option would contradict the referendum result expressed by the local residents of Calverton.
- 5.2. Given that the Calverton Neighbourhood Plan has been approved by referendum, the 2004 Act (as amended) requires the Council to 'make' the neighbourhood plan unless they consider that making the plan would breach or be otherwise incompatible with any EU obligation to any of the Convention rights (within the meaning of the Human Rights Act).

Financial Implications

- 6.1. Costs associated with 'making' the Calverton Neighbourhood Plan and using it to determine planning applications can be met from existing budgets. This may account for a limited amount of additional officer time when considering the full suite of policies applicable to any application in the neighbourhood area prior to a decision being reached.
- 6.2. Parish Councils without an adopted Neighbourhood Plan are entitled to 15% of Community Infrastructure Levy (CIL) receipts from development within their area. Parish Councils with an adopted Neighbourhood Plan are entitled to 25% (an additional 10%) of CIL receipts from development within their area. The Parish Council will be required to spend this money on infrastructure projects and their CIL expenditure must be agreed with the Borough Council.

Appendices

Appendix A: The Calverton Neighbourhood Plan

Appendix B: Calverton Neighbourhood Plan Policies Map

Background Papers

There are no background papers specifically related to this decision. Background information related to the Calverton Neighbourhood Plan process prior to this stage can be found on the following webpage: <https://www.gedling.gov.uk/calvertonplan/>

Recommendation

Cabinet is asked to recommend to Council that it:

- a) Makes the appended Calverton Neighbourhood Plan and associated Policies Map at **Appendices A and B** in accordance with the 2012 regulations.
- b) Authorises the Planning Policy Service Manager to publicise the decision made by Council and the Calverton Neighbourhood Plan document in accordance with the 2012 regulations – confirming that the neighbourhood plan has been made.
- c) Delegates authority to the Planning Policy Service Manager to make any minor typographical or formatting amendments to the Calverton Neighbourhood Plan as appropriate, prior to publication.

Reasons for Recommendations

In order to confirm the status of the Calverton Neighbourhood Plan as a statutory development plan document to be used to determine planning applications in the Neighbourhood Plan area (being the parish of Calverton).

