

Report to Cabinet

Subject: Make Papplewick Neighbourhood Plan

Date: 6th September 2018

Author: Service Manager Planning Policy

Wards Affected

Newstead Abbey Ward

Purpose

To seek Cabinet's approval to:

- 1.1. make the Papplewick Neighbourhood Plan which was approved by referendum on 5th July 2018 and is attached at Appendix A; and
- 1.2. authorise the Planning Policy Service Manager to publicise the decision made by Cabinet and the Papplewick 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 Papplewick 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 and The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016) ("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 Papplewick was designated by the Council as a neighbourhood area on 11th August 2016. Following informal and formal consultation on the draft plan, it was submitted to Gedling Borough Council for examination on 18th January 2018. The independent examiner issued his report on 2nd May 2018 and the Council subsequently made available a Decision Statement under delegated authority to reflect that, subject to the Examiner’s proposed specific modifications, the Papplewick Neighbourhood Plan should proceed to referendum.

3.3. The referendum held on 5th July 2018 met the legal requirements, and posed the question:

‘Do you want Gedling Borough Council to use the Neighbourhood Plan for Papplewick to help it decide planning applications in the neighbourhood area?’.

3.4. The count took place on 5th July 2018 and 91.34% of those who voted were in favour of the plan being used to determine planning applications in Papplewick. The results of the referendum were:

Results of the Papplewick Neighbourhood Plan Referendum		
	Votes recorded	Percentage (%)
Number of votes cast in favour of ‘YES’	116	91.34
Number of votes cast in favour of ‘NO’	10	7.87
Number of ballot papers rejected	1	
Turnout: 23.83%		

3.5. The result was that the Papplewick 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 Papplewick Neighbourhood Plan is now being used in conjunction with the Gedling Borough Aligned Core Strategy (2014) and the Gedling Borough Local Planning Document (2018) to determine planning applications in the Neighbourhood Plan area (being the parish of Papplewick).

- 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 Papplewick 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 Papplewick Neighbourhood Plan contains 12 policies that will be used alongside national and Borough Council planning policies to determine planning applications in Papplewick. The key policy themes of the Papplewick Neighbourhood Plan are:
- Natural Environment (including policies to designate Local Green Spaces; protect and enhance the natural environment and landscape setting of Papplewick; mitigate risk of surface water flooding; and to support community renewable energy generation schemes).
 - Built Environment (including policies related to design and public realm; the re-use of existing buildings; small-scale housing development; and to nominate specific buildings to be considered by Gedling Borough Council for identification as non-designated heritage assets).
 - Community Facilities (a policy to protect and support the expansion of existing facilities and support a small-scale local retail facility).
 - Traffic and Transport (including policies to support certain sustainable transport projects and to mitigate the negative impact of development on highways)
- 3.9. The neighbourhood planning process has provided the opportunity to empower the residents of Papplewick to influence development in their local area through the use of the Papplewick 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 Papplewick 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 Papplewick Neighbourhood Plan must be notified including details of where and when it can be inspected.

Proposal

- 4.1. It is proposed that Cabinet 'make' the Papplewick Neighbourhood Plan that was approved by referendum on 5th July 2018 by the residents of Papplewick. The Papplewick Neighbourhood Plan is attached at **Appendix A**.
- 4.2. It is proposed that Cabinet authorise the Planning Policy Service Manager to publicise the decision made by Council and the Papplewick Neighbourhood Plan in accordance with statutory requirements – confirming that the neighbourhood plan has been made.
- 4.3. It is proposed that Cabinet delegates authority to the Planning Policy Service Manager to make any minor typographical or formatting amendments to the Papplewick Neighbourhood Plan as appropriate prior to publication.

Alternative Options

- 5.1. The alternative option is for the Council not to 'make' the Papplewick Neighbourhood Plan. This would result in the Neighbourhood Plan ceasing to be used to determine planning applications in Papplewick. This option would contradict the referendum result expressed by the local residents of Papplewick.
- 5.2. Given that the Papplewick 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 Papplewick 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 Papplewick Neighbourhood Plan (Policies Map at Page 69)

Background Papers

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

Recommendation

It is recommended that Cabinet:

- a) Makes the appended Papplewick Neighbourhood Plan and associated Policies Map at **Appendix A** in accordance with the 2012 regulations.
- b) Authorises the Planning Policy Service Manager to publicise the decision made by Council and the Papplewick 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 Papplewick Neighbourhood Plan as appropriate, prior to publication.

Reasons for Recommendations

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