

Report to Portfolio Holder for Growth and Regeneration

Subject: Linby Neighbourhood Plan – Decision Statement

Date: 21st March 2019

Author: Service Manager – Planning Policy

Wards Affected

Newstead Abbey Ward

Purpose

To seek authorisation to publish the Decision Statement for the Linby Neighbourhood Plan and to proceed to referendum.

Key Decision

This is not a key decision.

Recommendation(s)

THAT:

- 1) the modifications to the draft Linby Neighbourhood Plan as recommended by the Examiner’s Report at Appendix 2 are approved;**
- 2) the Decision Statement at Appendix 4 is approved and published in accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012; and**
- 3) the Linby Neighbourhood Plan: Final Plan as amended at Appendix 3 is approved to go forward to referendum for the confirmed area of the Parish of Linby as shown at Appendix 1.**

- 1.1 Gedling Borough Council designated the parish of Linby as a neighbourhood area on 25th April 2016, as shown by the Designated Area Plan attached at **Appendix 1**. Linby Parish Council produced their Regulation 14 draft Neighbourhood Plan for consultation between 18th June 2018 and 30th July 2018. The Plan was submitted to Gedling Borough Council on 15th November 2018. The Council subsequently organised consultation and publicity in accordance with Regulation 16 of the Neighbourhood Planning (General) Regulations 2012 which took place between 11th January 2019 and 22nd February 2019.
- 1.2 The Council appointed an Independent Examiner to undertake the Examination of the Neighbourhood Plan, which was subsequently examined by written representations. The Examiner's Report was received on 19th March 2019 and is attached at **Appendix 2**.
- 1.3 The Examiner's Report recommends a series of modifications to the Linby Neighbourhood Plan so that it is able to comply with the 'Basic Conditions' and other relevant statutory provisions. The report confirms that the draft plan as modified could be submitted for referendum on the basis that it has met all the relevant legal requirements. The Examiner has also concluded that the referendum area should not extend beyond the designated area which is the parish of Linby.
- 1.4 Following receipt of the Examiner's report, Gedling Borough Council must consider the report and the recommendations made within it to establish what action to take in relation to the recommendations. The Council is then required to publish a Decision Statement which sets out its reasons for taking the action decided in relation to the Examiners report. The Decision Statement must also be made available for inspection. As well as dealing with any proposed modifications to the Submission Plan, the Decision Statement should address the referendum area proposed. The Decision Statement must be published within 5 weeks of receipt of the Examiner's report.

2 Proposal

- 2.1 In accordance with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012, Gedling Borough Council has considered the Examiner's report and it is proposed that the recommended modifications to the Submission Plan as set out in Appendix 2 of this report be accepted. In addition the Examiner's report recommends a number of minor changes and revisions including typographical errors, factual updates and consequential changes arising from recommended modifications to policy wording. The report also refers to a number of changes which had been put forward by Gedling Borough Council through the consultation process

to which the Examiner has no objection, but has not recommended as a modification as it is not necessary to meet the Basic Conditions. The Submission Linby Neighbourhood Plan has been amended in order to reflect these modifications and changes and is attached at **Appendix 3**. This is the 'Final Plan' which will be the subject of a local referendum. Changes made in Appendix 3 have been agreed with Linby Parish Council.

- 2.2 It is also proposed that the Decision Statement, as shown at **Appendix 4**, setting out the Council's response to recommendations from the Examiner's Report be made available on the Borough Council's website, Linby Parish Council's website and the documents will also be made available at deposit points.
- 2.3 It is proposed that the Linby Neighbourhood Plan as amended should go forward to referendum for the confirmed area of the Parish of Linby. The referendum will take place on Thursday 2nd May 2019.

3 Alternative Options

- 3.1 The policies contained within the Linby Neighbourhood Plan will assist in delivering the Borough Council's corporate priorities in supporting economic growth and ensuring a sustainable and thriving local economy and maintaining and enhancing residents' quality of life. One option would be not to agree to the modifications proposed by the Examiner, or propose different modifications. However, it is considered that the modifications proposed by the Examiner ensure the Neighbourhood Plan meets all the relevant legal and procedural requirements, so to not adopt or adopt different modifications would mean that the plan was not suitable for adoption.
- 3.2 Gedling Borough Council could recommend a different or wider area for the referendum but the referendum area recommended by the Examiner accords with the neighbourhood plan area and there is no justification for recommending a different or wider area.

4 Financial Implications

- 4.1 There are financial implications associated with the costs of holding a referendum. Financial support is provided from the Ministry of Housing, Communities and Local Government and the total funding for each completed Neighbourhood Plan is £25,000, for each of the first five

Neighbourhood Plans in any Council area. This direct support is to ensure that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning.

- 4.2 The referendum will be held alongside the local elections on 2nd May to make efficient use of resources.

5 Appendices

- 5.1 **Appendix 1** – Linby Neighbourhood Plan: Designated Area Plan
- 5.2 **Appendix 2** – Linby Neighbourhood Development Plan: A Report to Gedling Borough Council of the Independent Examination of the Linby Neighbourhood Development Plan (March 2019)
- 5.3 **Appendix 3** – Linby Neighbourhood Plan: Final Plan (March 2019) (Referendum Version)
- 5.4 **Appendix 4** – Linby Neighbourhood Plan: Decision Statement (March 2019)

6 Background Papers

- 6.1 The Neighbourhood Planning (General) Regulations 2012 – http://www.legislation.gov.uk/uksi/2012/637/pdfs/uksi_20120637_en.pdf
- 6.2 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 – http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf

7 Reasons for Recommendations

- 7.1 To ensure that the Borough Council, as Local Planning Authority, can execute its statutory duty to assist in the production of Neighbourhood Plans in accordance with the 2012 Regulations in a timely and efficient manner.