



Doncaster Council

Report

Date: 22nd November 2018

To the Chair and Members of the Council

NEIGHBOURHOOD PLANNING – Adoption ‘Making’ of the Armthorpe Neighbourhood Development Plan

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Mayor Ros Jones and Councillor Chris McGuinness	Armthorpe	No

EXECUTIVE SUMMARY

1. Neighbourhood Planning was introduced by the Localism Act (2011). It gave Town/Parish Councils and communities the power to write their own plans and take more control of planning for their areas.
2. Armthorpe Parish Council have produced a Neighbourhood Plan for their parish area and have subsequently undergone a successful examination and referendum. A copy of the Plan can be accessed via the link in the background papers
3. In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to ‘make’ (adopt it as part of the Development Plan) a Neighbourhood Plan following a successful referendum. The recently amended Neighbourhood Planning Regulations also now require Local Authorities to ‘make’ (adopt) a Neighbourhood Plan within 8 weeks of the date of the referendum.
4. The Development Plan for the borough is a Full Council function so the adoption of the Neighbourhood Plans as part of the Development Plan must be considered by Full Council.

EXEMPT REPORT

5. Not exempt.

RECOMMENDATIONS

6. It is recommended that members of The Council:
 - Formally adopt Armthorpe Neighbourhood Plan as part of the statutory development plan for the borough.

WHAT DOES THIS MEAN FOR THE CITIZENS OF DONCASTER?

7. Neighbourhood Plans are a key component of the Government's Localism agenda and allow local communities to influence and take more control of decisions around planning in their areas. Producing a Neighbourhood Plan has advantages over other kinds of plans because it enables communities to take a lead in their own neighbourhoods in producing part of the statutory development plan for the area. Where there is a Parish/ Town Council that is the qualifying body for producing a Neighbourhood Plan. The Parish/ Town Council may choose to put together a steering or working group of community representatives to assist with the process. Plans must be consulted on with the community before being independently examined. Ultimately the decision to endorse the plan is via referendum of the community within the plan's area.

BACKGROUND

8. The Localism Act (2011) allows for local communities to prepare plans and strategies for development in their area called Neighbourhood Plans. The Plans must go through a number of stages as set out in the Neighbourhood Planning Regulations 2012 (as amended) before they can be adopted (called made in the legislation) and Doncaster Council has a statutory duty to advise and assist during the preparation of a Plan, as well as fulfil certain requirements along the way in order to comply with the Regulations. There are currently 11 Neighbourhood Plans, 3 adopted (Tickhill and Burghwallis November 2016 and Edlington July 2018) with Armthorpe now having reached the final stage of the process, adoption (being 'made'), and 7 in preparation or under consultation.
9. Once adopted a Neighbourhood Plan forms part of the statutory development plan and sits alongside the adopted Doncaster Core Strategy (adopted May) 2012 Unitary Development Plan (adopted July 1998) and the emerging Local Plan. Any planning applications submitted in the Armthorpe Parish must be determined in accordance with both the Core Strategy and the appropriate Neighbourhood Plan.
10. There are a number of legally prescribed stages that need to be undertaken in preparing a Neighbourhood Plan:
 - designation of the area (in this case Armthorpe had the designated area as their parish boundary);
 - publication of the draft Plan;
 - submission of the Plan to the Local Planning Authority;
 - examination by an independent examiner; and
 - referendum

Where a Neighbourhood Plan is subject to a successful referendum (where

more than half of those voting have voted in favour of the plan), and the Local Planning Authority is satisfied that EU and human rights obligations have been met, it is a requirement to 'make' the Plan and adopt it as part of the Development Plan. The referendum results for Armthorpe's Neighbourhood Plan are set out below, which was successful at referendum.

11. **Armthorpe:** The question asked in the referendum was, "Do you want Doncaster Metropolitan Borough Council to use the Neighbourhood plan for Armthorpe to help it decide planning applications in the Neighbourhood area?"

The number of votes cast in favour of a 'Yes' – 1191

The number of votes cast in favour of a 'No' – 339

Votes cast – 1535

Rejected ballot papers – 5

Electorate – 10,857

Turnout – 14.14%

OPTIONS CONSIDERED

12. It is considered that there is only one realistic option available, which is option A:

Option A (recommended):

- Adopt Armthorpe Neighbourhood Plan as part of the statutory development plan for the borough.

Option B (not recommended):

- Do not adopt Armthorpe Neighbourhood Plan.

REASONS FOR RECOMMENDED OPTION

13. In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to 'make' a Neighbourhood Plans following a successful referendum and providing the Local Planning Authority (LPA) is satisfied that EU and human rights obligations (the basic conditions) have been met.
14. The Neighbourhood Plan was successful at referendum and in the opinion of the LPA it has met the basic conditions, so in accordance with the Act the Neighbourhood Plan should now be adopted as part of the Development Plan for Doncaster.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

15. Neighbourhood Plans have been identified as potentially impacting on the Council's following key outcomes:

	Outcomes	Implications
	Doncaster Working: Our vision is for more people to be able to pursue their ambitions through work that gives them and Doncaster a brighter and prosperous future;	Neighbourhood Plans provide the opportunity to work with Town/Parish councils and local communities to help them influence and take more

	<ul style="list-style-type: none"> • Better access to good fulfilling work • Doncaster businesses are supported to flourish • Inward Investment 	ownership of local decisions around Planning and development.
	<p>Doncaster Living: Our vision is for Doncaster's people to live in a borough that is vibrant and full of opportunity, where people enjoy spending time;</p> <ul style="list-style-type: none"> • The town centres are the beating heart of Doncaster • More people can live in a good quality, affordable home • Healthy and Vibrant Communities through Physical Activity and Sport • Everyone takes responsibility for keeping Doncaster Clean • Building on our cultural, artistic and sporting heritage 	Gives Town/Parish Councils and local residents another means to influence the development of where they live.
	<p>Doncaster Learning: Our vision is for learning that prepares all children, young people and adults for a life that is fulfilling;</p> <ul style="list-style-type: none"> • Every child has life-changing learning experiences within and beyond school • Many more great teachers work in Doncaster Schools that are good or better • Learning in Doncaster prepares young people for the world of work 	None
	<p>Doncaster Caring: Our vision is for a borough that cares together for its most vulnerable residents;</p> <ul style="list-style-type: none"> • Children have the best start in life • Vulnerable families and individuals have support from someone they trust • Older people can live well and independently in their own homes 	Neighbourhood Plans can focus on the individual characteristics of their local area.
	<p>Connected Council:</p> <ul style="list-style-type: none"> • A modern, efficient and flexible workforce • Modern, accessible customer interactions • Operating within our resources and 	Neighbourhood Plans will enable Town and Parish Councils to connect to their own community assets to enhance, protect and better connect with them locally.

	<p>delivering value for money</p> <ul style="list-style-type: none"> • A co-ordinated, whole person, whole life focus on the needs and aspirations of residents • Building community resilience and self-reliance by connecting community assets and strengths • Working with our partners and residents to provide effective leadership and governance 	
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RISKS AND ASSUMPTIONS

16. The Local Planning Authority (LPA) has a duty to support Parish/Town Councils in the development of Neighbourhood Plans and to oversee the process (including the referendum) making sure the Plans meet the required legal tests and EU obligations (called the basic conditions). In the opinion of the LPA Armthorpe Neighbourhood Plan have met the basic conditions and have been successful at referendum, as such the Council will be in breach of its statutory duty under the Town and County Planning Act 1990 if the Plans are not adopted. As the legislation concerning the recommendation is quite explicit there is no way of mitigating this risk.

LEGAL IMPLICATIONS: [Officer: SRF Date: 01/10/18]

17. As detailed within the report, the Council is required to 'make' a Neighbourhood Plan following a successful referendum provided that the Local Planning Authority is satisfied that EU and human rights obligations (the basic conditions) have been met. The Council is satisfied that the latter have been met. Following the "making" of the plan the Council has to comply with publicity requirements. The Plan is open to challenge by Judicial Review and anyone aggrieved by the Plan would need to make an application to the High Court within 6 weeks of the decision making date.

FINANCIAL IMPLICATIONS [Officer: DR Date 27/09/18]

18. There are no direct financial implications associated with the formal adoption of Armthorpe Neighbourhood Plan.
19. It should be noted that if the Community Infrastructure Levy is introduced in Doncaster then communities with neighbourhood plans in place will benefit from 25% of the revenues arising from developments in their area, rather than being available to the wider infrastructure requirements of Doncaster Council's whole area. Currently the law is clear that S106 monies received by Doncaster Council must be spent on infrastructure requirements that have arisen directly as a result of a new development taking place.

HUMAN RESOURCES IMPLICATIONS [Officer: CR Date: 03/10/18]

20. There are no direct HR Implications in relation to this report and the proposal to introduce the Armthorpe Neighbourhood Development Plan. .

TECHNOLOGY IMPLICATIONS [Officer: PW Date: 28/09/2018]

21. There are no anticipated technology implications associated with this decision.

HEALTH IMPLICATIONS [Officer: CT Date: 03/10/2018]

22. Neighbourhoods are places where people live, work, and play and have a sense of belonging. The design of a neighbourhood can contribute to the health and well-being of the people living there. Several aspects of neighbourhood design (walkability and mixed land use) can also maximise opportunities for social engagement and active travel; the design of the neighbourhood can influence physical activity levels, travel patterns, social connectivity, mental and physical health and wellbeing outcomes.
23. It is positive to see that Armthorpe Neighbourhood Plan has given consideration to the impact of future growth and development on the health and wellbeing of its residents. Each section of the Plan has been underpinned by policy to ensure future development recognises the importance of the different aspects of the environment on health.
24. Public Health supports the recommendation to adopt the Neighbourhood Plan.

EQUALITY IMPLICATIONS [Officer: TH Date: 03/10/2018]

25. Planning applications for new developments in Armthorpe Parish will be determined in accordance with the policies in the appropriate Neighbourhood Plan that have been developed in consultation with the local community. The plan has subsequently been examined by an independent examiner and modified in accordance with their recommendations to ensure that they meet all the required legal tests.

CONSULTATION

26. All Neighbourhood Plans are subject to consultation at various stages of their preparation. For example, the boundary is consulted on at a very early stage; the draft plan is subject to formal consultation for a minimum of 6 weeks before being submitted to Doncaster Council. The LPA are then required to carry out its own consultation on the plan before it can be submitted to examination stage. Allowing ample opportunity for input and influence from any interested stakeholder as well as statutory consultees to make comment on. The responsibility for consultation lies with the Town Council, the LPA recommend that Ward members, MP's and other stakeholders are consulted during the development of the Neighbourhood Plan.
27. The Neighbourhood Plan is examined by an independent Examiner and must be accompanied by a Consultation Statement demonstrating that the legal requirements of consultation have been met. Ultimately the Neighbourhood Plan is voted for by the local community at a referendum hence the importance that the community are engaged with the plan from an early stage

BACKGROUND PAPERS

28. The following links provide further background information in respect to the Armthorpe Neighbourhood Plan, the Neighbourhood Planning Regulations and the National Planning Practice Guidance.

Armthorpe Neighbourhood Development Plan (MODIFIED)

<http://www.doncaster.gov.uk/services/the-council-democracy/armthorpe-neighbourhood-planning-referendum>

Neighbourhood Planning (General) Regulations 2012

<http://www.legislation.gov.uk/ukxi/2012/637/contents/made>

Neighbourhood Planning (General) (Amendment) Regulations 2015

<http://www.legislation.gov.uk/ukxi/2015/20/contents/made>

The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016

http://www.legislation.gov.uk/ukxi/2016/873/pdfs/ukxi_20160873_en.pdf

National Planning Practice Guidance: Neighbourhood Plans

<http://planningguidance.communities.gov.uk/blog/guidance/neighbourhood-planning/>

National Planning Policy Framework (2012)

<https://www.gov.uk/guidance/national-planning-policy-framework>

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