



Doncaster Council

Report

Date: 15th July 2021

To the Chair and Members of the Council

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

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nigel Ball	Edenthorpe and Kirk Sandall.	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. Edenthorpe Parish Council have produced a Neighbourhood Plan for their Parish boundary area. Following a successful independent examination, a Referendum relating to the adoption of the Edenthorpe Neighbourhood Plan was due to be held on Thursday 19 March 2020. The Referendum was postponed due to the outbreak of Covid-19, with the re-arranged Referendum taking place instead on Thursday 6 May 2021.
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 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 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 The Council:

Formally adopt Edenthorpe 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 Town/Parish 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 for the Borough; 5 adopted (Tickhill and Burghwallis November 2016, Edlington July 2018, Armthorpe November 2018 and Bawtry September 2019) with Edenthorpe now having reached the final stage of the process, adoption (being 'made'), and 5 others in preparation or under consultation (Sprotbrough, Rossington, Auckley, Thorne-Moorends, and Stainforth).
9. Once adopted a Neighbourhood Plan forms part of the statutory development plan and sits alongside the currently adopted Doncaster Core Strategy (adopted May 2012) Unitary Development Plan (adopted July 1998) and the emerging Local Plan (Main Modifications stage as at spring 2021 with anticipated adoption summer 2021). Any planning applications submitted in the Edenthorpe Parish must be determined in accordance with the Development Plan including 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 Edenthorpe 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 the Edenthorpe Neighbourhood Plan are set out below, which was successful at referendum.

11. **Edenthorpe:** The question asked in the referendum was, “Do you want Doncaster Metropolitan Borough Council to use the Neighbourhood Plan for Edenthorpe to help it decide planning applications in the neighbourhood area?”

The number of votes cast in favour of a ‘Yes’ – 950

The number of votes cast in favour of a ‘No’ – 190

Votes cast – 1163

Ballot papers rejected - 23

Electorate – 3922

Turnout – 29.65%

OPTIONS CONSIDERED

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

Option A (recommended):

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

Option B (not recommended):

- Do not adopt the Edenthorpe 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 Local Planning Authority 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 and be used for determining planning applications in the Edenthorpe Parish area alongside national and other local planning policy.

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
<p>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;</p> <ul style="list-style-type: none"> • Better access to good fulfilling work 	<p>Neighbourhood Plans provide the opportunity to work with Town/Parish Councils and local communities to help them influence and take more ownership of local decisions</p>

<ul style="list-style-type: none"> • Doncaster businesses are supported to flourish • Inward Investment 	<p>around Planning and development. Up-to-date policies in Local and Neighbourhood Plans provides certainty for developers and investors.</p>
<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 	<p>Gives Town/Parish Councils and local residents another means to influence the development of where they live.</p>
<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 	<p>N/A</p>
<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 	<p>Neighbourhood Plans can focus on the individual characteristics of their local area.</p>
<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 delivering value for money • 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 	<p>Neighbourhood Plans enable Town and Parish Councils to take more ownership of, and influence, Planning decisions for their areas, including protecting and enhancing their locally important assets.</p>

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 Local Planning Authority, the Edenthorpe Neighbourhood Plan has met the basic conditions and 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 Plan is not adopted.

LEGAL IMPLICATIONS: [Officer: SC Date: 18/05/2021]

17. In accordance with section 38A (4) of the Planning and Compulsory Purchase Act 2004 the Council is legally obliged to formally adopt a Neighbourhood Plan which has been through a successful referendum (the majority of those voting must agree to it), provided that the Local Planning Authority is satisfied that it does not breach, nor would it otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).
18. Following the adoption of the plan, the Council has to comply with publicity requirements as set out in section 38A (9) and (10) Planning and Compulsory Purchase Act 2004 (as amended) and Regulations 19 and 20 of the Neighbourhood Planning (General) Regulations 2012 (as amended). The Council must publish a Decision Statement which sets out its reasons for the decision to formally adopt the Neighbourhood Plan, publish the Neighbourhood Plan and Decision Statement on its website and send a copy of the Decision Statement to Edenthorpe Parish Council and anyone who asked to be notified of the decision. A hard copy should also be made available for inspection (i.e. at a local library).
19. If the Neighbourhood Plan is formally adopted by the Council it then forms part of the borough's Development Plan and will be taken in to consideration when determining planning applications within the parish of Edenthorpe.

FINANCIAL IMPLICATIONS [Officer: BC 18/05/2021]

20. There are no direct financial implications associated with the formal adoption of Edenthorpe Neighbourhood Plan. The Council also received Neighbourhood Planning Grant from MHCLG to assist with the administration costs of the process.
21. For information, the Government recently consulted on changes to the Community Infrastructure Levy, including for it to be replaced with a new Infrastructure Levy. However, at the time of drafting, it should be noted that if the Community Infrastructure Levy is introduced in Doncaster based on the current system, then communities with neighbourhood plans in place will benefit from 25% of the revenues arising from developments in their area, with the remainder 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: KJ Date: 11/05/2021]

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

TECHNOLOGY IMPLICATIONS [Officer: PW Date: 11/05/2021]

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

HEALTH IMPLICATIONS [Officer: CT Date: 19.05.21]

24. 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; it can also influence individual physical activity levels, travel patterns, social connectivity, mental and physical health outcomes.
25. Public Health has worked closely with Edenthorpe Parish Council during the development of the Plan and this is reflected within the document. Each section has been underpinned by policy to ensure future development of the area recognises the importance a well-designed neighbourhood has on the health and wellbeing of the residents.
26. Public Health supports the recommendation to adopt the Neighbourhood Plan.

EQUALITY IMPLICATIONS [Officer: TH Date: 07/05/2021]

27. Planning applications for new developments in Edenthorpe 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

28. All Neighbourhood Plans are subject to consultation at various stages of their preparation. For example, a pre-draft Plan is submitted and consulted on for initial comments, the Draft plan is subject to formal consultation for a minimum of 6 weeks before being formally submitted to Doncaster Council. The LPA are then required to carry out its own consultation on the plan before it can be submitted to the independent 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.
29. 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.

30. At its meeting of 24th June, the Overview and Scrutiny Management Committee considered and supported the adoption of the Plan.

BACKGROUND PAPERS

31. The following links provide a copy of the Edenthorpe Neighbourhood Plan, further background information in respect to the consultations and statutory stages, the Neighbourhood Planning Regulations and the National Planning Practice Guidance.

Edenthorpe Neighbourhood Development Plan (MODIFIED)

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

Edenthorpe Neighbourhood Plan website

<https://www.doncaster.gov.uk/services/planning/edenthorpe-neighbourhood-development-plan>

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 (2019)

www.gov.uk/government/publications/national-planning-policy-framework--2

Planning and Compulsory Purchase Act 2004

<http://www.legislation.gov.uk/ukpga/2004/5/contents>

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