



Report

Date: 19th May 2023

To the Chair and Members of the Council

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

Relevant Cabinet Member(s)	Wards Affected	Key Decision
Councillor Nigel Ball	Finningley Ward	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. Auckley Parish Council have produced a Neighbourhood Plan for their Parish boundary. Following a successful independent examination, a Referendum relating to the adoption of the Auckley Neighbourhood Plan was held on Thursday 20th April 2023.
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 city 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.



RECOMMENDATION

6. It is recommended that:

To formally adopt (make) the Auckley 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 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.
9. There are currently 11 Neighbourhood Plans for the city; 8 adopted (Tickhill and Burghwallis November 2016, Edlington July 2018, Armthorpe November 2018, Bawtry September 2019, Edenthorpe July 2021, Sprotbrough September 2021 and Rossington March 2022) and now Auckley having reached the final stage of the process, adoption (being 'made'). 2 others in preparation or under consultation (Thorne-Moorends, and Stainforth) and Tickhill under review.
10. Once adopted a Neighbourhood Plan forms part of the statutory development plan and sits alongside the currently adopted Doncaster Local Plan (adopted September 2021). Any planning applications submitted in the designated boundary of the Auckley NDP must be determined in accordance with the Development Plan including the appropriate Neighbourhood Plan.
11. 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 Auckley 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 Auckley Neighbourhood Plan are set out below, which was successful at referendum.

12. **Auckley:** The question asked in the referendum was, "Do you want City of Doncaster Council to use the Neighbourhood Plan for Auckley to help it decide planning applications in the neighbourhood area?"

The number of votes cast in favour of a 'Yes' – 405

The number of votes cast in favour of a 'No' – 46

Votes cast – 451

Ballot papers rejected - 0

Electorate – 3624

Turnout – 12.44%

OPTIONS CONSIDERED

- 13 It is considered that there is only one realistic option available, which is option A:

Option A (recommended):

- Adopt the Auckley Neighbourhood Plan as part of the statutory development plan for the City.

Option B (not recommended):







- Do not adopt the Auckley Neighbourhood Plan.



REASONS FOR RECOMMENDED OPTION

- 14 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.
- 15 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 Auckley designated boundary area alongside national and other local planning policy.

IMPACT ON THE COUNCIL'S KEY OUTCOMES

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

Great 8 Priority	Positive Overall	Mix of Positive & Negative	Trade-offs to consider – Negative overall	Neutral or No implications
 Tackling Climate Change	✓			
Comments: Neighbourhood Plans give Town and Parish Councils opportunities to influence climate issues and improve their local environment.				
 Developing the skills to thrive in life and in work	✓			
Comments: Neighbourhood Plans give Town and Parish Councils and local residents another means to influence the development of where they live.				
 Making Doncaster the best place to do business and create good jobs	✓			
Comments: 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 around Planning and development. Up-to-date policies in Local and Neighbourhood Plans provides certainty for developers and investors.				
 Building opportunities for healthier, happier and longer lives for all	✓			
Comments: Neighbourhood Plans can focus on the individual characteristics of the local area.				
 Creating safer, stronger, greener and cleaner communities where everyone belongs	✓			
Comments: 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.				
 Nurturing a child and family-friendly borough				✓
Comments: No direct impact.				

 Building Transport and digital connections fit for the future	✓			
Comments: Neighbourhood Plans give Town and Parish Councils opportunities to take more ownership of and influence connectivity in their area.				
 Promoting the borough and its cultural, sporting, and heritage opportunities	✓			
Comments: 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.				
Fair & Inclusive	✓			
Comments: Town and Parish Councils or qualifying bodies should ensure their Neighbourhood Plans are inclusive and open in the preparation and ensure that the wider community are kept informed; views made; and all be activity involved. Public consultation takes place throughout the process and requests and responses are made publically available (consultation statements). Neighbourhood Plans are examined independently, fairly and transparently.				

Legal Implications [Officer Initials: SRF | Date: 25.04.2023]

- 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 Auckley 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 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 designated boundary of the Auckley Neighbourhood Plan.

Financial Implications [Officer Initials: CS | Date: 25.04.2023]

- 20 There are no direct financial implications associated with the formal adoption

of the Auckley Neighbourhood Plan. .

- 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. The amount is reduced to 15% (capped at £100 per existing house) in areas without an adopted Neighbourhood Plan.
- 22 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 Initials: DK | Date: 25/04/2023]

- 23 There are no direct HR Implications in relation to this report and the proposal to introduce the Auckley Neighbourhood Development Plan.

Technology Implications [Officer Initials: PW Date: 24/05/23]

- 24 There are no anticipated technology implications associated with this decision.

RISKS AND ASSUMPTIONS

- 25 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 Auckley 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.

CONSULTATION

- 26 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.
- 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.

- 28 A corporate report was circulated to Members of the Overview and Scrutiny Management Committee and Regeneration Housing Overview and Scrutiny Panel to consider the Adoption of Auckley Neighbourhood Plan, and support the adoption of the Plan. No comments were received.

BACKGROUND PAPERS

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

Auckley Neighbourhood Development Plan ([MODIFIED](#))

Auckley Neighbourhood Plan [website](#)

Neighbourhood Planning (General) [Regulations 2012](#)

Neighbourhood Planning (General) (Amendment) [Regulations 2015](#)

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

National Planning Practice Guidance: [Neighbourhood Plans](#)

National Planning Policy Framework ([July 2021](#))

[Planning and Compulsory Purchase Act 2004](#)

GLOSSARY OF ACRONYMS AND ABBREVIATIONS

CIL - Community Infrastructure Levy

EU – European Union

LPA - Local Planning Authority

NDP – Neighbourhood Development Plan

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