

**To the Chair and Members of the COUNCIL**

**NEIGHBOURHOOD PLANNING – Adoption ‘Making’ of the Burghwallis and Tickhill Neighbourhood Plans**

<b>Relevant Cabinet Member(s)</b>	<b>Wards Affected</b>	<b>Key Decision</b>
Councillor Joe Blackham	Tickhill and Wadworth Norton and Askern	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. Tickhill Town Council and Burghwallis Parish Council have produced Neighbourhood Plans for their parish areas, which have subsequently undergone successful examinations and referendums.
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. This target can be achieved for the Burghwallis Neighbourhood Plan, which is the second plan in Doncaster to go through a referendum (Tickhill was the first) but the first since the new regulations came in to force on the 1<sup>st</sup> October 2016.
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 has to be agreed by Full Council.

**EXEMPT REPORT**

5. Not exempt

**RECOMMENDATIONS**

6. It is recommended that members of Full Council:
  - Formally adopt the Tickhill Neighbourhood Plan and the Burghwallis 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) allowed 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 8 Neighbourhood Plans being prepared in the borough with Tickhill and Burghwallis now having reached the final stage of the process, adoption (being 'made').

9. Once adopted a Neighbourhood Plan forms part of the statutory development plan and sits alongside the adopted Doncaster Core Strategy 2012 and the emerging Local Plan. Any planning applications submitted in the Tickhill or Burghwallis parishes 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 both the case of Tickhill and Burghwallis the designated area is the 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 both Neighbourhood Plans are set out below. Both were successful at referendum.

11. **Tickhill:** The question asked in the referendum was, "Do you want Doncaster Metropolitan Borough Council to use the Neighbourhood Plan for Tickhill to help it decide planning applications in the neighbourhood area?"  
The number of votes cast in favour of a 'Yes' – 1008  
The number of votes cast in favour of a 'No' – 151  
Votes cast - 1159

Percentage of Votes cast in favour of a 'Yes' – 87%  
Electorate - 4359  
Turnout – 26.59%

The Plan is available at Appendix A.

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

The number of votes cast in favour of a 'Yes' – 76  
The number of votes cast in favour of a 'No' – 11  
Votes Cast 87  
Percentage of Votes cast in favour of a 'Yes' – 87%  
Electorate – 245  
Turnout – 35.51%

The Plan is available at Appendix B.

## **OPTIONS CONSIDERED**

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

Option A (recommended):

- Adopt the Tickhill Neighbourhood Plan and the Burghwallis Neighbourhood Plan as part of the statutory development plan for the borough.

Option B (not recommended):

- Do not adopt the Tickhill and Burghwallis Neighbourhood Plans.

## **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. Both Neighbourhood Plans were successful at referendum and in the opinion of the LPA have met the basic conditions, so in accordance with the Act the Plans should now be adopted as part of the Development Plan for Doncaster.

## **IMPACT ON THE COUNCIL'S KEY OUTCOMES**

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

	<b>Outcomes</b>	<b>Implications</b>
	<p>All people in Doncaster benefit from a thriving and resilient economy.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Be a strong voice for our veterans</i></li> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>Positive. Gives Town/Parish Councils and local residents another means to influence the development of where they live.</p>
	<p>People live safe, healthy, active and independent lives.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>n/a</p>
	<p>People in Doncaster benefit from a high quality built and natural environment.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Creating Jobs and Housing</i></li> <li>• <i>Mayoral Priority: Safeguarding our Communities</i></li> <li>• <i>Mayoral Priority: Bringing down the cost of living</i></li> </ul>	<p>Positive. Neighbourhood Plans can focus on the individual characteristics of their local area.</p>
	<p>All families thrive.</p> <ul style="list-style-type: none"> <li>• <i>Mayoral Priority: Protecting Doncaster's vital services</i></li> </ul>	<p>n/a</p>
	<p>Council services are modern and value for money.</p>	<p>n/a</p>
	<p>Working with our partners we will provide strong leadership and governance.</p>	<p>Positive. 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.</p>

## **RISKS AND ASSUMPTIONS**

17. 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 require legal tests and EU obligations (called the basic conditions). In the opinion of

the LPA the Tickhill and Burghwallis Neighbourhood Plans 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**

18. As detailed within the report, the Council is required to 'make' a Neighbourhood Plan 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. 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**

19. There are no direct financial implications associated with the formal adoption of the Tickhill and Burghwallis Neighbourhood Plans.

## **HUMAN RESOURCES IMPLICATIONS**

20. None identified

## **TECHNOLOGY IMPLICATIONS**

21. None identified

## **EQUALITY IMPLICATIONS**

22. Planning applications for new developments in Tickhill and Burghwallis parishes will be determined in accordance with the policies in the appropriate Neighbourhood Plan that have been developed in consultation with the local communities. The plans have subsequently been examined by independent examiners and modified in accordance with their recommendations to ensure that meet all the required legal tests.

## **CONSULTATION**

23. 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 and the draft plan is subject to formal consultation for a minimum of 6 weeks before being submitted to Doncaster Council who is also then required to carry out its own consultation on the plan before it can be submitted to examination stage allowing ample opportunity therefore for input and influence from any interested stakeholder as well as our statutory consultees.

24. 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**

25. The following links provide further background information in respect to the Tickhill and Burghwallis Neighbourhood Plans, the Neighbourhood Planning Regulations and the National Planning Practice Guidance.

Tickhill Neighbourhood Plan

<http://www.doncaster.gov.uk/services/planning/tickhill-neighbourhood-development-plan>

Burghwallis Neighbourhood Plan

<http://www.doncaster.gov.uk/services/planning/burghwallis-neighbourhood-development-plan>

Neighbourhood Planning (General) Regulations 2012

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

Neighbourhood Planning (General) (Amendment) Regulations 2015

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

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

[http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi\\_20160873\\_en.pdf](http://www.legislation.gov.uk/uksi/2016/873/pdfs/uksi_20160873_en.pdf)

National Planning Practice Guidance: Neighbourhood Plans

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

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