



Chelmsford City Council Cabinet

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Neighbourhood Plans Update and Delegations

Report by:

Cabinet Member for Sustainable Development

Officer Contact:

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Purpose

The purpose of this report is to:

- Provide an update on the progress of Neighbourhood Plans in the Council's administrative area; and
- Seek Cabinet's approval to delegate to the Director of Sustainable Communities in consultation with the Cabinet Member for Sustainable Development, the statutory functions of considering examiner's reports and recommendations, and deciding what action should be taken in response, including (where applicable) the decision to proceed to referendum.

Options

1. Approve the delegation of the statutory functions referred to above to the Director for Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development.
2. Alternatively, to require these functions to be exercised by Members (in Cabinet).

Preferred option and reasons

Option 1 – Delegating these statutory functions to Director of Sustainable Communities (in consultation with the Cabinet Member for Sustainable Development) will enable timely progress on future stages of the statutory Neighbourhood Plan process.

Recommendations

1. That Cabinet delegates to the Director of Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development, the statutory functions of considering examiners' reports and recommendations for the six Neighbourhood Plans under preparation set out at paragraph 1.2 of this report, and deciding what action should be taken in response, including (where applicable) the decision to proceed to referendum.
 2. That Cabinet notes the update on progress on Neighbourhood Plans in the Council's administrative area.
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1. Introduction

- 1.1. There are two adopted – or 'made' – Neighbourhood Plans in the Council's administrative area. These are South Woodham Ferrers and Writtle, which were adopted by Council at its meeting held on 8 December 2021.
- 1.2. There are a further six Neighbourhood Plans in progress, as follows:
 - Little Baddow – Regulation 16 stage
 - Broomfield – post Regulation 14 stage
 - Sandon – post Regulation 14 stage
 - Danbury – Regulation 14 stage
 - Boreham – drafting
 - East Hanningfield – drafting
- 1.3. Neighbourhood Development Plans are prepared in accordance with the Neighbourhood Planning (General) Regulations 2012. Once made, they become part of the Local Plan for use in making planning decisions within their areas.
- 1.4. When Neighbourhood Plan groups have drafted their Plan, the first formal consultation is held to comply with Regulation 14 of the above regulations. This is carried out by the Parish Council as the 'qualifying body' for Neighbourhood Plan preparation.
- 1.5. Once they have amended the draft Plan to take account of comments received, the Parish Council submits the Plan to the City Council which carries out the formal Regulation 16 consultation.

1.6. Following Regulation 16 consultation, the City Council appoints an independent examiner to review the Plan. At the close of the examination, the examiner issues a draft report for fact-checking, including recommendations for modifications felt necessary to ensure the Plan meets certain basic conditions, such as having regard to national and local planning policy. If successful, the examiner will then recommend that subject to the modifications the Plan is submitted to a referendum.

2. Next stage

2.1. Following receipt of the examiner's final reports, the Council, as local planning authority, is under a statutory duty (legal details are at end of this report) to consider the report and decide what action should be taken in response. It has to consider the same tests as the examiner and, whilst it must take into account the examiner's report, is not bound by it. If, however, the Council is satisfied that the draft Neighbourhood Plan meets the basic conditions, is compatible with Convention rights and complies with sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 or that the draft Neighbourhood Plan would meet those requirements, if modifications were made, it must proceed to a referendum.

2.2. The Council must make a decision to proceed to a referendum within five weeks of receiving the examiner's report. There are likely to be four Neighbourhood Plans reaching this stage in 2023/24. Rather than seeking agreement for referendum from Cabinet for each Plan individually, and given that there is a gap of eight weeks between July and September Cabinet, the request is made for the statutory functions referred to in paragraph 2.1 above to be delegated to the Director for Sustainable Communities, in consultation with the Cabinet Member for Sustainable Development.

2.3. If more than 50% of those voting in a referendum are in favour of a Plan, it can be formally made by the Council. The costs of holding the referendum are reimbursed through a Government Neighbourhood Planning Grant.

3. Conclusion

3.1. There are likely to be four Neighbourhood Plans submitted for Examination in 2023/24, and the Council will need to make a decision whether the Plans should proceed to referendum.

3.2. Agreeing the delegation as set out in the recommendation would mean the Council can meet the requirement for it to make a decision on whether to proceed to referendum within the statutory five-week period, avoid repeated requests to Cabinet for a decision to proceed, and avoid delays in the later stages of Neighbourhood Plan making.

List of appendices:

None

Background papers:

The Neighbourhood Planning (General) Regulations 2012

<https://www.legislation.gov.uk/uksi/2012/637/regulation/17A>

Corporate Implications

Legal/Constitutional:

Neighbourhood Development Plans are prepared in accordance with the Neighbourhood Planning (General) Regulations 2012, and the Town and Country Planning Act 1990.

The statutory duty is primarily set out within para 12 (2) of Schedule 4B to the Town and Country Planning Act 1990 – as applied to Neighbourhood Plans by section 33C of the Planning and Compulsory Purchase Act 2004.

They will become part of the Local Plan for use in making planning decisions.

Financial:

Costs of arranging a referendum are borne by the Council, but are expected to be covered through the Government's Neighbourhood Planning grant system.

Potential impact on climate change and the environment:

None.

Contribution toward achieving a net zero carbon position by 2030:

None.

Personnel:

Costs of arranging a referendum are borne by the Council, but are expected to be covered through the Government's Neighbourhood Planning grant system.

Risk Management:

None.

Equality and Diversity:

All Neighbourhood Development Plans are subject to an Equality Assessment which is part of the submission document package.

Health and Safety:

None.

Digital:

None.

Other:

Facilitating Neighbourhood Plans contributes to priorities in the Council's Our Chelmsford, Our Plan 2020: A Fairer and Inclusive Chelmsford, A Safer and Greener Place, Healthy, Enjoyable and Active Lives, and Connected Chelmsford

Consultees:

Legal and Democratic Services

Relevant Policies and Strategies:

This report takes into account the following policies and strategies of the City Council:

Local Plan 2013-2036

Our Chelmsford, Our Plan, January 2020.
