

COUNCIL MEETING - 13 JULY 2021

'MAKING' THE BULCOTE NEIGHBOURHOOD PLAN

1.0 Purpose of Report

- 1.1 To advise the Council of the result of the Bulcote Neighbourhood Plan Referendum and to seek approval from Council for the 'making' (adoption) of the Plan.

2.0 Background Information

- 2.1 Bulcote Neighbourhood Area was designated in April 2018. Since that time the Parish Council has progressed the production of their plan, assisted by Planning Officers of this Council, culminating in its submission to the District Council. Having established that the plan met the necessary legal and procedural requirements, the plan was placed on deposit and representations sought. This involved details being made available on the Council and the Neighbourhood Plan websites, at District Council offices and at local libraries. The District Council also fulfilled its obligation to directly notify those who were notified by Parish Council at the draft consultation stage that the plans had been received.
- 2.2 During the consultation period the District Council considered its own response to the plan. Having been closely involved with the preparation of the plan, Officers expectations that the contents would be in accordance with the District Councils Development Plan and national planning policy were confirmed. Consequently, under the delegated authority granted by Economic Development Committee, the Council largely expressed support for the plans as submitted – identifying a small number of areas where it was felt amendments were necessary.
- 2.3 An independent examiner was appointed in conjunction with the Parish Council and at close of the consultation the responses received, together with the District Council's own representation, were submitted for examination. The overall conclusion of the examiner was that subject to her recommendations the Plan met the Basic Conditions. On this basis it would be appropriate to 'make' the Plan (as modified) and it was recommended that it proceed onto referendum. Consequently the Full Council authorised the Chief Executive, acting as Returning Officer, to arrange a referendum for 6 May 2021.

3.0 'Making' the Bulcote Neighbourhood Plan

- 3.1 Council are advised that the Neighbourhood Planning Act 2017 has amended section 38 (subsection 3) of the Planning & Compulsory Purchase Act 2004 (development plan). Through these revisions where more than half of those voting in its referendum have voted in favour of the plan then it comes into force as part of the statutory development plan and so can be used in the determination of planning applications within the neighbourhood area from that point forward. Where a Neighbourhood Plan is successful at referendum then the Council must proceed to formally 'make', thus confirming that it has come into force. There are a narrow range of circumstances under which the Council could elect to not make a plan. These are where the making of the plan would breach, or would otherwise be incompatible with, any EU Obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). Where the Council decides that a plan should not be made then it ceases to form part of the Development Plan.

- 3.2 With the Examiner's recommended modification(s) the Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with EU obligations and the Convention rights and complies with relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 3.3 The referendum was held on Thursday, 6 May 2021 and posed the question, 'Do you want Newark & Sherwood District Council to use the neighbourhood plan for Bulcote to help it decide planning applications in the neighbourhood area?' In total 136 votes were cast, of which 122 were in favour and 14 were against.
- 3.4 The Neighbourhood Plan, and its preparation, has been assessed and is not considered to breach or be otherwise incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human rights Act 1998). With the referendum being passed the Plan has satisfied the necessary requirements in order to be 'made'.

4.0 Financial Implications

- 4.1 There are no costs associated with 'making' the Bulcote Neighbourhood Plan. Costs already incurred in producing the plan and carrying out the referendums are covered by funds received from central government.

5.0 RECOMMENDATIONS that:

- a) **the report be noted; and**
- b) **to 'make' the Bulcote Neighbourhood Plan, confirming that it forms part of the Development Plan for Newark & Sherwood District.**

Background Papers

Referendum Version of the Bulcote Neighbourhood Plan - available to view on the Councils website at:

<http://www.newark-sherwooddc.gov.uk/planningpolicy/neighbourhoodplanning/>

For further information please contact Matthew Tubb on extension 5850.

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