

COUNCIL MEETING - 12 FEBRUARY 2019

KINGS CLIPSTONE NEIGHBOURHOOD PLAN

1.0 Purpose of Report

- 1.1 To advise the Council of the result of the Kings Clipstone Neighbourhood Plan referendum and to seek approval from the Council for the 'making' of the Plan.

2.0 Background Information

- 2.1 Kings Clipstone Neighbourhood Area was designated in June 2014. Since then, the Parish Council has been working on their Neighbourhood Plan with the assistance of District Council Planning Officers. The first stage of public consultation was carried out on a draft Plan in October and November 2017. Following consideration of responses, this was developed into the version submitted to the District Council in August 2018.
- 2.2 The Kings Clipstone Design Guide was produced as part of the Neighbourhood Plan. It is intended to assist in the preparation of planning applications and to encourage development proposals that reinforce local distinctiveness. The Design Guide examines the way in which the character of Kings Clipstone is shaped by its setting and history and also looks at different character areas in the village.
- 2.3 Once it was established that the Plan met the necessary legal and procedural requirements, it was put out to consultation. Copies of the Plan and the Design Guide were made available on the District Council's and the Parish Council's websites, at the District Council's offices and at local libraries between 29 August and 12 October 2018. The District Council also consulted parties contacted by the Parish Council at the draft consultation stage.
- 2.4 During this consultation period the District Council considered its own response to the Plan. Under the delegated authority granted by Economic Development Committee, Planning Policy Officers suggested a small number of amendments to the Plan and one to the Design Guide, to boost conformity with District and national policy and aid implementation.
- 2.5 An independent Planning Inspector was appointed to examine the Plan. A total of sixteen responses to the consultation were received, including the District Councils. The responses were submitted to the examiner on 17 October 2018, along with the submission version of the Plan, the Kings Clipstone Design Guide and supporting documents.
- 2.6 The examination was carried out by written representation and the Inspector concluded that subject to her recommended modifications, the Plan met the basic conditions in the Town & Country Planning Act 1990. It was therefore recommended that the Plan, as modified, should proceed to referendum. The meeting of the Full Council on 11 December 2018 authorised the Chief Executive, acting as Counting Officer, to arrange the referendum for 31 January 2019.

3.0 'Making' the Kings Clipstone 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' the plan within 8 weeks of the referendum, thus confirming that it has come into force.
- 3.2 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.
- 3.3 With the Examiner's recommended modifications the Kings Clipstone Neighbourhood Plan meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town & 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 & Compulsory Purchase Act 2004 (as amended).
- 3.4 The referendum was held on Thursday, 31 January 2019 and posed the question, 'Do you want Newark & Sherwood District Council to use the Neighbourhood Plan for Kings Clipstone to help it decide planning applications in the neighbourhood area?' The outcome was a 'yes' vote of 97 and a 'no' vote of 16, with 1 rejected (representing a turnout of 42%).
- 3.5 The Neighbourhood Plan and its preparation, have been assessed and are 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).

4.0 Financial Implications

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

5.0 RECOMMENDATIONS that:

- a) **the report be noted; and**
- b) **the Council 'make' the referendum version of the Kings Clipstone Neighbourhood Plan confirming that it forms part of the Development Plan for Newark & Sherwood District.**

Background Papers

The referendum version of the Kings Clipstone Neighbourhood Plan

The Kings Clipstone Design Guide

The Kings Clipstone Parish Neighbourhood Plan Examiner's Report

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

For further information please contact Adrian Allenbury on extension 5862.

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