

COUNCIL MEETING – 17 DECEMBER 2019

'MAKING' THE EPPERSTONE AND FISKERTON-CUM-MORTON NEIGHBOURHOOD PLANS

1.0 Purpose of Report

- 1.1 To advise the Council of the result of the Epperstone and Fiskerton-cum-Morton Neighbourhood Plan Referenda, and should they have been successful to seek approval from Council for the 'making' (adoption) of the Plans.

2.0 Background Information

- 2.1 Epperstone Neighbourhood Area was designated in April 2015 and Fiskerton-cum-Morton Neighbourhood Area in March 2017. Since that time both Parish Councils have progressed the production of their plans, assisted by Planning Officers of this Council, culminating in their submission to the District Council. Having established that the plans met the necessary legal and procedural requirements, the plans were placed on deposit and representations sought. This involved details being made available on the Council's and the Neighbourhood Plan's 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 Councils at the draft consultation stage that the plans had been received.
- 2.2 During the consultation periods the District Council considered its own response to the plans. 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 two Parish Councils and at close of the consultations the responses received on each Plan, together with the District Councils own representation, were submitted for examination. In both cases the overall conclusion of the examiner was that subject to her recommendations the Plans met the Basic Conditions. On this basis it would be appropriate to 'make' the Plans (as modified) and it was recommended that they proceed onto referendum. Consequently the Full Council authorised the Chief Executive, acting as Returning Officer, to arrange both referendums for the 12th December 2019.

3.0 'Making' the Epperstone and Fiskerton-cum-Morton d Neighbourhood Plan's

- 3.1 Council are advised that the Neighbourhood Planning Act 2017 has amended section 38 (subsection 3) of the Planning and 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. 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) both Neighbourhood Plan's meet the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, are compatible with EU obligations and the Convention rights and comply with relevant provisions made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 (as amended).
- 3.3 The referendums were held on Thursday 12th December 2019 and posed the question, 'Do you want Newark and Sherwood District Council to use the neighbourhood plan for Epperstone/ Fiskerton-cum-Morton to help it decide planning applications in the neighbourhood area? The referenda results will be verbally reported at the meeting.
- 3.4 The Neighbourhood Plan's, and their 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). Should the referenda have been passed then the Plans will have satisfied the necessary requirements in order to be 'made'.

4.0 Financial Implications

- 4.1 There are no costs associated with 'making' the Epperstone and Fiskerton-cum-Morton Neighbourhood Plan's. 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) should the Epperstone and Fiskerton-cum-Morton Neighbourhood Plans have successfully passed their referendums that the Council 'make' the Plans. Confirming that they form part of the Development Plan for Newark & Sherwood District.**

Background Papers

Referendum Versions of the Epperstone and Fiskerton-cum-Morton Neighbourhood Plan's - 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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