

# STROUD DISTRICT COUNCIL

## OFFICER DECISION REPORT

28 JULY 2021

<b>Report Title</b>	<b>HORSLEY NEIGHBOURHOOD DEVELOPMENT PLAN</b>
<b>Purpose of Report</b>	To “make” the Horsley Neighbourhood Development Plan and bring it into legal force following the positive outcome of the referendum held on Thursday, 6th May 2021.
<b>Decision(s)</b>	<p><b>The Chief Executive, exercising her authority to take urgent decisions in accordance with Paragraph B1.1 of the Officer Scheme of Delegation hereby resolves:</b></p> <ol style="list-style-type: none"><li><b>1. To “make” the Horsley Neighbourhood Development Plan bringing it into legal force.</b></li><li><b>2. To delegate to the Strategic Director of Place, in agreement with the Qualifying Body, the correction of any further minor spelling, grammatical or typographical errors together with any improvements from a presentational perspective.</b></li></ol>
<b>Consultation and Feedback</b>	<p>A Referendum relating to the adoption of the Horsley Neighbourhood Development Plan was held on Thursday 6th May 2021.</p> <p>The question which was asked in the Referendum was: "Do you want Stroud District Council to use the Neighbourhood Plan for Horsley to help it decide planning applications in the neighbourhood area?"</p> <p>The result was as follows:</p> <ul style="list-style-type: none"><li>• Yes = 394 votes (91.84%)</li><li>• No = 35 votes (8.16%)</li><li>• Turnout = 62%</li></ul> <p>All neighbourhood development plans are required to gain a majority of 50% plus one in favour at a local referendum in order to become part of the Development Plan. They are then required to be ‘made’/ adopted by the local planning authority. If the plan received a positive result the local planning authority has a legal duty to bring the plan into force.</p>

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<b>Options</b>	<p>The Council has a legal duty to bring the plan into force following a positive result at the local referendum.</p> <p>The only circumstances in which the Council could not make the Neighbourhood Plan would be if it considers that the Neighbourhood Plan, including its preparation, breaches and would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998)</p>			
<b>Background Papers</b>	<a href="#">Horsley Neighbourhood Development Plan</a>			
<b>Appendices</b>	Appendix A – Equality Impact Assessment			
<b>Implications (further details at the end of the report)</b>	Financial	Legal	Equality	Environmental
	Yes	Yes	Yes	Yes

## BACKGROUND

- 1.1 The Horsley Neighbourhood Area was designated by resolution of the Council's Environment Committee on 4<sup>th</sup> September 2014.
- 1.2 The preparation of the Horsley Neighbourhood Development Plan (HNDP) was led by Horsley Parish Council ('the qualifying body').
- 1.3 A submission version of the HNDP was accepted by the Council on 12<sup>th</sup> November 2019, under regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the regulations'). As prescribed by 'the regulations', the Council consulted on the plan for six weeks and arranged for the plan to be examined.
- 1.4 The Council appointed Andrew Ashcroft MRTPI as independent examiner of the HNDP.
- 1.5 The examination concluded on 23<sup>rd</sup> January 2020 with the submission of the Examiner's Report, which recommended that the HNDP, once modified, should proceed to a referendum.
- 1.6 The Council's Environment Committee decided on 4<sup>th</sup> June 2020:
  1. to accept all recommended modifications of the Examiner's Report
  2. that 'the plan', as modified, meets the basic conditions, is compatible with the Convention rights, complies with the definition of a neighbourhood development plan (NDP) and the provisions that can be made by a NDP; and
  3. to take all appropriate actions to progress the plan to referendum
- 1.7 Following the positive result at referendum, the HNDP became part of the Development Plan for the Stroud District.

## **CONSIDERATION**

- 1.8 Neighbourhood planning is not a legal requirement but a right which communities in England can choose to use. Under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. This is subject to the limited exception, in sub section (6), whereby the council need not adopt the plan if it considers that it would be incompatible with any European Union obligations or Human Rights conventions.
- 1.9 In this regard, Environment Committee on 4<sup>th</sup> June 2020 determined that such requirements had been considered and satisfied. Therefore, to not make/adopt the Horsley Neighbourhood Development Plan would be in breach of these statutory provisions.

## **NEXT STEPS**

- 1.10 The Council must publish a statement setting out its decision and the reason for making it.
- 1.11 Once made, the Plan continues to form part of the statutory Development Plan for the District.
- 1.12 As soon as possible the Council should publish the plan, details of when and where it can be inspected and notify any person who has asked to be notified that it has been made and where and when it may be inspected.

## **IMPLICATIONS**

### **2.1 Financial Implications**

There are no financial implications arising from the making of the plan.

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### **2.2 Legal Implications**

Whilst Neighbourhood Planning is not a legal requirement for towns, parishes and other communities, it is a right that they can choose to exercise. Once exercised local planning authorities have a duty to support them and undertake elements of the work under the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 as amended (2015).

In this case, following a positive referendum result there is a legal duty, under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), to 'make' a Neighbourhood Development Plan, providing it does not consider it incompatible with any European Union obligations or Human Rights conventions (within the meaning of the Human Rights Act 1998). In this

regard the resolution to send the plan to referendum on the 6<sup>th</sup> May 2021 determined that this was not the case and therefore there is a duty, under The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, to make the plans within 8 weeks from the date of the referendum.

### **2.3 Equality Implications**

An EqlA has been carried out. No negative impacts have been identified.

### **2.4 Environmental Implications**

The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required. In order to comply with this requirement, Stroud District Council (SDC) undertook a screening exercise in November 2019 on the need or otherwise for a Strategic Environmental Assessment (SEA) to be prepared for the Plan. As a result of this process SDC concluded that the Plan is not likely to have any significant effects on the environment and accordingly would not require an SEA.

SDC also prepared a Habitats Regulations Assessment (HRA) of the Plan. It concludes that the neighbourhood plan will not give rise to likely significant effects on European sites, either alone or in combination with other plans or projects, and that Appropriate Assessment is not required.

As part of the Examination process the plan was found to meet the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. A requirement of meeting these conditions is that the plan must contribute to the achievement of sustainable development and not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017 (7).