
Cabinet Member

18 June 2018

Name of Cabinet Member:

Cabinet Member for Housing and Communities – Councillor Ruane

Director Approving Submission of the report:

Deputy Chief Executive - Place

Ward(s) affected:

Willenhall

Title:

Willenhall Neighbourhood Plan – Referendum Result and Adoption.

Is this a key decision?

No.

Willenhall Neighbourhood Plan – Referendum Result and Adoption

Executive Summary:

The 2011 Localism Act introduced a right for communities to draw up a Neighbourhood Plan which is supported through national regulatory control. This provides an opportunity for local communities to get more actively involved in planning in their areas. Local Planning Authorities are expected to play a positive role in facilitating and supporting this process.

In July 2017, the Willenhall Neighbourhood Planning Forum submitted their Neighbourhood Plan to this Council. Alongside the draft Neighbourhood Plan itself, they also submitted a suite of other documents which included the Basic Conditions Statement, the Consultation Statement, and the Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) Screening Assessment.

Neighbourhood Development Plans must also be examined by a suitably qualified independent person, appointed by the Council and agreed by the qualifying body (Willenhall Neighbourhood Planning Forum). Neighbourhood plans must also pass a referendum of local voters by a simple majority. If a plan passes referendum, the Council must 'make' (adopt) it, unless it breaches EU obligations or human rights legislation. The referendum took place on May 3, 2018 at the same time as Council local elections which resulted in a 'Yes' outcome.

Recommendations:

The Cabinet Member is requested to:

1. Consider the results of the referendum and formally 'make' (adopt) the Willenhall Neighbourhood Plan.

2. To approve the Decision Statement attached at Appendix 1 to be published in accordance with Regulation 19 of the Neighbourhood Planning (General Regulations (as amended) 2012.

List of Appendices included:

Appendix 1 – Decision Statement.

Background papers:

1. <http://internalmoderngov.coventry.gov.uk/ieListDocuments.aspx?CId=712&MId=11573&Ver=4>
2. <http://internalmoderngov.coventry.gov.uk/ieListDocuments.aspx?CId=147&MId=11423&Ver=4>
3. <http://internalmoderngov.coventry.gov.uk/ieListDocuments.aspx?CId=147&MId=9772&Ver=4>
4. <http://internalmoderngov.coventry.gov.uk/ieListDocuments.aspx?CId=147&MId=9080&Ver=4>

Other useful documents:

www.coventry.gov.uk/neighbourhoodplanning

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No – although this report has not been considered elsewhere, the Local Plan Advisory Panel and Planning Committee have been kept informed of the statutory process.

Will this report go to Council?

No.

Report title:

Willenhall Neighbourhood Plan – Referendum result and adoption.

1. Context (or background)

- 1.1 The Localism Act 2011 introduced new powers for community groups to prepare neighbourhood plans for their local areas. The Council has a statutory duty to assist communities in the preparation of Neighbourhood Plans and to take plans through a process of Examination and Referendum. The local authority is required to take decisions at key stages in the process within time limits that apply, as set out in the Neighbourhood Planning (General) Regulations 2012 as amended in 2015 and 2016 ("the Regulations").
- 1.2 The Willenhall Neighbourhood Plan has been prepared jointly by the Willenhall Community Planning Forum with on-going engagement with the local community and Council. Prior to the referendum, the Willenhall Neighbourhood Plan went through the following stages of preparation:
- Designation as a Neighbourhood Area (October 2013)
 - Designation as a Neighbourhood Forum (February 2014))
 - Consultation on a pre-submission version (November 2016)
 - Submission to the Council (July 2017)
 - Submission and publicity (August 2017)
 - Examination and Examiners Report (January 2018)
 - Referendum (May 2018)
- 1.3 The Examiner's Report concluded that subject to modifications, the Willenhall Neighbourhood Plan met the necessary basic conditions (as set out in Schedule 4b (8) of the Town and Country Planning Act 1990, as amended by the Localism Act 2011) and subject to these modifications being made it should proceed to referendum. At the Cabinet Member meeting on 30 January 2018, the Cabinet Member accepted the Examiner's recommendations and agreed that the Willenhall Neighbourhood Plan should proceed to referendum. A referendum was held on 3 May 2018.

2. Options considered and recommended proposal

- 2.1 The Cabinet Member is asked to formally 'make' (adopt) the Willenhall Neighbourhood Plan and bring it into full legal force as part of the Local Plan for Coventry. There are not considered to be any reasons not to 'make' the Plan nor alternative options (see legal section below). Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the plan.

3 Results of consultation undertaken and Referendum

- 3.1 The Willenhall Neighbourhood Plan has been through several stages of consultation. These include, inter alia, consultation on the neighbourhood area boundary (October 2013), consultation on the neighbourhood forum membership (February 2014), consultation on a pre-submission version of the Plan (November 2016), consultation on a submission version of the Plan (August 2017). The majority of consultation has been undertaken by the Neighbourhood Group within the Willenhall area. By way of example it has included public consultation days to gauge views and opinions on a variety of policy areas. The Council have supported this process through formal engagement with a range of stakeholders at each statutory stage of the Plans' preparation.

- 3.2 A referendum on the Willenhall Neighbourhood Plan was held on 3 May 2018 and was organised by the Returning Officer. As per the Examiner's recommendations, the referendum area was the same as the Neighbourhood Area agreed by the Council. The Declaration of Results of the poll confirmed that 1,215 ballot papers were issued from a total electorate of 5,724. This represented a 21.3% turnout and the results on whether to accept the Willenhall Neighbourhood Plan were as follows:

YES = 1044

NO = 138

The remaining 33 voting papers were either not cast or spoilt.

- 3.3 The Neighbourhood Planning Regulations (2012 as amended) requires that where over 50% of those voting in the Neighbourhood Plan referendum, vote in favour of the Neighbourhood Plan, then the Council must 'make' the plan (i.e. bring it into force as part of the Development Plan). The Council is not subject to this requirement if 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) or there are unresolved legal challenges.
- 3.4 At 85.9% in favour of using the neighbourhood plan to help determine planning applications in the defined neighbourhood area, this endorsement is demonstrably higher than the required threshold of more than half of those voting. A positive majority at the referendum means that the Council must now "make" the plan and bring it into full legal force as part of the Development Plan for Coventry (the Coventry Local Plan).
- 3.5 The Neighbourhood Plan is considered to meet the basic conditions and all relevant legal and procedural requirements which was supported in the Examiner's Report. It is advised that the plan be 'made' (adopted) by the Council given the positive vote in support of the neighbourhood plan and nothing has changed since the earlier consideration of the Examiner's report and modifications which would suggest that the Plan would breach, or be incompatible with any EU obligation or any of the Convention of Rights. Nor is there any unresolved legal challenge in respect of the Plan. There are no reasons why the Council should not proceed to 'make' the Neighbourhood Plan in accordance with the outcome of the referendum.

4 Timetable for implementing this decision

- 4.1 The Neighbourhood Plan must be made by the Council within 8 weeks beginning with the day immediately following that on which the referendum is held (unless the Plan is incompatible with EU/HR legislation or there is an unresolved legal challenge). This date is 29 June 2018.
- 4.2 Once the plan is 'made', it will achieve its full legal status. It forms part of the statutory development plan for the area and will sit alongside the Coventry Local Plan. The Neighbourhood Plan contains a series of policies that will be used when determining planning applications that are located within the defined Neighbourhood Area. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5 Comments from the Director of Finance and Corporate Services

- 5.1 Financial implications

The Council can seek grant funding from the MHCLG to cover the costs of neighbourhood planning. This includes:

- officer time supporting and advising the community in taking forward a neighbourhood plan;
- the costs of the examination; and
- any other further steps that may be needed for the neighbourhood plan to come into legal force, including the referendum.

To date, £25,000 has been claimed. Any further costs associated with supporting Neighbourhood Planning for this area would need to be funded from existing revenue budgets and officer time.

There is a potential benefit for communities with Neighbourhood Plans in place should the Council adopt a Community Infrastructure Levy (CIL). The Community Infrastructure Levy Regulations (2010, as amended) sets out this should be a minimum of 15% of receipts where there is no neighbourhood plan in place. This rises to 25% in areas where there is an adopted Neighbourhood Plan in place. The money must be spent on priorities agreed with the local community in areas where development is taking place, and in accordance with the Council's list of infrastructure priorities (known as the Regulation123 list or Infrastructure Delivery Plan).

5.2 Legal implications

The Neighbourhood Plan has been developed in accordance with the relevant legislation and regulations which govern the process, as endorsed in the Examiners report. The Planning and Compulsory Purchase Act 2004 also provides that a Neighbourhood Plan for an area becomes part of the development plan for that area after it is approved by an applicable referendum, prior to the plan being 'made' by the Council. In the very limited circumstances where the local planning authority might decide not to 'make' the neighbourhood plan, it will cease to be part of the development plan for the area. Given that the referendum result was 85.9% in favour of the Neighbourhood Plan, the Willenhall Neighbourhood Plan and the policies within it are now part of the Coventry Local Plan.

While the final approval of any development plan document would normally rest with full Council, the approval of neighbourhood plans falls under different legislation and may be approved by the executive (in this case, the Cabinet Member).

6 Other implications

None.

6.1 How will this contribute to achievement of the Council's Plan?

- A prosperous Coventry: the Willenhall neighbourhood plan would help contribute to the overall prosperity of Willenhall and wider Coventry residents by having a proactive and structured plan to help enable continued investment and regeneration through the statutory plan making process;
- Citizens living longer, healthier, independent lives: choosing the right approach to neighbourhood planning would help promote improvements to the existing built environment in Willenhall. New areas of green spaces and new health facilities could be secured from the neighbourhood plan policies and proposals.
- Making Coventry an attractive and enjoyable place to be: Choosing the right approach to delivering the city's planning needs would help promote

improvements to the existing built environment in Willenhall. This would also create opportunities for the Willenhall local centre to develop and regenerate supporting increased investment and ensuring the most valuable and sensitive green spaces will also be protected from inappropriate development.

- Providing a good choice of housing: The suite of policies in the Willenhall neighbourhood plan would ensure that housing need in Willenhall is adequately planned and supported so that sufficient new homes are appropriately planned to meet the needs of local people.
- Making places and services easily accessible: New homes and job opportunities will be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible. The neighbourhood plan would also promote sustainable development with adequate provision of infrastructure and improved accessibility to key services and facilities across and beyond the Willenhall area.
- Encouraging a creative, active and vibrant city: New infrastructure, supported through the neighbourhood plan, would facilitate and enable job opportunities to be brought forward in a planned and sustainable way. In practical terms this will help ensure the right amount of new development happens to ensure that services are viable and accessible.
- Developing a more equal city with cohesive communities and neighbourhoods: By planning proactively for Willenhall's development needs, their Plan could help to ensure that more people will be adequately housed, with greater access to new jobs, leisure provisions and community facilities.
- Improving the environment and tackling climate change: The successful implementation of Willenhall's neighbourhood plan would help seek to mitigate the impacts of development on the environment through the policies and proposals on which they are based. The Plan would also help bring about improvements to areas in need of investment and regeneration together with the protection of the most valuable and sensitive areas of green space from inappropriate development.

6.2 How is risk being managed?

The main risks associated with the Willenhall Neighbourhood Plan could arise from the failure to comply with the laws and regulations relating to Planning, Strategic Environmental Assessment processes and not exercising local control of developments. These risks would be adequately managed through the agreement of the recommendations in this report.

6.3 What is the impact on the organisation?

No direct impact.

6.4 Equalities / EIA

A key aspect of the planning process is to enable and support neighbourhood plans and to mitigate any potential adverse impacts of development. Having a Willenhall Neighbourhood Plan in place would assist the Council in developing sites and regenerating the Willenhall area thus helping to further reduce any perceived or known inequalities. It is also important to note that the Neighbourhood Plan has been prepared in accordance with the Council's Local Plan which was subject to an EIA.

6.5 Implications for (or impact on) the environment

Although the neighbourhood plan did not require a Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA), any potential implications could be managed appropriately through existing planning processes and will not unduly impact on the area's most sensitive and highest value natural environments.

6.6 Implications for partner organisations?

The adoption of the Plan will help achieve the aims and objectives of the Willenhall Neighbourhood Group.

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www.coventry.gov.uk/councilmeetings

Appendix 1 – Decision Statement