

Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan

Relevant Portfolio Holder	Cllr Kit Taylor
Portfolio Holder Consulted	Yes
Relevant Head of Service	Ruth Bamford
Wards Affected	Cofton, Lickey Hills and Marlbrook
Ward Councillor Consulted	Yes

1. SUMMARY OF PROPOSALS

- 1.1 The joint Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan (attached as Appendix 1), was submitted to the Council on 12th December 2018. This report seeks approval of the formal BDC response (attached as Appendix 2) to Lickey & Blackwell Parish Council and Cofton Hackett Parish Council ('the qualifying body').
- 1.2 Furthermore, the report seeks Cabinet approval to publish the Neighbourhood Development Plan for a statutory six week representation period in line with the neighbourhood planning regulations¹.
- 1.3 Finally, the report also seeks delegated authority to appoint an independent examiner to carry out the examination of the Neighbourhood Development Plan, including consideration of any representations arising from the representation period, and to proceed to a referendum should the examiner's report recommend the plan meets the basic conditions.

2. RECOMMENDATIONS

- That Cabinet approves the District Council response to the joint Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan submission version.
- That Cabinet approves a six week statutory representation period from the 14th February to 28th March 2019.
- That Cabinet gives delegated authority to the Head of Planning and Regeneration to appoint an independent examiner to undertake examination of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan following the representation period

¹ <http://www.legislation.gov.uk/ukxi/2012/637/regulation/16/made>

- **That Cabinet gives delegated authority to the Head of Planning and Regeneration to proceed to a referendum on the joint Neighbourhood Development Plan, including accepting any recommendations from the independent examiner in assessing whether the plan meets the ‘Basic Conditions’**

3. KEY ISSUES

Financial Implications

- 3.1 The District Council will be eligible to claim funding of £20,000 from the Ministry of Housing, Communities and Local Government (MHCLG) once a date has been set for the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan referendum. Two opportunities to secure funding exist per financial year, which are usually open for applications in November and March. Therefore the next available opportunity for BDC to apply for grant funding to support the work involved will be dependent on the progression to referendum of the Neighbourhood Development Plan.
- 3.2 Work already carried out by BDC Officers in assisting the Lickey & Blackwell and Cofton Hackett Neighbourhood Planning Steering group in preparing the Neighbourhood Development Plan has been subsumed in to existing departmental budgets and workloads for the Strategic Planning and Conservation team. Securing the neighbourhood planning grant will allow the Council to recoup departmental costs as well as contribute to examination and referendum costs. Officer time from the Council’s Elections Service will be required to organise the referendum.

Legal Implications

- 3.3 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan has been produced in accordance with the relevant neighbourhood planning regulations arising from the Localism Act 2011 and the *Neighbourhood Planning (General) Regulations 2012* (as amended).
- 3.4 Following submission of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan to the District Council in December 2018, Officers have reviewed all the submission documents and are satisfied that the plan is able to proceed to the statutory representation period and independent examination. Cabinet approval is sought for the District Council’s response (Appendix 2) to Lickey & Blackwell Parish Council and Cofton Hackett Parish Council as the qualifying body for the designated neighbourhood area.

- 3.5 Subject to Cabinet approval, the Council is responsible for publicising this statutory representation period and arranging for the independent examination and local referendum to take place. The Council is required to publicise the submission of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan for a minimum six week period² and invite representations, which will then be forwarded on to an independent examiner for their consideration.
- 3.6 The requirement that the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan is subject to an independent examination is to ensure and verify that the neighbourhood plan meets the 'basic conditions', as defined in the 1990 Town and Country Planning Act, before it can proceed to a referendum. This report seeks approval from Cabinet that authority be delegated to the Head of Planning to appoint an independent examiner to undertake this task³.
- 3.7 Should delegated authority be given, and once an independent examination has been carried out on the Neighbourhood Development Plan, the Council will receive an examiner's report making one of three recommendations:
- The Neighbourhood Development Plan meets the basic conditions and can proceed to referendum;
 - The plan can meet the basic conditions subject to suggested modifications to the plan;
 - The plan does not meet the basic conditions and should not proceed to referendum.
- 3.8 Should the examiner's report recommend the plan can proceed to referendum, and should the Council be satisfied with the examiner's recommendations⁴, delegated authority is sought for the Head of Planning to organise a referendum⁵.
- 3.9 The referendum would pose the question of whether those eligible to vote (those eligible to vote in local elections and who are resident within the designated neighbourhood area of Lickey, Blackwell and Cofton Hackett) would want Bromsgrove District Council to use the Neighbourhood Development Plan to help it decide planning applications in the neighbourhood area.

² Consultation period to commence on the 14th February 2019 subject to Cabinet approval.

³ Appointment to enable examination to commence in June 2019, subject to Cabinet approval, examiner availability and extent of representations received.

⁴ The Council has 5 weeks from the date of the examiner's report to publish its decision on whether the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan will proceed to referendum.

⁵ The relevant documents advertising that a referendum will take place must be published not less than 28 working days before the referendum date.

- 3.10 Should a referendum result in a 'Yes' vote that the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan be made, it is proposed that the plan be brought back to meetings of both Bromsgrove District Cabinet and Full Council to approve adoption.

Service / Operational Implications

- 3.11 Despite the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan belonging to the Parish Councils, the District Council has worked closely with the neighbourhood plan steering group in the preparation of the plan, both prior to and since designation of the neighbourhood area on the 13th October 2014.
- 3.12 In subsequent years, officer time has been spent advising and supporting members of the neighbourhood plan steering group.
- 3.13 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan include a vision and objectives and six key issues for the plan, covering the following policy topics:
- Policies for Built Heritage and Design
 - Policies for the Natural Environment
 - Policies for Housing
 - Policies for Infrastructure
 - Policies for Community facilities and
 - Policies for Commercial and Business interests.
- 3.14 A series of supporting documents are also submitted alongside the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan. These are listed under the background papers section at the end of this report. Amongst these documents is a Basic Conditions Statement submitted by the Parish Council to outline how they consider the plan meets the basic conditions it will be examined upon before it can proceed to referendum.
- 3.15 Should it be 'made' (adopted), the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan will form part of the statutory development plan, and therefore planning decisions in the parishes of Lickey & Blackwell and Cofton Hackett will need to be made in accordance with the Neighbourhood Development Plan as well as the Bromsgrove District Plan (BDP) and National Planning Policy Framework (NPPF).

Customer / Equalities and Diversity Implications

3.16 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan has already been subject to numerous events and public meetings to publicise the preparation of the plan and contribute to its development. A pre-submission public consultation was also undertaken to enable further community engagement and allow changes to the plan to be made prior to its submission to the District Council. Further detail of all engagement can be found in the Consultation Statement listed within the background papers section at the end of this report.

4. RISK MANAGEMENT

4.1 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan is not a plan produced directly by the District Council, however if 'made' it will become part of the development plan, and thus hold statutory power, for planning decisions made by the local authority within the parishes of Lickey & Blackwell and Cofton Hackett (the designated neighbourhood area).

4.2 The District Council has a duty to support the progression of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan, including publicising the statutory consultation and arranging independent examination and referendum, where the plan is deemed to meet the basic conditions.

4.3 Implementation of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan if made/adopted will make a positive contribution to the achievement of sustainable development in the parishes of Lickey & Blackwell and Cofton Hackett. It will provide a complementary planning framework alongside the BDP for the local planning authority to make planning decisions on proposals within the designated neighbourhood area.

4.4 The recommendations in this report are made in the context of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan being deemed to be likely to meet the basic conditions at examination and being able to proceed to referendum.

4.5 It should be noted that Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan was predominantly prepared under the previous National Planning Policy Framework, March 2012. This is in line with the guidance set out in the revised National Planning Policy Framework, July 2018 which sets out in Annex 1: Implementation (paragraph 214) that "The policies in the previous

Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019”.

- 4.6 Whilst the Neighbourhood Development Plan will be examined against previous NPPF, it has been reviewed against the 2018 NPPF and is considered to be in general conformity with the new NPPF.

5. APPENDICES

Appendix 1 – Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan submission version, December 2018

Appendix 2 - BDC officer response to Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan submission version

6. BACKGROUND PAPERS

Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan Basic Conditions Statement, December 2018

Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan Consultation Statement, December 2018

Lickey & Blackwell and Cofton Hackett Sustainability Appraisal, March 2018

Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan SEA and HRA Screening Report, 2018

Bromsgrove District Plan 2011-2030

7. KEY

BDP – Bromsgrove District Plan

NPPF – National Planning Policy Framework

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