

Lickey & Blackwell and Cofton Hackett Neighbourhood Plan

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

1. SUMMARY OF PROPOSALS

- 1.1 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan, which is attached at Appendix 1, was submitted by Lickey & Blackwell Parish Council and Cofton Hackett Parish Council ('the qualifying body') to the District Council in March 2018.
- 1.2 Following Cabinet approval (February 2019), the plan was subject to a statutory six week representations period from 14th February – 28th March 2019 and was subsequently examined by an independent neighbourhood plan examiner.
- 1.3 The final examiner's report, attached at Appendix 2, was received in September 2019 and recommended that the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan met the 'basic conditions'¹, subject to a some modifications, and should therefore proceed to a public referendum.
- 1.4 A referendum into the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan was held on Thursday 12th December 2019 within Lickey & Blackwell Parish. The 'Notice of Result' is attached at Appendix 3, and shows a Yes vote to the referendum question posed.

2. RECOMMENDATIONS

- 2.1 **That Cabinet notes the result of the referendum on the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan held on 12th December 2019**

¹ As defined at paragraph 8(2) Schedule 4B of the 1990 Town and Country Planning Act.

- 2.2 That Cabinet recommends to Council that the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan be ‘made’ (formally adopted) immediately, in accordance with the relevant legislation².**

3. KEY ISSUES

Financial Implications

- 3.1 Work already carried out by BDC Officers in assisting the Lickey & Blackwell and Cofton Hackett Parish Council’s in preparing the plan has been incorporated in to continuing workloads for the Strategic Planning and Conservation team.
- 3.2 Following the setting of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan referendum date, the District Council became eligible for funding of £20,000 from the Ministry of Housing, Communities and Local Government’s (MHCLG) neighbourhood planning grant. The application for this funding will be submitted as soon as the next claims window opens.

Legal Implications

- 3.3 The Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan has been produced in accordance with the relevant neighbourhood planning legislation 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 reviewed all the Neighbourhood Plan submission documents and were satisfied that, with the approval of Cabinet, the neighbourhood plan was able to proceed to a statutory representation period, independent examination, and referendum, should the plan be deemed to meet the basic conditions. Subsequently, the independent examination into the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan confirmed that the basic conditions were met subject to some modifications to the plan.

² As set out in the ‘Legal Implications’ (paragraph 3.3-3.11) section of this report.

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3.5 An information statement was published on 16th October 2019 declaring that a referendum on the Neighbourhood Plan was to be held. This ensured that no fewer than 28 days', excluding weekends and bank holidays, notice was provided as required by Regulation 4(1) of the Neighbourhood Planning (Referendums) Regulations 2012.

3.6 The question asked in a Neighbourhood planning referendum is standardised as set out in Schedule 1(1) of the Neighbourhood Planning (Referendums) Regulations 2012. To comply with this legislation, the question therefore posed for the referendum was:

Do you want Bromsgrove District Council to use the Neighbourhood Plan for Lickey & Blackwell and Cofton Hackett to help it decide planning applications in the neighbourhood area?

3.7 The referendum area, on the advice of the independent examiner, was identical to the designated neighbourhood area of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan; that is, coterminous with the boundary of both the parishes of Lickey & Blackwell and Cofton Hackett. As a result eligibility to vote in the referendum consisted of anyone who was 18 years of age or above on the date of the referendum, and who was registered to vote within the referendum area.

3.8 From a total of 5,382 eligible voters, 3372 ballot papers were received (with 33 rejected) (a turnout of 63%) with the result of the referendum as follows: Yes – 2911 (86%); No – 427 (13%). The 'Notice of Result' for the referendum is included at Appendix 3 for information.

3.9 Within a previous report to Cabinet in February 2019, with reference to the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan process, it was stated "*Should a referendum result in a 'Yes' vote that the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan be made, it is proposed that the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan be brought back to meetings of both Bromsgrove District Cabinet and Full Council to approve the adoption of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan*".

3.10 In light of the above, this report seeks a recommendation from Cabinet that the next meeting of Full Council on 22nd January 2020 approves

the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan to be 'made' in accordance with the relevant legislation, in particular Section 38A paragraph 4(a) of the 2004 Planning and Compulsory Purchase Act, which states that, "*A local planning authority to whom a proposal for the making of a neighbourhood development plan has been made...must make a neighbourhood development plan to which the proposal relates if in each applicable referendum under that Schedule (as so applied) more than half of those voting have voted in favour of the plan*".

- 3.11 It should also be noted that the meeting of Full Council occurs 5 weeks after the date of the Lickey & Blackwell Neighbourhood Development Plan referendum. Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) states that the prescribed date for making a neighbourhood plan following a referendum being held "*...is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held.*"

Service / Operational Implications

- 3.12 Despite the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan belonging to the Parish Council, 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 in October 2014.
- 3.13 In subsequent years, considerable officer time has been spent advising and supporting members of the neighbourhood plan steering group. In particular, officers have advised on matters concerning technical planning regulations and provided information to help comply with other legal requirements such as strategic environmental assessment (SEA) and habitat regulation assessment (HRA).
- 3.14 Once the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan is 'made' (adopted), the 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 Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan as well as the Bromsgrove District Plan (BDP).

Customer / Equalities and Diversity Implications

3.17 The production of the Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan was 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 undertaken to enable further community engagement and allow changes to the plan to be made prior to its submission to the District Council. The District Council's statutory representation period also enabled further engagement on the content of the plan by interested parties.

4. RISK MANAGEMENT

4.1 The Lickey & Blackwell and Cofton Hackett is not a plan that has been produced directly by the District Council, however once 'made' it will become part of the development plan, and thus hold statutory power, in the determination of planning applications within the Parishes of Lickey & Blackwell and Cofton Hackett.

4.2 The District Council has met its 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. It now has a duty to formally 'make' the neighbourhood plan as outlined at paragraph 3.10 above.

4.3 Implementation of the Lickey & Blackwell and Cofton Hackett Neighbourhood Plan will make a positive contribution to the achievement of sustainable development within the parishes of Lickey & Blackwell and Cofton Hackett. It will provide a complementary part of the development plan alongside the BDP for planning decisions taken within the designated neighbourhood area.

5. APPENDICES

Appendix 1: Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan referendum version, October 2019

Appendix 2: Lickey & Blackwell and Cofton Hackett Neighbourhood Development Plan Examiner's Report, October 2019

Appendix 3: Declaration of Result of Poll, December 2019

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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 Neighbourhood Development Plan Sustainability Appraisal, December 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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