

Committee Name and Date of Committee Meeting
Council – 25 May 2022

Report Title

Outcome of the Wickersley Neighbourhood Development Plan Referendum

Is this a Key Decision and has it been included on the Forward Plan?

Not applicable

Strategic Director Approving Submission of the Report

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Ward(s) Affected

Thurcroft & Wickersley South

Wickersley North

Report Summary

Neighbourhood planning was introduced by the Localism Act (2011). It gave parish councils and local communities the power to write their own plans and take more control of planning for their areas.

Wickersley Parish Council has produced a neighbourhood plan for the parish area, which has subsequently undergone a successful independent examination and referendum. In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to 'make' (adopt) the neighbourhood plan as part of the statutory development plan for Rotherham following a successful referendum. The Neighbourhood Planning Regulations also require local authorities to make a neighbourhood plan within eight weeks of the date of the referendum, which was held on 5 May 2022.

Recommendations

1. That the outcome of the Wickersley Neighbourhood Plan Referendum as set out at paragraph 1.5 of the report is noted.
2. That the Wickersley Neighbourhood Development Plan is adopted as part of the statutory development plan for Rotherham Borough.

List of Appendices Included

Appendix 1 Equality Part A – Screening

Appendix 2 Equality Part B – Analysis

Appendix 3 Carbon Impact Assessment

Background Papers

Wickersley Neighbourhood Plan referendum version

<https://www.rotherham.gov.uk/downloads/file/2759/wickersley-ndp>

Wickersley Neighbourhood Plan Appendix

<https://www.rotherham.gov.uk/downloads/file/2760/wickersley-ndp-appendix>

Wickersley Design Code

<https://www.rotherham.gov.uk/downloads/file/2761/wickersley-ndp-design-code>

National Planning Policy Framework

<https://www.gov.uk/guidance/national-planning-policy-framework>

Planning Practice Guidance: Neighbourhood planning

<https://www.gov.uk/guidance/neighbourhood-planning--2>

The Neighbourhood Planning (General) Regulations 2012

<https://www.legislation.gov.uk/uksi/2012/637/contents/made>

The Neighbourhood Planning (Referendums) Regulations 2012

<https://www.legislation.gov.uk/uksi/2012/2031/contents/made>

Independent examiner's report on the Wickersley Neighbourhood Plan

<https://www.rotherham.gov.uk/downloads/file/2732/report-of-the-independent-examination>

Decision statement confirming the neighbourhood plan meets the basic conditions and other legislative requirements

<https://www.rotherham.gov.uk/downloads/file/2744/decision-statement-22-february-2022->

Consideration by any other Council Committee, Scrutiny or Advisory Panel

N/A

Council Approval Required

Yes

Exempt from the Press and Public

No

Outcome of the Wickersley Neighbourhood Development Plan Referendum

1. Background

- 1.1 The Localism Act (2011) allows for local communities to prepare plans and strategies for development in their area called neighbourhood plans. Draft plans must go through several stages as set out in the Neighbourhood Planning (General) Regulations 2012 before they can be adopted (referred to in the legislation as being 'made'). The Council has a statutory duty to advise and assist during the preparation of a neighbourhood plan, as well as fulfil certain requirements to comply with the Regulations.
- 1.2 Wickersley Parish Council has produced a neighbourhood plan for the parish area. This is the second neighbourhood plan in the borough to have undergone a referendum.
- 1.3 There are a number of legally prescribed stages that need to be undertaken in preparing a neighbourhood plan:
- Designation of the neighbourhood area (in this case the parish of Wickersley)
 - Publication of the draft plan
 - Submission of the plan to the Local Planning Authority
 - Examination by an independent examiner
 - Referendum
- 1.4 Where a neighbourhood plan is subject to a successful referendum (where more than half of those voting have voted in favour of the plan), and the Local Planning Authority is satisfied that retained EU and human rights obligations have been met, it is a requirement to 'make' the plan and adopt it as part of the statutory development plan. Once adopted, a neighbourhood plan forms part of the statutory development plan for Rotherham Borough and sits alongside the Core Strategy (2014), the Sites and Policies Document (2018), the Barnsley, Doncaster and Rotherham Joint Waste Plan (2012), and the Dinnington Neighbourhood Plan (2021). Any planning applications for development within Wickersley parish must be determined in accordance with relevant development plan documents and the Wickersley Neighbourhood Plan.
- 1.5 The question asked in the referendum was "Do you want Rotherham Metropolitan Borough Council to use the neighbourhood plan for Wickersley to help it decide planning applications in the neighbourhood area?". The referendum was held on 5 May 2022 and the electorate was 6,193. The number of ballot papers verified was 1,811 giving a 29.24% turnout. The votes cast for Wickersley Neighbourhood Plan were as follows:

The number of votes cast in favour of a 'Yes'	1,455
The number of votes cast in favour of a 'No'	334
Rejected ballot papers	22

Having achieved just over an 80% majority in favour, the neighbourhood plan was successful at referendum.

2. Key Issues

2.1 In accordance with Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended) the Council is required to 'make' (adopt) neighbourhood plans following a successful referendum, providing that the Local Planning Authority is satisfied that retained EU and human rights obligations (the basic conditions) have been met.

2.2 The Wickersley Neighbourhood Plan was successful at referendum and in the opinion of the Local Planning Authority it has met the basic conditions, so in accordance with the Act the neighbourhood plan should now be adopted as part of the statutory development plan for Rotherham Borough. Regulation 18A of The Neighbourhood Planning (General) Regulations 2012 requires that the Council adopts the neighbourhood plan within eight weeks of the date of the referendum. In this case, adoption is required by 30 June 2022.

3. Options considered and recommended proposal

3.1 The recommendation as set out above is that the Council adopts the Wickersley Neighbourhood Plan.

3.2 Having passed independent examination and referendum, and there being no conflict with retained EU and human rights obligations, it is recommended that the Council adopts the Wickersley Neighbourhood Plan as part of the statutory development plan for Rotherham Borough.

3.3 Having passed independent examination and referendum there is no good reason not to adopt the neighbourhood plan, and if the Council did so it would be in breach of its statutory duty under the Town and County Planning Act 1990.

4. Consultation on proposal

4.1 All neighbourhood plans are subject to consultation at various stages of their preparation. The draft plan is subject to formal consultation for a minimum of six weeks before being submitted to the Council. The Local Planning Authority is then required to carry out its own statutory consultation on the plan before it can progress to examination stage. The neighbourhood plan is examined by an independent examiner and must be accompanied by a consultation statement demonstrating that the legal requirements of consultation have been met.

4.2 This process has been followed in preparing the Wickersley Neighbourhood Plan, providing ample opportunity for input and influence from any interested party, including residents, businesses and statutory consultees. Ultimately, the neighbourhood plan is voted for by the local community at a referendum. In this case, a majority of those voting supported the use of the Wickersley

Neighbourhood Plan when making decisions on planning applications in Wickersley parish.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Neighbourhood Planning Regulations require local authorities to 'make' (adopt) a neighbourhood plan within eight weeks of the date of the referendum, which was held on 5 May 2022. In this case, adoption of the Wickersley Neighbourhood Plan is required by 30 June 2022.
- 5.2 Under the Council's Constitution, the development plan for Rotherham Borough is part of the policy framework. As such, the adoption of a neighbourhood plan as part of the statutory development plan must be considered by a meeting of the Council.
- 5.3 Prior to publication, the front cover of the Wickersley Neighbourhood Plan will be amended to reflect its adopted status.

6. Financial and Procurement Advice and Implications

- 6.1 The Council funds the activity from £25,000 Neighbourhood Planning Grant from Central Government. Of this, £5,000 relates to the original neighbourhood area designation and £20,000 to the referendum stage. The grant covers the costs of public consultation, independent examination, referendum, advertising and printing. The expected payment date of the £20,000 grant for the referendum stage is June 2022. It is anticipated that the grant will be utilised in full.
- 6.2 Procurement is satisfied with the approach set out. Any chargeable goods or services required by the Council should be sought in accordance with Section 58 – Normal Procedure of the Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 As stated above, there are narrow circumstances where the Council is not required to make the neighbourhood plan. These are where it considers that the making of the neighbourhood plan would breach, or otherwise be incompatible with, any retained EU or human rights obligations.
- 7.2 Where the Council considers that the making of the neighbourhood plan would not breach, or otherwise be incompatible with, any retained EU or human rights obligations, a decision not to make the plan is likely to be subject to legal challenge by way of judicial review which could result in the Council's decision being quashed by the High Court. This would expose the Council to the risk of paying the claimant's legal costs in addition to the Council's own legal costs incurred in defending such a claim.

8. Human Resources Advice and Implications

- 8.1 There are no human resources implications arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

9.1 The Plan seeks to reflect the needs and aspirations of the community. It includes a supportive housing policy to meet the needs of the local community and designates three areas of Local Green Space of value to the local community.

10. Equalities and Human Rights Advice and Implications

10.1 Planning applications for new development in Wickersley parish will be determined in accordance with the policies in the neighbourhood plan that have been developed in consultation with the local community. The plan has subsequently been examined by an independent examiner and modified in accordance with the examiner's recommendations to ensure that it meets all the required legal tests.

10.2 An equalities screening and analysis have been carried out and are attached as appendices.

11. Implications for CO2 Emissions and Climate Change

11.1 Climate change poses a significant threat to environments, individuals, communities, and economies on local, national, and international scales. In recognition of this the Council has aimed to be net carbon neutral as an organisation by 2030, and for Rotherham as a whole to achieve the same position by 2040.

11.2 A carbon impact assessment has been carried out and is attached as an appendix.

12. Implications for Partners

12.1 Relevant partners have been consulted at key stages of developing the neighbourhood plan.

13. Risks and Mitigation

13.1 The Local Planning Authority considers the Wickersley Neighbourhood Plan has met the basic conditions and it has been successful at referendum. As such, the Council would be in breach of its statutory duty under the Town and County Planning Act 1990 if the Plan is not adopted. As the legislation concerning the recommendation is quite explicit there is no way of mitigating this risk.

14. Accountable Officers

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This report is published on the Council's website.