

REPORT AUDIT TRAIL				
CONSULTATION				
Name/Position	Portfolio/Ward/ Directorate	Date Sent	Date Received	Comments in para:
Councillor Denise Lelliott	Cabinet Member for Jobs and the Local Economy	29/11/23	03/12/23	Happy to approve.
<i>Paul Woodcock</i>	Assistant Chief Executive/ Strategic Director for Regeneration and Environment			
<i>Jayne Close,</i> Finance	Finance and Customer Services	28/11/23	30/11/23	6.1
<i>Stuart Fletcher,</i> Legal Services	Legal Services	28/11/23	5/11/23	7.1
<i>John Crutchley,</i> Human Resources	Assistant Chief Executive's Office	28/11/23	4/12/23	8.1
<i>Karen Middlebrook</i> Procurement	Finance and Customer Services	28/11/23	6/12/23	6.2
<i>Steve Eling,</i> Equalities	Assistant Chief Executive's Office	28/11/23	29/11/23	Additional text added to the equality screening document
<i>Arthur King</i> <i>Principal</i> <i>Climate</i> <i>Change Officer</i>	Assistant Chief Executive's Office	28/11/23	5/11/23	Climate Impact Assessment includes a reference number to complete the tracking details

<u>REPORT APPROVAL TRACKING</u>			
Equalities	Initial Screening completed and included with report	YES	
	Full Assessment completed and included with report	NO	N/A
Carbon Impact Assessments	Carbon Impact Assessment completed and included with report	YES	
Background information	<p>Maltby Neighbourhood Plan Examination documents: https://www.rotherham.gov.uk/strategies-plans-policies/maltby-neighbourhood-plan-examination</p> <p>Rotherham Council Neighbourhood Planning webpage: https://www.rotherham.gov.uk/planning-development/neighbourhood-planning/1</p>		
Appendices	<p>Appendix 1 Maltby Neighbourhood Plan — Examination Report Maltby Neighbourhood Plan Examination – Rotherham Metropolitan Borough Council</p> <p>Appendix 2 Maltby Neighbourhood Plan https://www.rotherham.gov.uk/downloads/file/3294/maltby-neighbourhood-plan-mnp-2017-2028</p> <p>Appendix 3 Maltby Neighbourhood Plan Masterplan https://www.rotherham.gov.uk/downloads/file/3296/mnp-masterplan-report</p> <p>Appendix 4 Maltby Neighbourhood Plan Design Code https://www.rotherham.gov.uk/downloads/file/3285/mnp-design-code</p> <p>Appendix 5 Equality Part A – Screening</p> <p>Appendix 6 Carbon Impact Assessment</p>		

Cabinet Member Approval		Click here to enter a date.
Report Authorised by Strategic Director		Click here to enter a date.
Report Authorised for publication by Chief Executive		Click here to enter a date.

Committee Name and Date of Committee Meeting

Delegated Officer Decision – 19 December 2023

Report Title

Maltby Neighbourhood Plan – Examination Report Implementation

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

No, but it has been included on the Forward Plan

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

Rachel Lindsay, Planning Policy Officer
01709 254764 or Rachel.lindsay@rotherham.gov.uk

Ward(s) Affected

Maltby East
Hellaby and Maltby West

Report Summary

Following the independent examination of the draft Maltby Neighbourhood Plan, the Local Planning Authority must reach its own view on whether the plan satisfies the basic conditions which neighbourhood plans must meet, and if it may proceed to referendum.

The Examination Report concludes that, with several modifications, the Neighbourhood Plan does meet the basic conditions. The recommended modifications address most of the Council's comments on the draft plan.

It is considered that the basic conditions which neighbourhood plans must satisfy are met by making these modifications and that the Plan should proceed to referendum.

Recommendations

1. That all the recommendations contained in the Draft Maltby Neighbourhood Plan Examination Report are applied to the Maltby Neighbourhood Plan.
2. That the amended Maltby Neighbourhood Plan proceed to a referendum with a voting area comprising the Neighbourhood Plan Area (Maltby Parish).

List of Appendices Included

Appendix 1 Maltby Neighbourhood Plan — Examination Report
[Maltby Neighbourhood Plan Examination – Rotherham Metropolitan Borough Council](#)

Appendix 2 Maltby Neighbourhood Plan
<https://www.rotherham.gov.uk/downloads/file/3294/maltby-neighbourhood-plan-mnp-2017-2028>

Appendix 3 Maltby Neighbourhood Plan Masterplan
<https://www.rotherham.gov.uk/downloads/file/3296/mnp-masterplan-report>

Appendix 4 Maltby Neighbourhood Plan Design Code
<https://www.rotherham.gov.uk/downloads/file/3285/mnp-design-code>

Appendix 5 Equality Part A – Screening

Appendix 6 Carbon Impact Assessment

Background Papers

Maltby Neighbourhood Plan Examination documents:
<https://www.rotherham.gov.uk/strategies-plans-policies/maltby-neighbourhood-plan-examination>

Rotherham Council Neighbourhood Planning webpage:
<https://www.rotherham.gov.uk/planning-development/neighbourhood-planning/1>

Consideration by any other Council Committee, Scrutiny or Advisory Panel
N/A

Council Approval Required
No

Exempt from the Press and Public
No

Maltby Neighbourhood Plan - Examination Report Implementation

1. Background

- 1.1 Maltby Neighbourhood Area was designated by the Council on 10 April 2017. The draft Maltby Neighbourhood Plan (hereafter the Plan) has been developed by the Maltby Parish Council (the qualifying body). Having undergone all required consultation (between 30 June 2023 and 21 August 2023) an independent examiner was commissioned by the Council to undertake the examination of the Plan. Having considered representations received during the required consultation period, including those from the Council, the examiner issued an Examination Report (Appendix 1) on 15 November 2023. The Examination Report is being published on the examination website.
- 1.2 The Examiner concluded that the Plan has met all the statutory requirements, including those set out in paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 (as amended). He has set out eight modifications to ensure that the Plan meets the 'basic conditions', as defined in Paragraph 8(2) of the Schedule (as amended) before it can proceed to referendum. The referendum would cover a voting area corresponding to the Maltby Neighbourhood Area (Maltby Parish).
- 1.3 In brief, the eight modifications include to:
- Update and revise the Maltby Masterplan as recommended by the Borough Council.
 - Insert in the Neighbourhood Plan maps showing Maltby Town Centre and defining Muglet Lane Local Centre respectively.
 - Modify the wording to a number of policy wordings for example in order that they are "clearly written and unambiguous".
- Minor modifications were provided in the annex of the report in accordance with the schedule of changes recommended by the Council.

2. Key Issues

- 2.1 The Council as Local Planning Authority (LPA) now has responsibility to determine if the Plan meets the basic conditions and can proceed to referendum with or without modifications, and to decide whether the voting area should be the neighbourhood area or should include other areas (where they would be affected by the plan). Only a draft Plan that meets each of a set of basic conditions can be put to a referendum and be "made" (adopted). If the basic conditions are met by making modifications, then the authority must make those modifications to the plan in order that it may proceed to referendum. If the Council considers that other changes are required to meet the basic conditions for neighbourhood plans and other relevant legal requirements, then further consultation and potentially a further examination may be required before proceeding to referendum.
- 2.2 The Examiner's Report recommendations address most of the Council's comments on the draft Plan.

- 2.3 No additional or alternative modifications to those set out in the Examiner's recommendations have been identified. It is noted that compliance with the recommendations of the independent examiner is the normal course of action. As such, it is considered that the Plan, as recommended to be modified, meets the basic conditions and should proceed to a referendum. Officers also concur with the Examiner that there is no need for the referendum to extend beyond the designated neighbourhood area.
- 2.4 Should the recommendations be approved then a decision notice will be published, and the Electoral Services Team would arrange for the referendum to take place. Regulations prescribe that the referendum must be held within 56 working days from the day after the LPA publishes their decision. The Chief Executive has been consulted, as Counting Officer, and it is confirmed that the referendum would take place on 8 February 2024.
- 2.5 Where more than 50% of the votes cast in a referendum are in favour of the neighbourhood plan, the Council must adopt it as part of its Local Plan and apply its policies when determining planning applications within the neighbourhood area. A Council decision at that stage would be required to formally 'make' (adopt) the plan.

3. Options considered and recommended proposal

3.1 **Option 1: The Independent Examiner's recommendations are followed, the recommended modifications to the Plan are made and the Plan proceeds to referendum with the Neighbourhood Area voting area**

The Examination Report recommends modifications which address most of the Council's comments. Officers concur that the basic conditions are met by making these modifications and that the Plan should proceed to referendum. This is the recommended option.

3.2 **Option 2: The Independent Examiner's recommendations are not followed on the Plan and voting area and the Plan does not proceed to referendum**

The LPA may make a different judgement regarding the Examiner's recommendations, and that alternative or additional amendments are required to meet the basic conditions. Clear reasons would be required, additional consultation would need to take place, and potentially a further independent examination. In exceptional circumstances the Secretary of State may be asked to intervene, where the LPA fails to submit a plan for referendum or departs from an examiner's recommendations. However, this option is not supported as the LPA has no clear reasons to depart from the Examiner's recommendations.

3.3 **Option 1** is the recommended option.

4. Consultation on proposal

4.1 Consultation on the Plan has been carried out in line with the Neighbourhood Planning (General) Regulations 2012.

- 4.2 Key events in the Plan's progress are tracked on the Council's neighbourhood planning webpage. A dedicated Council webpage was set up for the independent examination of the Plan, providing information, examination news and relevant documents (including the Examination Report) to the public to ensure openness and transparency. Following a decision on whether to proceed to referendum, a decision statement will be published on the webpage and made available in Riverside House and Maltby libraries in compliance with the regulations.

5. Timetable and Accountability for Implementing this Decision

- 5.1 The Council must make a decision within 5 weeks of receiving the Examination Report (by 20 December 2023) as to whether it agrees with the Examiner's recommendations and that the Plan will proceed to a referendum. A decision statement must then be published in compliance with the Neighbourhood Planning (General) Regulations 2012. The Secretary of State has the power to intervene if the LPA has failed to take a decision within this timeframe.

6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)

- 6.1 The Council has claimed £25k Neighbourhood Planning Grant from MHCLG in respect of Maltby. £5k relates to the original Neighbourhood Plan designation and £20k relates to the referendum stage. The full £25k payment has been received. This grant is being used to cover independent examination costs, referendum costs, advertising and printing. It is anticipated that the grant will be utilised in full.
- 6.2 There are no direct procurement implications associated with the recommendations detailed in this report. The independent examination costs were procured in compliance with the Council's Financial and Procurement Procedure Rules.

7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)

- 7.1 The Examiner has now confirmed that the Maltby Neighbourhood Plan has met all of the statutory requirements in compliance with paragraph 8(1) of Schedule 4B of the Town and Country Planning Act 1990 as amended (the Act). A decision must now be taken within a period of five weeks of the Examiner's Report (20 December) as to whether the Council agrees with the Examiner's recommendations and that the Plan should proceed to a referendum. The Plan is in accordance with the requirements of the Act and it has been confirmed that appropriate consultation has taken place in line with the Act's requirements.

8. Human Resources Advice and Implications

- 8.1 There are no direct HR implications within this report

9. Implications for Children and Young People and Vulnerable Adults

9.1 Agreement to proceed to referendum on the Plan will give the opportunity for the community to decide upon the implementation of the Plan which that gives local people an opportunity for a measure of greater say over how their community develops and evolves.

10. Equalities and Human Rights Advice and Implications

10.1 Equalities screening has been carried out (Appendix 5).

11. Implications for CO2 Emissions and Climate Change

11.1 Carbon Impact Assessment has been carried out (Appendix 6).

12. Implications for Partners

12.1. The implications for partners or other directorates are associated with the delivery of a referendum. Discussions with Electoral Services are ongoing and officers will ensure that the requirements for the referendum are met.

13. Risks and Mitigation

13.1 The Council has a responsibility to comply with relevant legislation or risk Secretary of State intervention.

14. Accountable Officers

Simon Moss, Assistant Director, Planning Regeneration and Transport

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Head of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.

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This report is published on the Council's [website](#).