

Committee Name and Date of Committee Meeting

Council – 26 May 2021

Report Title

Outcome of the Dinnington St John's Neighbourhood Development Plan Referendum

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

Yes

Strategic Director Approving Submission of the Report

Paul Woodcock, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Anston and Woodsetts

Dinnington

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.

Dinnington St John's Town 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 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 6 May 2021.

Recommendations

1. That the outcome of the Dinnington St. John's Neighbourhood Plan Referendum as set out at para 1.5 of the report is noted.
2. That the Dinnington St John's Neighbourhood Development Plan is adopted as part of the Statutory Development Plan for Rotherham Borough

Background Papers

Equality Part A – Screening

Equality Part B – Analysis

Carbon Impact Assessment

Dinnington St John's Neighbourhood Plan referendum version

<https://www.rotherham.gov.uk/downloads/file/2266/dinnington-st-johns-neighbourhood-plan-referendum>

Dinnington Town Centre Design Support document

<https://www.rotherham.gov.uk/downloads/file/2267/dinnington-town-centre-design-support-document>

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>

Dinnington St John's Neighbourhood Plan web page (RMBC)

<https://www.rotherham.gov.uk/planning-development/neighbourhood-plan/2>

Independent Examiner's report on the Dinnington St John's Neighbourhood Plan

<https://www.rotherham.gov.uk/downloads/file/1616/dinnington-st-johns-report-27th-march-2020>

Decision Statement confirming the Neighbourhood Plan meets the basic conditions and other legislative requirements

<https://www.rotherham.gov.uk/downloads/file/2264/dinnington-neighbourhood-planning-regulation-18-decision-statement>

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 Dinnington St John's 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 Plan, as well as fulfil certain requirements to comply with the Regulations.
- 1.2 Dinnington St John's Town Council has produced a Neighbourhood Plan for the parish area, and this is the first 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 designated area is Dinnington St John's parish)
 - 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 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), and the Barnsley, Doncaster and Rotherham Joint Waste Plan (2012). Any planning applications for development within Dinnington St John's parish must be determined in accordance with these documents and the Neighbourhood Plan.
- 1.5 The question asked in the referendum was "Do you want Rotherham Metropolitan Borough Council to use the neighbourhood plan for Dinnington St. John's Parish Neighbourhood Area to help it decide planning applications in the neighbourhood area?". The referendum was held on 6 May 2021 and the results for Dinnington St John's Neighbourhood Plan are set out below:

The number of votes cast in favour of a 'Yes'	1,651
The number of votes cast in favour of a 'No'	210
Rejected ballot papers	18
Electorate (persons eligible to vote)	6,662

Turnout	28.2%
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Having achieved a majority in favour, the 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' a 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 Dinnington St John's 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 adopt the Neighbourhood Plan within eight weeks of the date of the referendum. In this case, adoption is required by 1 July 2021.

3. Options considered and recommended proposal

- 3.1 The recommendation as set out above is that the Council adopt the Dinnington St John's Neighbourhood Plan.

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 Dinnington St John's Neighbourhood Plan as part of the Statutory Development Plan for Rotherham Borough.

- 3.2 Having passed independent examination and referendum there is no good reason not to adopt the 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. For example, the neighbourhood area boundary is consulted on at a very early stage, and 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 consultation on the plan before it can be submitted 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 Dinnington St John's

Neighbourhood Plan, providing ample opportunity for input and influence from any interested stakeholder including 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 Dinnington Neighbourhood Plan when making decisions on planning applications in Dinnington St John's 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 6 May 2021. In this case, adoption of the Plan is required by 1 July 2021.

5.2 Under the Council's Constitution, the Development Plan for Rotherham Borough is part of the policy framework. As such, the adoption of the Neighbourhood Plan as part of the Statutory Development Plan must be considered by a meeting of the Council.

5.3 Prior to publication, the Dinnington Neighbourhood Plan document cover and relevant text will be amended to reflect its adopted status.

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 received £25,000 Neighbourhood Planning Grant from the Government in respect of Dinnington St John's Neighbourhood Plan. Of this money, £5,000 relates to the original Neighbourhood Area designation and £20,000 to the referendum stage. The grant is being used to cover the costs of independent examination, referendum, advertising and printing. It is anticipated that the grant will be utilised in full.

6.2 After utilisation of the grant, any additional costs will be contained within the Service's approved revenue budget.

6.3 Procurement are satisfied with this approach as there are no costs to be factored in at this stage. Any chargeable goods or services required by the Council should be sought in accordance with section 52 of the 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 As set out in the body of the report the prescribed stages for the completion of a Neighbourhood Plan pursuant to 61 F and 61 G of the Town and Country Planning Act 1990 and the Neighbourhood Planning Regulations have been complied with. Following a positive referendum result the Council must now adopt the plan within a period of eight weeks from the date of the referendum.

8. **Human Resources Advice and Implications**

8.1 There are no direct Human Resource 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 supportive housing policies for people with a disability and smaller homes for young families, young people and older people. It has a hot food takeaways policy, seeking to restrict takeaways close to schools or colleges to help tackle obesity and promote a healthier environment.

10. **Equalities and Human Rights Advice and Implications**

10.1 Planning applications for new developments in Dinnington St John's 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 met all the required legal tests.

11. **Implications for Partners**

11.1 Relevant partners have been consulted at key stages of developing the Neighbourhood Plan.

12. **Risks and Mitigation**

12.1. The Local Planning Authority considers the Dinnington St John's 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.

13. **Accountable Officers**

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