

Committee Name and Date of Committee Meeting

Council – 28 February 2024

Report Title

Outcome of the Maltby 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

Borough-Wide or Maltby East

Hellaby and Maltby West

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.

Maltby 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 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 8 February 2024.

Recommendations

1. That the outcome of the Maltby Neighbourhood Plan Referendum as set out at paragraph 1.5 of the report is noted.
2. That the Maltby 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

Maltby Neighbourhood Plan referendum version

<https://www.rotherham.gov.uk/downloads/file/3460/maltby-neighbourhood-plan-referendum-version>

Maltby Design Code

<https://www.rotherham.gov.uk/downloads/file/3285/mnp-design-code>

Maltby Masterplan

<https://www.rotherham.gov.uk/downloads/file/3296/mnp-masterplan-report>

Maltby Masterplan Addendum – Schedule of Changes

<https://www.rotherham.gov.uk/downloads/file/3458/addendum-maltby-masterplan-schedule-of-changes>

National Planning Policy Framework

https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf

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 Maltby Neighbourhood Plan

<https://www.rotherham.gov.uk/downloads/file/3445/post-examination-report>

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

<https://www.rotherham.gov.uk/downloads/file/3459/maltby-np-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 Maltby Neighbourhood 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 Maltby Town Council has produced a neighbourhood plan for the parish area. This is the third 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 Maltby)
 - 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), the Dinnington Neighbourhood Plan (2021) and Wickersley Neighbourhood Plan (2022). Any planning applications for development within Maltby parish must be determined in accordance with relevant development plan documents and the Maltby Neighbourhood Plan.
- 1.5 The question asked in the referendum was “Do you want Rotherham Metropolitan Borough Council to use the neighbourhood plan for Maltby to help it decide planning applications in the neighbourhood area?”. The referendum was held on 8 February 2024, the electorate was 11,893 and there was a 12.72% turnout. The votes cast for Maltby Neighbourhood Plan were as follows:

The number of votes cast in favour of a ‘Yes’	1,147
The number of votes cast in favour of a ‘No’	358
Rejected ballot papers	8

Having achieved a majority of 76% 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 Maltby 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 4 April 2024.

3. Options considered and recommended proposal

- 3.1 The recommendation as set out above is that the Council adopts the Maltby 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 Maltby Neighbourhood Plan as part of the statutory development plan for Rotherham Borough.
- 3.3 Having passed independent examination and referendum there is no reason not to adopt the neighbourhood plan, and if the Council did not do so it would be in breach of its statutory duty under the Town and Country 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 Maltby 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

Maltby Neighbourhood Plan when making decisions on planning applications in Maltby 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 8 February 2024. In this case, adoption of the Maltby Neighbourhood Plan is required by 4 April 2024.
- 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 Maltby Neighbourhood Plan will be amended to reflect its adopted status.

6. Financial and Procurement Advice and Implications

- 6.1 The Council has claimed £25k Neighbourhood Planning Grant from Central Government 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 arising from the recommendations detailed in this report.

7. Legal Advice and Implications

- 7.1 The neighbourhood plan has now been subject to a successful public examination and referendum. The next step is for the Council to adopt the neighbourhood plan in accordance with section 38A of the Planning and Compulsory Act 2004 (as amended) as part of the council's statutory plan. The Council could only legally refuse to adopt the neighbourhood plan if it was considered contrary to the provisions of council's statutory plan, national planning policy, incompatible with Human Rights legislation or saved European legislation where applicable. A refusal to adopt the plan without appropriate grounds could result in a legal challenge with its associated costs and bad press implications for the Council.

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.

10. Equalities and Human Rights Advice and Implications

- 10.1 Planning applications for new development in Maltby 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 Policies M3 and M4, M6, M7 and M9 may have a beneficial carbon impact within the neighbourhood plan area; from domestic buildings, waste, transport and carbon capture respectively.
- 11.3 These and other potential carbon impacts are assessed as per the Council's carbon impact assessment template, attached as an appendix.

12. Risks and Mitigation

- 12.1 The Local Planning Authority considers the Maltby 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.

Accountable Officer(s)

Paul Woodcock, Strategic Director of Regeneration and Environment

Approvals obtained on behalf of:

	Name	Date
Chief Executive	Sharon Kemp	20/02/24
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	20/02/24
Assistant Director of Legal Services (Monitoring Officer)	Phillip Horsfield	20/02/24
Head of Human Resources (if appropriate)	Amy Leech	19/01/24
The Strategic Director with responsibility for this report	Paul Woodcock, Strategic Director of Regeneration and Environment	13/02/24
Consultation undertaken with the relevant Cabinet Member	Cabinet Member for Jobs and the Local Economy - Councillor Lelliott	14/02/24

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