

# Cabinet Report

Report of Head of Planning

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To: CABINET

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## Making the Longworth Neighbourhood Plan part of the Development Plan

### Recommendation

The Council makes the Longworth Neighbourhood Plan part of the Development Plan.

### Purpose of Report

1. To consider whether the Longworth Neighbourhood Plan should be made part of the Development Plan for Vale of White Horse District Council following the positive outcome of the referendum held on 18 August 2016.

### Corporate Objectives

2. Neighbourhood Plans help to support housing and economic growth at a local level. They also help to support communities and their aspirations for their town or village.

### Background

3. Longworth Parish Council was identified as the qualifying body and the parish of Longworth was designated as a Neighbourhood Area on 7 June 2013, under the Neighbourhood Planning (General) Regulations (2012), which came into force on 6 April 2012.
4. Longworth Parish Council developed a neighbourhood plan with its local community and submitted it to the district council. The submitted version of the plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 13 April 2016.

5. The district council appointed independent Examiner Mr McCreery, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.
6. The Examiner concluded that, subject to a single modification proposed in his report, the plan meets the 'basic conditions' including those set out in paragraph 8(1) and paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. He further concluded that subject to making the modification the Neighbourhood Plan as amended be submitted to a Referendum.
7. The modification was made and a referendum was held on 18 August 2016, where 79.4 per cent of those who voted (39.6 per cent turnout) were in favour of the plan.
8. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the district council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. The district council are not subject to this duty if (and only if) the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

## **Options**

9. The neighbourhood plan, including its preparation, does not breach, and would not otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There are therefore no options open to the Council other than to make the plan part of the Development Plan.

## **Financial Implications**

10. There are no significant financial implications with this decision that cannot be accommodated within budget.

## **Legal Implications**

11. The decision to make the Longworth Neighbourhood Plan part of the Development Plan is a legal requirement in the Planning and Compulsory Purchase Act 2004. The only circumstance where the district council should not make this decision is where the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). There is a requirement that the district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

## **Risks**

12. In view of the considerations referred to elsewhere in this report, a decision not to make the Plan would place the Council at risk of a legal challenge.

## **Conclusion**

13. The independent Examiner found that, subject to a modification proposed in his report, the plan meets the basic conditions and other requirements prescribed by the relevant legislation.

14. The referendum held on 18 August 2016 met the requirements of The Localism Act 2011 and The Neighbourhood Planning (Referendums) Regulations 2012. Greater than 50 per cent of those who voted were in favour of the plan being used to help decide planning applications in the plan area.
15. Accordingly it is recommended that the Longworth Neighbourhood Plan is made part of the Development Plan. This is consistent with our recommendation.
16. The district council will publish a formal decision statement as required under the Neighbourhood Planning (General) Regulations 2012.

## **Background Papers**

- Longworth Neighbourhood Plan 2015 - 2031