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| <b>CABINET</b>      | <b>AGENDA ITEM No. 6</b> |
| <b>12 JULY 2021</b> | <b>PUBLIC REPORT</b>     |

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|--------------------------------|--|---|
| Report of:                     | Steve Cox - Executive Director; Place & Economy, Cambridgeshire and Peterborough   |   |
| Cabinet Member(s) responsible: | Cllr Peter Hiller - Cabinet Member for Strategic Planning and Commercial Strategy and Investments  |   |
| Contact Officer(s):            | Emma Naylor, Senior Strategic Planning Officer<br><a href="mailto:emma.naylor@peterborough.gov.uk">emma.naylor@peterborough.gov.uk</a><br><br>Richard Kay, Head of Sustainable Growth Strategy<br><a href="mailto:richard.kay@peterborough.gov.uk">richard.kay@peterborough.gov.uk</a> | Tel. 01733<br>863881 /<br>07920<br>160249 |

## MAKING OF GLINTON NEIGHBOURHOOD DEVELOPMENT PLAN AND BARNACK NEIGHBOURHOOD DEVELOPMENT PLAN FOLLOWING SUCCESSFUL REFERENDUM OUTCOMES

| RECOMMENDATIONS   |                           |
|---|---------------------------|
| <b>FROM:</b> Executive Director; Place & Economy, Cambridgeshire and Peterborough   | <b>Deadline date:</b> N/A |
| <p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> <li>1. Notes the outcome of the Referendum on the Glinton Neighbourhood Plan, which took place on 6 May 2021: the outcome being 466 votes in favour of the Glinton Neighbourhood Plan, versus 62 votes against the Neighbourhood Plan.</li> <li>2. Recommends to Full Council that the Glinton Neighbourhood Plan, as set out at Appendix A, be 'made' (which means to all intents and purposes 'adopted') and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within the Glinton Neighbourhood Area (the Glinton Neighbourhood Area is the same area as Glinton Parish).</li> <li>3. Notes the outcome of the Referendum on the Barnack Neighbourhood Plan, which took place on 1 July 2021: the outcome being 175 votes in favour of the Barnack Neighbourhood Plan, versus 20 votes against the Neighbourhood Plan.</li> <li>4. Recommends to Full Council that the Barnack Neighbourhood Plan, as set out at Appendix B, be 'made' (which means to all intents and purposes 'adopted') and thereby form part of the Development Plan for Peterborough for the purpose of making decisions on relevant planning applications within the Barnack Neighbourhood Area (the Barnack Neighbourhood Area is the same area as Barnack Parish minus the part of Burghley Park that falls within the parish).</li> </ol> |                           |

### 1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the referendum on the Glinton Neighbourhood Plan which took place on 6 May 2021, and the referendum on the Barnack Neighbourhood Plan which took place on 1 July 2021, following the submission and successful examination of the Neighbourhood Plans.
- 1.2 The question asked at the May 6 Glinton Referendum was: *'Do you want Peterborough City Council to use the Neighbourhood Plan for the Glinton Neighbourhood Area to help it decide planning applications in the neighbourhood area?'*

1.3 While the question asked at the 1 July Barnack Referendum was: ‘Do you want Peterborough City Council to use the Neighbourhood Plan for the Barnack Neighbourhood Area to help it decide planning applications in the neighbourhood area?’

1.4 In order for a neighbourhood plan to be ‘made’ by a local planning authority, it must receive a majority ‘yes’ vote to the question posed (i.e. it must receive more than 50% vote in favour). There is no minimum vote turnout.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to seek Cabinet approval to recommend that Council ‘makes’ (adopts) both the Glinton Neighbourhood Plan and the Barnack Neighbourhood Plan and thereby make both plans part of the Development Plan for Peterborough.

2.2 The Glinton Neighbourhood Plan received the required majority ‘yes’ vote, achieving 466 ‘yes’ votes to 62 ‘no’ votes: an 88% majority vote in favour.

2.3 The Barnack Neighbourhood Plan also received the required majority ‘yes’ vote, achieving 175 ‘yes’ votes to 20 ‘no’ votes: a 90% majority vote in favour.

2.4 If the result of a neighbourhood plan referendum is ‘yes’, then the Council must (in accordance with the legislation) ‘make the neighbourhood plan’ part of the development plan.

2.5 This report is for Cabinet to consider under its Terms of Reference No. 3.2.1, “To take collective responsibility for the delivery of all strategic Executive functions within the Council’s Major Policy and Budget Framework and lead the Council’s overall improvement programmes to deliver excellent services.”

**3. TIMESCALES**

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| 3.1 | Is this a Major Policy Item/Statutory Plan? | <b>YES</b>          | If yes, date for Cabinet meeting  | <b>12 July 2021</b> |
|     | Date for relevant Council meeting           | <b>28 July 2021</b> | Date for submission to Government Dept. (Please specify which Government Dept.) | <b>N/A</b>          |

**4. BACKGROUND AND KEY ISSUES**

4.1 Neighbourhood Planning was formally introduced to the planning system by the Localism Act in 2011. It provides communities with the opportunity to shape how their area will grow by enabling them to develop a suite of policies against which planning applications in their area will be considered, alongside other the policies in the Development Plan (such as the Peterborough Local Plan). In areas that are parished, neighbourhood plans must be prepared by the parish council. In areas that are not parished, neighbourhood plans can be prepared by a community group that establishes themselves a ‘neighbourhood forum’. Neighbourhood planning is optional: there is no requirement for a parish or community group to prepare a neighbourhood plan for their area.

4.2 The Glinton Neighbourhood Area was formally designated by Peterborough City Council on 11 June 2013 and since that date members of Glinton Parish Council have developed their plan through consultation with the community and through other evidence gathering work. This work included a statutorily required consultation in July- September 2019 undertaken by the parish council (as a Qualifying Body), prior to the plan and associated evidence being formally submitted to Peterborough City Council in June 2020.

- 4.3 The Barnack Neighbourhood Area was formally designated by Peterborough City Council on 15 February 2019 and since that date members of Barnack Parish Council have developed their plan through consultation with the community and through other evidence gathering work. This work included a statutorily required consultation in September to October 2020 undertaken by the parish council (as a Qualifying Body), prior to the plan and associated evidence being formally submitted to Peterborough City Council in December 2020.
- 4.4 **Glington Neighbourhood Plan**  
Following its submission, the neighbourhood plan was again the subject of a formal consultation, this time organised by Peterborough City Council, which ran from 7 August to 2 October 2020. This consultation was followed by an independent examination by a suitably qualified individual. The independent examiner considered the plan against the necessary requirements of the relevant legislation and concluded that the plan, subject to some relatively minor modifications, met what is called the 'basic conditions' and, therefore, should proceed to a local referendum in the Glington Neighbourhood Area. The Council issued a Decision Statement on 1 December 2020 stating that the Council agreed with these findings and that the plan should proceed to referendum.
- 4.5 **Barnack Neighbourhood Plan**  
Following its submission, the neighbourhood plan was again the subject of a formal consultation, this time organised by Peterborough City Council, which ran from 22 January to 5 March 2021. This consultation was followed by an independent examination by a suitably qualified individual. The independent examiner considered the plan against the necessary requirements of the relevant legislation and concluded that the plan, subject to some relatively minor modifications, met what is called the 'basic conditions' and, therefore, should proceed to a local referendum in the Barnack Neighbourhood Area. The Council issued a Decision Statement on 16 April 2021 stating that the Council agreed with these findings and that the plan should proceed to referendum.
- 4.6 **Glington Neighbourhood Plan**  
The Counting Officer (Gillian Beasley) published the necessary information and publicised a notice of the referendum in accordance with the requirements of legislation, with the referendum taking place on Thursday 6 May 2021. The result of the referendum was 466 'yes' votes, and 62 'no' votes: the Declaration of Result was published shortly after the result was confirmed.
- 4.7 **Barnack Neighbourhood Plan**  
The Counting Officer (Gillian Beasley) published the necessary information and publicised a notice of the referendum in accordance with the requirements of legislation, with the referendum taking place on Thursday 1 July 2021. The result of the referendum was 175 'yes' votes, and 20 'no' votes: the Declaration of Result was published shortly after the result was confirmed.
- 4.8 Glington and Barnack are the fourth and fifth areas respectively to progress a neighbourhood plan to this stage in Peterborough. The Parish Councillors and members of the community responsible for the production of the Glington and Barnack Neighbourhood Plans have invested a substantial amount of time and energy into this process which is to be commended.

## 5. CONSULTATION

- 5.1 **Glington Neighbourhood Plan**  
The Glington Neighbourhood Plan has been the subject of consultation during its preparation. A Glington Neighbourhood Plan Consultation Statement (available on our website) sets out the various informal consultation events and activities undertaken by the Parish Council prior to the formal 'regulation 14' consultation on the draft plan. The draft plan was subjected to a formal 9-week consultation July to September 2019 (the 'regulation 14' consultation). The consultation period of 9 weeks was notably longer than the required minimum 6 weeks: the extended period was to ensure accessibility during the summer holidays. The submitted plan was also subject to an additional 8-week consultation- the 'regulation 16' consultation- August to October 2020.

Again, this consultation was extended from the minimum 6 weeks, this time due to the Covid pandemic.

## 5.2 **Barnack Neighbourhood Plan**

The Barnack Neighbourhood Plan has been the subject of consultation during its preparation. A Barnack Neighbourhood Plan Consultation Statement (available on our website) sets out the various informal consultation events and activities undertaken by the Parish Council prior to the formal 'regulation 14' consultation on the draft plan. The draft plan was subjected to a formal consultation September to October 2020 (the 'regulation 14' consultation. This consultation was initially started February 2020 but was postponed due to the covid pandemic). The submitted plan was also subject to an additional consultation- the 'regulation 16' consultation- 22 January to 5 March 2021.

5.3 Post referendum, no further consultation is appropriate on the plans.

## 6. **ANTICIPATED OUTCOMES OR IMPACT**

6.1 Cabinet and Council have very little option at this stage: given the positive outcome of the referendums, the Council must 'make' the Plans unless it believes there is some form of legal process failure which warrants it not to do so. No known such failure exists.

## 7. **REASON FOR THE RECOMMENDATION**

7.1 The recommendations are in accordance with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (as amended). The Plans have been assessed by an independent examiner and officers agree that the plans both meet the basic conditions and other requirements of legislation. The Plans have subsequently passed a referendum. As such, the Plans should be 'made' part of the Development Plan.

## 8. **ALTERNATIVE OPTIONS CONSIDERED**

8.1 There are no known alternative options for the Council to consider, given the content of the legislation, the content of the Glington Neighbourhood Plan and the Barnack Neighbourhood Plan and the process followed in their production. The alternative of not 'making' (adopting) the Plans could only be taken if a legal process failure has been identified. Amending the content of the Plans is not a legal possibility at this stage.

## 9. **IMPLICATIONS**

### **Financial Implications**

9.1 The only financial implication of 'making' the Glington Neighbourhood Plan and the Barnack Neighbourhood Plan is that the parish councils will receive 25% of relevant Community Infrastructure Levy (CIL) money receipts obtained from development in the respective neighbourhood area, compared to the 15% (capped) that it currently receives (PCC retain the remaining percentage in each case). It is not possible to estimate the monetary value of this impact, as it is dependent on a number of factors and variables including (but not limited to):

- the type of development that takes place (there are different charges applied to different types of development, and some development is exempt)
- The scale of development
- The Charging Schedule set by Peterborough City Council: this can vary year to year, as Peterborough City Council is required to publish an annual CIL rate summary showing the rates of CIL in its area adjusted for inflation.

### **Legal Implications**

9.2 The preparation and making of a Neighbourhood Plan is subject to extensive legislation. All such legislation has, in the opinion of officers, been appropriately applied in both the case of Glington and Barnack. That said, any aggrieved party has the ability to legally challenge the making of the

Plan/s should they see fit to do so. Whilst this is not presently considered likely in either case, nationally there has been a number of legal challenges to the preparation of Neighbourhood Plans so there is a possibility of this occurring. As appropriate, members will be informed should this be the case. Once the Plans are made, all planning applications in Glington Neighbourhood Area and Barnack Neighbourhood Area must be considered against the policies within the relevant Neighbourhood Plan (as well as against wider policies and considerations).

### **Equalities Implications**

- 9.3 There are no anticipated equalities implications of this recommendation.

### **Carbon Impact Assessment**

- 9.4 The making of the Glington Neighbourhood Plan and Barnack Neighbourhood Plan is unlikely to have any negative effects in relation to climate/ carbon impact.

Most effects are likely to be neutral, though there is potential for positive impact in relation to some aspects: the potential positive impacts are uncertain and will depend on what planning applications come forward in the plan period, the nature and scale of these, and other material considerations affecting the determination of the proposals.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 None.

## **11. APPENDICES**

- 11.1 Appendix A- Glington Neighbourhood Plan to be made.  
11.2 Appendix B- Barnack Neighbourhood Plan to be made.

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