

CABINET	AGENDA ITEM No. 7
14 NOVEMBER 2022	PUBLIC REPORT

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Cabinet Member(s) responsible:	Cllr Marco Cereste	
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MAKING OF HELPSTON NEIGHBOURHOOD DEVELOPMENT PLAN FOLLOWING SUCCESSFUL REFERENDUM OUTCOME

RECOMMENDATIONS	
FROM: Executive Director for Place and Economy	Deadline date: to be taken to 7 December Full Council, and accord with the deadlines associated with this meeting.
<p>It is recommended that Cabinet:</p> <ol style="list-style-type: none"> Notes the outcome of the Referendum on the Helpston Neighbourhood Plan, which took place on 15 September 2022: the outcome being 277 votes in favour of the Helpston Neighbourhood Plan, versus 14 votes against the Neighbourhood Plan. Recommends to Full Council that the Helpston Neighbourhood Plan, as set out at Appendix 1, 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 Helpston Neighbourhood Area (the Helpston Neighbourhood Area is the same area as Helpston Parish). 	

1. ORIGIN OF REPORT

- 1.1 This report is submitted to Cabinet following the referendum on the Helpston Neighbourhood Plan which took place on 15 September 2022, following the submission and successful examination of the Neighbourhood Plan.
- 1.2 The question asked at the Referendum was: '*Do you want Peterborough City Council to use the Neighbourhood Plan for the Helpston Neighbourhood Area to help it decide planning applications in the neighbourhood area?*'
- 1.3 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) the Helpston Neighbourhood Plan and thereby make it part of the Development Plan for Peterborough.

- 2.2 The Helpston Neighbourhood Plan received the required majority 'yes' vote, achieving 277 'yes' votes to 14 'no' votes: an 94.5% majority vote in favour.
- 2.3 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.
- 2.4 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**

Is this a Major Policy Item/Statutory Plan?	YES	If yes, date for Cabinet meeting	14 November 2022
Date for relevant Council meeting	07 December 2022	Date for submission to Government Dept. <i>(Please specify which Government Dept.)</i>	N/A

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 Helpston Neighbourhood Area was formally designated by Peterborough City Council on 3 April 2018 and since that date members of Helpston 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 2021 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 2021.
- 4.3 Following its submission, the neighbourhood plan was again the subject of a formal consultation, this time organised by Peterborough City Council, which ran from 17 December 2021 to 15 February 2022. 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 Helpston Neighbourhood Area. The Council issued a Decision Statement on 1 August 2022 stating that the Council agreed with these findings and that the plan should proceed to referendum.
- 4.4 The Counting Officer 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 15 September 2022. The result of the referendum was 277 'yes' votes, and 14 'no' votes: the Declaration of Result was published shortly after the result was confirmed.

4.5 Helpston is the sixth area to progress a neighbourhood plan to this stage in Peterborough. The Parish Councillors and members of the community responsible for its production have invested a substantial amount of time and energy into this process which is to be commended.

5. CONSULTATION

5.1 The Helpston Neighbourhood Plan has been the subject of consultation during its preparation. A Helpston 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 more than 10 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 - December 2021 to February 2022. Again, this consultation was extended from the minimum 6 weeks to account for Christmas holidays.

5.2 Post referendum, no further consultation is appropriate on this plan.

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 Cabinet and Council have very little option at this stage: given the positive outcome of the referendum, the Council must 'make' the Plan 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 This recommendation is in accordance with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (as amended). The Plan has been assessed by an independent examiner and officers agree that the plan meets the basic conditions and other requirements of legislation. The Plan has subsequently passed a referendum. As such, the Plan 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 Helpston Neighbourhood Plan and the process followed in its production. The alternative of not 'making' (adopting) the Plan could only be taken if a legal process failure has been identified. Amending the content of the Plan is not a legal possibility at this stage.

9. IMPLICATIONS

Financial Implications

9.1 The only financial implication of 'making' the Helpston Neighbourhood Plan is that the parish council will receive 25% of relevant Community Infrastructure Levy (CIL) money receipts obtained from development in the 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 in Helpston (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. That said, any aggrieved party has the ability to legally challenge the making of the Plan should they see fit to do so. Whilst this is not presently considered likely in this 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 Plan is made, all planning applications in Helpston must be considered against the policies within the 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

- 9.5 The making of the Helpston 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, particularly in Policy A6 which seeks low carbon forms of heating in developments. However, 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 1 – Helpston Neighbourhood Plan to be made part of the Development Plan for the area