

Hambleton District Council

Report To: Cabinet

Date: 7th September 2021

Subject: **Ingleby Arncliffe Referendum**

Portfolio Holder: Planning
Councillor D A Webster

Wards Affected: Osmotherley and Swainby Wards

1.0 Purpose and Background

- 1.1 The purpose of this report is to seek approval for the Ingleby Arncliffe Neighbourhood Plan to proceed to referendum stage to determine if the Neighbourhood Plan should be used for the purposes of planning decisions in the neighbourhood area.
- 1.2 The Ingleby Arncliffe Neighbourhood Plan has been produced by the Ingleby Arncliffe Neighbourhood Plan Steering Group with the Ingleby Arncliffe Parish Council acting as the local 'Qualifying Body'. Work on the Neighbourhood Plan began in 2014 and has included a number of consultation stages. The Parish Council submitted the draft version of the Neighbourhood Plan after which the Council undertook further statutory consultation on it and appointed an independent person to conduct the examination into the Neighbourhood Plan.
- 1.3 The report of the Independent Examiner is attached at Annex A. The purpose of the independent examination process is to ensure Neighbourhood Plans meet a set of nationally prescribed 'Basic Conditions', and to recommend if the Neighbourhood Plan should proceed to local referendum. The examination into the Ingleby Arncliffe Neighbourhood Plan concluded on the 6th August 2021.
- 1.4 The Examiner has recommended that the Neighbourhood Plan can proceed to referendum, subject to a number of modifications being made. It is now the Council's role to consider the outcome of the Examiner's Report, including the proposed modifications.
- 1.5 There are 8 recommended modifications, these include minor word changes to the Neighbourhood Plan objectives, a revision of paragraph 29 of the Plan and minor changes to the terminology used in Policies P1, P3, P4, P5 and P6, along with a recommendation that a proposals map is included within the Neighbourhood Plan. It is recommended that Cabinet agree to the changes suggested by the Examiner and the 'referendum' version of the Neighbourhood Plan proceed to referendum.
- 1.6 If agreed, the referendum will take place on a date to be agreed. Should the Neighbourhood Plan gain public support with a majority 'Yes' vote at the referendum then Full Council will be asked to formally 'make' (adopt) the Ingleby Arncliffe Neighbourhood Plan to form part of the statutory Development Plan for Hambleton.

2.0 Link to Council Priorities

2.1 This directly links to the Council's priority on Enhancing the Local Areas.

3.0 Risk Assessment

3.1 The key risk in not approving the recommendation is as shown below:-

Risk	Implication	Gross Prob	Gross Imp	Gross Total	Preventative action	Net Prob	Net Imp	Net Total
If the weight to be afforded to the policies in the decision making process is not clearly defined this could lead to planning appeals	More planning appeals could adversely affect the quality of the planning service. Council planning decisions could be overturned.	4	3	12	Approve as recommended.	2	3	6

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.2 There are risks associated with approving the recommendation, however these are considered to be of low level. Overall, the risk of not approving recommendations outweighs the risks of approving the recommendation.

4.0 Financial Implications

4.1 It is estimated that the cost for the referendum will be £1,600 plus officer time, this is not expected to be significant given the referendum is for the Parish of Ingleby Arncliffe only. The Council can submit a claim for £20,000 of funding from central government within the months of November-December 2021, which would cover the costs for the Neighbourhood Plan process.

5.0 Legal Implications

5.1 The Council must consider each of the recommendations made by the Examiner's report (and the reasons for them) and decide which action to take in response. If the Council is satisfied the draft Neighbourhood Plan meets the 'basic conditions' and other legal requirements as outlined in the Examiner's Report then a referendum must be held in accordance with the relevant legislation. The Council may be subject to challenge if it fails to adhere to the prescribed process and criteria for determining and adopting a neighbourhood plan.

6.0 Equality/Diversity Issues

6.1 Equality and Diversity Issues have been considered however there are no issues associated with this report.

7.0 Recommendations

7.1 That Cabinet approves and recommends to Council:-

- (1) that the Ingleby Arncliffe Neighbourhood Plan meets the 'basic conditions' and all other legal requirements as summarised in the Independent Examiner's Report, subject to the modifications proposed;
- (2) the required modifications be agreed to the Ingleby Arncliffe Neighbourhood Plan and that Ingleby Arncliffe Neighbourhood Plan Referendum Version proceed to referendum; and
- (3) the referendum area be that as defined as the Designated Area to which the Neighbourhood Plan relates, i.e. the Ingleby Arncliffe Parish Boundary.

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Background papers: None
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