

Hambleton District Council

Report To:	Cabinet
Date:	7 December 2021
Subject:	Ingleby Arncliffe Neighbourhood Plan Adoption
Portfolio Holder:	Planning Councillor D A Webster
Wards Affected:	All Wards

1.0 Purpose and Background

- 1.1 The purpose of the report is to consider the results of the Ingleby Arncliffe Neighbourhood Plan referendum. It asks Cabinet to approve and recommend to Council that it formally 'make' the Neighbourhood Plan and bring it into full legal force as part of the Development Plan for the Hambleton District. This will allow the Neighbourhood Plan to progress in line with the relevant Neighbourhood Planning legislation and Regulations.
- 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 several 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 Neighbourhood Plan was then subject to an independent examination which concluded on the 6th August 2021. The report stated that the Neighbourhood Plan met a set of nationally prescribed 'Basic Conditions', included a set of modifications.
- 1.4 On the 7 September 2021 Cabinet Members approved and recommended to Council that they accept the modifications within the Examiners Report. Council accepted the modifications and recommendations on the 14 September 2021.
- 1.5 This allowed the Neighbourhood Plan to proceed to the next stage and on the 4 November 2021 a Referendum was held within the Designated Area which forms part of the Ingleby Arncliffe Parish Boundary.
- 1.6 The Referendum polling station was at Ingleby Cross Village Hall on the 4th November from 7am – 10 pm.
- 1.7 The attached annex sets out the results of the poll in the form of a Declaration which was held on the 5th November. The Declaration confirms that 154 residents casted a valid vote in the referendum, out of a potential 285 on the electoral roll with a 54% turn out. The results on whether to accept the Ingleby Arncliffe Neighbourhood Plan were:
 - Yes = 145 votes
 - No = 9 votes

- 1.8 The Neighbourhood Planning Regulations (2012 as amended) requires that where over 50% of those voting in the Neighbourhood Plan referendum, vote in favour of the Neighbourhood Plan, then the Council is legally obliged to 'make' the plan (i.e. bring it into force as part of the Development Plan).
- 1.9 The Planning and Compulsory Purchase Act 2004 also provides that a Neighbourhood Plan for an area becomes part of the development plan for that area after it is approved by an applicable referendum, prior to the plan being 'made' by the Council. In the very limited circumstances where the local planning authority might decide not to 'make' the neighbourhood plan, it will cease to be part of the development plan for the area. Given that the referendum result was 94% in favour of the Neighbourhood Plan; the Ingleby Arncliffe Neighbourhood Plan and the policies within it are now part of the statutory development plan for Hambleton District Council.
- 1.10 The Neighbourhood Plan must be made by the Council within 8 weeks beginning with the day immediately following that on which the referendum is held (unless the Plan is incompatible with European Union / Habitat Regulation legislation or there is an unresolved legal challenge, there are no breaches of legislation or legal challenges). As the referendum was held on the 4th November the start date of the 8 week period starts from the 5th November until the 31st December.
- 1.11 Once the plan is 'made', it will achieve its full legal status. It forms part of the statutory development plan for the area and will sit alongside the Local Development Framework and in turn by the Local Plan (once adopted). The Neighbourhood Plan contains a series of policies that will be used when determining planning applications that are located within the defined Neighbourhood Area.

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 There are no significant risks.

4.0 Financial Implications

- 4.1 The Council are now able and will 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. Which would cover the costs of the Referendum expenses which are £2378.64.

5.0 Legal Implications

- 5.1 The Council is legally obliged to 'make' the plan because it meets the legal requirements for plan making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Ingleby Arncliffe Neighbourhood Plan is now part of the development plan.

6.0 Equality/Diversity Issues

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

8.0 Recommendation

8.1 That Cabinet approves and recommends to Council that it formally 'make' the Ingleby Arncliffe Neighbourhood Plan and bring it into full legal force as part of the Development Plan for the Hambleton District.

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Background papers: None

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