

## Report of the Portfolio Holder for Economic Development and Asset Management

### COSSALL NEIGHBOURHOOD PLAN

#### 1. Purpose of Report

The purpose of this report is to obtain approval for the Cossall Neighbourhood Plan to be modified as recommended by the Independent Examiner and to proceed to referendum based upon the current Neighbourhood Plan Area (which is as per the pre-April 2023 Cossall Parish Council boundary).

#### 2. Recommendation

**Cabinet is asked to RESOLVE that:**

- 1. the Cossall Neighbourhood Plan should be modified as proposed by the Independent Examiner.**
- 2. once modified as proposed by the Independent Examiner, it is considered the Neighbourhood Plan will meet the Basic Conditions.**
- 3. the Cossall Neighbourhood Plan should proceed to a referendum, with the extent of the area eligible to vote to be based upon the Cossall Neighbourhood Area as shown within appendix 1 to this report.**

#### 3. Detail

The Cossall Neighbourhood Development Plan has been prepared by Cossall Parish Council over the past six years since the official designation of the Cossall Neighbourhood Area in December 2017. The Independent Examiner's Report was received by Broxtowe Borough Council in November 2023. The Independent Examiner recommended that, subject to ten modifications, the Cossall Neighbourhood Plan meets the Basic Conditions and other requirements, and should, subject to the approval of the Borough Council, proceed to referendum.

The Independent Examiner also concluded that:

- The Neighbourhood Plan has been prepared and submitted for examination by a qualifying body: Cossall Parish Council;
- The Plan has been prepared for an area properly designated: Cossall Neighbourhood Plan Area, as shown on Map 1 of the Plan and within appendix 1 to this report;
- The Plan specifies the period to which it is to take effect, 2022 - 2037; and
- The policies relate to the development and use of land for a designated Neighbourhood Area.

The Independent Examiner considered whether the referendum area should extend beyond the designated area to which the Plan relates and concluded that it should not.

The Neighbourhood Plan was produced by a Steering Group made up of Parish Councillors and other volunteers from the local community.

The Neighbourhood Plan includes 12 policies. These are:

- Policy 1 Sustainable Development
- Policy 2 Protecting Landscape Character
- Policy 3a Protecting and Enhancing Blue and Green Infrastructure
- Policy 3b Protecting and Enhancing Biodiversity
- Policy 4 Designation of Local Green Spaces
- Policy 5 Protecting or Enhancing Heritage Assets
- Policy 6 Ensuring High Quality Design
- Policy 7 A Mix of Housing Types
- Policy 8 Maintaining Local Employment
- Policy 9 Enhancing the Provision of Community Facilities
- Policy 10 Traffic Management
- Policy 11 Car Parking on Church Lane

The (Submission) draft of the Neighbourhood Plan and accompanying documents were submitted to Broxtowe Borough Council on Thursday 9 March 2023. The Borough Council arranged a period of public consultation between 30 May and 14 July 2023 (the 'Regulation 16' consultation) and subsequently submitted the Neighbourhood Plan for Independent Examination.

The Independent Examination was undertaken by Jill Kingaby BSc (Econ) MSc MRTPI. The Independent Examiner's Report was received by the Borough Council on 9 November 2023.

The Independent Examiner found that, subject to ten modifications, the Neighbourhood Plan meets the Basic Conditions and other requirements. Further information in relation to the Basic Conditions and the Independent Examiner's recommendations are set out within the Independent Examiner's Report, which is included as appendix 2.

The next steps (should Cabinet resolve to approve the recommendations) are that the Borough Council will amend the Neighbourhood Plan as per the Independent Examiner's recommendations and then arrange a referendum, co-ordinated by the Elections Team. If the Neighbourhood Plan achieves more than half of votes cast in favour (50% plus one) then the Neighbourhood Plan will form part of the Development Plan and be given full weight in the determination of planning applications and decisions on planning appeals in the Plan Area, unless the Borough Council subsequently decides the Neighbourhood Plan should not be 'made'.

Appendix 1 shows a plan showing the extent of the Cossall Neighbourhood Plan Area (the pre-April 2023 Cossall Parish Council boundary). The Independent Examiner's Report is set out in appendix 2. Appendix 3 sets out the

Equality Impact Assessment.

4. Key Decision

This is not a Key Decision.

5. Updates from Scrutiny

N/A

6. Financial Implications

The comments from the Head of Finance Services were as follows:

The Council can claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC) when it issues a decision statement detailing its intention to send the Neighbourhood Plan to referendum (as set out under Regulation 18 of the Neighbourhood Planning (General) Regulations 2012 (as amended) rather than when a referendum date has been set. Whilst the Council will have already invested resources in the preparation of the Cossall Neighbourhood Plan and the Neighbourhood Plan process, the costs of the referendum should be covered by this funding.

7. Legal Implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

Neighbourhood planning is part of the Government's initiative to empower local communities to bring forward planning proposals at the local level, as outlined in Section 116 of the Localism Act 2011. The Act and the subsequent Neighbourhood Planning (General) Regulations 2012 (known as the 2012 Regulations) confer specific functions on local planning authorities in relation to neighbourhood planning and sets out the steps that must be followed in relation to neighbourhood planning.

The designation of a Neighbourhood Area and related Forum are vital steps in empowering communities to take forward Neighbourhood Planning. Under the Localism Act, the Council have a statutory responsibility to groups who wish to exercise their right to produce a Neighbourhood Plan. As such, a refusal following submission of a valid application could lead to potential legal challenge.

The Council now need to determine whether, once amended as recommended by the Independent Examiner, the Neighbourhood Plan meets the 'Basic Conditions', as set out in Paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. In order to meet the Basic Conditions, the Neighbourhood Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;

- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations (under retained EU law); and
- Meet prescribed conditions and comply with prescribed matters.

Regulation 32 of the 2012 Regulations (as amended) prescribes a further Basic Condition for a Neighbourhood Plan. This requires that the making of the Neighbourhood Development Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

In order to comply with Regulation 18A of the 2012 Regulations (as amended), the Council must make a decision as to whether or not the Plan meets the Basic Conditions and so should or should not proceed to referendum, by the last day of the period of 5 weeks beginning with the day immediately following that on which the examiner's report was received by the local authority (which was on 9 November 2023) or by another date agreed in writing with the Parish Council.

8. Human Resources Implications

N/A

9. Union Comments

N/A

10. Climate Change Implications

The Cossall Neighbourhood Plan includes local planning policies to promote sustainable development, to protect and enhance blue and green infrastructure and to protect and enhance biodiversity.

11. Data Protection Compliance Implications

This report does not contain any [OFFICIAL(SENSITIVE)] information and there are no Data Protection issues in relation to this report.

12. Equality Impact Assessment

As this is a change to policy / a new policy an equality impact assessment is included in the appendix to this report.

13. Background Papers

Nil.