

Report of the Portfolio Holder for Economic Development and Asset Management

COSSALL NEIGHBOURHOOD PLAN

1. Purpose of Report

To seek the resolution of Cabinet to 'make' (adopt) the Cossall Neighbourhood Plan, following a successful referendum result on 15 February 2024.

2. Recommendation

Cabinet is asked to RESOLVE that:

- 1. Following a successful referendum on 15 February 2024, the Council 'makes' (adopts) the Cossall Neighbourhood Plan.**
- 2. Authority be given to issue a statement setting out this decision (the 'Decision Statement').**

3. Detail

Following an Independent Examination into the Cossall Neighbourhood Plan, the Independent Examiner recommended that the Plan should proceed to referendum, subject to a number of recommended modifications. At its meeting of 5 December 2023, Cabinet resolved that the Cossall Neighbourhood Plan, once amended as proposed, would meet the basic conditions and other relevant legislative requirements and should proceed to referendum.

A Neighbourhood Plan referendum took place in relation to the Cossall Neighbourhood Plan on Thursday 15 February 2024, asking the question: 'Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Cossall to help it decide planning applications in the neighbourhood area?'. The number of votes cast in favour of 'Yes' was 115 (93.5%) and those in favour of 'No' was 8 (6.5%). The turnout was 26.28%.

Section 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council must 'make' the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

Therefore, Broxtowe Borough Council is now required to formally 'make' (adopt) the Cossall Neighbourhood Plan. The Cossall Neighbourhood Plan would then form part of the 'development plan' for Cossall Parish, sitting alongside the Broxtowe Local Plan (Broxtowe Aligned Core Strategy and the Broxtowe Part 2 Local Plan). Decisions on planning applications within Cossall Parish will be made using both the Broxtowe Local Plan and the Cossall Neighbourhood Plan, and any other material considerations. The final version of the Cossall Neighbourhood Plan is available to view on the Council's website at the following

link: <https://www.broxtowe.gov.uk/media/eslfd3er/cossall-neighbourhood-plan-january-2024.pdf>.

In order to comply with Regulation 18A of the Neighbourhood Planning (General) Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the date prescribed for the purposes of section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. Therefore, the Council is required to adopt the Cossall Neighbourhood Plan as soon as 'reasonably practicable' after the referendum was held and, in any event, by the end of the period of 8 weeks following the day after the referendum.

Were the Cossall Neighbourhood Plan to be 'called in' for consideration at the Overview and Scrutiny Committee, then a decision with the 8-week period would not be possible. The Chair of the Overview and Scrutiny Committee has been consulted and has agreed that the call-in procedure shall not apply to this decision.

4. Key Decision

This report is not a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

5. Updates from Scrutiny

As detailed above.

6. Financial Implications

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

The Council will be able to claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC), during the next 'claims window', as it issued 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)), and this referendum has now been held.

7. Legal Implications

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

In order to comply with Regulation 18A of the Neighbourhood Planning (General)

Regulations 2012, as amended by the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the date prescribed for the purposes of section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 (as amended) is the date which is the last day of the period of 8 weeks beginning with the day immediately following that on which the last applicable referendum is held. Therefore, the Council is required to adopt the Cossall Neighbourhood Plan as soon as 'reasonably practicable' after the referendum was held and, in any event, by the end of the period of 8 weeks following the day after the referendum.

As set out within section 61E (8) of the Town and Country Planning Act 1990 Act (as amended), there are narrow circumstances where the Local Planning Authority is not required to 'make' (adopt) the Neighbourhood Plan. These are where it considers that the making of the Neighbourhood Plan would breach, or otherwise be incompatible with, any EU or human rights obligations. However, it is considered that these do not apply in the case of the Cossall Neighbourhood Plan.

7. Human Resources Implications

N/A

8. Union Comments

N/A

9. 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.

10. 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.

11. Equality Impact Assessment

An Equality Impact Assessment is attached in the **APPENDIX**

12. Background Papers

Background documents can be found on the Council's website page for the Cossall Neighbourhood Plan at the following link:

<https://www.broxtowe.gov.uk/cossallneighbourhoodplan>.