

## Report of the Chief Executive

**Chetwynd: The Toton and Chilwell Neighbourhood Plan**1. Purpose of Report

To 'make' (adopt) the Chetwynd: The Toton and Chilwell Neighbourhood Plan, following a successful referendum result on 2 May 2024.

2. Recommendation

**Council is asked to RESOLVE that:**

- 1. Following a successful referendum on 2 May 2024, the Council 'makes' (adopts) the Chetwynd: The Toton and Chilwell 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 Chetwynd: The Toton and Chilwell Neighbourhood Plan, the Independent Examiner recommended that the Plan should proceed to referendum, subject to a number of recommended modifications. At its meeting of 6 February 2024, Cabinet resolved that the Chetwynd: The Toton and Chilwell 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 Chetwynd: The Toton and Chilwell Neighbourhood Plan on 2 May 2024, asking the question: 'Do you want Broxtowe Borough Council to use the Neighbourhood Plan for Chetwynd: Toton and Chilwell to help it decide planning applications in the neighbourhood area?'. The number of votes cast in favour of 'yes' was 3,606 and those in favour of 'no' was 552. The turnout was 36%.

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 Chetwynd: The Toton and Chilwell Neighbourhood Plan. The Chetwynd: The Toton and Chilwell Neighbourhood Plan would then form part of the 'development plan' for the Chetwynd: The Toton and Chilwell Neighbourhood Area, sitting alongside the Broxtowe Local Plan (Broxtowe Aligned Core Strategy and the Broxtowe Part 2 Local Plan). Decisions on planning applications within the Chetwynd: The Toton and Chilwell Neighbourhood Area will be made using both the Broxtowe Local Plan and the Chetwynd: The Toton and Chilwell Neighbourhood Plan, and any other material considerations. The final version of the Chetwynd: The Toton and Chilwell Neighbourhood Plan is available to view

on the Council's website at the following link: <https://www.broxtowe.gov.uk/for-you/planning/planning-policy/neighbourhood-planning/chetwynd-the-toton-and-chilwell-neighbourhood-plan/>.

The Council is required to adopt the Chetwynd: The Toton and Chilwell 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. This is in order to comply with the relevant legislative requirements.

#### 4. Key Decision

This report is a key decision as defined under Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, as it affects parts of two Borough Council wards (parts of Toton and Chilwell Meadows ward and Chilwell West ward).

#### 5. Updates from Scrutiny

Not applicable.

#### 6. Financial Implications

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

The Council was able to claim £20,000 from the Department for Levelling Up, Housing and Communities (DLUHC), during the March 2024 '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)). This referendum has now been held, although no additional funding is available.

#### 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 Chetwynd: The Toton and Chilwell 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 Chetwynd: The Toton and Chilwell Neighbourhood Plan.

8. Human Resources Implications

The Human Resources Manager comments were as follows:

Not applicable.

9. Union Comments

The Union comments were as follows:

Not applicable.

10. Climate Change Implications

The Chetwynd: The Toton and Chilwell 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

The Equality Impact Assessment is included at the **appendix**.

13. Background Papers

Nil.