

NON EXEMPT

HAVANT BOROUGH COUNCIL

30 January 2020

EMSWORTH NEIGHBOURHOOD PLAN Post Examination Decision Statement

**Decision by: Deputy Leader and Cabinet Lead for
Planning, Regeneration and Communities**

Report by: Jacqueline Boulter (Principal Planning Officer)

1.0 Purpose of Report

- 1.1. To report on the result of the independent examination into the neighbourhood plan and recommend the next steps towards 'making' the plan.

2.0 Recommendation

- 2.1. It is recommended that Havant Borough Council
 - a) accepts the modifications to the plan recommended by the independent examiner;
 - b) proceeds with the modified plan to a referendum of eligible registered voters in the Emsworth Neighbourhood Area;
 - c) publishes a statement of the decisions made under a) and b) above, as set out in the Appendix to this report.

3.0 Background

- 3.1. The Emsworth Forum is the qualifying body, which is empowered under the Neighbourhood Planning (General) Regulations 2012 to draw up a Neighbourhood Plan for the Emsworth Neighbourhood Area.
- 3.2. On 25 April 2019, the Emsworth Forum submitted their Neighbourhood Plan to Havant Borough Council. The Council then ran the required six week consultation period and appointed an independent examiner, Mr Andrew Ashcroft, to consider whether the plan met the basic conditions for neighbourhood plans and whether it should proceed to referendum.
- 3.3. The examiner's report was received on 6 January 2020. It concludes that subject to a series of recommended modifications the Emsworth Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum in the Emsworth Neighbourhood Area. The report has been published on the Council's website.

4.0 Next steps: referendum and 'making' the Neighbourhood Plan

- 4.1 If the recommendations of this report are accepted, the council must arrange a referendum for eligible voters in the neighbourhood area. The Emsworth neighbourhood area is the Emsworth ward.
- 4.2 The Neighbourhood Planning (Referendums) Regulations 2012 provide that the referendum should take place within 56 working days of the date of the decision on this report. There are exceptions to this time limit, which apply in this case:
- a) The neighbourhood planning referendum can take place on the same day as, or be taken together with, another poll due to be held within 65 working days of the end of the 56-working-day period.
 - b) The local planning authority and the neighbourhood group agree that the referendum need not be held by that date.

The May 2020 local elections would allow for such a combined poll and the Emsworth Forum agree that this is a sensible and resource efficient approach. It is therefore proposed that the Neighbourhood Plan referendum should be held on the same day as the 2020 local elections, on 7 May 2020.

- 4.3 The question at referendum, in accordance with regulations, would be "Do you want Havant Borough Council to use the Neighbourhood Plan for Emsworth to help it decide planning applications in the neighbourhood area?" If the referendum is successful, that is, if over 50% plus one of those voting vote 'yes', Havant Brough Council must 'make' the plan as soon as possible. The plan then becomes part of the statutory development plan for the area.

5.0 Options considered and reasons for the recommendation

- 5.1 The Local authority is required to make a decision within 5 weeks of receipt of the examiner's report whether to accept the examiner's recommendation to send the plan to referendum. It is not an option not to do so.
- 5.2 It is open to the local authority to decline to take the plan to referendum if it believes that it does not meet the basic conditions for neighbourhood plans. The independent examiner has confirmed that the plan meets the basic conditions of a neighbourhood plan and should be sent to referendum. Officers agree with this recommendation. That being the case, the council is obliged to send the plan to referendum.

6.0 Finance / Resource Implications

- 6.1. Local Authorities are obliged to arrange and fund neighbourhood plan referendums. The Government pays grants to the Local Authority to assist with their neighbourhood planning obligations, including a specific element to cover the cost of examination and running the referendum. It is anticipated that the costs of running the referendum will be covered in their entirety by that grant. However, should this not be the case, any costs over and above the level of the grant will be covered by the Planning Service's budget. Running the referendum alongside the local government elections is considered the most resource efficient way of fulfilling this obligation.

7.0 Legal Implications

- 7.1. The Neighbourhood Planning (General) Regulations 2012, as amended, set out the process for considering the recommendations of the examiner's report, including publishing a decision statement.

8.0 Risks

- 8.1. Since the examiner and the council consider that the plan with the proposed modifications meets the basic conditions, there is an obligation to send it to referendum. There is also an obligation to make a decision to do so within 5 weeks of the receipt of the examiner's report. The risk would lie in not complying with these requirements.

9.0 Consultation & Communication

- 9.1 The Forum on behalf of the community of Emsworth have spent considerable time and effort in putting together the plan. Council officers have worked with the Forum throughout the drafting of the plan, and have built up a good working relationship.
- 9.2 In accordance with Regulation 16 of the Neighbourhood Planning Regulations, the Borough Council invited comments on submission plan from 26 April 2019 to 7 June 2019. The information was available on the Council's website, and was drawn to interested parties' attention by public notices in Emsworth, at the Civic Plaza, as well as a mailout to statutory consultees for the Neighbourhood Plan. Responses were passed to the examiner to consider as part of the examination of the plan.

10.0 Local Government (Access to Information) Act 1985 – 'confidential' or Exempt' Information Indicator:

- 10.1 This delegated decision contains neither confidential nor exempt information

11.0 Is this an Urgent Decision?

- 11.1 No

Agreed by: Cllr Tim Pike, Deputy Leader & Cabinet Lead for Planning, Regeneration and Communities

Date: 3 February 2020

Signed off by:

Legal: 7 February 2020

Finance: 11 February 2020

Background Papers:

The Neighbourhood Planning (General) Regulations 2012
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>

Submission Version Emsworth Neighbourhood Plan, April 2019
<https://www.havant.gov.uk/emsworth-neighbourhood-planning>

Examiner's report into the Emsworth Neighbourhood Plan, January 2020
<https://www.havant.gov.uk/emsworth-neighbourhood-planning>

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Appendix 1: Proposed Decision Statement