
NON-EXEMPT

HAVANT BOROUGH COUNCIL

PLANNING POLICY COMMITTEE 19 July 2021

Making of Emsworth Neighbourhood Plan

FOR DECISION

Portfolio Holder: Councillor Clare Satchwell - Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management

Key Decision: Yes

Report Number: HBC/007/2021

1. Purpose

- 1.1. This report is submitted to the Planning Policy Committee for onward recommendation to Council.
- 1.2. The report considers whether the Emsworth Neighbourhood Plan should be adopted as part of the statutory development plan, following its successful examination and referendum.

2. Recommendation

- 2.1 Members are requested to recommend to Council that the Emsworth Neighbourhood Plan is adopted with immediate effect, so that it becomes part of the statutory development plan for the area

3. Executive Summary

- 3.1. The 'making' of the plan is the culmination of a number of years work by the local community, in particular the Emsworth Neighbourhood Forum. The plan has

successfully passed through the required stages consultation, independent examination and a local referendum.

- 3.2. The referendum held on 8 July 2021, produced a 91% yes vote. This report therefore recommends that the Emsworth Neighbourhood Plan should be 'made' (ie adopted) by the Council to become part of the statutory Development Plan for the area.
- 3.3. Once made, the Neighbourhood Plan will be used, alongside local and national planning policy and guidance, to determine planning applications.

4. Additional Budgetary Implications

- 4.1. None

5. Background and relationship to Corporate Strategy and/or Business Plans

- 5.1. The Emsworth Forum was first designated as the 'neighbourhood forum' for the purposes of neighbourhood planning in the Emsworth Area in July 2014, and that designation was extended for a further 5 years on 24 June 2019.
- 5.2. The Forum completed the preparation of the plan in April 2019, and an independent examiner was appointed. The Examiner's Report was received on 6 January 2020. It concluded that subject to a series of recommended modifications, the Emsworth Neighbourhood Plan met all the necessary legal requirements and should proceed to referendum.
- 5.3. Having considered the recommendations made in the examiner's report, and the reasons for them, Havant Borough Council decided on 21 February 2020, though a delegated decision by the Cabinet Lead for Planning, Regeneration and Communities, to accept the modifications proposed in the examiner's report, and to proceed to referendum with voters in the neighbourhood area.
- 5.4. That referendum was originally scheduled to be held alongside the local elections in May 2020, but had to be postponed due to Coronavirus. The referendum was held in Emsworth on 8 July 2021. The turnout of electors was 23%.
- 5.5. Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' a NP if more than half of those voting in a referendum have

voted in favour of it. From the votes recorded, of those who voted 91% were in favour of the plan. The Council therefore now has a statutory duty to 'make' (i.e. adopt) the plan.

6. Options considered

- 6.1. The making of the Emsworth Neighbourhood Plan is a mandatory legal requirement following the positive outcome of the referendum (apart from in a narrow set of circumstances which are not relevant in this case). As such the Brough Council is under a statutory duty to adopt and 'make' the Emsworth Neighbourhood Plan, and therefore the options in this regard are limited.

7. Resource Implications

- 7.1. Financial Implications

There are no additional resourcing implications arising from the decision to make the plan. It should be noted that once the Emsworth Neighbourhood Plan is made, the proportion of Community Infrastructure Levy (CIL) receipts generated from development in Emsworth that must be allocated to the Neighbourhood Portion rises from 15% to 25%. What that amount will be will vary year on year depending on the amount of CIL collected in the area, but the 10% uplift is estimated to be in the region of £60 – 100k per annum based on past years. The uplift in the CIL neighbourhood portion will mean an equivalent reduction in the amount available to the strategic CIL fund. The Council is obliged to make this shift in line with the regulations.

Section 151 Officer comments

Date: 26 March 2021

There are no direct financial implications. Future changes in CIL are explained in this section.

- 7.2. Human Resources Implications

There are no additional human resource implications. The publication of the Emsworth Neighbourhood Development Plan, and its implementation through

planning decisions will be met from existing resources within the Planning Service.

7.3. Information Governance Implications

None

7.4. Other resource implications

None

8. Legal Implications

- 8.1. Under Section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 the Council is required to 'make' a Neighbourhood Plan if it meets the basic conditions and more than half of those voting, vote in favour of the neighbourhood development plan. As these conditions are met, the Borough Council is obliged to make the plan. Once it is made it becomes part of the Development Plan for the area and must be considered in the determination of planning applications.

Monitoring Officer comments

Date: 29 June 2021

The legal implications comments above are noted and agreed.

9. Risks

- 9.1. Upon being 'made', the Emsworth Neighbourhood Plan will be subject to a statutory period of time (six weeks) within which a legal challenge can be lodged. The Neighbourhood Plan has been produced in line with legal requirements and it is therefore considered that the risk of legal challenge is low.

10. Consultation

- 10.1. The Neighbourhood Forum and the Borough Council carried out informal and formal consultations in accordance with the statutory requirements. This involved consultation with the local community, businesses, landowners and other statutory stakeholders.

11. Communication

- 11.1. The making of the Plan will be published in accordance with the Neighbourhood Planning (General) Regulations 2012. Following the Council decision, the neighbourhood plan and supporting documents, including a decision statement, will be published on the Council's website. Officers will also send a copy of the decision statement to Emsworth Neighbourhood Forum and any person who asked to be notified of the decision.

12. Appendices

Emsworth Neighbourhood Plan 2019-2036

13. Background papers

- 13.1. The full background of the development of the neighbourhood plan can be found at www.havant.gov.uk/emsworth-neighbourhood-planning.

Agreed and signed off by

Portfolio Holder: Cllr Clare Satchwell, 28 June 2021

Director: Simon Jenkins, 15 March 2021

Monitoring Officer: Daniel Toohey, 29 June 2021

Section 151 Officer: Matthew Tiller, 23 March 2021

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