



Council

4 March 2019

Subject: Adoption of the Cherry Willingham Neighbourhood Plan

Report by:

Executive Director for Economic and Commercial
Growth: Eve Fawcett-Moralee

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Purpose / Summary:

To make the Cherry Willingham Neighbourhood
Plan.

RECOMMENDATION(S): To make the Cherry Willingham Neighbourhood Plan in accordance with the Neighbourhood Planning Regulations 2012.

IMPLICATIONS

Legal : This work is a duty under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012.

Financial : FIN/210/19/SL Additional financial contributions are available from the Ministry for Housing, Communities and Local Government (MHCLG) to support Neighbourhood Planning. £20k grant is received for the successful examination of a neighbourhood plan.

Staffing : Internal resources are in place to deal with Neighbourhood Planning.

Equality and Diversity including Human Rights : The Plan has been examined under the Neighbourhood Planning Regulations for any issues relating to equality and diversity.

Risk Assessment : n/a

Climate Related Risks and Opportunities : n/a

Title and Location of any Background Papers used in the preparation of this report:

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/cherry-willingham-neighbourhood-plan/>

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

1.1 Following a positive referendum result held on the 17 January 2019, West Lindsey District Council is publicising its decision to make the Cherry Willingham Neighbourhood Development Plan as part of the West Lindsey Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012.

2. Background

2.1 Cherry Willingham Parish Council, as the qualifying body, successfully applied in June 2013 for its parish to be designated as a neighbourhood area, under the Neighbourhood Planning (General) Regulations (2012). Following the submission of the Cherry Willingham Neighbourhood Development Plan to the Council, the plan was publicised on 25 June 2018 and comments were invited from the public and stakeholders.

3. Decision & Reasoning

3.1 West Lindsey District Council appointed an independent examiner, Mr Andrew Ashcroft, to review whether the plan met the basic conditions required by legislation and whether the plan should proceed to referendum.

3.2 The Examiner's Report concluded that the plan met the basic conditions, and that subject to the modifications proposed in the report, the plan should proceed to a referendum. It was agreed under West Lindsey District Council's delegated powers that the plan should proceed to referendum and, in the outcome of a successful referendum result, it should be made by Full Council.

3.3 A referendum was held on 17 January 2019 where 84% of those who voted were in favour of the plan. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 as amended by Section 3 of The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017 requires that the Council must make the neighbourhood plan if more than half of those voting have voted in favour of the plan.

3.4 West Lindsey District Council is not subject to this duty if the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.5 The referendum held on 17 January 2019 met the requirements of the Localism Act 2011; it was held in the Parish of Cherry Willingham and posed the question:

'Do you want West Lindsey District Council to use the Neighbourhood Plan for Cherry Willingham to help it decide planning applications in the neighbourhood area'.

3.6 The count took place at 10.15pm on 17 January 2018 and greater than 50% of those who voted were in favour of the plan being used to help decide planning applications in the plan area.

3.7 The results of the referendum were:

Question:		
Do you want West Lindsey District Council to use the Neighbourhood Plan for Cherry Willingham to help it decide planning applications in the neighbourhood area?		
	Votes recorded (3 votes rejected)	Percentage
Number of votes cast in favour of 'yes'	517	83.65%
Number of votes cast in favour of 'no'	98	15.85%

3.8 West Lindsey District Council has assessed that the plan including its preparation does not breach, and would not otherwise be incompatible, with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3.9 In accordance with the Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017 and the Council's procedure the Cherry Willingham Neighbourhood Plan is made and planning applications in the area must be considered against the Cherry Willingham Neighbourhood Development Plan, as well as existing planning policy, such as the Central Lincolnshire Local Plan and the National Planning Policy Framework and Guidance.

Recommendation:

4.1 That Members formally agree to make the Cherry Willingham Neighbourhood Plan in accordance with the Neighbourhood Planning Regulations 2012.