



Full Council

8 April 2024

Subject: Neighbourhood Plan Reviews – Scheme of Officer Delegation

Report by:	Director of Planning Regeneration and Communities
Contact Officer:	Katie Storr Democratic and Elections Team Manager Katie.storr@west-lindsey.gov.uk
Purpose / Summary:	To update the Officer Delegation Scheme in respect of Neighbourhood Planning, in particular responsibilities in relation to Neighbourhood Plan Reviews.

RECOMMENDATION(S):

- (a) That Members note the varying levels of Neighbourhood Plan Reviews which can be undertaken;**
- (b) That the Director of Planning, Regeneration and Communities be granted delegated Authority to approve minor (non-material) modifications to Neighbourhood Plans following a review and this be added to the Scheme of Officer Delegation;**
- (c) That Full Council continue to “make” all Neighbourhood Plans following a Neighbourhood Plan review which is deemed by the Examiner to contain material modifications; and**
- (d) Where a Neighbourhood Plan Review results in a referendum, the Neighbourhood Planning Group / Parish Council will be invited to present their Plan to Full Council as they were at its first “making”.**

IMPLICATIONS

Legal:

This work is a duty under the Localism Act 2011 and the Neighbourhood Planning Regulations 2012. Regulation 18A of the Neighbourhood Planning Regulations 2012, stipulates that a neighbourhood plan must be made (adopted) within 8 weeks of the referendum.

Financial :

For every neighbourhood plan (NP) successful at examination the Council receives a grant of £20k from the Department of Levelling Up, Housing and Communities to help support its neighbourhood planning role in the district

Staffing :

Internal resources are in place to deal with neighbourhood planning.

Equality and Diversity including Human Rights :

All Neighbourhood Plans are examined under the Neighbourhood Planning Regulations for any issues relating to equality and diversity.

Data Protection Implications :

n/a

Climate Related Risks and Opportunities:

n/a

Section 17 Crime and Disorder Considerations:

n/a

Health Implications:

n/a

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

Neighbourhood Plan and Priorities Report to Prosperous Communities Committee – October 2017 – website

Establishing governance procedures for Neighbourhood Planning – Prosperous Communities 3 February 2015 – website

Risk Assessment :

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

x

Key Decision:

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

Yes

No

1 Background and Introduction

- 1.1 West Lindsey has made many Neighbourhood Plans (NPs) which form part of the statutory development plan within the Central Lincolnshire Local Plan.
- 1.2 National planning policy requires a Local Plan to be reviewed every five years. There is no similar requirement for NPs to be reviewed on a regular basis. However, NP reviews are necessary when supporting text and policies become out of date or where other material considerations start to be given greater weight in planning decisions.
- 1.3 There is an Officer Scheme of Delegation in Place in respect of Neighbourhood Planning which was last updated 2017. However, the Scheme of Delegation does not deal with responsibilities in respect of Neighbourhood Plan Reviews.
- 1.4 As West Lindsey now has number of reviews underway, some minor some major, it is considered pertinent to ensure relevant delegations are in place before these reviews conclude.

2 Types of Review

- 2.1 Guidance on updating NPs is given in national planning practice guidance, which was revised in 2019, at:
<https://www.gov.uk/guidance/neighbourhood-planning--2>
- 2.2 There are 3 different types of review which can be made to a NP, depending on the degree of modifications included.
 1. **Minor (non-material) modifications** to a NP are those which would not materially affect the policies in the NP. These may include correcting errors and updating references to supporting documents.

Because these changes are minor in nature, no consultation needs to be undertaken and there is no requirement for an examination, referendum, or remaking of the NP. A non-material review can be agreed between the qualifying body (parish council) and local planning authority (WLDC) who would issue a decision letter and publish the reviewed NP with its minor modifications. As this would not result in the remaking of the NP, the made date of the original NP would still apply.

2. **Material modifications to a NP which do not change** the nature of the NP and would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the NP.

3. **Material modifications which do change the nature of the NP** would require examination and a referendum. This might, for example, involve allocating significant new sites for development.
- 2.3 The process for NP reviews involving material modifications is essentially the same as used for original NPs, but a referendum may not be required (option 2 above).
- 2.4 As part of a NP's examination, it will be for the independent examiner to make the final decision as to whether the material modifications would require a referendum, if seen as substantial, or the NP could just move to be being made by the local planning authority within a 5-week period.
- 2.5 In making their decision, the examiner will consider the nature of the existing NP, alongside representations and the statements on the matter made by the qualifying body and the local planning authority.

3 Delegations Requested

- 3.1 It is requested that the Director of Planning, Regeneration and Communities be granted delegated authority to deal with all Plan reviews that fall under Category 1.
- 3.2 Plan Reviews which fall into Category 2 or 3 will still be the responsibility of Full Council to make, given they are in effect a new Plan.
- 3.3 Where a review falls within Category 3 – representatives from the Neighbourhood Planning Group/ Parish Council will be invited to present their Plan, as they currently are at the first making.