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Our reference:
Your reference:
Date: 11 September 2024

Record of Decisions taken by Cabinet – Tuesday, 10 September 2024

At a meeting of the Cabinet held on Tuesday, 10 September 2024 the following decisions were reached on the items listed in the attached schedule.

The implementation of any key decisions are suspended until the call-in period has expired without a call-in being validly invoked.

Under the Rushcliffe Borough Council Constitution, call-in is available in respect to key decisions only.

The call-in deadline for any key decisions contained in this Decision Notice is before the end of the working day on Thursday, 19 September 2024. Subject to any call-in request being received, all the decisions will be actioned after Thursday, 19 September 2024.

Any Member of the Council shall be entitled to call for a decision to be suspended. To effect the call-in procedure, the appropriate form should be completed and returned to the Chief Executive by the end of the working day on Thursday, 19 September 2024.

REVENUE AND CAPITAL BUDGET MONITORING 2024/25 - FINANCIAL UPDATE QUARTER 1

It was RESOLVED that the report be approved and the following be noted:

- a) the expected revenue budget efficiency for the year of £1.106m and proposals to earmark this for cost pressures given at Paragraph 4.5 and Table 2 to the report be incorporated into the 2025/26 Medium Term Financial Strategy for Full Council;
- b) the projected capital budget efficiencies of £5.968m including the reprofiling of provisions totalling £3.756m at Paragraph 4.8 and Table 3 to the report; and
- c) the expected balanced outturn position for special expenses at Paragraph 4.6 of the report.

REASON FOR DECISIONS

To demonstrate good governance in terms of scrutinising the Council's on-going financial position and compliance with Council Financial Regulations.

TOLLERTON NEIGHBOURHOOD PLAN

It was RESOLVED that:

- a) all of the Examiner's recommended modifications to the Tollerton Neighbourhood Plan with the exception of Modifications 5, 6 and 20 be accepted;
- b) the Tollerton Neighbourhood Plan Decision Statement and its publication be approved;
- c) it be agreed that six weeks consultation should be undertaken on the proposed decision not to accept Modifications 5, 6 and 20; and
- d) it be agreed not to proceed to referendum on the Tollerton Neighbourhood Plan at this time, pending a further report to Cabinet once the consultation has been completed.

REASON FOR DECISIONS

The Borough Council, as Local Planning Authority, has a statutory duty to assist in the production of Neighbourhood Plans where communities wish to produce them under the Localism Act 2011.

The Tollerton Neighbourhood Plan has been produced by Tollerton Parish Council, in conjunction with the local community. It was submitted to the Borough Council on 14 June 2023 and contains a number of policies which would form part of the statutory Development Plan and be applied to the determination of planning applications. The Borough Council is required by the Localism Act to assess whether the Plan and its policies meet certain criteria (the 'Basic Conditions' and other legal requirements). In order to assist in this process, the Borough Council is required to invite representations on the Plan and appoint an independent Examiner to review whether the Plan meets the Basic Conditions and other legal requirements.

The submitted Plan was publicised and representations were invited from the public and other stakeholders, with the period for representations closing on 9 October 2023. The Plan has been assessed by an independent Examiner and, on 17 January 2024, he published his report which concluded that, subject to the modifications proposed in his report, the Plan should proceed to referendum.

The legislation sets out that the Borough Council must consider each of the recommendations made by the Examiner, including the reasons for them, and decide what action to take in response to each one. The Borough Council must also consider whether other modifications not recommended by the Examiner are necessary in order for the Plan to meet the Basic Conditions and legal requirements. Appendix 3 to the report contains the draft Borough Council's Decision Statement in respect of each of the Examiner's recommendations and also whether other modifications are considered necessary.

It is considered that all but three of the Examiner's recommended modifications are necessary to meet the legal requirements and Basic Conditions. Modification 5 and Modification 6 are not considered necessary to meet the Basic Conditions and would repeat existing local and national planning policy. Modification 20 recommended a more concise approach, which has been achieved, but not as suggested by the Examiner, in order to respect the approach of the Neighbourhood Plan.

Modification 5 proposed the introduction of a new policy titled 'The Sustainable Urban Extension'. The Examiner included recommended wording at paragraph 48 of their report which repeats the main elements of the Local Plan Part 1 Policy 25, which deals with the Strategic Allocation East of Gamston/North of Tollerton. It is understood that the Examiner does not want the policies of the TNP to overlap with the policies relating to the Strategic Allocation East of Gamston/North of Tollerton. Whilst other modifications ensure this does not happen, Modification 5 repeats the main elements of Local Plan Policy 25 and does not expand upon or improve the interpretation of the policy. As the role of the examination is to assess accordance with the Basic Conditions, it is not considered necessary or appropriate to make this change. The Examiner's other recommendations within modification 5 (remove reference to the Strategic Allocation set out in the individual policies of the TNP and revisit Map 4) have been adhered to.

Modification 6 proposed the introduction of a new policy titled 'Green Belt'. The examiner included recommended wording at paragraph 49 of their report which repeats the main elements of the Local Plan Part 1 Policy 4 (Nottingham-Derby Green Belt), Local Plan Part 2 Policy 21 (Green Belt) and elements of the National Planning Policy Framework. The Examiner identified that there is nowhere within the TNP that explains the implications of the Green Belt and considered it important for users of the TNP to be made aware of. However, the Examiner also noted that the origins of the policy lie at a national and local plan level. Given that the Examiner recognised that the policy is sourced from existing national and local policy, and the Examiner's proposed wording does not improve the interpretation of existing national or local policy, it is considered that the inclusion of a policy on the Green Belt in the TNP would be repetitive and could create a lack of uncertainty over the application of the various Green Belt policies. As the role of the examination is to assess accordance with the Basic Conditions, it is not considered necessary or appropriate to make this change.

The Examiner, at Modification 20, proposed the merging of Policy 8: Local Character, Policy 9: Heritage Assets and Policy 10: Landscape Character into one policy, since 'there is considerable overlap between them, as well as duplication with local plan policies'. The Examiner continues, stating 'I have not attempted to substitute my own detailed wording to replace them. Instead, I confine myself to recommending that a more concise approach be adopted which takes into account the following guidelines'. The Examiner envisaged the merging of the three policies; however, this approach was not considered appropriate given that the TNP categorises Policy 8 and Policy 9 as Heritage policies, and Policy 10 as a Landscape and Biodiversity policy. Instead, it is proposed to merge Policy 8 and Policy 9 into one concise policy, whilst additionally amending Policy 10 to ensure its brevity, adhering to the guidelines set out by the Examiner, whilst also ensuring the two

policies remain separate as intended by the TNP. The Examiner's other recommendations within modification 20 (add a new appendix relating to the viewpoints illustrated in Map 4 and add reference to the Grantham Canal in Map 4) have been adhered to.

Communication has been ongoing between the Qualifying Body (Tollerton Parish Council) and the Borough Council regarding the Examiner's report and the proposed modifications. The Parish Council accepts all the proposed modifications set out by the Borough Council and supports the decision to not include Modification 5, Modification 6 and Modification 20.

The decision to propose not to accept Modifications 5, 6 and 20 would, in accordance with relevant statutory requirements, require the Borough Council to invite further representations on this decision and for any representations to be considered before the Plan can proceed to referendum.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Pregon'.

Sara Pregon
Monitoring Officer