



**Council**

**Thursday, 1 July 2021**

**Ruddington Neighbourhood Plan**

## **Report of the Director – Development and Economic Growth**

**Cabinet Portfolio Holder for Business and Growth, Councillor A Edyvean**

### **1. Purpose of report**

It was decided at Cabinet on 8 June 2021 that a referendum for the Ruddington Neighbourhood Plan should be held. The referendum will be held on Thursday 22 July 2021. The decision which has to be made is whether, subject to the result of the referendum in favour of using the Neighbourhood Plan, the Borough Council should 'make' (adopt) the Neighbourhood Plan.

### **2. Recommendation**

It is RECOMMENDED that, subject to a majority vote in the referendum:

- a) the Council 'makes' (adopts) the Ruddington Neighbourhood Plan; and
- b) authority be delegated to the Director – Development and Economic Growth to issue a statement setting out this decision as soon as possible following the referendum.

### **3. Reasons for Recommendation**

- 3.1. 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.
- 3.2. It was decided at Cabinet on 8 June 2021 that, in accordance with relevant regulations, a referendum should be held for the Ruddington Neighbourhood Plan. The purpose of the referendum will be to ask voters whether the Neighbourhood Plan should be used to help decide planning applications in Ruddington Parish. If there is a majority vote in favour of this proposal then the Borough Council would be required, subject to certain prescribed criteria, to make the Neighbourhood Plan part of the statutory development plan.

### **4. Supporting Information**

- 4.1. The Ruddington Neighbourhood Plan has been produced by Ruddington Parish Council, in conjunction with the local community. It was submitted to the Borough Council on 7 May 2020 and contains a number of policies which would

form part of the statutory development plan and be applied by the Borough Council in determining 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).

- 4.2. In order to assist in this process, the Borough Council was 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 18 December 2020. The Plan has been assessed by an independent Examiner and, on 31 March 2021, he published his report which concluded that, subject to the modifications proposed in his report, the Plan should proceed to referendum. The Examiner's report is available as a background document.
- 4.3. The Examiner's report was considered by Cabinet on 8 June 2021. Cabinet decided that the Plan, incorporating the Examiner's recommended modifications, meets the 'Basic Conditions' and other regulatory requirements and therefore a referendum should be held to determine whether residents of Ruddington parish support the Plan and it should become part of the statutory development plan. The Plan, incorporating the Examiner's recommended modifications, and a decision statement, which was published by the Borough Council following Cabinet's decision for a referendum to take place, are both available as background documents.
- 4.4. The referendum will be held on Thursday 22 July 2021. It will follow a similar format to an election. All electors registered to vote and eligible to vote in local government elections within the neighbourhood area (the Parish of Ruddington) would be given the opportunity to vote in the referendum. In accordance with regulatory requirements, the ballot paper would have the following question: 'Do you want Rushcliffe Borough Council to use the Neighbourhood Plan for Ruddington to help it decide planning applications in the neighbourhood area?' Voters will be given the opportunity to vote 'yes' or 'no'.
- 4.5. If more than 50% of those voting in the referendum vote 'yes', then the Borough Council is required to 'make' (adopt) the Neighbourhood Plan part of the development plan for Rushcliffe. If the result of the Referendum is 'no', then nothing further happens. The Parish Council would then have to decide what it wishes to do.
- 4.6. If the Neighbourhood Plan is made part of the development plan then planning applications within the parish would have to be determined in accordance with both the Rushcliffe Local Plan and the Ruddington Neighbourhood Plan, unless material considerations indicate otherwise.

## **5. Alternative options considered and reasons for rejection**

It is a legal requirement under section 61E(4)(b) of the Town and Country Planning Act 1990 (as amended) that if more than half of those voting in the referendum vote in favour of the Neighbourhood Plan then the Borough Council

must make it part of the statutory development plan for Rushcliffe. To not follow these legislative requirements could lead the Borough Council open to legal challenge.

## **6. Risks and Uncertainties**

To not follow the legislation and regulations correctly could expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

## **7. Implications**

### **7.1. Financial Implications**

Following the setting of a date for the referendum, £20,000 can be claimed from the Ministry of Housing, Communities, and Local Government. This financial support ensures that local planning authorities receive sufficient funding to enable them to meet their legislative duties in respect of neighbourhood planning. These duties include provision of advice and assistance, holding the examination and making arrangements for the referendum.

### **7.2. Legal Implications**

The Neighbourhood Plan, as proposed to be amended, is considered to meet the Basic Conditions which are set out in Schedule 4B of the Town and Country Planning Act 1990 (as amended). This is the view taken by the Examiner, as set out in his report. It is also considered that the Neighbourhood Plan meets all the relevant legal and procedural requirements. To not comply with the legislation and regulations correctly would expose the Borough Council to legal challenge. The circumstances whereby a legal challenge, through a claim for judicial review, can be raised are set out in the Town and Country Planning Act 1990, section 61N.

### **7.3. Equalities Implications**

There are no direct equality implications arising from matters covered in this report.

### **7.4. Section 17 of the Crime and Disorder Act 1998 Implications**

There are no direct community safety implications arising from matters covered in this report.

## 8. Link to Corporate Priorities

Quality of Life	The Neighbourhood Plan's vision seeks to sustain Ruddington as a thriving village, promoting a well-connected, sustainable, and safe environment whilst protecting its special historic and rural character with an attractive and vibrant village centre.
Efficient Services	The Neighbourhood Plan objective seeks to ensure all residents have access to high quality services and facilities, promoting healthy communities with an emphasis on wellbeing.
Sustainable Growth	Housing, economic, infrastructure and design objectives within the Neighbourhood Plan support development that is sustainable.
The Environment	The Neighbourhood Plan's environmental objective supports and protects green and open spaces in Ruddington, preserving wildlife and enhancing biodiversity and encouraging the development of community initiatives.

## 9. Recommendation

It is RECOMMENDED that, subject to a majority vote in the referendum:

- a) the Council 'makes' (adopts) the Ruddington Neighbourhood Plan; and
- b) authority be delegated to the Director – Development and Economic Growth to issue a statement setting out this decision as soon as possible following the referendum.

<b>For more information contact:</b>	Richard Mapletoft Planning Policy Manager Tel: 0115 9148457 <a href="mailto:rmapletoft@rushcliffe.gov.uk">rmapletoft@rushcliffe.gov.uk</a>
<b>Background papers available for Inspection:</b>	Electronic copies of the documents relating to the draft Ruddington Neighbourhood Plan and its examination can be found at: <a href="https://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/#d.en.45838">https://www.rushcliffe.gov.uk/planningpolicy/neighbourhoodplanning/#d.en.45838</a>  Examiner's Report on Ruddington Neighbourhood Plan: <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/Ruddington%20ONP%20examiner's%20final%20report%2031%20mar%2021.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/Ruddington%20ONP%20examiner's%20final%20report%2031%20mar%2021.pdf</a>

	<p>Ruddington Neighbourhood Plan Decision Statement, 8 June 2021  <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/Decision%20Statement%208%20June%202021%20FINAL.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/Decision%20Statement%208%20June%202021%20FINAL.pdf</a></p> <p>Ruddington Neighbourhood Plan Referendum Draft, June 2021:  <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/2_Rudd%20NP%20Ref%20version%20June%202021.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/2_Rudd%20NP%20Ref%20version%20June%202021.pdf</a></p> <p><u>Including:</u>  Ruddington Neighbourhood Plan – Ruddington Design Guide Part 1, Referendum draft  <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/3_Ruddington%20Design%20Guide%20Part%201%20Ref%20version.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/3_Ruddington%20Design%20Guide%20Part%201%20Ref%20version.pdf</a></p> <p>Ruddington Neighbourhood Plan – Ruddington Design Guide Part 2, Referendum draft  <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/4_Ruddington%20Design%20Guide%20Part%202%20Ref%20version.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/4_Ruddington%20Design%20Guide%20Part%202%20Ref%20version.pdf</a></p> <p>Ruddington Neighbourhood Plan – Ruddington Design Guide Part 3, Referendum draft  <a href="https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/5_Ruddington%20Design%20Guide%20Part%203%20Ref%20version.pdf">https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/planningandbuilding/neighbourhoodplans/ruddington/5_Ruddington%20Design%20Guide%20Part%203%20Ref%20version.pdf</a></p>
<p><b>List of appendices:</b></p>	<p>None.</p>