

**Agenda Item No:** 8  
**Report To:** **CABINET**  
**Date:** 13<sup>th</sup> October 2016  
**Report Title:** Adoption of the Wye Neighbourhood Plan  
**Report Author:** Simon Cole, Head of Planning Policy & Economic Development  
**Portfolio Holder:** Cllr Bennett, Portfolio Holder for Planning & Development



**Summary:** At the end of last year, the Wye Neighbourhood Plan was the subject of an independent examination and, subject to a number of amendments, was considered suitable to progress to a local referendum. On 8<sup>th</sup> September, the amended and final version of the Neighbourhood Plan was the subject of a local referendum in the parish and received overwhelming backing from those who voted.

This is the first Neighbourhood Plan to reach this stage in the borough and it is now the Local Planning Authority's responsibility to formally 'make' (i.e. adopt), the Plan which will confer full Development Plan status for decision-making purposes. Formally 'making' the Neighbourhood Plan must be agreed by the Full Council so this report recommends that the Cabinet endorse the Neighbourhood Plan and ask Full Council to 'make' it.

**Key Decision:** NO

**Affected Wards:** Wye

**Recommendations:** **The Cabinet be asked to:-**

- i) Recommend that Full Council 'make' the Wye Neighbourhood Plan in accordance with Section 38A(4) of the Planning and Compulsory Purchase Act 2004**

**Policy Overview:** The adoption of the Wye Neighbourhood Plan will mean that its policies shall have the same weight in decision-making as those adopted policies contained within the Borough Council's own Development Plans, e.g. the Core Strategy Tenterden & Rural Sites DPD. In the event of policy conflict, the Neighbourhood Plan, as the more recent Plan, should take precedence until the adoption of the Borough Council's emerging Local Plan to 2030.

**Financial Implications:** None

**Risk Assessment** NO

**Equalities Impact Assessment** YES

**Other Material Implications:** None

**Background Papers:** Wye Neighbourhood Plan 2015-30

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## **Report Title: Adoption of the Wye Neighbourhood Plan**

### **Purpose of the Report**

1. To describe the process by which the Wye Neighbourhood Plan has been produced and to seek the Cabinet's endorsement of the Plan and its agreement to recommend that the Council 'makes' the Plan as part of the Development Plan for the borough.

### **Issue to be Decided**

2. Whether to recommend that the Council should formally 'make' the Neighbourhood Plan under Section 38A (4) of the Planning & Compulsory Purchase Act 2004.

### **Background**

3. The advent of Neighbourhood Plans as a means for local communities to draw up their own planning proposals and policies for their areas came as part of the Coalition Government's major changes to the Planning system following the 2010 General election.
4. In this borough, Wye with Hinxhill Parish Council was the first Parish Council to exercise these new rights and commenced the process for drawing up a Neighbourhood Plan for the parish in late 2012. The process has been lengthy but has involved much communication with local residents and businesses and the Neighbourhood Plan has been seen as an important way for local stakeholders to take some 'ownership' of the planning of the parish including some difficult and complex issues such as the future of the former Wye College campus in the village.
5. Throughout the process, planning policy officers from the borough council have supported the Neighbourhood Planning Group in Wye to ensure that the eventual Plan met not only the aspirations of the majority of local residents but also fulfilled the tests of compliance with national and local planning policy.
6. Following two stages of public consultation on the draft Plan, the Council appointed an independent examiner to formally consider whether the Plan met the necessary 'basic conditions' tests set down in legislation. His examination started towards the end of 2015, including a public hearing at the Julie Rose Stadium on the 8<sup>th</sup> December 2015. In January 2016, the Council received the examiner's report which concluded that, subject to a number of amendments, the Plan was sound and did meet the 'basic conditions' tests and therefore could progress to the final stage of the process – a local referendum on the Plan.

7. The local referendum on the Plan as amended was held in the parish on the 8<sup>th</sup> September. Of the 814 people who voted (a turnout of 43.7%), an overwhelming majority of 94.72% supported the Plan.

## **Equalities Impact Assessment**

8. Although the Neighbourhood Plan has been drafted by others, it is necessary to consider EIA if the Council is to adopt its policies. It is concluded that the policies contained within the Neighbourhood Plan promote equality and do not prejudice any existing groups. The Plan provides a framework for development that will support all sections of the local community.

## **Other Options Considered**

9. The Council must 'make' the plan unless it is considered that that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any human rights. In my opinion, there is no such incompatibility and therefore, the Council should progress to the formally 'make' the Plan.

## **Implications Assessment**

10. The 'making' of the Neighbourhood Plan will confer full Development Plan status on its policies. This means that for decision-making purposes, applications should be determined in accordance with its policies unless material considerations indicate otherwise. The Neighbourhood Plan should therefore play a central role in guiding the Local Planning Authority in assessing planning applications in the parish, alongside the extant policies in the Borough Local Plan 2000, the Core Strategy and the Tenterden and Rural Sites DPD.
11. As the most recently made of the relevant Plans covering development in Wye parish, the policies of the Neighbourhood Plan should take precedence where there is any conflict or inconsistency in existing policies, however such occasions should be rare given the need for the Neighbourhood Plan to be generally consistent with the borough's existing strategic planning policies.
12. The emerging Local Plan to 2030 currently has relatively little weight in decision-making, although this will increase as it passes through its formal stages to eventual adoption. As and when the new Local Plan is adopted, it may be prudent for the borough and parish councils to informally review the policies contained within the Neighbourhood Plan to ensure it remains consistent with the wider strategic planning policies of the borough.

## **Handling**

13. If the Cabinet agree the recommendation, then it will be for the Full Council to approve and formally 'make' the Neighbourhood Plan so that it can become a part of the Borough Council's Development Plan for the borough.
14. In addition, the relevant regulations require the borough council to publish this decision on the council's website and a statement setting out the reasons for

making that decision. This should also be published and made available locally within the parish. The adopted version of the Neighbourhood Plan will also be made available on the Borough Council's website.

## **Conclusion**

15. Since Wye with Hinxhill Parish Council embarked on their Neighbourhood Plan, a number of other parish councils in the borough have followed their lead and are at various stages of their particular Plan's preparation. The Parish Council as a whole and the members of the Neighbourhood Planning Group in particular, deserve much credit for undertaking and persevering with the Wye Neighbourhood Plan through to its conclusion.
16. The referendum result is testimony to the efforts to engage the community throughout the process and understand their aspirations within the context provided by the Local Plan and national planning policy. I have no hesitation in recommending that the Cabinet endorse the Neighbourhood Plan and request the Full Council's to formally 'make' the Plan to form part of the Development Plan for the borough.

## **Portfolio Holder's Views (Cllr Bennett)**

17. Cllr. Bennett will comment at the Cabinet meeting.

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## Impact Assessment

### When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Wye Neighbourhood Plan 2015-30
1.2 Service / Department	Planning and Development – Planning Policy & Economic Development
1.3 Head of Service	Simon Cole
1.4 Assessment Lead Officer	Simon Cole
1.5 Date of Assessment	29 <sup>th</sup> September 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Yes – a set of planning policies

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To assist the council's decision-making process for planning applications within the Wye with Hinxhill parish area.
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	All local residents and businesses within the parish area.
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies	Wye with Hinxhill Parish Council has prepared the Plan and it has been approved by local referendum on the 8 <sup>th</sup> September 2016.
- within Ashford BC	
- from other agencies	

### 3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
<b>Impact Factors:</b>				
<b>Age</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Disability</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Gender</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Gender Reassignment</b>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Marriage / Civil Partnership</b>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Pregnancy &amp; Maternity</b>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Race</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Religion / Belief</b>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Sexual Orientation</b> (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	
<b>Other (please specify)</b>	<input type="checkbox"/>	<input type="checkbox"/>	x <input type="checkbox"/>	

5. Conclusions	
5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If "yes" please state how?	x <input type="checkbox"/> Yes The Neighbourhood Plan seeks to bring forward development that will benefit the parish and contribute to the ability of all groups to participate in local community activities through the delivery of new facilities. <input type="checkbox"/> No
5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups <u>fairly</u> (bearing in mind "fairly" may mean differently) and that no further amendment is required?	x <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form</b>	



<b>6. Monitoring and Review</b>	
How will monitoring of this policy, procedure or practice be reported (where appropriate)?	The monitoring of development outcomes will form part of the council's wider development monitoring activities. The Annual Monitoring report will be vehicle by which any specific outcomes can be noted as well as periodic reports on the delivery of infrastructure through Section 106 Agreements.
When is it proposed to next review the project, policy, procedure, practice or issue?	When the Neighbourhood Plan is formally reviewed – date to be decided in due course by the Parish council.
Any additional comments?	