

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**

**CABINET – TUESDAY, 16 JULY 2019**

Title of report	<b>ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN</b>
Key Decision	a) Financial No b) Community No
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Purpose of report	To seek Cabinet's approval to make the Ellistown and Battleflat Neighbourhood Plan.
Reason for Decision	Cabinet approval of the proposed approach required.
Council Priorities	Local people live in high quality, affordable homes Support for businesses and helping people into local jobs Developing a clean and green district Our communities are safe, healthy and connected
Implications:  Financial/Staff	  The Ellistown and Battleflat Neighbourhood Plan has incurred costs for an independent examination of the plan and the subsequent referendum. Grant funding from central government (£30,000 per neighbourhood plan) is payable to the authority to support this agenda. This should cover all of the Council's costs but any additional costs would need to be met from the contingency budget held by the Planning Service.
Link to relevant CAT	None

Risk Management	The Neighbourhood Plan has been through Examination by an independent Examiner who has considered whether the plan satisfies the various legal requirements. Once the Neighbourhood Plan is made it will form part of the Development Plan for North West Leicestershire. Should the document be subject to legal challenge, the District Council will be responsible for meeting such costs. Any such costs would need to be met from the contingency budget held by the Planning Service
Equalities Impact Assessment	Not applicable as the Ellistown and Battleflat Neighbourhood Plan is not the District Council's policy document.
Human Rights	No discernible impact
Transformational Government	Not applicable
Comments of Head of Paid Service	The Report is Satisfactory
Comments of Section 151 Officer	The Report is Satisfactory
Comments of Monitoring Officer	The Report is Satisfactory
Consultees	Residents of Ellistown and Battleflat
Background papers	<p>Ellistown and Battleflat Submission Neighbourhood Plan  <a href="https://www.ellistown.org.uk/uploads/eb-np-submission-version.pdf">https://www.ellistown.org.uk/uploads/eb-np-submission-version.pdf</a></p> <p>Ellistown and Battleflat Neighbourhood Plan Examiners Report  <a href="https://www.nwleics.gov.uk/pages/ellistown_neighbourhood_plan">https://www.nwleics.gov.uk/pages/ellistown_neighbourhood_plan</a></p> <p>Neighbourhood Planning Regulations 2012 &amp; Amendments  <a href="http://www.legislation.gov.uk/all?title=neighbourhood%20plan">http://www.legislation.gov.uk/all?title=neighbourhood%20plan</a></p>
Recommendation	<b>THAT CABINET AGREES TO MAKE THE ELLISTOWN AND BATTLEFLAT NEIGHBOURHOOD PLAN</b>

## 1.0 BACKGROUND

- 1.1 Neighbourhood planning is one of the provisions of the 2011 Localism Act allowing local communities to bring forward detailed policies and plans which can form part of the statutory planning process for an area and its residents.

- 1.2 The Ellistown and Battleflat Neighbourhood Plan Area covers the whole of the Parish and was designated in April 2014.
- 1.3 The Parish Council published a pre-submission Neighbourhood Plan (Regulation 14) for consultation between 7 August and 20 September 2017. The Draft Neighbourhood Plan was then submitted to the District Council in September 2018 and was subject to further consultation under Regulation 16 between 27 September and 8 November 2018. The Plan was subject to an Examination by an Independent Examiner whose report was published in March 2019.
- 1.4 The Examiner concluded that the Plan met the Basic Conditions as set out in Regulations and that it would not contravene either the European Convention on Human Rights or the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. He also recommended a number of modifications to the Plan to provide greater clarity and address other issues.
- 1.5 The Neighbourhood Planning (General) Regulations 2012 require that Neighbourhood Plans are subject to a referendum. The referendum was held in accordance with the Neighbourhood Planning (Referendum) Regulations 2012 on 27 June 2019. If the majority (50% +1) of the turnout vote in favour the Local Planning Authority (North West Leicestershire District Council) must make the Neighbourhood Plan.
- 1.6 All those eligible to vote in the Ellistown and Battleflat Neighbourhood Area were asked to vote Yes or No to the following question, "*Do you want North West Leicestershire District Council to use the Neighbourhood Plan for Ellistown and Battleflat to help it decide planning applications in the Neighbourhood Area?*"
- 1.7 The referendum received a turnout of 13%, with 239 (87.2%) votes in favour and 35 (12.8%) votes against the making of the Neighbourhood Plan.
- 1.8 The 2012 Regulations require that upon the completion of the referendum the Local Planning Authority is required to publish a 'Decision Statement' on their website. This Decision Statement will state that the Neighbourhood Plan has been successful at referendum and will now be 'made', and will form a part of the Development Plan for North West Leicestershire and hence will be used to determine planning applications within the Neighbourhood Area. This will be published, subject to the decision of Cabinet, on the Council's website and copies will be sent to those persons and organisations prescribed in Regulations.