

**Blaby District Council
Council**

Date of Meeting	31 January 2023
Title of Report	Cosby Neighbourhood Plan – ‘Making’ the Plan This is not a Key Decision and is on the Forward Plan
Lead Member	Cllr. Ben Taylor – Planning Delivery and Enforcement & Corporate Transformation
Report Author	Development Strategy Manager
Corporate Priority	All Priorities: A Place to Live; A Place to Work; A Place to Visit; People Strategy; Medium Term Financial Strategy (MTFS)

1. What is this report about?

- 1.1 Cosby Parish Council, with the support of their local community and Blaby District Council, has prepared the Cosby Neighbourhood Plan. The Plan successfully progressed through the Examination process with the Examiner’s report published in June 2022.
- 1.2 A public referendum was held on Thursday 24 November 2022, giving the residents of Cosby Parish the opportunity to vote on whether this Council should use the Cosby Neighbourhood Plan to help it decide planning applications in the Parish. The residents that were eligible to vote supported the Plan at referendum and now the final step in the process is for the Plan to be formally ‘Made’ by this Council.

2. Recommendation(s) to Council

- 2.1 That Council Makes (i.e. adopts) the Cosby Neighbourhood Plan, as modified, in accordance with the relevant legislation.

3. Reason for Decisions Recommended

- 3.1 Making the Cosby Neighbourhood Plan will mean the document becomes part of the development plan for the area, against which planning applications will be considered. This will reflect the wishes of the local community as expressed through the recent referendum result.

4. Matters to consider

4.1 Background

Introduction

Neighbourhood Planning gives communities a powerful set of tools to shape the development and growth of their local areas, including identifying preferred development sites and how the community feel their local areas should evolve. Neighbourhood Plans are prepared by the local community, for the local community.

The legislation governing the preparation of Neighbourhood Plans requires that any Plan must meet the basic conditions, which are as follows:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to Make the Neighbourhood Plan;
- The Making of the Neighbourhood Plan contributes to the achievement of sustainable development;
- The Making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area of the authority; and
- The Making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations, human rights requirements, and habitats regulations.

Following plan preparation, consultation, independent examination and successful referendum, a Neighbourhood Plan is 'Made' (i.e. adopted) by the District Council. Once Made, it becomes part of the Development Plan for the area to which it relates, and therefore planning applications will be determined against it in addition to the Blaby District Council Local Plan.

There are currently six designated Neighbourhood Areas in the District of Blaby: the Fosse Villages, Elmesthorpe Parish, Leicester Forest East Parish, Cosby Parish, Blaby Parish and Glenfield Parish. The work to produce and make Neighbourhood Plans in these areas is at varying stages.

The Cosby Neighbourhood Plan so far

The Cosby Neighbourhood Area was designated in 2017 and Cosby Parish Council is the Qualifying Body in accordance with the legislation. The Cosby Neighbourhood Plan addresses a range of issues in response to matters identified through earlier stages of public consultation, including good design, safeguarding historic buildings and green spaces, and protecting and improving community facilities and amenities.

A number of consultation exercises were undertaken by the Cosby Neighbourhood Plan Steering Group in the development of the plan before it

was submitted to Blaby District Council, who undertook the final statutory consultation before the Plan was examined.

An independent examiner was then appointed to undertake an Examination to test whether the Plan complies with the 'basic conditions' (as above) in light of the representations received during the consultation. The Examiner's Report on the Plan was issued on 17 June 2022.

In the report, the Examiner recommended a number of modifications to the Plan to ensure that it met the basic conditions. Officers considered that the modifications recommended by the Examiner were reasonable and indeed necessary to ensure the final Cosby Neighbourhood Plan sets out clear policies against which planning applications can be determined. At the same time, the recommended modifications were considered to support the focus of the Plan and what it sets out to achieve.

On the basis of the above considerations, Members voted to accept the Examiner's recommended modifications at a full meeting of Council on 20 September 2022.

Following Council's decision, the Plan was amended to its final version to incorporate all of the Examiner's recommended modifications. A referendum date was set for Thursday 24 November 2022 and residents of Cosby Parish eligible to vote were asked:

"Do you want Blaby District Council to use the Neighbourhood Plan for Cosby to help it decide planning applications in the neighbourhood area?"

Turnout for the Cosby Neighbourhood Plan Referendum was 16%. Of the votes cast, 89% answered 'yes' to the above question, therefore providing clear support for the Cosby Neighbourhood Plan.

In accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), a local planning authority must Make a neighbourhood development plan where more than half of those voting in the referendum voted in favour of the plan. Where this is the case, the legislation continues to say the plan must be Made as soon as reasonably practicable after the referendum is held or within 8 weeks.

Following the clear vote in favour of the Plan at referendum demonstrating the strong community support for it, the Council is now required to Make the Cosby Neighbourhood Plan in accordance with the legislation.

Next steps

The Making of the Cosby Neighbourhood Plan is the final step in the process before it becomes part of the development plan for the area, against which planning applications will be assessed, along with the policies in the Blaby District Local Plan and other material considerations.

As per the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies contained in the Development Plan for the area of the authority. The preparation of this Neighbourhood Plan has been undertaken in the context of the Council's current Local Plan Core Strategy and Delivery Development Plan Documents, and is considered to be in general conformity with the strategic policies within these documents.

Members will be aware that work on a new Local Plan for the District has commenced. The potential implications of this new Local Plan for Cosby parish will become clearer as this work progresses, and specifically whether the Neighbourhood Plan will need reviewing to remain up-to-date and in conformity with the strategic policies in the Development Plan. The Parish Council is a statutory consultee in the Local Plan process so will be aware of progress on the development of the new Local Plan. On this basis, the group will be able to initiate a review of the Neighbourhood Plan should the need emerge.

4.2 Proposal(s)

It is recommended that Council Makes the Cosby Neighbourhood Plan following the successful referendum result, which clearly showed the residents' support for the Plan.

In making the Cosby Neighbourhood Plan it will become part of the development plan for the Parish. This means that planning applications within the parish of Cosby will be considered against the Blaby District Local Plan policies as well as the policies in the Cosby Neighbourhood Plan.

4.3 Relevant Consultations

Public consultation has been undertaken on the Plan by both the Cosby Neighbourhood Plan Steering Group and Blaby District Council, giving a wide range of organisations and individuals the chance to inform and comment on the Plan.

Internal consultations with appropriate Officers of this Council have been held, including the Strategic Director, the Planning and Strategic Growth Group Manager and Development Management Officers.

4.4 Significant Issues

Legal implications

The legislation is clear that the District Council has a duty to support neighbourhood planning groups in preparing their Neighbourhood Plans. The legislation also requires the District Council to undertake public consultation on the Plan prior to the Examination, provide a response to the Examiner's recommended modifications, arrange the examination and referendum processes, and 'Make' the Neighbourhood Plan following a successful referendum. The Plan has been prepared in accordance with the

relevant legislation, which includes the Town and Country Planning Act 1990 (as amended) and the Neighbourhood Planning (General) Regulations 2012.

Once Made, the Plan will become part of the development plan for parish of Cosby and planning applications will be considered against the policies within the Plan, along with the policies of the Blaby District Local Plan.

5. What will it cost and are there opportunities for savings?

5.1 There are no additional costs with 'Making' the Cosby Neighbourhood Plan.

6. What are the risks and how can they be reduced?

6.1

Current Risk	Actions to reduce the risks
Work on reviewing and adopting the District Council's Local Plan (expected to be adopted in 2024) could possibly have implications for the Cosby Neighbourhood Plan, triggering a need to review it.	The District Council is legally required to consult on various stages when producing the Local Plan and the Parish Council is a statutory consultee so will be kept informed of progress on developing the new Local Plan. The legislation also allows for the Neighbourhood Planning group to review the Neighbourhood Plan.

7. Other options considered

7.1 In accordance with section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended), a local planning authority must Make a neighbourhood development plan where more than half of those voting in the referendum voted in favour of the plan. Blaby District Council is not required to Make the plan if it is considered that Making the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). The Cosby Neighbourhood Plan was supported by the local community at referendum (89% in favour) and it is considered by Council Officers that the Making of the plan does not breach, or is incompatible with, any EU obligation or any of the Convention rights. Blaby District Council is therefore required to Make the plan and no other options have been considered.

8. Environmental impact

8.1 The Neighbourhood Plan aims to have positive impacts on the environment by seeking to protect locally important green spaces and through good design of new buildings. The Plan is required to meet a set of 'basic conditions' which includes considering the environmental impact of the proposals in the Plan. An independent examiner and the District Council both consider that the Neighbourhood Plan meets the set of 'basic conditions' and contributes to the achievement of sustainable development.

9. Other significant issues

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.
- 9.2 Significant issues relating to Legal Implications have been addressed at paragraph 4.4.

10. Appendix

- ## 10.1 Appendix A – Cosby Neighbourhood Plan and Policies Map

11. Background paper(s)

- 11.1 Cosby Neighbourhood Plan Examiner's Report
Council Report, September 2022
Summary of representations submitted to the independent examiner
Basic conditions and compliance statement
General information statement on town and country planning, including
neighbourhood planning and the referendum
National Planning Policy Framework
National Planning Practice Guidance

12. Report author's contact details

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