

Agenda Item 7

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Date	5 December 2017
Wards affected	Beare Green; Capel, Leigh & Newdigate; Leith Hill
Subject	Capel (Parish Wards of Beare Green, Capel and Coldharbour) Neighbourhood Development Plan
<p>Recommendation</p> <p>Mole Valley District Council to make¹ the Capel (Parish Wards of Beare Green, Capel and Coldharbour) Neighbourhood Development Plan, bringing it into force as part of the Development Plan.</p>	
<p>Executive Summary</p> <p>Following examination earlier this summer, Mole Valley District Council agreed that the Capel Neighbourhood Development Plan (NDP) met the terms of the regulations (the ‘basic conditions’) and agreed to arrange a referendum.</p> <p>The referendum was held on the 23 November 2017. 76% voted in favour of the referendum question, which was: Do you want Mole Valley District Council to use the neighbourhood plan for Capel (parish wards of Beare Green, Capel and Coldharbour) to help it decide planning applications in the neighbourhood area?’</p> <p>Mole Valley District Council is now obliged to make the NDP. This will mean that, as from the date of decision of the Council, the NDP will carry the same weight as other adopted Development Plan documents.</p>	
<p>Corporate Priority Outcomes</p> <p>Environment: A highly attractive area with housing that meets local need</p> <p>Preparation of a neighbourhood development plan is one means through which the local community can take responsibility for developing plans for how land is used in their own neighbourhood. It sets out local priorities to guide development and protect the natural and built environment, within the framework of national and local strategic policies.</p>	
<p>Prosperity: A vibrant local economy with thriving towns and villages</p>	

¹ The term used in Section 38A of the Planning & Compulsory Purchase Act 2004, as inserted by the Localism Act 2011. It means in effect to adopt the NDP.

Where relevant, neighbourhood development plans can include land use planning policies geared towards helping rural communities and businesses thrive.

Community Wellbeing: Active communities and support for those who need it

Neighbourhood development plans are developed by the local community. The process includes extensive community engagement and has the potential to foster community spirit through agreement of local land use planning priorities.

Council has authority to determine the recommendation

1 Background

- 1.1 A neighbourhood development plan (NDP) is a community-led plan for guiding the future development of a local area. When adopted, an NDP becomes part of the statutory development plan for the area and has to be taken into account by the local planning authority when determining planning applications.
- 1.2 In July 2015, MVDC designated the civil parish of Capel as a neighbourhood area. Following designation of the neighbourhood area, Capel Parish Council prepared a draft NDP, which included consultation with the local community, and submitted it to MVDC in December 2016.
- 1.3 MVDC published the submitted NDP and invited representations between February and April 2017. Some 48 responses were received, including one by MVDC itself drawing attention to a number of issues of concern.
- 1.4 Following the consultation, MVDC organised an independent examination of the NDP. The examination was held between May and June 2017, including a public hearing held at Capel. The examiner's report was published on 28 June 2017. It recommended that the NDP met the legal and procedural requirements of the legislation but that significant parts needed amending so that the Plan conformed with national policy. The recommended amendments addressed all the issues raised by MVDC and added further clarity to many of the policies.
- 1.5 Capel Parish Council accepted the recommendations of the examiner, and a revised NDP was duly drawn up. The revised NDP was considered by MVDC on 10 October at which it was decided that the Plan met the terms of the regulations including conformity with national policy and was compatible with EU obligations. It was agreed to arrange a referendum in Capel on the NDP.

2. Referendum

- 2.1 The referendum was held on 23 November 2017.
- 2.2 The referendum question, as prescribed by regulation, was: 'Do you want Mole Valley District Council to use the neighbourhood plan for Capel to help it decide planning applications in the neighbourhood area?'

2.3 The results of the referendum were:

Yes: 401 (76%)

No: 126 (24%)

2.4 The turnout was 18%.

3. Conclusion

3.1 Under Section 38A of the Planning and Compulsory Purchase Act 2004², MVDC is obliged to 'make' the NDP, unless to do so would breach EU obligations or Convention rights. The decision must be made within eight weeks of the referendum.

3.2 The examiner's report confirmed that the NDP was compatible with European obligations on protected habitats, that it had appropriate regard to rights and freedoms under the European Convention on Human Rights, and that it complied with the Human Rights Act. MVDC agreed with these conclusions at the Council meeting on 10 October 2017. There has been no change since that date.

3.3 To comply with the legislation, MVDC must now make the NDP. This is comparable to the adoption stage for other development plan documents, and means that the Capel NDP will carry the same weight as MVDC planning documents when determining planning applications in the parish of Capel.

4. Financial Implications

4.1 Grant funding to cover part of the costs of neighbourhood planning is available from the Department for Communities and Local Government and will be recouped at the appropriate stage.

5. Legal Implications

5.1 The Capel NDP has been prepared in accordance with the provisions of the Town and Country Planning Act 1990 and Planning and Compulsory Purchase Act 2004 (both as amended by the Localism Act 2011), the Neighbourhood Planning (General) Regulations 2012 (as amended), the Neighbourhood Planning (Referendum) Regulations 2012 (as amended), and the Neighbourhood Planning (Prescribed Dates) Regulations 2012.

5.2 The NDP has also had regard to the Conservation of Habitats and Species Regulations 2010 and the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

6. Corporate Implications

Monitoring Officer commentary – confirms that all relevant legal implications have been taken into account.

S151 Officer commentary – confirms that all relevant financial risks and implications have been taken into account.

Risk Implications – failure to make the Capel NDP would be challengeable under the terms of the relevant legislation.

² As inserted by the Localism Act 2011.

Equalities Implications – the NDP, as amended, would not give rise to any adverse equalities implications. Arrangements for the referendum included measures to ensure that all members of the community had the opportunity to vote, irrespective of age or disability.

Employment Issues – none.

Sustainability Issues – the NDP meets the basic conditions, one of which is that the Plan contributes to the achievement of sustainable development.

Consultation – the NDP has been subject to extensive consultation by Capel Parish Council and MVDC, independent examination including a public hearing, and the referendum.

Communications – a formal decision statement will be published confirming the decision to make the Plan.

7. Background Papers

1. Capel Neighbourhood Development Plan