

**Meeting date:** 11 April 2019

**Report to:** Full Cabinet



**Subject/report title:** Knowle, Dorridge and Bentley Heath Neighbourhood Plan Referendum Result

**Report from:** Cabinet Member for Managed Growth

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**Wards affected:**

- All Wards |  Bickenhill |  Blythe |  Castle Bromwich |  Chelmsley Wood |  
 Dorridge/Hockley Heath |  Elmdon |  Kingshurst/Fordbridge |  Knowle |  
 Lyndon |  Meriden |  Olton |  Shirley East |  Shirley South |  
 Shirley West |  Silhill |  Smith's Wood |  St Alphege

**Public/private report:** Public

**Exempt by virtue of paragraph:** N/A

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**1. Purpose of Report**

- 1.1 To seek agreement that the Knowle, Dorridge and Bentley Heath Neighbourhood Plan can be 'made' following a successful referendum.

**2. Decision(s) recommended**

2.1 Cabinet is asked to:

- a) Note the result of the Knowle, Dorridge and Bentley Heath Neighbourhood Plan Referendum held on 14 March 2019;
- b) Note that as a result of a successful referendum, the Neighbourhood Plan now forms part of the Borough's statutory Development Plan; and
- c) Agree that, in accordance with the statutory requirements, the Knowle, Dorridge and Bentley Heath Neighbourhood Plan be formally 'made'.

**3. What is the issue?**

- 3.1 A Neighbourhood Development Plan (NDP) is a community led plan which sets out policies to guide the future use and development of land within a specified Neighbourhood Area.

3.2 The regulatory process for preparation of a NDP can be summarised as follows:

Key Stage / Process	Action
1. Neighbourhood Area Designation	Parish/Town Council or Neighbourhood Forum apply to Solihull Council for Area designation
2. Pre-Submission Consultation	6 week consultation on draft Neighbourhood Plan undertaken by the local community
3. Submission	Neighbourhood Plan formally submitted to Solihull Council
4. Technical Compliance Check	Local planning authority check that all regulatory procedures have been followed
5. Publication	6 week consultation undertaken by Solihull Council
6. Examination	Solihull Council send Neighbourhood Plan to independent examination
7. Plan Proposal Decision	Solihull Council considers examiners report, including any recommended modifications and if satisfied with the Plan proposal, proceed to referendum
8. Referendum	Organised and funded by Solihull Council. Where more than 50% of those voting are in favour of the Neighbourhood Plan, it must be 'made' by the local authority and forms part of the statutory Development Plan.

- 3.3 In October 2015 the Council approved a Neighbourhood Area application for Knowle, Dorridge and Bentley Heath (KDBH). At the same time, the KDBH Neighbourhood Forum (NF) was formally designated as the qualifying body authorised to act for the area.
- 3.4 In accordance with the stages outlined above, a Pre-Submission draft Neighbourhood Plan was published for consultation by the KDBH NF in November 2017 and the final Submission version of the Plan was formally submitted to the Council in May 2018.
- 3.5 Following a technical compliance check, the Submission Neighbourhood Plan was published for public consultation by the Council. As a statutory consultee, the Council made representations on the Plan which were considered and agreed by Cabinet Member at the decision session on [24 May 2018](#).
- 3.6 The Council submitted the KDBH Neighbourhood Plan for Independent Examination in July 2018 and the [Examiner's report](#) was received on 14 September 2018 where it was concluded that subject to a number of modifications, the NP should proceed to referendum.
- 3.7 In accordance with Stage 7 above, having considered the report of the Independent Examiner, the Council agreed that the Plan (as modified to accord with the agreed

recommendations of the Independent Examiner and additional modifications / amendments by the Local Planning Authority) should proceed to referendum. See Cabinet Member for Managed Growth decision session of [22 January 2019](#).

#### **4. The Knowle, Dorridge and Bentley Heath Neighbourhood Plan Referendum**

- 4.1 The Knowle, Dorridge and Bentley Heath Neighbourhood Forum made the required modifications to NP and a referendum was held on 14 March 2019.
- 4.2 Residents eligible to vote were asked to answer 'yes' or 'no' to the following question as set out in the regulations:

*“Do you want Solihull Metropolitan Borough Council to use the Neighbourhood Plan for Knowle, Dorridge and Bentley Heath to help it decide planning applications in the Neighbourhood Area?”*

- 4.3 The regulations require that if the majority of those who vote in a referendum are in favour of the neighbourhood plan, then the neighbourhood plan must be 'made' (i.e. formally adopted as part of the statutory development plan for the Borough) by the Local Planning Authority within 8 weeks.
- 4.4 The Neighbourhood Area has an electorate of 14,781 and turnout was 35.66%. The referendum result showed clear support for the Neighbourhood Plan with a total of 5056 votes cast in favour and 207 votes against. This equates to 96% voting 'yes' and 4% voting 'no'.
- 4.5 The regulations set out that a neighbourhood plan comes into force as part of the statutory development plan immediately after it has been approved at referendum, whether it is 'made' or not. However, it must be formally 'made' by the local planning authority within 8 weeks.

#### **5. What options have been considered and what is the evidence telling us about them?**

- 5.1 Section 38A(4)(b) of the Planning and Compulsory Purchase Act 2004 requires that a local planning authority must make a neighbourhood plan if more than half of those voting have voted in favour of the plan. The plan must be formally 'made' within 8 weeks of the referendum.
- 5.2 There are only limited circumstances where the local planning authority is not required to make the neighbourhood plan. These are where it considers that the making of the plan would breach, or otherwise be incompatible with, any EU obligations (including the Strategic Environmental Assessment Directive 2001/42/EC) or human rights obligations. There is nothing to suggest that this is the case with regard to the Knowle, Dorridge and Bentley Heath Neighbourhood Plan and there have been opportunities for these issues to be considered throughout the process and during Examination of the Plan.

#### **6. Reasons for recommending preferred option**

- 6.1 More than 50% of those voting in the KDBH Neighbourhood Plan referendum have voted in favour of the Plan and there are no other reasons why the Plan should not be

made.

- 6.2 Therefore, if the Council does not make the plan, it will not fulfil its statutory obligations.

## **7. Implications and Considerations**

### 7.1 Delivery of key themes in the Council Plan:

How will the options/proposals in this report contribute to the delivery of the key themes in the Council Plan? *(select which themes apply and briefly state how the options / proposals in this report contribute to their delivery):*

- Managed Growth – The Neighbourhood Plan will assist delivery and implementation of the adopted Local Plan.
- Build Stronger Communities – Neighbourhood planning enables local communities to identify and meet local needs and priorities within the neighbourhood area.

### 7.2 Implications for children and young people, vulnerable groups and particular communities:

7.2.1 None identified.

### 7.3 Consultation and Scrutiny:

7.3.1 In accordance with the Neighbourhood Planning Regulations, the KDBH Neighbourhood Plan has been published for consultation at pre-submission and submission stage. This has provided interested stakeholders with the opportunity to comment on the plan.

7.3.2 In addition, the Council has publicised all consultation details and information about the Plan on its website, and where appropriate, Twitter feed and Stay Connected bulletin.

7.3.3 In accordance with the statutory requirements, publicity was carried out in advance of the referendum and the specified documents were made available on the Council's website, at the Council House reception and in Knowle Library.

7.3.4 No scrutiny issues have been identified at any stage in the process.

### 7.4 Financial implications:

7.4.1 The staff time associated with providing support to areas currently undertaking neighbourhood planning is funded through the existing Planning, Design and Engagement Services budget. The Council is required to organise and pay for the independent Examination of a Neighbourhood Plan and any subsequent referendum. However, through the Neighbourhood Planning Grant, £20,000 can be reclaimed once a date has been set for a referendum following a successful Examination. A claim will therefore be made during the next available claims window.

## 7.5 Legal implications:

- 7.5.1 Solihull Council has a legal obligation to assist Parish / Town Councils and Neighbourhood Forums with the process of preparing NPs, if requests come forward. Although the regulations do not require local planning authorities to give financial assistance to such groups, as outlined above, the Council is required to organise and pay for the independent examination of a plan and the referendum.
- 7.5.2 The regulations set out that if more than 50% of those voting in a referendum are in favour of the neighbourhood plan, then the neighbourhood plan must be 'made' by the Local Planning Authority within 8 weeks of the referendum.

## 7.6 Risk implications:

- 7.6.1 None identified.

## 7.7 Statutory Equality Duty:

- 7.7.1 None identified.

## 8. List of appendices referred to

- 8.1 None.

## 9. Background papers used to compile this report

- 9.1 [Declaration of Result of Poll](#) – Referendum on the Knowle, Dorridge and Bentley Heath Neighbourhood Plan 14 March 2019

## 10. List of other relevant documents

- 10.1 [Knowle, Dorridge and Bentley Heath Neighbourhood Plan – Final January 2019](#)