

Meeting date: 17 June 2021

Report to: Full Cabinet



Subject/report title: Balsall Parish Neighbourhood Development Plan Referendum Result

Report from: Cabinet Member for Climate Change, Planning & Housing

Report author/lead contact officer: Maurice Barlow
mabarlow@solihull.gov.uk

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: (If 'Private', select relevant paragraph below and delete the rest.
If 'Public', delete all paragraph options)

1. Purpose of Report

- 1.1 To seek agreement that the Balsall Parish Neighbourhood Development Plan can be 'made' following a successful referendum.

2. Decision(s) recommended

- 2.1 Full Cabinet is asked to:
- a) Note the result of the Balsall Parish Neighbourhood Development Plan Referendum held on 6 May 2021;
 - b) Note that as a result of a successful referendum, the Neighbourhood Development Plan now forms part of the Borough's statutory Development Plan; and
 - c) Agree that, in accordance with the statutory requirements, the Balsall Parish Neighbourhood Development Plan be formally 'made'.

3. Matters for Consideration

- 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. The Regulatory process for the preparation of a NDP is summarised in Appendix 1.
- 3.2 In July 2017 the Council approved a Neighbourhood Area application for Balsall Parish. As defined in Section 61G (2) of the Town and Country Planning Act 1990, Balsall Parish Council is the 'relevant body' to prepare a NDP for the proposed area.
- 3.3 A Pre-Submission Draft Neighbourhood Development Plan was published for consultation by Balsall Parish Council in December 2018 and the final Submission version of the Plan was formally submitted to the Council in April 2019.
- 3.4 Following a technical compliance check, the Council published the Submission Neighbourhood Development Plan for public consultation. As a statutory consultee, the Council made representations on the Plan, which were considered and agreed by Cabinet Member at the decision session on [18 July 2019](#).
- 3.5 The Council submitted the Balsall Parish Neighbourhood Development Plan for Independent Examination in October 2019 and the [Examiner's Report](#) was received on 17 December 2019 where it was concluded that subject to a number of modifications, the NDP should proceed to referendum.
- 3.6 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, should proceed to referendum. Balsall Parish Council made the required modifications to the NDP and, after a delay caused by restrictions due to Covid 19, a referendum was held on 6 May 2021.
- 3.7 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 Development Plan for Balsall Parish to help it decide planning applications in the Neighbourhood Area?*
- 3.8 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.
- 3.9 The Neighbourhood Area has an electorate of 4,770 and turnout was 43.2%. The referendum result showed clear support for the Neighbourhood Plan with a total of 1,796 votes cast in favour and 269 votes against. This equates to 87% voting 'yes' and 13% voting 'no'.
- 3.10 The Regulations state 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.

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

- 4.1 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.
- 4.2 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 that have been incorporated into UK Law (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 Balsall Parish Neighbourhood Development Plan and there have been opportunities for these issues to be considered throughout the process and during Examination of the Plan.

5. Reasons for recommending preferred option

- 5.1 More than 50% of those voting in the Balsall Parish Neighbourhood Plan referendum have voted in favour of the Plan and there are no other reasons why the Plan should not be made. Therefore, if the Council does not make the plan, it will not fulfil its statutory obligations.

6. Implications and Considerations

- 6.1 State how the proposals in this report contribute to the priorities in the [Council Plan](#):

Priority:	Contribution:
<p>Economy:</p> <ol style="list-style-type: none"> 1. Revitalising our towns and local centres. 2. UK Central (UKC) and maximising the opportunities of HS2. 3. Increase the supply of housing, especially affordable and social housing. 	<p>The Balsall Neighbourhood Development Plan includes aspirations to improve Balsall Common centre and the provision of affordable housing.</p>
<p>Environment:</p> <ol style="list-style-type: none"> 4. Enhance Solihull’s natural environment. 5. Improve Solihull’s air quality. 6. Reduce Solihull’s net carbon emissions. 	<p>Neighbourhood planning enables local communities to identify and meet local needs and priorities within the neighbourhood area.</p>
<p>People and Communities:</p> <ol style="list-style-type: none"> 7. Take action to improve life chances in our most disadvantaged communities. 8. Enable communities to thrive. 	<p>Neighbourhood planning enables local communities to identify and meet local needs and priorities within the neighbourhood area.</p>

9. Sustainable, quality, affordable provision for adults & children with complex needs.	
---	--

6.2 Consultation and Scrutiny:

6.2.1 In accordance with the Neighbourhood Planning Regulations, the Balsall Parish Neighbourhood Development 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.

6.2.2 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.

6.2.3 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, and in Balsall Parish Office.

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

6.3 Financial implications:

6.3.1 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.

6.4 Legal implications:

6.4.1 Solihull Council has a legal obligation to assist Parish / Town Councils and Neighbourhood Forums with the process of preparing Neighbourhood Plans, 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.

6.4.2 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.

6.5 Risk implications:

6.5.1 None identified.

6.6 Equality implications:

In accordance with the Neighbourhood Planning Regulations, Neighbourhood Plans are required to meet certain Basic Conditions, including having regard to national policies and guidance, and being compatible with EU and European Convention on Human Rights obligations. The Inspector concluded that the Balsall Parish Neighbourhood Development Plan met the Basic Conditions.

7. List of appendices referred to

7.1 Appendix 1 – Regulatory process for the preparation of a Neighbourhood Plan.

8. Background papers used to compile this report

8.1 None

9. List of other relevant documents

9.1 Balsall Parish Neighbourhood Development Plan 2018-2033 – [Referendum Plan](#)