

## Adoption of the Ryburgh Neighbourhood Plan (RNP)

**Summary:** The purpose of this report is to formally “make” the Ryburgh Neighbourhood Plan as part of the statutory Development Plan for North Norfolk. The Plan was subject to independent examination and successful referendum on the 6<sup>th</sup> May 2021. The Council has a legal duty to now make the Plan within 8 weeks of the day after the referendum was held, unless it considers that doing so would breach European Union Obligations.

**Recommendations:**

**That Cabinet:**

- 1. Note the outcome of the referendum of 6<sup>th</sup> May 2021;**
- 2. Adopt the Ryburgh Neighbourhood Plan as part of the statutory Development Plan for North Norfolk;**
- 3. That the attached Decision Statement is approved under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 as amended and authorised for publication and release in order to bring to the attention of the qualifying body, the people who live, work and or carry out business in the Neighbourhood Plan Area;**
- 4. Authorise the required consequential changes to the adopted policies map and the required consequential changes to the referendum version of the neighbourhood plan through delegated powers to the Planning Policy Team Leader.**

Cabinet Member(s)	Ward(s) affected
Sarah Butikofer - Leader of the Council, John Toye Planning Portfolio Holder	Ryburgh
Contact Officer, telephone number and email:  Iain Withington, Planning Policy Team Leader 01263 516034 <a href="mailto:iain.withington@north-norfolk.gov.uk">iain.withington@north-norfolk.gov.uk</a>	

### 1. Introduction

- 1.1 The provisions of the Localism Act 2011 introduced new powers to allow local communities to prepare Neighbourhood Development Plans and shape future development within their area. North Norfolk District Council positively supports communities to be involved in producing a Neighbourhood

Development Plan and actively encourages community led development. Ryburgh Parish Council as the qualifying body is the second Parish Council to bring forward a successful Neighbourhood Plan in the District and to reach formal 'adoption' stage.

- 1.2 Neighbourhood Plans should be bespoke and specific, addressing land use planning issues on a local level in support of the delivery of the North Norfolk Local Plan. They should not promote less development than set out in the strategic policies for the area and should actively seek opportunities to allocate additional growth and provide more locally derived policies based on appropriate evidence. The policies can help shape sustainable development by influencing local planning decisions as part of the statutory Development Plan.
- 1.3 All Neighbourhood Development Plans are required to be legally compliant and meet a set of requirements referred to as 'the basic conditions'; these are that they:
  - have regard to national policies and advice contained in guidance issued by the Secretary of State;
  - contribute to the achievement of sustainable development;
  - are in general conformity with the strategic policies contained in the development plans for the area (Herefordshire Local Plan – Core Strategy);
  - do not breach, and be otherwise compatible with EU obligations;
  - are not be likely to have a significant effect on a European site either alone or in combination with other plans or projects.
- 1.4 The parish of Ryburgh have been preparing a neighbourhood plan since the February 2017.
- 1.5 The Plan was submitted to North Norfolk District Council, NNDC in April 2020 and publicised under Regulation 16 of the Neighbourhood Planning Regulations (General) 2012 as amended.
- 1.6 In June 2020, Mr Christopher Collison, BA (Hons), MBA, MRTPI, MIED, IHBC was appointed by NNDC, with the consent of the Parish Council, to undertake independent examination of the submitted Draft Plan. The examination concluded in August 2020.
- 1.7 The examiner's report concluded that subject to the incorporation of necessary modifications, the Draft Neighbourhood Development Plan met the 'basic conditions' and the other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 and should proceed to referendum.
- 1.8 On the 2<sup>nd</sup> September 2020 the Decision Statement, a report outlining the examiner's modification, the reasons for them and Councils acceptance of them, confirming that the Plan could proceed to referendum was published.

- 1.9 Regulations and updated national guidance linked to the Coronavirus Act 2020 meant that the referendum could not take place until 6<sup>th</sup> May 2021.
- 1.10 All Neighbourhood Development Plans are required to gain a majority of those voting in favour (50% plus) at a local referendum in order to proceed and be considered for adoption by the Local Planning Authority. If the Plan receives a positive result, then the local planning authority has a legal duty to bring the plan into force within an eight-week period following the day after the referendum was held, unless it considers that doing so would breach European Union Obligations.
- 1.11 **A positive outcome was reached by the local community. 43.31% of the electorate voted at the referendum with 213 supporting and 32 against.**
- 1.12 The referendum version of the Plan, and examiners report and supporting evidence can be found at:
- <https://www.north-norfolk.gov.uk/ryburghnp>
- 1.13 On adoption of the RNP there is the requirement to update the adopted policies map which accompanies the Local Plan. This policies map illustrates geographically the application of the policies in the adopted Development Plan for the District. The adoption of the policies map is to ensure compliance with paragraph 9 of the Local Planning Regulations 2012. Such updates to the policies map are likely to be required each time a Neighbourhood Development Plan is adopted.

## **2. Process for “making” the Ryburgh Neighbourhood Plan.**

- 2.1 In order to comply with regulations, once the Plan is made by the District Council a Decision Statement must be published on the District Council's website. This Decision Statement must also be made available using other available means to demonstrate that the District Council has resolved to make the Neighbourhood Plan. The Council must formally “make” the Parish Council aware of its decision and bring it to the attention of any other person or organisation who asked to be informed about the decision. A copy of the Decision Statement is attached at Appendix A.
- 2.2 The Council must also publish a copy of the made Neighbourhood Plan and make it available on the website and through other media. The Council is required to formally resolve to make the Neighbourhood Plan through its Cabinet to meet the obligations set out in legislation.

## **3 Recommendations**

### **That Cabinet:**

- 1. Note the outcome of the referendum of 6<sup>th</sup> May 2021;**
- 2. Adopt the Ryburgh Neighbourhood Plan as part of the statutory Development Plan for North Norfolk;**
- 3. That the attached Decision Statement is approved under Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 as amended and authorised for publication and release in order to bring to the attention of the qualifying**

**body, the people who live, work and or carry out business in the Neighbourhood Plan Area;**

- 4. Authorise the required consequential changes to the adopted policies map and the required consequential changes to the referendum version of the neighbourhood plan through delegated powers to the Planning Policy Team Leader.**

#### **4 Legal Implications and Risks**

- 4.1 A failure to “make” the Neighbourhood Plan and within the decreed time limit would mean that the council would be in breach of their legal duty.
- 4.2 Section 38A(1) of the Planning and Compulsory Purchase Act 2004 (as amended) (as enabled by Part 6, Chapter 3, Section 116 of the Localism Act 2011) grants local communities the right to set polices through a neighbourhood plan as part of the planning system for determining planning applications. It is not a legal requirement but a right which communities can choose to use. On adoption it forms part of the statutory development plan and sits alongside the Local Plan.
- 4.3 Under section 38A (4) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities have a legal duty to make a neighbourhood development plan following a positive referendum result. The only exception to this is if the Council considers that it would be incompatible with any European Union obligations or Human Rights conventions.
- 4.4 The policies map illustrates geographically the application of the policies in the adopted development plan. The adoption of the policies map is to ensure compliance with Regulation 9 Town and Country (Local Planning) (England) Regulations 2012.
- 4.5 In accordance with the provisions of Regulation 19 of the Neighbourhood Planning (General) Regulations 2012, once the neighbourhood plan is formally made by the Council’s ‘Decision Statement’, setting out the decision to make the Plan and their reasons for it, it is required to be published on the Council’s website, and elsewhere if it’s considered necessary, to publicise such decision to those who live and work in the neighbourhood area.

#### **5 Financial Implications and Risks.**

- 5.1 The Council’s support for neighborhood planning is contained in existing the Local Plan Budget supplemented by MHCLG grant. There are no further financial implications within this report. The local planning authority is responsible for financing the independent examination and referendum for each neighbourhood plan.

### **Appendices**

#### **Appendix A**

Decision Statement on the Ryburgh Neighbourhood Plan.