

## Record of Decision taken by Executive Councillor

**Decision title: Accept the Independent Examiners report for the West Monkton and Cheddon Fitzpaine Neighbourhood Development Plan Review (WM&CF NDPR) and support a modified WM&CF NDPR's progression to referendum.**

**Executive Councillor making the decision: Councillor Mike Rigby**

**Author Contact Details: Ann Rhodes**

**Date of Decision: 8 August 2022**

### **Details of decision:**

**In accordance with legal requirements the WM&CF NDPR was submitted for Independent Examination. The Independent Examiner has submitted to Somerset West and Taunton Council (SWT) the report on the WM&CF NDPR, it concludes that:**

**The WM&CF NDPR includes modifications that are significant or substantial as to change the nature of the original neighbourhood development plan which the plan would replace. This means a referendum would be required.**

**The West Monkton and Cheddon Fitzpaine Parish Councils are qualifying bodies.**

### **The WMCF NDPR:**

**relates to the WM&CF Neighbourhood Plan Area;  
date for the period is clearly indicated;  
not include excluded development;  
relates to the development and use of land;  
meets the Basic Conditions.**

**and that,**

**On this basis the WM&CF NDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Plan Area to which the Plan relates [the Parishes of West Monkton & Cheddon Fitzpaine minus the Staplegrove urban extension].**

### **Reasons for proposed decision:**

**Having considered the matters raised through the submission consultation, the Independent Examiners report, Officer's recommendation is to accept the Examiner's report, publish and progress a modified WM&CF NDP to referendum.**

**Alternative options considered and rejected: Not accepting the Independent Examiners report and publishing reasons and seeking further Independent Examination.**

| <b>The below has been completed:</b>  | <b>Name(s)</b>     | <b>Date</b>  |
|---------------------------------------|--------------------|--------------|
| Relevant ward councillor(s) consulted | Cllr Norman Cavill | 21 July 2022 |


|   |                     |              |
|---|---------------------|--------------|
| West Monkton & Cheddon Fitzpaine Ward   | Cllr Andy Pritchard | 21 July 2022 |
|   | Cllr Ray Tully      | 21 July 2022 |
| <b>The following are if appropriate / applicable: Yes/No. If yes the implications should be attached to this decision notice.</b> |                     |              |
| Finance implications  | Yes – see attached  |              |
| Unitary Council and S24 Direction Implications (Contracts and Land Disposals)   | N/A                 |              |
| Legal implications  | Yes – see attached  |              |
| Links to corporate aims   | Yes – see attached  |              |
| Climate and Sustainability implications   | Yes – see attached  |              |
| Community Safety implications   | N/A                 |              |
| Equalities Impact   | N/A                 |              |
| Safeguarding Implications   | N/A                 |              |
| Risk management   | Yes – see attached  |              |
| Partnership implications  | N/A                 |              |

**Any conflicts of interest declared by Leader or Executive Members consulted on the proposed decision. If Yes provide confirmation from Chief Executive to grant dispensation for the Leader's / Executive Member's views to be considered.**

**Decision Maker**

**I am aware of the details of this decision(s), considered the reasons, options, representations and consultation responses and give my approval / agreement to its implementation.**

**Signed:**



**Name: Cllr Mike Rigby**

**Date: 8 August 2022**

Note – This decision record is for decisions taken by Executive Councillors. The decision(s) can be implemented following publication and the period for any call-in has expired.

**Note:** *A copy should also be sent to the Governance Team:*

# Somerset West and Taunton

## **Notes accompanying the Record of Decision taken by Executive Councillor regarding the Independent Examination for the West Monkton & Cheddon Fitzpaine Neighbourhood Development Plan Review (WM&CF NDPR).**

The Town and Country Planning Act 1990; The Planning and Compulsory Purchase Act 2004; The Neighbourhood Planning Act 2017; The Neighbourhood Planning (General) Regulations 2012 and Amendments of 2015; The Neighbourhood Planning (Referendum) Regulations 2012 and Amendments of 2013 and 2016; The Neighbourhood Planning (Prescribed Dates) Regulations 2012; The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 are applicable to the Local Planning Authorities (LPA's) decision with regard to Neighbourhood Development Plans.

The Local Planning Authority (LPA) is required to publish the Independent Examiners (IE's) Report, within a reasonable timeframe of receiving it.

The LPA must consider the IE's report and decide whether a referendum is to be held within five weeks of the date it receives the report. If the decision differs from that recommended by the IE, representations should be sought during a six week consultation period and then subsequent decision published within five weeks.

In parished areas the Local Authority must hold a referendum within 56 working days of the decision to accept the IE's report. The modified Neighbourhood Development Plan, associated documentation, details of the referendum and where these items can be inspected must be published 28 working days before the referendum, and person(s) notified.

If the majority of those who vote in the referendum are in favour of the NDP then it must be made by the LPA within 8 weeks.

### **Financial Implications**

The referendum for the WM&CF NDPR will be organised by Somerset West and Taunton Council (SWT) Electoral Services.

SWT is currently in receipt of Neighbourhood Planning Grant from Government which it is expected will cover the expenditure associated with publication of the Independent Examiners Report, the LPA's decision on it, the Referendum and associated documents.

A Parish with an adopted Neighbourhood Development Plan received 25% of CIL receipts.

### **Legal Implications**

SWT is required to progress a NDPR referendum if it considers that as amended it meets the legal criteria. To not do so risks the intervention of the Secretary of State and any costs incurred by the Department for Levelling Up, Housing and Communities for that intervention are required to be met by SWT.

The Independent Examination has concluded that the WM&CF NDPR, subject to recommendations, meets the legal tests and should be subject to referendum.

### **Links to corporate aims**

The WM&CF NDPR meets the following Corporate Strategy 2020-2024 Objectives:

#### Out Environment and Economy Objectives

1. Work towards making our District carbon neutral by 2030...
2. Shape and protect our built and natural environment...
3. Encourage wealth creation and economic growth throughout the District...
4. Improve recycling rates and reduce the amount of waste material that is not recycled...
5. Provide and maintain green open spaces and parks, enhanced public spaces, as well as additional opportunities to safely walk or cycle in order to encourage active and healthy lifestyles

#### Homes and Communities Objectives

1. Increase the number of affordable and social homes...
6. Support the delivery of strong sustainable transport infrastructure links...

### **Climate and Sustainability implications:**

The WM&CF NDPR was subject of a Strategic Environmental Assessment (SEA) Screening, Scoping and Environmental Report which included consultation with the Statutory Consultees (Environment Agency, Natural England and Historic England) and the general public. The Report concluded negligible and positive residual impacts on the SEA Objective and that it is unlikely that the Plan will lead to any environmental effects.

Habitat Regulations Assessment Screening and Appropriate Assessment which included consultation with the Statutory Consultees and general public. The AA concluded that the Review Plan would have no adverse impact on the integrity of any European site, either alone or in combination, the agreement of the statutory consultees and taking into account the nature and characteristics of the European sites and the nature and contents of this Review Plan.

The WM&CF NDPR has policies supporting and promoting: efficiency and climate resilience; recycling; sustainable transport, including walking and cycling; strategic flood works; effective water management and sustainable urban drainage; recreation and community facilities; Local Green Spaces; biodiversity; trees and hedgerows.

## Risk management

| Description   | Likelihood      | Impact       | Overall    |
|---|-----------------|--------------|------------|
| <b>Risk:</b> If SWT does not agree with an IE's recommendation(s) it must set out its reasons and consult on those, seek further Independent Examination. The Secretary of State may intervene on behalf of the Qualifying Body in this instance and make a ruling on the NDP's progression to referendum, with any associated costs paid by SWT. However, the IE report is legally compliant, Officers recommend accepting the IE's recommendations which make the NDP compliant with statute, and the QB accept the IE's recommendations. | Unlikely<br>(2) | Minor<br>(2) | Low<br>(4) |

Ann Rhodes  
Senior Planning Policy Officer  
8 August 2022

## **Somerset West and Taunton Council (SWT) decision on the Independent Examiner's report for the West Monkton & Cheddon Fitzpaine Neighbourhood Development Plan (WM&CF NDP), and the reasons for that decision.**

### **Decision**

Cllr Mike Rigby, Portfolio Holder for Planning & Transport, has, on behalf of SWT, accepted the Independent Examiners report, and its recommendations and supports a modified WM&CF NDP's progression to referendum. This decision was published in the weekly bulletin, Record of Decision taken by an Executive Councillor.

### **Reasons for the Decision**

Having considered the matters raised through the submission consultation and the Independent Examiners report:

- The West Monkton and Cheddon Fitzpaine Parish Councils are qualifying bodies;

That the modified WM&CF NDP, as published for the referendum:

- relates to the WM&CF Neighbourhood Plan Area;
- date for the period is clearly indicated;
- not include excluded development;
- relates to the development and use of land;

The WM&CF NDPR, subject to recommendations, meets all the Basic Conditions:

- has regard to national policies and advice contained in guidance issued by the Secretary of State;
- contributes to achieving sustainable development;
- is in general conformity with strategic policies in the TDBC development plan;
- is compatible with retained EU Obligations and does not breach European Convention Rights;
- prescribed conditions are met, and prescribed matters have been complied with;
- making of the Plan does not breach Conservation and Habitat Regulations.

and that,

- On this basis the WM&CF NDP can progress to referendum and the referendum area should not extend beyond the Neighbourhood Plan Area to which the Plan relates [the Parishes of West Monkton & Cheddon Fitzpaine minus the Staplegrove urban extension].

Having considered each of the recommendations made in the Examiner's report, and the reasons for them, SWT accepts that they will secure that the WM&CF NDPR meets the basic conditions set out in legislation.

SWT accepts the examiners recommendation with regard to the referendum as policies are significant or substantial as to change the nature of the neighbourhood development plan which the plan would replace. In addition, there is no known need to extend the referendum area beyond the designated neighbourhood area for the purpose of holding the referendum.

Ann Rhodes  
Senior Planning Policy Officer  
8 August 2022