

CABINET**14 January 2015****Minute Extract****415. DENMEAD NEIGHBOURHOOD PLAN – EXAMINER’S REPORT AND RECOMMENDATIONS**

(Report CAB2641 refers)

Councillor Weston highlighted that Denmead were one of the earliest communities nationally to progress a Neighbourhood Plan. The full submission Plan and Examiner’s Report were available via the City Council’s website.

The Head of Strategic Planning drew Member’s attention to additional communications regarding the Examiner’s Report received from Mr & Mrs Smith and Mr Bell-Davies. Both appeared to challenge the Examiner’s recommendations and also his decision not to hold a formal hearing. It was clarified that the Examiner was only required to assess the Plan against the ‘basic conditions’ and had decided not to hold a public hearing. Full reasons were given in the Examiner’s report.

The Head of Strategic Planning also advised on a proposed minor change to Appendix A of the Report, Policy 4, Action column as set out below:

- Delete wording “i.e. not use classes A1, A5, C1, D1 and D2” and substitute with wording “(particularly use classes A1 to A5)”

This was agreed. In response to questions regarding the concerns set out in the correspondence referred to above, the Head of Strategic Planning advised that not only had the Examiner listed all the documents referred to in their consideration of the Plan and the representations received, which included a very comprehensive consultation statement, he had also specifically considered the case whether to hold a hearing and had concluded that there were no issues which required clarification and took the decision that a hearing was not necessary. The various stages of the Neighbourhood Plan process were summarised in Section 2 of Report CAB2641.

Neil Lander-Brinkley and David Smith addressed Cabinet during the public participation period and their comments are summarised below.

Neil Lander-Brinkley (Chairman of Denmead Parish Council) explained that preparation of the Plan had started about three years ago and the Parish Council had received ‘front runner’ status and funding. The Parish Council were now able to pass on their experience gained to other parish councils wishing to prepare a Neighbourhood Plan. The consultation was undertaken in three phases to reach all parts of the community and all age groups. Seven public meetings had been held in different venues and using different formats.

The proposed Plan was consistent with Local Plan Part 2 and had been approved with the amendments outlined in the Report by the Examiner.

The Chairman congratulated Denmead Parish Council on their achievements so far in producing the Neighbourhood Plan.

David Smith (a Denmead resident) made reference to various communications he had sent to Cabinet requesting that the Examiner's recommendations not be accepted and that a full hearing be held. He had concerns that from the process followed and many of the representations received meant that the views of the local community were not taken into account. Specifically he believed that the public meetings held were not minuted, including the consultation meeting chaired by a professional facilitator which he considered had agreed a number of clear actions which had not been implemented.

The Head of Strategic Planning advised that the Examiner had not considered it necessary to hold a public hearing and therefore the only potential means to hold one now would be to go back to an earlier stage of Plan preparation and to appoint a new Examiner. This course of action would need to be justified and there was no guarantee that a different Inspector would require a hearing, as the general rule for Neighbourhood Plans was that examination is by written representations. In addition, there would not be any further funding available from the Government for additional work.

At the invitation of the Chairman, Mr Lander-Brinkley responded to points raised by Mr Smith. He confirmed that although minutes had not been taken at meetings, strategic points had been noted and discussed at the next steering group meeting. He gave an example of one meeting where proposals to relocate the Memorial Hall were dropped because of the strength of residents' views expressed. He also highlighted that the Plan had been seen informally by another Examiner prior to its submission to the Council and subsequent consideration by the formal Examiner.

At the invitation of the Chairman, Councillor Evans addressed Cabinet and congratulated all those involved in the preparation of the Plan. She queried whether the funding available would be sufficient to cover the cost of the referendum? In addition, were there contingency plans in place if the referendum produced a negative result or if the Local Plan Part 2 was delayed?

The Head of Strategic Planning confirmed that the cost of the referendum should be met from the funding received from the Government. If the result of the referendum was negative, LPP2 could be amended to include the area.

Cabinet agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED:

THAT A REPORT ON THE OUTCOME OF THE REFERENDUM BE MADE TO FULL COUNCIL ON 1 APRIL 2015, SO AS TO ALLOW THE PLAN TO BE FORMALLY MADE AND BROUGHT INTO FORCE AS SOON AS POSSIBLE, IN THE EVENT OF THERE BEING A POSITIVE REFERENDUM VOTE IN FAVOUR OF THE DENMEAD NEIGHBOURHOOD PLAN (OVER 50% OF VOTES CAST).

RESOLVED:

1. That the recommendations of the Examiner, and the subsequent further amendments proposed, all as set out in Table 1 at Appendix A to the report, as amended above, be accepted and agreed.

2. That delegated authority be given to the Head of Strategic Planning, in consultation with the Portfolio Holder for the Built Environment and Denmead Parish Council, to make editorial amendments and updates to the Denmead Neighbourhood Plan, including those recommended by the Examiner, provided these changes will not alter the Plan's policy approach.

3. That the Examiner's recommendation that the Denmead Neighbourhood Plan, as modified in accordance with recommendations 2 and 3 above, proceeds to referendum, be agreed, on the basis that the Plan (as modified) meets the basic conditions, is compatible with the European Convention on Human Rights, complies with the statutory definition of a neighbourhood development plan and comprises provisions that can be made by such a document.

4. That in accordance with the Examiner's recommendation, the referendum be based on the neighbourhood area as defined by the Council on 17 September 2012 in the document entitled "Designation of Denmead Neighbourhood Area".