

<p>COUNCILLOR PHIL DAVIES</p> <p>LEADER OF THE COUNCIL</p> <p>CABINET MEMBER FOR STRATEGIC ECONOMIC DEVELOPMENT, FINANCE & DEVOLUTION</p>	<p>CABINET MEMBER BRIEFING REPORT FOR DELEGATED DECISION</p> <p>NEIGHBOURHOOD PLANNING – MAKING OF A NEIGHBOURHOOD DEVELOPMENT PLAN FOR HOYLAKE</p>
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REPORT SUMMARY

A local referendum on the making of a statutory Neighbourhood Development Plan for Hoylake was held on 1 December 2016. 85.6% of the 973 people who voted, voted in favour of the Council using the Neighbourhood Development Plan to help in deciding planning applications in Hoylake.

The Council is now obliged by law to make the proposed Neighbourhood Development Plan part of the statutory Development Plan for Wirral by a resolution of Full Council (Section 38A of the Planning and Compulsory Purchase Act 2004 refers).

RECOMMENDATIONS

That it is recommended to Council that

1. The Hoylake Neighbourhood Development Plan attached to this report, which has been endorsed by a majority vote in a referendum of local electors, is formally 'made' under Section 38A(4) of the Planning and Compulsory Purchase Act 2004.
2. The Assistant Director Environmental Services is authorised to take all the steps necessary to comply with the remaining legal requirements under Section 38A of the Planning and Compulsory Purchase Act 2004 and Part 5 of the Neighbourhood Planning (General) Regulations 2012, in consultation with the Cabinet Member for Strategic Economic Development, Finance and Devolution.

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 To comply with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) and Regulations 19 and 20 the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 inserted a new requirement in the 2012 Neighbourhood Planning Regulations that a neighbourhood plan approved at referendum is made within 8 weeks beginning with the day immediately following that on which the referendum is held. In Wirral's case, the making of a Neighbourhood Development Plan requires a resolution of Full Council.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 The Hoylake Neighbourhood Planning Forum (also known as Hoylake Vision), which was designated by the Council in April 2013 as the statutory neighbourhood forum for Hoylake, formally submitted their proposed Neighbourhood Development Plan to the Council for publication and independent examination in September 2015.
- 3.2 The Council has now completed the legal process set out in Section 38A of the Planning and Compulsory Purchase Act 2004; Schedule 4B of the Town and Country Planning Act 1990; and Part 5 of the Neighbourhood Planning (General) Regulations 2012.
- 3.3 The draft Plan was publicised between 6th November 2015 and 22nd December 2015, to bring it to the attention of people who live, work or carry on business within the designated Neighbourhood Area. The comments submitted were considered by an independent examiner, appointed with the agreement of the Forum, from the national Neighbourhood Planning Independent Examiner Referral Service, in March 2016.
- 3.4 The examiner concluded, in April 2016, that the draft Plan would meet all the relevant legal requirements and should be submitted to a local referendum, subject to a series of recommended modifications. The Council agreed with the examiner's recommendations and published its Decision Statement, the examiner's report and the modified documents on 14th September 2016.
- 3.5 A referendum on the modified Plan was held on 1st December 2016, to allow the local community to vote on whether the Plan should be used by Wirral Council to help decide planning applications in the Neighbourhood Area. More than half (833 or 85.6%) of the 973 people who voted, voted in favour of the Plan.
- 3.6 The Council is now obliged by law to make the proposed Neighbourhood Development Plan part of the statutory Development Plan for Wirral by a resolution of Full Council (Section 38A of the Planning and Compulsory Purchase Act 2004 refers). The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 require that the neighbourhood plan is made within 8

weeks beginning with the day immediately following that on which the referendum is held.

3.7 A copy of the successful Neighbourhood Development Plan for Hoylake is attached to this report.

3.8 On the basis that the Plan attached to this report has complied with all the relevant legislative requirements and would not breach or otherwise be incompatible with any EU obligation or any Convention rights within the meaning of the Human Rights Act 1998, it is recommended that the Plan is now formally brought into force by a resolution of Full Council.

4.0 PLANNING IMPLICATIONS

4.1 Once made by Council resolution, the Hoylake Neighbourhood Development Plan will form part of the statutory land-use Development Plan for Wirral alongside the Council's Unitary Development Plan, the Joint Waste Local Plan for Merseyside and Halton and the emerging Core Strategy Local Plan and will be used to help in the determination of individual planning applications falling within Hoylake until 2020.

5.0 FINANCIAL IMPLICATIONS

5.1 Costs incurred in relation to publicising the receipt of the Neighbourhood Plan and its independent examination will be offset by grants from the Department of Communities and Local Government.

5.2 The costs associated with the final adoption of the Plan will be met from existing resources for Environmental Services.

6.0 LEGAL IMPLICATIONS

6.1 The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016 inserted a new requirement in the 2012 Neighbourhood Planning Regulations that a Neighbourhood Plan approved at referendum is made within 8 weeks beginning with the day immediately following the referendum date. In Wirral's case, the making of a Neighbourhood Development Plan requires a resolution of Full Council.

6.2 The decision to make the Plan is subject to a six-week period for judicial review, beginning with the day after the day on which the decision to make the Plan is published.

6.3 The Plan will remain in force until 2020, unless a material change in circumstance intervenes.

7.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

7.1 The staffing required to support the preparation and adoption of the Neighbourhood Development Plan for Hoylake has been provided from existing resources for Environmental Services.

7.2 An Officer Decision Notice for the procurement of the independent examiner was approved by the Head of Regeneration and Planning on 23 May 2014 and by the Council's Procurement Manager in July 2014.

8.0 RELEVANT RISKS

8.1 The Council must comply with the requirements of the Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 (as amended) and their associated national regulations. Processes that do not comply with statutory requirements will be vulnerable to legal challenge and could incur additional and/or abortive costs.

9.0 CONSULTATION/ENGAGEMENT

9.1 The Neighbourhood Development Plan attached to this report has been prepared following community consultation commencing with survey of local residents, undertaken by the Hoylake Neighbourhood Planning Forum, which took place between December 2012 and January 2013. Consultation on a draft Plan took place between January and March 2015. The final draft Plan was submitted to the Council for independent examination in September 2015 and was published by the Council for public comment in November 2015. The independent examination began in March 2016 and reported in April 2016. The Council's Decision Statement and final documents, amended to comply with the recommendations of the examiner, were published by the Council on 14 September 2016.

9.2 The decision to make the Plan, a copy of the Plan and the reasons for making the Plan must be published on the Council's website, made available for public inspection and brought to the attention of people who live, work or carry on business within the Neighbourhood Area.

9.3 The Plan will therefore be made available for public inspection on the Council's website; at Hoylake Library; The Parade (Hoylake Community Centre); Melrose Hall; and at the South Annexe of Wallasey Town Hall. The Council will notify previous respondents; and will publish a public notice in the weekly planning notices in the local free press or in the Council's Wirral View publication; in addition to more local notification through the Neighbourhood Forum.

9.4 The Hoylake Neighbourhood Planning Forum will continue to operate and will assist in the ongoing monitoring and review of the adopted Plan and will be consulted on planning applications within the Neighbourhood Plan area.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal been reviewed with regard to equality?

(a) Yes and the impact review can be accessed at <https://www.wirral.gov.uk/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2014-0>

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APPENDICIES

Proposed Hoylake Neighbourhood Development Plan for Adoption

REFERENCE MATERIAL

[Localism Act 2011](#) (Part 6, Chapter 3 and Schedules 9 to 12)
[The Neighbourhood Planning \(General\) Regulations 2012 \(2012, No. 637\)](#) (Parts 2, 3 and 5)
[Neighbourhood Planning \(Referendums\) Regulations 2012 \(SI 2012 No. 2031\)](#)(as amended)
[National Planning Policy Framework and Practice Guidance \(CLG, March 2012\)](#)
[The Neighbourhood Planning \(General\) and Development Management Procedure \(Amendment\) Regulations 2016](#) (part 2)

Additional background on the Neighbourhood Development Plan for Hoylake can be viewed on the Council's website at <http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/neighbourhood-planning>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Delegated Decision Neighbourhood planning – approval of publication, examination and local referendum on a proposed neighbourhood plan for Hoylake	20 th October 2015