

Committee(s): Policy, Resources, and Economic Development Committee	Date: 14 September 2022
Subject: Ingatestone and Fryerning Neighbourhood Plan (2020-2033) Referendum Update	Wards Affected: Ingatestone, Fryerning and Mountnessing
Report of: Phil Drane, Director of Place	Public
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Summary

This report provides further update on the Ingatestone and Fryerning Neighbourhood Plan process following referendum in August 2022. It follows other council updates and decision items since 2017 (most recently Item No. 82, Policy, Resources, and Economic Development Committee, 13 July 2022).

Since then, a formal Referendum period was held from 30 July to 4 August 2022, with the public vote taking place on 4 August. The Neighbourhood Planning Regulations (General)(England) 2012 (as amended), required a majority vote in favour of the neighbourhood plan in order for it to be 'made' and thus form part of Brentwood Development Framework. The results of the vote were 86% in favour of the plan and 14% against. Therefore, as of 5 August 2022, the neighbourhood plan has had full weight applied and is to be considered when determining planning applications within the parish boundary.

The neighbourhood planning process has now concluded. However, the Inspectors Report requires that the neighbourhood plan be subject to a review process following the Brentwood Local Plan early review. Therefore, the council will continue to engage with the parish council through this process.

Main Report

Introduction and Background

1. The 2011 Localism Act introduced new powers for local communities to produce neighbourhood plans, which can be used to guide and shape future development in an area. Once adopted a neighbourhood plan forms part of a statutory Development Plan for the area and it is used in the determination of planning applications alongside the Brentwood Local Plan and other material planning considerations, including the National Planning Policy Framework.

Designation

2. Brentwood Borough Council approved the designation of the Ingatestone & Fryerning Parish as a Neighbourhood Plan Area at its Planning & Licensing Committee on 11 October 2017 (Item 136). The neighbourhood plan was consulted on as required by Regulation 14 for six weeks in August-September 2020. The council responded to the Regulation 14 consultation and expressed general support for the neighbourhood plan but highlighted the need for an SEA / HRA Screening Opinion Report, which is the responsibility of the local planning authority. This work was undertaken and the neighbourhood planning group undertook a focussed consultation with environmental bodies as required by the Neighbourhood Planning Regulations.

Basic Conditions

3. National planning practice guidance states that a neighbourhood plan must meet basic conditions as set out in paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990. The submission of the Ingatestone & Fryerning Plan under Regulation 15 included a statement which sets out how the plan has met the following basic conditions:
 - a) The neighbourhood plan has regard to national policies and advice contained in guidance issued by the Secretary of State
 - b) The plan contributes to the achievement of sustainable development
 - c) The plan conforms with the strategic policies of the Brentwood local plan
 - d) The plan must be in conformity with the EU obligations
 - e) Prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with its proposals.

Examination

4. The council undertook Regulation 16 consultation between December 2021 and March 2022. The plan was formally submitted to an independent Inspector for examination in April 2022.
5. The Inspector sent one set of questions to the Council and Qualifying Body (the neighbourhood planning group), asking a total of five questions, most which were points of clarification responded to in May 2022.

6. The Inspector's final report was received by the Council in June 2022. This concluded that the plan could proceed to referendum provided required modifications were made.

Referendum

7. The Referendum (Regulation 19) was held between 30 June and 4 August 2022. Residents who reside within the parish boundary and were registered to vote were sent a polling card asking a 'yes / no' question on whether to have the plan 'made', also known as being adopted. Following voting on 4 August, the count of votes was undertaken on 5 August. The results of the referendum were as follows and as set out in Appendix A:
 - a) In favour: 528 (86.42%)
 - b) Against: 83 (13.58%)
 - c) Spoiled votes: 0
 - d) Voter turnout: 15%
8. The Neighbourhood Planning Regulations require that a majority vote (50% + 1 votes) is required for the plan to be 'Made' (or adopted). As a majority vote in favour for the neighbourhood plan was obtained through the referendum stage, the Ingatestone and Fryerning Neighbourhood Plan now forms part of the Brentwood Development Framework for planning decisions in the parish boundaries. The neighbourhood plan's policies are to inform decisions on planning applications within the parish alongside the borough-wide local plan and other relevant policy.

Issue, Options and Analysis of Options

9. Neighbourhood plans give local communities direct power to develop a shared vision and shape the development and growth of their local area. The neighbourhood plan has completed the plan-making process and was formally adopted on 5 August 2022 following the results of the referendum.

Next Steps

10. The Ingatestone and Fryerning Neighbourhood Plan includes a 'Monitoring and Review' policy requiring a review of the plan to be undertaken once the Brentwood Local Plan early review has been completed. This is to ensure the neighbourhood plan continues to be in conformity with the local plan as required by the Neighbourhood Planning Regulations, in meeting the 'basic conditions'.

11. The Planning Policy Team will continue to engage with Ingatestone and Fryerning Parish Council through the review process.

References to Corporate Strategy

12. This is not a Council produced document and so there are no direct references to the Council's Corporate Strategy. However, the neighbourhood plan forms part of the Council's development plan for planning decision making. Therefore, it is important that there is consistency with the Council's local plan. Management of development in line with the local plan is a corporate priority, as are several cross-cutting objectives that the plan provides a vehicle for delivery.

Implications

Financial Implications

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13. Government grants and technical support is available directly to neighbourhood planning groups immediately following area designation.
14. Neighbourhood Planning Regulations require local planning authorities to bear the cost of examination and referendum of neighbourhood plans or orders. Current arrangements from the Department for Levelling Up, Housing and Communities enables local planning authorities to claim some financial support towards neighbourhood planning. This is for £20,000 for each neighbourhood plan once a date has been set for referendum (limited to five neighbourhood plans in the borough).
15. So far, the Council has received £5,000 of grant monies following designation of Ingatestone & Fryerning Neighbourhood Plan Area. The council submitted a claim for the remainder of the £20,000 grant at the end of August 2022 following the referendum stage. This will be used to recover costs and contribute to future neighbourhood planning work.

Legal Implications

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16. It is a statutory requirement to support the preparation of neighbourhood plans and for the Council to adopt, or 'make' them, if supported by the referendum. Relevant legislation includes the Neighbourhood Planning (General) Regulation

2012 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended).

Economic Implications

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17. There are not direct economic implications, although the neighbourhood plan will support the Council's local plan that is a key vehicle in delivery of corporate priorities, such as growing the economy.

Equality and Diversity Implications

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18. None. Equality and Diversity implications have been considered as part of the process of producing the neighbourhood plan and reported in previous papers (see background papers).

Other Implications (where significant) – i.e. Health and Safety, Asset Management, Equality and Diversity, Risk Management, Section 17 – Crime & Disorder, Sustainability, ICT.

None

Background Papers

- Item 82, Policy, Resources, and Economic Development Committee, 13 July 2022, Ingatestone & Fryerning Neighbourhood Plan Update
- Item 185, Policy, Resources, and Economic Development Committee, 24 November 2021, Ingatestone & Fryerning Neighbourhood Plan (2020-2033), Regulation 15
- Item 571, Planning & Licensing Committee, 11 November 2020, Response to Ingatestone & Fryerning Draft Neighbourhood Plan Regulation 14 Consultation
- Item 136, Planning & Licensing Committee, 11 October 2017, Ingatestone & Fryerning Parish Neighbourhood Plan Area Designation

Appendices to this report

- Appendix A: Ingatestone & Fryerning Neighbourhood Plan Referendum Declaration, August 2022