

SOUTH STAFFORDSHIRE COUNCIL

STATEMENT OF DECISION
BY MEMBER OF THE CABINET

I propose to make the following decision set out below in accordance with the powers vested in me by Part 3 of the Constitution of the Council approved by the Council pursuant to Section 37 of the Local Government Act, 2000.

The decision will be made by me on or after 20th September 2023 unless called in for scrutiny before that date.

Councillor Victoria Wilson – Cabinet Member for Business Enterprise and Community Infrastructure

Date: 12th September 2023

REPORT PROPOSING THAT KINVER NEIGHBOURHOOD PLAN IS MADE BY SOUTH STAFFORDSHIRE COUNCIL

PART A – SUMMARY REPORT

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to inform Members of the referendum result in favour of bringing the Kinver Neighbourhood Plan into force, and to agree that the Neighbourhood Plan should be made (i.e adopted) as part of the statutory development plan for Kinver Parish under the provisions of the Planning and Compulsory Purchase Act 2004 s38A (as amended).

2. SUMMARY IMPACT ASSESSMENT

POLICY/COMMUNITY IMPACT	Do these proposals contribute to specific Council Plan objectives?	
	Yes	The development plan (including made neighbourhood plans) will contribute to the following Council Plan 2020-2024 purpose: • Provide a quality environment that we can all be proud of.
	Has an Equality Impact Assessment (Equal) been completed?	
	Yes	An EqlA was prepared by Kinver Neighbourhood Plan Steering Group and submitted as part of their Basic Conditions Statement to the District Council in December 2022. The EqlA was before the Examiner who and has also been reviewed by

		officers who concur with its conclusion that the Neighbourhood Plan will result in positive benefits for many parts of the local community with protected characteristics. It is noted that the EqIA does not address the protected characteristic 'marriage and civil partnership'. However, this has been reviewed by officers who are of the view that the impact on this protected characteristic is neutral.
	Has a Data Protection Impact Assessment been completed?	
	No	Not required
SCRUTINY POWERS APPLICABLE	Yes	The Constitution and associated protocol provides that front line Councillors, the Monitoring Officer and the Section 151 Officer will have five clear working days following dispatch of a notification of a proposed decision in which to call in for scrutiny, decisions proposed by the Cabinet or its members. In accordance with the provisions of the Constitution and associated protocol, any two or more members wishing to request that this proposed decision should be called in for scrutiny should do so by giving notice to the Director Legal & Governance either by e-mail or in writing before the end of the fifth day specifying the reason or reasons therefore. The Director Legal & Governance will then call in the proposed decision and arrange for it to be considered by the Overview and Scrutiny Committee/relevant Scrutiny Panel. A copy of such notice must also be sent to me either by email or in writing by the end of the fifth day. This proposed decision will be confirmed and implemented or, where appropriate, referred to the Council for consideration at its next meeting, on or after the date to be notified upon circulation of the minutes of the meeting of the Cabinet, unless called in for scrutiny by that date.
KEY DECISION	Yes/No	
TARGET COMPLETION/ DELIVERY DATE	The Neighbourhood Plan should be made by 19 th October to meet the 8 week timeframe.	
FINANCIAL IMPACT	No	Once support for the neighbourhood plan has been expressed through the referendum then there is no additional financial burden on the Council on the Kinver Neighbourhood Plan being made (adopted) by South Staffordshire Council.

		There is however a small financial and staffing burden to the Council associated with the referendum, with incurred costs estimated to be around £5k, however Neighbourhood Plan Grant funding is available to cover this cost.
LEGAL ISSUES	Yes	Should the majority of those who vote in a referendum are in favour of the draft neighbourhood plan then the neighbourhood plan must be made by the local planning authority within 8 weeks of the referendum. The 8 week time limit does not apply where a legal challenge has been brought in relation to the decision to hold a referendum or around the conduct of the referendum.
OTHER IMPACTS, RISKS & OPPORTUNITIES including climate impacts and health impacts if applicable		<p>The production of a neighbourhood plan will potentially provide a more detailed local dimension to the development plan and encourage stronger community involvement with the plan making process.</p> <p>Whilst any neighbourhood plan will need to be in general conformity with the strategic policies contained in the district-wide development plan, there will be scope for local communities to respond to local circumstances, for instance identifying local infrastructure priorities.</p>
IMPACT ON SPECIFIC WARDS	Yes	Kinver

PART B – ADDITIONAL INFORMATION

3. INFORMATION

- 3.1 Neighbourhood Plans were introduced in Localism Act 2011 as a means of engaging local communities directly in shaping the growth and character of their local areas. Once made (adopted) the plan will be used alongside local and national planning policies when determining planning applications. The formulation of a neighbourhood plan is led locally by a ‘qualifying body’, this will be a town or parish council in parished areas or a bespoke neighbourhood forum elsewhere.
- 3.2 The Kinver Neighbourhood Plan has been developed by the parish council who delegated responsibility for drafting the plan to a Neighbourhood Plan Steering Group supported by a firm of planning consultants commissioned by the parish council. Community consultations were undertaken by the steering group in the Autumn 2022 and amendments to the plan were made prior to it being submitted to South Staffordshire Council in December 2022. South Staffordshire Council undertook a statutory consultation upon the Submission Plan in Winter/Spring 2022

before appointing an Independent Examiner with the agreement of the parish council in March 2022.

- 3.3 The Independent Examination into the submission version of the Neighbourhood Plan was undertaken in Spring 2022. The final report was submitted to South Staffordshire Council on 15 June 2023 and the Examiner concluded that subject to a number of modifications the Plan would satisfy the nationally prescribed basic conditions and could therefore proceed to a public referendum. The basic conditions are as follows:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area; and
 - Be compatible with European Union (EU) obligations and the European Convention on Human Rights.
- 3.4 Whilst the Examiner's recommendations are not binding on the authority, South Staffordshire Council issued a Decision Statement on 13th July 2023 accepting all of the Examiner's proposed modifications and agreeing that the Plan should proceed to a public referendum to be held on 24th August 2023 within Kinver Parish i.e. the defined Neighbourhood Area.
- 3.5 The referendum result indicated that **86.9%** of those who voted were in favour of using the Neighbourhood Plan to help determine planning applications within the area of Kinver Parish. The turnout for the referendum was **17%**.
- 3.6 Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) required that the Council must adopt, or 'make' the Neighbourhood Plan if more than half of those voting in the public referendum vote in favour of the Plan. In accordance with the Regulations, once approved at referendum, planning applications in the Parish of Kinver must be considered against the policies in the Neighbourhood Plan as well as the existing Local Plan policies as well as the National Planning Policy Framework.
- 3.7 Whilst the Kinver Neighbourhood Plan came into force as part of the statutory development plan once it was approved at referendum, the Neighbourhood Plan must be officially made (i.e adopted) by the Local Planning Authority within 8 weeks of the referendum date.

4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION

- 4.1 No impact assessment required.

5. PREVIOUS MINUTES

- 5.1 No previous minutes

6. BACKGROUND PAPERS

6.1 Kinver Neighbourhood Plan can be viewed [here](#)

7. PROPOSED DECISION BY MEMBER OF THE CABINET

7.1 That Kinver Neighbourhood Plan 2023-2038 is made by South Staffordshire Council in accordance with Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) and following the positive result in the public referendum of 24 August 2023.

8. CONFIRMATION OF DECISION

8.1 This proposed decision has not been called in for scrutiny and was not a Key Decision subject to scrutiny before being formally made. Accordingly, I made this decision on 20 September 2023 for the reasons and having regard to the alternative options and circumstances set out above.



Councillor Victoria Wilson, Cabinet Member for Business Enterprise and Community Infrastructure