

WAVERLEY BOROUGH COUNCIL

**REPORT UNDER DELEGATED POWERS OF HEAD OF PLANNING AND
ECONOMIC DEVELOPMENT**

Title:

**DECISION TO ‘MAKE’ THE GODALMING AND FARNCOMBE
NEIGHBOURHOOD PLAN (“the Plan”)**

[Wards Affected: All Godalming Wards]

Summary and purpose:

The purpose of this report is to seek approval for the decision for the Plan to be ‘made’ and the subsequent making of the Plan (adopted).

How this report relates to the Council’s Corporate Priorities:

The Plan, as part of the development plan, will have an important role in supporting and delivering Corporate Priorities, including protecting the environment and supporting the use of electric vehicles.

Financial Implications:

The Council must publicise the making of the Plan which will be done through a public notice placed in the local paper.

Legal Implications:

Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that the Council, as local planning authority, must ‘make’ (bring into legal force) a neighbourhood plan if more than half of those voting have voted in favour of the plan being used to help decide planning applications in the plan area. It is the responsibility of the local planning authority to ensure that the plan is compatible with EU obligations and does not breach Convention rights.

If these requirements are met then the local planning authority must ‘make’ (adopt) the plan within 8 weeks of the referendum.

Background

1. Godalming Town Council submitted its Neighbourhood Plan to Waverley Borough Council in September 2018. The Plan was publicised and representations were invited. This publicity period ended on 30 November 2018. The Council appointed John Slater as independent examiner. On 26 February 2019, the Examiner submitted his Report on the Plan to the Council, confirming that the Plan would, with modifications, meet the basic conditions and relevant legal requirements and could proceed to referendum.
2. On 2 April 2019, the Council published a Decision Statement confirming that all of the modifications recommended by the Examiner had been accepted and that the

Plan, as modified, met the basic conditions and could proceed to referendum. The referendum was held on Tuesday 9 July 2019, asking the question "Do you want Waverley Borough Council to use the Neighbourhood Plan for Godalming and Farncombe to help it decide planning applications in the neighbourhood area?" Of the people who voted, 2210 voted 'yes' and 204 voted 'no', with 16 ballot papers rejected. Therefore, 91.5% of those people who voted were in favour of the Plan.

Decision to 'Make' the Plan

3. As most of those who voted in the Referendum were in favour of the draft Plan, the Council was then obliged to 'make' the Plan. There is an eight-week time limit in the amended Regulations to do this¹.
4. There are a narrow range of circumstances where the Council is not required to 'make' the Plan. These are where it considers that the making of the Plan would breach, or otherwise be incompatible with, any EU or human rights obligations². In his report, the Examiner stated:

"I am satisfied that the basic conditions regarding compliance with European legislation including the newly introduced basic condition regarding compliance with the Habitat Regulations are met. I am also content that the plan has no conflict with the Human Rights Act."

5. The Council has no reason to disagree with the Examiner. As the Plan is compatible with EU obligations and does not breach Convention rights, it can now be 'made'. Section 3 of the Neighbourhood Planning Act 2017, which came into force on 19 July 2017, amends section 38 of the Act 2004 to provide for a neighbourhood plan to become part of the development plan after it is approved in a referendum. Therefore, the Plan is now part of the statutory Development Plan for Waverley. The Council is still required, however, to comply with the Regulations and formally 'make' the Plan.
6. In accordance with Regulation 19 of the 2012 Regulations, following the referendum the Council must publish a decision statement, which sets out the Council's decision to 'make' the Plan and the reasons for this decision. After deciding to make the Plan, the Council must subsequently 'make' it. The decision statement and confirmation that the Plan has been made will be publicised in accordance with the Regulations.

Recommendation

To decide to 'make' the Plan and that the Plan, as amended to incorporate the modifications set out in the Regulation 18 Decision Statement, be 'made'.

Background Papers

¹ This requirement was introduced by the The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, which came into force on 1 October 2016.

² See section 61E(8) of the Town and Country Planning Act 1990 Act as amended.

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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ACTION AUTHORISED

Signed:..... (Alice Knowles) Date:.....

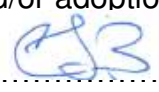
Agreed by Interim Head of Planning and Economic Development:

..... (Chris Berry) Date: 12/8/19

Agreed by Legal Services:..... Date:.....

This report has been agreed under the delegated authority by the Interim Head of Planning and Economic Development.

This power is derived from Paragraphs 42 (xiii), (xviii), (xx) and (xxiii) and 43(G) of the approved Scheme of Delegation to Officers (March 2018). Paragraphs 42 (xiii), (xviii), (xx) and (xxiii) gives power to the Head of Planning to make all decisions, take all actions and exercise all powers in respect of the Council’s Planning Policy in accordance with the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the Town and Country Planning Act 1990 and the Neighbourhood Plan Act 2017 repectively. Paragraph 43(G) gives power to the Head of Planning for the making and/or adoption of any plan for the purposes of neighbourhood planning.

..... (initialled by, Interim Head of Planning and Economic Development, the Authorising Officer)

Date: 12/8/19