

The Queen Camel Neighbourhood Plan Referendum

Executive Portfolio Holder:	<i>Val Keitch – Strategy and Housing</i>
Ward Member(s)	<i>Camelot - Mike Lewis</i>
Strategic Director:	<i>Kirsty Larkins; Director, Strategy and Commissioning</i>
Service Manager:	<i>Peter Paddon; Lead Specialist – Strategic Planning</i>
Lead Officer:	<i>Jo Wilkins; Specialist – Strategic Planning</i>
Contact Details:	jo.wilkins@SouthSomerset.Gov.Uk or 01935 462588

Purpose of the Report

1. To agree the Independent Examiner's report and recommendations for Proposed Modifications; and to set out the process for 'making' the plan in the event that there is a favourable outcome to the local referendum to be organised by the District Council.

Forward Plan

- 2 This report appeared on the District Executive Forward Plan with an anticipated Committee date of September 2020.

Public Interest

- 3 The Neighbourhood Plan represents the views of Queen Camel Parish Council and other stakeholders on the preferred approach to future development in the Parish. This Plan has been the subject of Independent Examination by a qualified person and, if the Council agrees with the Examiner's report and recommendations for Proposed Modifications, the Plan will be then subject to a referendum of all those in the community on the Electoral Register. The referendum will ask whether local residents agree with the modified Plan's content and if it should be used in the determination of planning applications. [Regulations linked to the Coronavirus Act 2020](#) mean that no elections or referendums can take place until 6 May 2021. This includes neighbourhood planning referendums. These provisions will be kept under review by the Government and may be amended or revoked in response to changing circumstances.
- 4 The Neighbourhood Plan has been the subject of various events and meetings which have been used to engage with interested parties and public consultations. The Parish Council also have a dedicated website for the Neighbourhood Plan: [Neighbourhood Plan – Queen Camel Parish Council](#)

Recommendations



5 That the District Executive:

- a. agrees the Examiner's report and accepts in full her recommendations for Proposed Modifications to the Queen Camel Neighbourhood Plan.
- b. agrees a modification to the explanatory text at paragraphs 3.2.12 and 3.2.13, alongside amending Policy QC2; and providing a definition of "infill" alongside to clearly align the amendments with the paragraph 12(6) powers to modify, along with express recognition that the Examiner's recommendations have been accepted in full.
- c. agrees to officers organising a referendum next year for local people on the Electoral Register. The aim of the referendum is to ascertain whether local residents want South Somerset District Council to use the Neighbourhood Plan for Queen Camel to help it decide planning applications in the neighbourhood area.
- d. delegates responsibility to the Director for Strategy and Commissioning to make any final minor text amendments to the Neighbourhood Plan, in agreement with the Queen Camel Neighbourhood Plan Steering Group.

Background

- 6 Neighbourhood planning helps local communities play a direct role in planning for the areas in which they live and work. The plan can show how the community wants land in its area to be used and developed. If a plan is 'made' following a successful referendum, it becomes part of the development plan for that area. Planning applications are determined by local planning authorities in accordance with the adopted development plan, unless material considerations indicate otherwise.
- 7 The Queen Camel Neighbourhood Area designation was approved by the District Council in March 2013. Since then, the Neighbourhood Plan for the area was prepared and a 'Pre-Submission' Plan was consulted upon by the local Steering Group in May 2019 (Regulation 14). This initial consultation was followed by formal submission of the Plan in January 2020 and the District Council carried out formal consultation in line with procedures set out in the relevant Regulations (Regulation 16), before the restrictions on movement in response to Covid-19 were put in place. The Plan has now been the subject of independent examination and this report relates to the District Council's decision on the Examiner's recommendations and the next step of a local referendum. In the meantime, Planning Practice Guidance¹ states that neighbourhood plans awaiting referendums can be given significant weight in decision-making.

The Queen Camel Neighbourhood Plan

8. The Queen Camel Neighbourhood Plan sets out a vision for the Parish and the Stakeholders' main aims. The Plan summarises the consultation process and evidence base which informed its preparation. It also includes policies seeking to

¹ [Coronavirus \(COVID-19\): planning update - GOV.UK](https://www.gov.uk/guidance/coronavirus-covid-19-planning-update)



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guide future development in the Parish relating to Housing, Business and Employment, Community Services and Facilities, Getting About, Environment; and Heritage. A site to the northwest of West Camel Road is allocated for about 30 dwellings; with the land to the north of Roman Way set aside for an extension to the existing recreation ground and/or an archeological interpretation area. The Plan also refers to a number of local projects that will be taken forward by the Parish Council, although these do not form Plan Policies.

9. The Neighbourhood Plan's main aims are set out follows:
 - To create new opportunities for local people to live and work in the parish and so strengthen the community and the local economy.
 - To make sure new development strengthens Queen Camel's character
 - To improve and extend safe routes in and around the village for horse riders, cyclists and pedestrians
 - To make sure there is sufficient off-road car parking for existing and new development
 - To preserve existing green spaces that are valued by local residents
 - To maintain, improve and extend recreational facilities to meet better the needs of local residents of every age and ability
 - To preserve and enhance the historically significant monuments and features
10. Alongside the Neighbourhood Plan itself, the Regulations require that a statement is submitted which states how the Plan meets the specified 'Basic Conditions', a Consultation Statement; and confirmation that the Plan meets the Strategic Environmental Assessment and Habitats Regulations and other European legislation.
11. On receipt of the Submission Documents, the District Council carried out the required public consultation for a period of six weeks under Regulation 16 in January - March 2020; this included a notice in the press, and hard copies of the Submission documents being made available at the Queen Camel Memorial Hall and Connect at Petters Way, Yeovil. The District Council also wrote to all authorities, utility providers, a wide range of stakeholders and other bodies considered to have an interest in the Plan, including those that the Neighbourhood Plan Steering Group had consulted itself. The submission documentation was also made available on the Council's website.
12. A total of six responses were received and the District Council also presented its own comments; these were all sent to the Examiner.
13. The Examiner's Report concludes that the correct procedure for the preparation and submission of the Queen Camel Neighbourhood Plan was followed and that it meets the 'Basic Conditions', subject to the proposed modifications being made. The Examiner has proposed 19 modifications in all. The Examiner's Report (Appendix A) and amended document (Appendix B) in accordance with these proposed changes is appended to this report. The original Submission Plan, supporting documents and summary of representations received are all available on the District Council's website <https://www.southsomerset.gov.uk/your-council/your-council-plan-and-strategies/planning-policy/neighbourhood-planning/>

14 In her Report, the Examiner states in paragraph 4.20 that:

“Paragraph 3.1.3 advises that past build rates would suggest about 3 dwellings could reasonably be expected from conversions and infill development, but *‘that more may be possible with the introduction of a settlement boundary’*. How that might be achieved is unclear when the settlement boundary defined on Map 7 is tightly drawn around the extant built up limits of the village, limiting the opportunities for infill development. I have serious concerns that the settlement boundary identified here has the potential to frustrate otherwise acceptable development on suitable and sustainable sites adjacent to the existing built settlement, that would accord with Local Plan policy SS2. I am therefore recommending that the text of the Plan and policy QC2 is modified to delete all references to the settlement boundary and that the settlement boundary is deleted from Figure 7. Consequential modification will also be needed to policy QC1b) to delete the words *‘within the defined settlement boundary’*” (Proposed Modifications 6,7,8 and 9).

15 At its meeting on 8th June 2020, Queen Camel Parish Council decided the following:

1. The Parish Council wants to retain the Settlement Boundary in the Neighbourhood Plan, as it provides clarity as to the area where general infill would be appropriate and was supported by local residents in preparing the plan;
2. SSDC should include the Settlement Boundary or make other suitable modifications;
3. that the Parish Council want the Neighbourhood Plan to be in conformity with the Local Plan;
4. that the Neighbourhood Plan is given significant weight by SSDC when making development management (planning) decisions, as soon as possible; and
5. that the Neighbourhood Plan is taken to Referendum as soon as possible.

The letter to the District Council from the Parish Council is attached in full as Appendix C.

16 The local planning authority must reach its own view on whether the QCNP complies with the basic conditions. The key issue for District Executive Members to determine is whether or not they agree with the Examiner’s assessment as a matter of planning judgement.

There is considerable latitude given to such judgements by the High Court (as per ***R (Kebbell Developments Ltd) v Leeds City Council*** [2018]), and the basic condition in paragraph 8(2)(e) of schedule 4B to TCPA 1990 only requires that the draft neighbourhood plan *as a whole* be in general conformity with the strategic policies of the adopted development plan *as a whole*. It is open to a local authority to conclude that there is general conformity notwithstanding a degree of tension: (as per ***R (Crownhall Estates Limited) v Chichester DC*** [2016]).

17 That being said, it is relevant to the settlement boundary point that:

- (1) The Local Plan does not use settlement boundaries for Rural Settlements and the explanatory text at 5.23 makes clear that the removal of settlement boundaries was a positive strategic choice;
- (2) As the Examiner identified, the use of a settlement boundary may have the effect of preventing sites from coming forwards which otherwise would be able to under the Local Plan;
- (3) Policy SS2 is a key strategic policy against which the conformity of the QCNP needs to be measured; and
- (4) No change is proposed in the Preferred Options consultation on the Local Plan Review which confirms at paragraph 5.21 that the Villages (which include Queen Camel) *'do not have identified development areas but growth is expected to take place adjacent to the existing built settlement'*.

Members are therefore advised that any departure from the Examiner's recommendation to delete the settlement boundary would be vulnerable to challenge.

- 18 However, another option might be to consider whether any additional wording could be added to the plan's explanatory text so as to record the views of the parish without elevating to the level of policy and therefore without contradicting the Examiner's recommendations. Supporting text in a development plan document does not have the same force as the policies themselves, but can nevertheless be taken into account in development control decisions.
- 19 Having worked with the Parish Council and following extensive discussions with them about their own suggested changes (including seeking Counsel's opinion), Members are advised that additional explanatory text, comprising amendments to paragraphs paras 3.2.12 and 3.2.13, alongside amending Policy QC2 and providing a definition of "infill" have now been agreed with the Parish Council.
- 20 As the proposed modifications arise from existing evidence or facts set out within the draft neighbourhood plan, additional consultation under para 13 of Schedule 4B would not be necessary.
- 21 At this point, the District Council has three principal options available to it in respect of making a decision on the Examiner's Report and Proposed Modifications. These are:
 - a. Accept the Inspector's proposed modifications and remove all references to the Settlement Boundary and accompanying outline on the map, Publish the decision notice and proceed to a referendum which will not be able to be held until May 2021.
 - b. Accept the Inspector's proposed modifications and remove all references to the Settlement Boundary and accompanying outline on the map, but endeavour to support the views of the parish by the making of some text amendments and



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Policy QC2 [agreed with the Parish Council]. Publish the decision notice and proceed to a referendum which will not be able to be held until May 2021.

- c. Not accept the proposed modification to delete the settlement boundary, in which case the District Council would need to explain the reasons for this, on the basis only that the Examiner had made a factual error or a proposed modification that does not meet the basic conditions. SSDC would be required to consult on the decision for a six-week period. Depending on the responses received it may necessitate another Examination. The outcome would be reported again to the District Executive and a decision notice published, before then proceeding to a referendum which will not be able to be held until May 2021.

22 Once the District Council has issued its Decision, the Parish Council then also has two options; namely:

- i) Withdraw the Neighbourhood Plan – go back to Regulation 14; and consult on a revised policy approach. This would involve a further Submission stage and Examination.
- ii) Accept the District Council's decision and progress to referendum.

23 The Recommendation to the District Executive is that in line with option b above all of the Examiner's Proposed Modifications are accepted for the reasons set out in her Report; and that consequential revisions be made to the text in the Neighbourhood Plan; to include a definition of 'infill development' after paragraph 3.2.12, which states:

Infill development in the neighbourhood plan refers to the development of a relatively small gap between existing buildings within the village, with its main access onto an otherwise built-up frontage or on other sites within the village where the site is contiguous with and closely associated with existing buildings. The potential for housing development is specifically permitted for reasons stated in Policy QC1 (i.e. the site allocation including the affordable housing element, infill opportunities, conversions and rural exception sites).

24 The reason for introducing amendments is that the Neighbourhood Plan makes a number of references to the proportion of the older population in the settlement, such as in paras 1.5.6 and 3.2.34; and the need to make provision for this part of the community. In these circumstances, it would be appropriate to include text, without changing the essence to the Examiner's Recommendations, to encourage new housing to be located if at all possible in sustainable locations within easy accessibility of the services and facilities within the heart of the village, which the rest of the community would also benefit from.

25 If the District Council accepts the Examiner's recommendations, the next stage would be to hold a local referendum in Queen Camel. The prescribed question that needs to be asked is:



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"Do you want South Somerset District Council to use the Neighbourhood Plan for Queen Camel to help it decide planning applications in the Neighbourhood Area?"

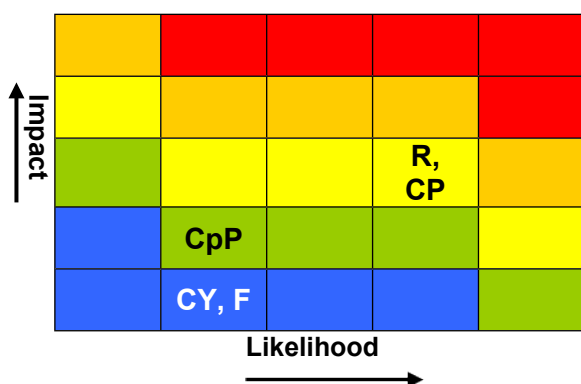
If more than 50% of those who vote say Yes, the Neighbourhood Plan is 'made' (or adopted); and it becomes part of the statutory Development Plan for the District Council and needs to be taken account of in the determination of planning applications. Despite the currently delay to the holding of the local referendum, the neighbourhood plan can be given significant weight in decision making in advance of the referendum.

- 26 Under the Community Infrastructure Levy Regulations, 15% of Community Infrastructure Levy receipts are generally passed directly to those parish and town councils (in England) where development has taken place. In England, communities that draw up a neighbourhood plan and secure the consent of local people in a referendum, will benefit from 25% of the levy revenues arising from the development that takes place in their area.
- 27 The District Council does not have the option to decline to hold the Referendum as this is required by legislation; and the associated costs will need to be absorbed into existing budgetary arrangements. However, Planning Authorities have been advised that, in order to minimise the financial impact of any delays to neighbourhood planning referendums, the Government will allow local planning authorities in 2020/21 to submit claims for New Burdens grant, instead of when the date of the referendum is set, at an earlier point in the neighbourhood planning process. A claim can be made at the point when the local planning authority issues a decision statement (as set out under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012 detailing its intention to send the plan to referendum. The Council will therefore claim a grant of up to £20,000 towards the costs of progressing the Neighbourhood Plan from the Ministry for Housing, Communities and Local Government once the formal decision has been issued.

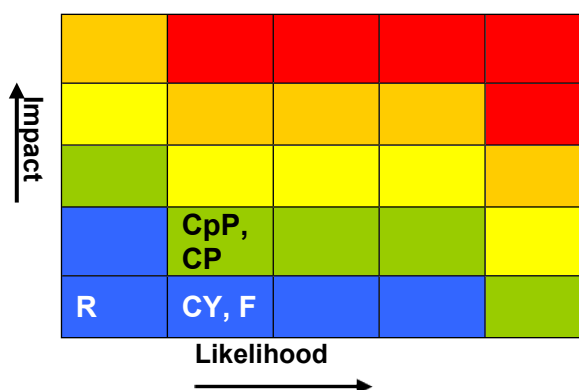
Financial Implications

- 28 There are no additional financial implications as the £20,000 grant claimable from MHCLG will be sufficient to cover the costs of the referendum. It should be noted that if the referendum were not to progress the costs incurred to date will be funded from an existing Strategic Planning budget.

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	Blue = Insignificant impact and insignificant probability

Council Plan Implications

- 29 The Queen Camel Neighbourhood Plan accords with the Council's aims to increase the focus on jobs and economic development, protect and enhance the quality of our environment; and to enable housing to meet all needs. The District Council's values include supporting people and communities, enabling them to help themselves; and the Neighbourhood Plan has been prepared by the local community who wish to have an influence on future development in the Parish. The Council Plan states that it will focus on supporting communities to develop and implement Neighbourhood Plans.

Carbon Emissions and Climate Change Implications

- 30 The Queen Camel Neighbourhood Plan does not directly address carbon emissions or climate change and no such issues arise.

Equality and Diversity Implications

- 31 No significant changes to a Service, Policy or Strategy are proposed, directly and, therefore, it is not necessary to undertake an Equality Impact Assessment.

Privacy Impact Assessment

- 32 It is not necessary to process personal data so, therefore, a Data Protection Impact Assessment (DPIA) is not needed.

Background Papers

Appendix A – Examiner's Report

Appendix B – Queen Camel Neighbourhood Plan (Amended)

Appendix C – The letter from the Parish Council to the District Council in response to the Examiner's Report