

## **Adoption of the Birchington Neighbourhood Plan**

<b>Cabinet</b>	16 November 2023
<b>Report Author</b>	Adrian Verrall, Strategic Planning Manager
<b>Portfolio Holder</b>	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No - Policy Framework
<b>Previously Considered by</b>	Cabinet - 10 August 2023
<b>Ward:</b>	Birchington North, Birchington South

### **Executive Summary:**

Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopt a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the Relevant neighbourhood area.

Birchington Parish Council has prepared a neighbourhood plan which has been examined by an independent Examiner and progressed to referendum, as agreed by Cabinet on 10 August 2023.

The referendum took place on 26 October 2023. The result was that 2084 people voted for the neighbourhood plan and 174 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (adopt) the plan within 8 weeks of the date of the referendum.

### **Recommendation(s):**

That Cabinet recommends to Full Council that Thanet District Council make the Birchington Neighbourhood Plan.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no financial implications associated with this report.

## **Legal**

The council must make the Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refuse to make the Neighbourhood Plan under section 38A(6) of the same Act

## **Risk Management**

The only risk associated with this report would be if the Council were to refuse to 'make' the plan for reasons other than those set out in paragraph 1.3 of the report. See also the 'Options' section.

## **Corporate**

There are no corporate risks associated with this report.

## **Equality Act 2010 & Public Sector Equality Duty**

This decision relates only to the "making" of the Plan, which has been considered through Examination, and been supported through the referendum. The Council's only role at this stage is to consider whether the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). If not, the plan must be "made".

## **Corporate Priorities**

This report relates to the following corporate priorities: -

- Environment
- Communities

## **1.0 Introduction and Background**

- 1.1 Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopts a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the relevant neighbourhood area.
- 1.2 The draft Birchington Neighbourhood Plan has been examined by an Independent Examiner who issued his report on 21 July 2023. The Examiner recommended a number of modifications to the Plan and that, subject to those modifications being accepted, it should proceed to referendum
- 1.3 The referendum took place on 26 October 2023. The result was that 2084 people voted for the neighbourhood plan and 174 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (ie adopt) the plan within 8 weeks of the date of the referendum. The only circumstances the Council can refuse to make the neighbourhood plan is if it is considered it would breach, or be incompatible with any EU obligation or any of the Convention rights

(within the meaning of the Human Rights Act 1998). This includes matters such as Strategic Environmental Assessment. No breaches of any European Union obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) have been identified during the Neighbourhood Plan process and the Council is now requested to make the decision to formally make the Birchington Neighbourhood Plan.

- 1.5 The Neighbourhood Plan forms part of the development plan for Thanet, and will be part of the decision making process for determining planning applications in the Birchington neighbourhood plan area.

## 2.0 Options

- 2.1 **Option 1 (Recommended)** That Cabinet recommends that the Birchington Neighbourhood Plan is made at a meeting of the full Council.
- 2.2 **Option 2 (Not recommended)** That Cabinet decide not to make the Birchington Neighbourhood Plan.

In accordance with section 38A(6) of the Planning and Compulsory Purchase Act 2004, the only circumstances under which the Council can refuse to make a neighbourhood plan is if it is considered that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This is not considered to be the case for the Birchington Neighbourhood Plan.

## 3.0 Next Steps

- 3.1 If Cabinet agree with Option 1 in this report, a report will be put to full Council on 7 December 2023 for the Birchington Neighbourhood Plan to be formally made

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Reporting to: Ashley Jackson (Head of Housing and Planning)

### Annex List

None

### Background Papers

[Birchington Neighbourhood Plan](#)

### Corporate Consultation

**Finance:** Chris Blundell (Director of Corporate Services - Section 151)

**Legal:** Sameera Khan (Interim Head of Legal & Monitoring Officer)