



Report to Council

Report of: Executive Director, Place

Date: 16th June 2021

Subject: The Making of Broomhill, Broomfield, Endcliffe, Somerfield and Tapton (BBEST) Neighbourhood Plan

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Summary:

To report to the Council the result of the BBEST Neighbourhood Plan Referendum and to outline the steps to be taken in consequence of its outcome.

Recommendations:

That the Council:

- (a) notes the outcome of the BBEST Neighbourhood Plan Referendum; and
 - (b) resolves to 'make' the BBEST Neighbourhood Plan such that it is adopted as a planning document as part of Sheffield's Statutory Development Plan
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Background Papers: BBEST Neighbourhood Plan
BBEST Neighbourhood Plan Draft Adoption Statement

Category of Report: OPEN

Statutory and Council Policy Checklist

Financial & Commercial implications
NO - Cleared by Sarah Uttley
Legal implications
YES - Cleared by Portia Watkins
Equality of Opportunity implications
NO - cleared by Louise Nunn
Tackling Health Inequalities implications
N/A
Human rights implications
N/A
Environmental and Sustainability implications
N/A
Economic impact
N/A
Community safety implications
N/A
Human resources implications
N/A
Property implications
N/A
Area(s) affected
None
Relevant Scrutiny Committee if decision called in
N/A
Is the item a matter which is reserved for approval by the City Council?
YES
Press release
NO

BBEST NEIGHBOURHOOD PLAN **REFERENDUM MAY 2021**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Council of the result of the Broomhill, Broomfield, Endcliffe, Summerfield and Tapton (BBEST) Neighbourhood Plan Referendum and to outline the steps to be taken in consequence of its outcome. The report sets out the adoption stage of the process.
- 1.2 Neighbourhood planning was introduced by the Localism Act 2011. The Act introduced rights to enable communities to become directly involved in influencing planning and development in their areas by way of a neighbourhood plan. Neighbourhood plans are statutory planning documents which establish general planning policies for the development and use of land in a neighbourhood area.
- 1.3 Once prepared, a plan is subject to public consultation and independent examination. Ultimately, a plan is subject to a local referendum. Where a neighbourhood plan has a successful referendum (where more than half of those voting have voted in favour of the plan), and the Local Planning Authority is satisfied that all necessary statutory obligations have been met, there is a statutory requirement to 'make' the Plan and adopt it as part of the Statutory Development Plan.
- 1.4 Once 'made' (adopted), the BBEST Neighbourhood Plan will be Sheffield's first adopted neighbourhood plan.
- 1.5 In 2017 Cabinet approved revised decision-making arrangements for neighbourhood planning (originally approved 18th December 2013) to allow the Council to meet new statutory timescales for decision making. This delegation was: that all decisions involving any aspect of the executive statutory function relating to neighbourhood planning be delegated to the Head of Planning, in consultation with the Director of Creative Sheffield. Such delegated authority to be exercised in consultation with the relevant Cabinet Member responsible for Planning. There are two caveats to this delegation however neither are relevant for this report.
- 1.6 In accordance with this delegation the Head of Planning has consulted the Director of City Growth (which post was previously known as the Director of Creative Sheffield) and this delegation is exercised in consultation with the relevant Cabinet Member for City Futures, Development, Culture and Regeneration.

2. THE REFERENDUM

- 2.1 On 6th May 2021, the BBEST Neighbourhood Plan was subject to a referendum within the designated BBEST Neighbourhood Area.

- 2.2 The Referendum was held following receipt of the Independent Examiner’s Report in November 2020 which found that, subject to a number of modifications, the Plan met the ‘Basic Conditions’ (the statutory tests which neighbourhood plans are expected to meet) and therefore could proceed to a local referendum.
- 2.3 The Referendum asked –
- “Do you want Sheffield City Council to use the Neighbourhood Plan for Broomhill, Broomfield, Endcliffe, Summerfield, and Tapton (BBEST) to help it decide planning applications in the Neighbourhood area?”*
- 2.4 There were 2543 votes in favour of the BBEST Plan and 224 votes against meaning that 91.9% of the valid votes cast, voted in favour of the Plan. Therefore, the outcome of the BBEST Plan Referendum was positive.
- 2.5 There is a mandatory legal requirement by virtue of section 38A(4) of the Planning and Compulsory Purchase Act 2004 (as amended) that the Council must ‘make’ (adopt) a neighbourhood plan that has been approved at referendum, unless there are circumstances where adoption of the plan would breach, or otherwise be incompatible with, any EU or human rights obligations as provided by section 61E(8) of the Town and Country Planning Act 1990 (as amended).
- 2.6 Officers are satisfied that the BBEST Neighbourhood Plan has met all of the statutory obligations and that the making (adoption) of the BBEST Neighbourhood Plan would not breach, nor would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

3. IMPLEMENTING THE OUTCOME

- 3.1 Regulation 18A of the Neighbourhood Planning (General) Regulations 2012 (as amended) requires Local Authorities to ‘make’ (adopt) a Neighbourhood Plan within 8 weeks of the day immediately following the referendum.
- 3.2 In accordance with paragraph 3.3.3 of the Constitution, the function of making the BBEST Plan cannot be exercised solely by the Executive. As a result, the BBEST Plan has been submitted by the Executive in accordance with the aforementioned Cabinet delegation to full Council for adoption.
- 3.3 Following the ‘making’ of the Plan, the Council must comply with publicity requirements as set out in Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended). A draft of the ‘Adoption Statement’ is set out as a background paper to this report.

4. LEGAL IMPLICATIONS

- 4.1 The legal implications are set out in the body of the report. To reiterate: the ‘making’ of the BBEST Neighbourhood Plan within the 8-week timescale in response to the positive referendum is a mandatory statutory requirement.

5. FINANCIAL AND COMMERCIAL IMPLICATIONS

- 5.1 Upon adoption of the plan there are no known cost implications for the Council.
- 5.2 The Community Infrastructure Levy Regulations 2010 (as amended) place a duty on charging authorities to allocate at least 15% (up to a cap of £100 per existing council tax dwelling) of CIL receipts to spend on priorities that should be agreed with the local community in areas where development is taking place. This is known as the neighbourhood portion. In accordance with regulation 59A (3) of the CIL regulations this increases to 25% where there is a neighbourhood development plan in place.

6. EQUALITY OF OPPORTUNITY IMPLICATIONS

- 6.1 There are no equalities implications.

7. RECOMMENDATIONS

- 7.1 That the Council:
- (a) notes the outcome of the BBEST Neighbourhood Plan Referendum; and
 - (b) resolves to 'make' the BBEST Neighbourhood Plan such that it is adopted as a planning document as part of Sheffield's Statutory Development Plan

Michael Johnson
Head of Planning

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