

COUNCIL - 7 DECEMBER 2017

## WEST BYFLEET NEIGHBOURHOOD PLAN REFERENDUM

### 1.0 Result of Referendum

- 1.1 At its meeting on 20 July 2017, Council authorised the Counting Officer (Ray Morgan) to organise and conduct a referendum of the West Byfleet Neighbourhood Plan in accordance with the relevant statutory procedures and requirements.
- 1.2 The referendum was held on 5 October 2017. The question asked was *“Do you want Woking Borough Council to use the Neighbourhood Plan for the West Byfleet Neighbourhood Area to help it decide planning applications in the neighbourhood area?”*
- 1.3 The electorate for the referendum was 4,054. 990 ballot papers were cast (a turnout of 24%), with 908 votes cast in favour of “yes”, and 80 votes cast in favour of “no”. Two ballot papers were rejected on the grounds of ‘being unmarked or wholly void for uncertainty’.

### 2.0 Action Required of Council

- 2.1 As more than half of those persons voting in the referendum voted in favour of the Neighbourhood Plan, the Council is obliged to “make” the Neighbourhood Plan (i.e. bring it into force). This is on the basis that making the Plan would not breach, or would otherwise be incompatible with any EU obligation or any Convention rights (within the meaning of the Human Rights Act 1998).
- 2.2 The Council must also publish and circulate a Decision Statement. This has been drafted by the Planning Policy Manager, and is appended to this report. Finally, the Neighbourhood Plan needs to be published.

### Recommendations

The Council is requested to:

#### RESOLVE That

- (i) the West Byfleet Neighbourhood Plan be “made” by the Council; and
- (ii) the Decision Statement attached to this report, and the West Byfleet Neighbourhood Plan, be published and circulated in accordance with the relevant statutory requirements.

**The Council has authority to determine the recommendations above.**

### Background Papers:

None

### Reporting Person:

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## West Byfleet Neighbourhood Plan Referendum

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30 November 2017

REPORT ENDS

**WOKING BOROUGH COUNCIL  
WEST BYFLEET NEIGHBOURHOOD PLAN – FINAL DECISION STATEMENT  
7 DECEMBER 2017**

**1.0 Summary**

- 1.1 Following a positive referendum result on the West Byfleet Neighbourhood Plan on 5 October 2017, Woking Borough Council has made the West Byfleet Neighbourhood Plan part of the Development Plan for the purposes of managing development in the West Byfleet Neighbourhood Area. This decision takes effect from 7 December 2017.

**2.0 Background**

- 2.1 The West Byfleet Neighbourhood Forum, as a qualifying body was formally designated by Woking Borough Council as a Neighbourhood Forum on 27 March 2014. The West Byfleet Neighbourhood Forum applied for the West Byfleet Neighbourhood Area to be designated as a Neighbourhood Area under the Neighbourhood Planning (General) Regulations 2012. The Neighbourhood Area was designated on 27 March 2014. The Neighbourhood Plan relates to the Neighbourhood Area as designated by Woking Borough Council.
- 2.2 The West Byfleet Neighbourhood Plan was published for Regulation 16 consultation between 26 January 2017 and 10 March 2017. It was submitted for Examination on 11 April 2017. Following an Independent Examination of the Neighbourhood Plan and the receipt of the Examiner's Report, the Council at its meeting on 20 July 2017 decided that subject to the Examiner's proposed modifications, the West Byfleet Neighbourhood Plan should proceed to referendum.
- 2.3 A referendum was held on 5 October 2017. Of the 990 people who voted, 908 (91.7%) voted **yes** for Woking Borough Council to use the Neighbourhood Plan for the West Byfleet Neighbourhood Area to help it decide planning applications in the Neighbourhood Area. 80 (8.1%) people voted **no**. Two ballot papers were rejected on the grounds of 'being unmarked or wholly void for uncertainty'. Paragraph 38A (4) (a) of the Planning and Compulsory Purchase Act 2004 as amended requires that the Council must make the Neighbourhood Plan if more than half of the people who voted have voted in favour of the Neighbourhood Plan. The Council is not subject to this duty if the making of the Neighbourhood Plan would breach, or would otherwise be incompatible with, any European Union obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998).

**3.0 Decision and Reasons**

- 3.1 The West Byfleet Neighbourhood Plan as published for referendum (in this regard, the Neighbourhood Plan that incorporates the Examiner's recommended modifications) meets the basic conditions set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990, is compatible with European Union obligations and the European Convention of Human Rights and complies with relevant provision made by or under Section 38A and B of the Planning and Compulsory Purchase Act 2004 as amended. Taken as a whole, the Neighbourhood Plan has had regard to national planning policy and advice contained in guidance issued by the Secretary of State and would contribute to the achievement of sustainable development. The Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan for the area.

## West Byfleet Neighbourhood Plan Referendum

- 3.2 The referendum held on 5 October 2017 met the requirements of the Localism Act 2011.
- 3.3 The count took place on 5 October 2017 and more than 50% of those who voted were in favour of the Neighbourhood Plan being used to help decide planning applications in the Neighbourhood Area. Of the 990 people who voted, 908 voted yes and 80 voted no. Two ballot papers were rejected on the grounds of 'being unmarked or wholly void for uncertainty'. Turnout was 24%.
- 3.4 The Council has decided that the Neighbourhood Plan and its preparation does not breach, and would not otherwise be incompatible, with, any European Union obligation or of the Convention rights (within the meaning of the Human Rights Act 1998)
- 3.5 Woking Borough Council therefore decided at its meeting on 7 December 2017 to make the West Byfleet Neighbourhood Plan part of the Development Plan for the area.

Ernest Amoako,  
Planning Policy Manager,  
Woking Borough Council.

## Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) <b>THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS</b>
		Eliminate discrimination	Advance equality	Good relations			
<b>Gender</b>	Men					X	
	Women					X	
<b>Gender Reassignment</b>						X	
<b>Race</b>	White					X	
	Mixed/Multiple ethnic groups					X	
	Asian/Asian British					X	
	Black/African/Caribbean/Black British					X	
	Gypsies / travellers					X	
	Other ethnic group					X	

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) <b>THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS</b>
		Eliminate discrimination	Advance equality	Good relations			
<b>Disability</b>	Physical					X	
	Sensory					X	
	Learning Difficulties					X	
	Mental Health					X	
<b>Sexual Orientation</b>	Lesbian, gay men, bisexual					X	
<b>Age</b>	Older people (50+)		X				The Plan supports elderly people's accommodation
	Younger people (16 - 25)		X				The Plan makes provision for the youth.
<b>Religion or Belief</b>	Faith Groups					X	
<b>Pregnancy &amp; maternity</b>						X	
<b>Marriage &amp; Civil Partnership</b>						X	
<b>Socio-economic Background</b>						X	

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

## Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

Theme (Potential impacts of the project)	Positive Impact	Negative Impact	No specific impact	What will the impact be? If the impact is negative, how can it be mitigated? (action)
Use of energy, water, minerals and materials			X	
Waste generation / sustainable waste management			X	
Pollution to air, land and water			X	
Factors that contribute to Climate Change			X	
Protection of and access to the natural environment	X			The Neighbourhood Plan includes policies to enhance the environment and biodiversity.
Travel choices that do not rely on the car	X			The Plan promotes walking and cycling.
A strong, diverse and sustainable local economy	X			The Plan promotes mixed use development, including retail and office.
Meet local needs locally	X			The Plan addresses local community needs.
Opportunities for education and information			X	
Provision of appropriate and sustainable housing			X	
Personal safety and reduced fear of crime			X	
Equality in health and good health			X	
Access to cultural and leisure facilities	X			The Plan makes provision for public amenities.
Social inclusion / engage and consult communities	X			
Equal opportunities for the whole community			X	
Contribute to Woking's pride of place	X			

