

| REPORT TO | DATE OF MEETING |
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| Planning Committee Council | 9 November 2016 16 November 2016 |



| SUBJECT | PORTFOLIO | AUTHOR | ITEM |
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| Penwortham Town Council – Neighbourhood Development Plan | Strategic Planning | Steven Brown | 14 |

SUMMARY AND LINK TO CORPORATE PRIORITIES

As Members will be aware, the introduction of the Localism Act in 2011 brought about the concept of neighbourhood development planning and introduced regulations on how to prepare, consult, examine and adopt Neighbourhood Development Plans (NDP)

In December 2013, this council received an application to develop a NDP for the area of Penwortham Town – a planning document created by local people that guides and shapes development in the local area.

The purpose of this report is to update Members on the progress of the Penwortham NDP.

The Town Council carried out extensive research to identify the community’s priorities and drew up a draft Neighbourhood Plan covering the [administrative boundary of the Penwortham Town Council](#). The Town Council has consulted on the draft plan and this was submitted to South Ribble Borough Council.

This council publicised the draft Plan and invited comments on it during a six week consultation period which ended in February 2016 as required by legislation.

Following this process, this council appointed an inspector who carried out an examination of the Draft Plan. The Inspector concluded that the Plan could be examined without the need for a Public Hearing and carried out the examination using the written representations method. The [Inspector’s report](#) is available in Members’ Rooms and to download from the Council’s website.

Having considered the examiner’s report, we are now required to:

- publish the report;
- consider the report and reach our own view; and
- decide whether to send the plan to referendum.

The report has now been considered and, in the view of officers:

- the modifications recommended by the examiner should be made; and
- the area to which the referendum is to take place should be the same as the designated neighbourhood plan area.

We are now required to publish:

- a decision statement setting out the decision and our reasons for making that decision; and
- details of where and when the decision statement may be inspected.

This council is also required to send a copy of the decision statement to the qualifying body (Penwortham Town Council) and any person who asked to be notified of the decision.

RECOMMENDATIONS

(1) That the Committee:

- i. notes the contents of the Examiner's Report;
- ii. agrees the content of the draft Decision Statement shown at Appendix 2 to enable its publication; and
- iii. agrees the date of 9 February 2017 for the Penwortham Town Council Neighbourhood Development Plan to be taken to referendum

(2) That Council confirms the decision of the Planning Committee in respect of (1) above

DETAILS AND REASONING

Background

As Members will be aware, the introduction of the Localism Act in 2011 brought about the concept of neighbourhood development planning and introduced regulations on how to prepare, consult, examine and adopt neighbourhood development plans (NDPs). The draft Penwortham Town Neighbourhood Plan has been examined by an independent inspector and we now need to consider the next steps.

Following this, the inspector recommended a number of modifications to the draft plan and stated that:

“Subject to these modifications, I confirm that:

- *having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the neighbourhood plan;*
- *the making of the neighbourhood plan contributes to the achievement of sustainable development;*
- *the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);*
- *the making of the neighbourhood plan does not breach, and is otherwise compatible with, European Union (EU) obligations; and*
- *the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.*

Taking the above into account, I find that the Penwortham Town Neighbourhood Plan meets the basic conditions. I have already noted above that the Plan meets paragraph 8(1) requirements.”

As a result, this council is now responsible for making arrangements for the referendum. If the referendum results in more than half of those voting (ie 50% plus 1), voting in favour of the proposal, this council must 'make' the NDP as soon as reasonable practical. The NDP would then sit alongside other Local Plan policies and be a material consideration in shaping future decisions within Penwortham Town Council area. In addition, the Town Council would be able to receive 25% of any Community Infrastructure Levy (CIL) monies raised in their area, rather than the 15% Parish/Town Councils are otherwise entitled to.

Key Issues to consider

- The Localism Act 2011 introduced the concept and regulations to prepare NDPs.
- Local authorities are bound by regulations to offer guidance and assistance.
- There is an opportunity to gain funding for the local authority – £20,000 when the date of a referendum is set, if a planning inspector recommends an NDP can begin the referendum process.
- The NDP must be in conformity with the adopted Local Plan.

TIMESCALES AND NEXT STEPS

As the examination is now complete, this council is required to make arrangements for the referendum. It is recommended that this take place on Thursday, 9 February 2017 which will allow time for consideration by Planning Committee and Full Council prior to publication of the Decision Statement setting out the decision and our reasons for making the decision. The draft Decision Statement is shown at Appendix 1. The statutory requirement is that the referendum is held within 56 days of publication of the decision statement.

It is anticipated that, subject to a successful referendum, the Plan will be brought into force by the end of February 2017.

WIDER IMPLICATIONS

In the preparation of this report, consideration has been given to the impact of its proposals in all the areas listed below, and the table shows any implications in respect of each of these.

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| FINANCIAL | Grant funding is available for the local authority tasked with preparing the NDP. If the NDP is adopted, the Town Council will then be able to receive 25% of any Community Infrastructure Levy (CIL) monies raised in their area, rather than the 15% parish/town councils are currently entitled to. South Ribble Borough Council is able to claim £20,000 funding to contribute to costs of the referendum when the date of referendum has been set. |
| LEGAL | The council is bound by the Localism Act and subsequent regulations to assist in the preparation of an NDP if an application is accepted. |
| RISK | There is limited risk to the council in preparing an NDP. Grants are available to assist local authorities and any adopted NDP must be in conformity with the Local Plan. |
| SUSTAINABILITY | A Sustainability Appraisal Screening has been undertaken which concluded that a full Sustainability Appraisal is not required. |
| THE IMPACT ON EQUALITY | An Equality Impact Assessment is not considered because the plan mirrors policies in the Local Plan and such assessment has already taken place. |

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| <i>Asset Management</i> | <i>Corporate Plans and Policies</i> | <i>Crime and Disorder</i> | <i>Efficiency Savings/Value for Money</i> |
| <i>Equality, Diversity and Community Cohesion</i> | <i>Freedom of Information/ Data Protection</i> | <i>Health and Safety</i> | <i>Health Inequalities</i> |
| <i>Human Rights Act 1998</i> | <i>Implementing Electronic Government</i> | <i>Staffing, Training and Development</i> | <i>Sustainability</i> |

South Ribble Borough Council

Penwortham Town Neighbourhood Development Plan 2016 – 2016

DECISION STATEMENT



1. Introduction

- 1.1. Under the Town and Country Planning Act 1990 (as amended), the council has a statutory duty to assist communities in the preparation of neighbourhood plans and orders to take plans through a process of examination, referendum and adoption. The Localism Act 2011 sets out the local planning authority's responsibilities under Neighbourhood Planning.
- 1.2. This statement confirms that the modifications proposed by the examiner's report have been accepted, the draft Penwortham Town Neighbourhood Development Plan has been altered as a result of them; and that [this Plan](#) may now proceed to referendum.

2. Background

- 2.1. The Penwortham Town Neighbourhood Development Plan relates to the area that was designated by South Ribble Borough Council as a neighbourhood area on 26 February 2014. This area is coterminous with the Penwortham Town Council boundary that lies within the South Ribble Borough Council local planning authority area.
- 2.2. Mr Nigel McGurk was appointed by South Ribble Borough Council, with the consent of Penwortham Town Council, to undertake the examination of the Penwortham Town Neighbourhood Development Plan and to prepare a report of the independent examination.
- 2.3. The [examiner's report](#) concludes that, subject to making modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a neighbourhood plan referendum.
- 2.4. Having considered each of the recommendations made by the examiner's report, and the reasons for them, the Town Council has decided to make the recommended modifications to the draft plan to ensure the draft plan meets the basic conditions set out in legislation.

3. Decision

- 3.1. The Neighbourhood Planning (General) Regulations 2012 require the local planning authority to outline what action should be taken in response to the recommendations of an examiner made under paragraph 10 of Schedule 4A to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to a neighbourhood development plan.
- 3.2. Having considered each of the recommendations made by the examiner's report, and the reasons for them, South Ribble Borough Council, in consent with Penwortham Town Council, has decided

to accept the modifications to the draft plan as recommended in the examiner's report which outlines the alterations under paragraph 12(6) of Schedule 4B to the 1990 Act (as applied by Section 38 A of the Act) in response to each of the examiner's recommendations and the justification for them.

4. Conclusion

- 4.1. South Ribble Borough Council confirms that the Penwortham Town Neighbourhood Development Plan 2016 – 2026, as revised, complies with the legal requirements and basic conditions set out in the Localism Act 2011, and can therefore proceed to referendum.
- 4.2. It is recommended that the Penwortham Town Neighbourhood Development Plan 2016 – 2026 should proceed to referendum based on the neighbourhood area defined by South Ribble Borough Council on 26 February 2014.
- 4.3. This decision has been made according to the advice contained in the above report in response to the recommendations of the examiner made in a report under paragraph 10 of Schedule 4B to the 1990 Act (as applied by Section 38A of the 2004 Act) in relation to the Neighbourhood Development Plan.