

REPORT TO	DATE OF MEETING
Planning Committee Council	22 March 2017 29 March 2017



SUBJECT	PORTFOLIO	AUTHOR	ITEM
Penwortham Town Council – Neighbourhood Development Plan	Strategic Planning	Zoë Harding	13

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 Plan was examined in 2016 and the Examiner’s report was considered by Planning Committee on 9 November 2016 and the Examiner’s recommendations were agreed, including that a referendum be held covering the same area as the Plan. The referendum was held on Thursday, 9 February 2017.

90.2% of those who voted were in favour of the Plan being used to help decide planning applications in the area. As this figure is over 50%, the Planning and Compulsory Purchase Act 2004 requires this council to “make” (adopt) the neighbourhood plan.

The preparation of the Penwortham Town Neighbourhood Development Plan has now satisfied all the procedural steps and must now be formally “made” (adopted).

This will be the first ‘made’ neighbourhood plan in South Ribble.

The making of the Plan supports the following corporate priorities:

- Clean, green and safe
- Strong South Ribble in the heart of a prosperous Lancashire
- Strong and Healthy Communities
- Efficient, effective and exceptional council

RECOMMENDATIONS

- 1) **That Planning Committee:**
 - a) notes the result of the referendum held on 9 February 2017;
 - b) recommends that Council should make the Penwortham Neighbourhood Development Plan with the consequence that it becomes part of the statutory development plan for the neighbourhood area.

- 2) **That Council:**
 - a) Makes the Penwortham Neighbourhood Development Plan with the consequence that it becomes part of the statutory development plan for the area.

DETAILS AND REASONING

Background

Neighbourhood planning enables communities to develop planning policies for their area. An NDP will become part of the statutory development plan if it is prepared in accordance with the relevant regulations; is found through examination to meet the required “Basic Conditions”; is supported through a referendum and is subsequently ‘made’. The Plan then becomes the starting point for determining relevant planning applications in the area it relates to, alongside the Local Plan.

The Penwortham Town Neighbourhood Development Plan has successfully progressed through the required stages, apart from the ‘making’, and can now go through this final stage.

- Step 1: Designating neighbourhood area and if appropriate neighbourhood forum – February 2014
- Step 2: Preparing a draft neighbourhood plan or Order – September 2015
- Step 3: Pre-submission publicity and consultation – August/September 2015
- Step 4: Submission of a neighbourhood plan proposal to the local planning authority – November 2015
- Step 5: Independent Examination – August 2016
- Step 6: Referendum – 9 February 2017
- Step 7: Making the neighbourhood plan (bringing it into force)

This council has claimed the following funding from the DCLG to resource the support it has been required by the Regulations to give to the town council.

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| - To designate the area boundary | £5,000 |
| - To publicise the Plan prior to examination | £5,000 |
| - To administer the Referendum | £20,000 |

Next Steps

[Paragraph 38A\(4\)\(a\) of the Planning and Compulsory Purchase Act 2004](#) (introduced by the Localism Act 2011) requires this council to ‘make’ a neighbourhood plan if more than half of those voting in a referendum voted in favour of the plan being used to help decide planning applications in the area. A referendum was held on 9 February 2017 and 90.2% of those voting endorsed the plan. This council must now ‘make’ the Neighbourhood Development Plan, enabling it to become part of the development plan for the area.

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 from developments approved after the making of the Plan, rather than the 15% parish/town councils are otherwise entitled to.

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.

FINANCIAL	<p>The borough council has received grant funding towards the preparation of the Plan from the DCLG as outlined in this report. The costs and associated funding are contained within the Council's revenue budget forecasts.</p> <p>The town council is entitled to receive 25% of any Community Infrastructure Levy (CIL) monies raised in their area from developments approved after the making of the Plan, rather than the 15% parish/town councils are otherwise entitled to.</p>
LEGAL	<p>Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (introduced by the Localism Act 2011) requires this council to 'make' a neighbourhood plan if more than half of those voting in a referendum voted in favour of the plan being used to help decide planning applications in the area.</p>
RISK	<p>The decision to 'make' a neighbourhood plan is open to challenge by Judicial Review. The risk of any legal challenge to the Plan being successful has been mitigated by the thorough and robust way in which the Plan has been prepared and tested.</p>
SUSTAINABILITY	<p>A Sustainability Appraisal Screening has been undertaken which concluded that a full Sustainability Appraisal is not required.</p>

THE IMPACT ON EQUALITY	<p>An Equality Impact Assessment is not considered because the plan mirrors policies in the Local Plan and such assessment has already taken place.</p>
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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>