

NORTH LINCOLNSHIRE COUNCIL

FULL COUNCIL

APPLEBY PARISH NEIGHBOURHOOD PLAN ADOPTION

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To inform Council that the Appleby Parish Neighbourhood Plan meets the requirements of the Planning and Compulsory Purchase Act 2004 and should, therefore, be adopted by North Lincolnshire Council.
- 1.2 Recommend that Council adopts the Appleby Parish Neighbourhood Plan.

2. BACKGROUND INFORMATION

- 2.1 Neighbourhood planning enables communities to play a much stronger role in shaping the areas in which they live and work and in supporting new development proposals. This is because a Neighbourhood Plan attains the same legal status as a local plan and other documents that form part of the statutory development plan once it has been approved at a referendum. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 2.2 The Appleby Parish Neighbourhood Plan has been developed by a core of Steering Group members led by the Parish Council. The Plan can be accessed at the following link: [Appleby Parish Neighbourhood Plan 2015-2030 – Final Version](#). The local community was engaged throughout the process during a number of consultation events, questionnaires, surveys and Visioning Day. Following submission of the final Draft Neighbourhood Plan to North Lincolnshire Council it was advertised and published for a six-week consultation and subsequently submitted for examination.
- 2.3 In his Report on the Appleby Parish Neighbourhood Plan the Examiner states that the Plan is highly readable and articulates the concerns and aspirations of the local population. The local community and the Parish Council show themselves to be organised and developed a good working relationship with North Lincolnshire Council. They have been proactive in developing a framework of documents that will guide development decisions to the benefit of the community.

- 2.4 The Examiner made recommendations to modify a number of policies and text to ensure the Plan met legal requirements. He concluded that, once modified, the Plan should proceed to referendum.
- 2.5 Following the examination, the referendum for the Appleby Parish Neighbourhood Plan was held. It met the requirements of the Localism Act 2011, and more than 50% of those who voted were in favour of the Plan being used by the Council to decide planning applications in the Plan area. Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004 requires that the Council must 'make' (adopt) the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.
- 2.6 Although a Neighbourhood Plan comes into force as part of the statutory development plan once it has been approved at referendum, an Order must be made by the local authority before it has effect. However, Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft Neighbourhood Plan for the purpose of it being used to help determine planning applications.
- 2.7 North Lincolnshire Council has produced the 'Appleby Parish Neighbourhood Plan - Final Decision Statement'. This document (attached at Appendix 1) explains the Neighbourhood Plan process for Appleby Parish and the decision and reasoning behind the recommendation for the Plan to be adopted by Council. Planning Committee of 5 June 2019 resolved to recommend the Appleby Parish Neighbourhood Plan for adoption by Council in line with the Final Decision Statement.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 There are two options for consideration:
- 3.2 **Option 1** – Council formally adopts the Appleby Parish Neighbourhood Plan in line with the Final Decision Statement.
- 3.3 **Option 2** – Council does not formally adopt the Appleby Parish Neighbourhood Plan in line with the Final Decision Statement.
- 3.4 In any case, as the Neighbourhood Plan has been through examination and was approved at referendum it is a material consideration when planning applications in Appleby Parish are considered by the Council.

4. **ANALYSIS OF OPTIONS**

- 4.1 **Option 1** would ensure that the Council would meet its duties under the Localism Act and the Planning and Compulsory Purchase Act 2004

which states that the Council must make a Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

- 4.2 **Option 2** would mean that the Council would not meet its duties under the Localism Act and the Planning and Compulsory Purchase Act 2004 to make a Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

5. **FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)**

Financial

- 5.1 The Council can submit bids to the Ministry of Housing, Communities and Local Government (MHCLG) for funding assistance. This is intended to cover its costs in terms of some aspects of neighbourhood planning including providing advice and assistance to local communities. Local planning authorities can claim £20,000 once they have set a date for a referendum following a successful examination.
- 5.2 Parishes with a neighbourhood plan are eligible to receive up to 25% of any Community Infrastructure Levy (CIL) monies arising from development in their area.

Staffing

- 5.3 The Place Planning and Housing team assisted and guided Appleby Parish Council and members of the local community throughout the neighbourhood planning process as part of the Council's duty to support local communities as they develop a Neighbourhood Plan.
- 5.4 Officers in Legal and Democratic Services organised and administered the referendum that determined whether the Appleby Parish Neighbourhood Plan should form part of the development plan.
- 5.5 Development Management Team officers have regard to the Appleby Parish Neighbourhood Plan when determining planning applications in Appleby Parish.
- 5.6 There are no further resource implications.

6. **OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)**

- 6.1 In terms of crime and disorder the Plan requires that proposals for new development should demonstrate how safety and security have been taken into account.

- 6.2 Through consultation, engagement and involvement neighbourhood planning offers all sections of the community the opportunity to shape how their area grows and develops in the future. The council has a duty to assist communities who wish to embark on a Neighbourhood Plan, and duly supported the Appleby Parish community throughout the process.
- 6.3 Development of a neighbourhood plan in Appleby has, through community involvement, participation and engagement, contributed towards all three priorities set out in the Council Plan.
- 6.4 A Strategic Environmental Assessment (SEA) Scoping Report was prepared by North Lincolnshire Council. An SEA is required under European legislation for all plans that could have a significant effect on the environment. The Report concludes that none of the policies in the Plan would have a negative impact on the Parish. The most common outcome of the assessment is that the Plan would have a strongly positive impact on the Parish.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 7.1 An integrated impact assessment has been completed and no issues of concern are apparent.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 8.1 The Neighbourhood Plan was published for both informal and formal periods of consultation. All representations were considered and they helped to shape the Plan, where appropriate.

9. RECOMMENDATIONS

- 9.1 That Council notes the contents of this report.
- 9.2 That Council adopts the Appleby Parish Neighbourhood Plan.

DIRECTOR OF BUSINESS DEVELOPMENT

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Date: 6 September 2019

Background Papers used in the preparation of this report:

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012 (as amended)
- Statutory Instrument 2016 No. 873 - The Neighbourhood Planning (General) (Amendment) Regulations 2016
- Neighbourhood Planning Act 2017
- 2018-22 Neighbourhood Planning Support Programme
- Appleby Parish Neighbourhood Plan Submission Draft, July 2018
- North Lincolnshire Council Planning Committee, 5 June 2019

Appleby Parish Neighbourhood Plan - Final Decision Statement

Friday 22 March 2019

Summary

In line with Regulation 18 of the Neighbourhood Planning (General) Regulations 2012¹, North Lincolnshire Council has produced this 'Decision Statement' in relation to the Appleby Parish Neighbourhood Plan submitted to them by Appleby Parish Council.

Following a positive referendum result on Thursday 21 March 2019, North Lincolnshire Council is publicising its decision to 'make' the Appleby Parish Neighbourhood Plan part of the North Lincolnshire Development Plan in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012².

Background

On 18 December 2014 North Lincolnshire Council resolved to designate the whole of the Parish of Appleby as a Neighbourhood Plan Area in accordance with Section 61G of Town and Country Planning Act 1990 (as amended by the Localism Act 2011)³.

Designation of a Neighbourhood Area is one of the statutory requirements needed to be in place to enable a Neighbourhood Plan to be adopted and formally become a part of the Development Plan and be used in the determination of planning applications.

A draft Appleby Parish Neighbourhood Plan was then developed by a core of Steering Group members led by the parish council. The local community was engaged in the process following a number of consultation events, questionnaires, surveys and a Visioning Day, and the draft Plan was then submitted to North Lincolnshire Council.

Regulation 16 of the Neighbourhood Planning (General) Regulations 2012⁴ relates to publicising a Plan proposal. The Cabinet Member for Place Shaping agreed to advertise and publish the Appleby Parish Submission Draft Neighbourhood Plan for a six-week consultation and subsequently submit the Plan for examination. The Submission draft Plan was publicised and comments were invited from the public and stakeholders. The consultation period closed on 9 November 2018.

Following the Regulation 16 consultation, North Lincolnshire Council appointed an independent Examiner, Mr Patrick Whitehead DipTP (Nott) MRTPI of Intelligent Plans and Examinations (IPe) Ltd, to review whether the Plan met the basic conditions required by legislation and whether it should proceed to referendum.

From his examination of the Appleby Parish Neighbourhood Plan and its supporting documentation including the representations made, the Examiner made recommendations. Subsequently, a number of policies and text were modified to ensure the Plan met the 'Basic Conditions' laid down in paragraph 8 (2) of Schedule 4B of the Town & Country Planning Act 1990⁵ and other legal requirements. He recommended that the Plan, once modified, should proceed to referendum.

Decision and Reasoning

With the Examiner's proposed modifications, the Neighbourhood Plan meets the basic conditions. It is compatible with EU obligations and the Convention rights and complies with the relevant provisions made by or under Section 38A⁶ and 38B⁷ of the Planning and Compulsory Purchase Act 2004, as amended.

Residents on the electoral register in Appleby parish were eligible to vote in the referendum that was held on 21 March 2019 in Appleby Parish. There are 465 people in the electorate, 157 ballot papers were issued and the turnout was 33.8 per cent. The referendum met the requirements of the Localism Act 2011 and the count took place immediately after the close of poll.

In the referendum, 90.45 per cent (142) voted in favour of the Plan whilst 9.55 per cent (15) voted against the Plan. More than 50% of those who voted were in favour of the Plan being used to help decide planning applications in the Plan area.

Paragraph 38A (4)(a) of the Planning and Compulsory Purchase Act 2004⁶ as amended requires that the Council must make the Neighbourhood Plan if more than half of those voting have voted in favour of the Plan.

The result of the votes cast in the Referendum is as follows:

<u>Question:</u>		
Do you want North Lincolnshire Council to use the Neighbourhood Plan for Appleby to help it decide planning applications in the neighbourhood area?		
	Votes Recorded	Percentage
Number cast in favour of a ' Yes '	142	90.45%
Number cast in favour of a ' No '	15	9.55%

NOTES:

¹ Publication of the examiner's report and plan proposal decisions

² Decision on a plan proposal

³ Meaning of neighbourhood area

⁴ Publicising a plan proposal

⁵ Basic Conditions

⁶ Meaning of neighbourhood development plan

⁷ provision that may be made by neighbourhood development plans