

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	PLANNING COMMITTEE	24 MAY 2017	7
BRYNING WITH WARTON NEIGHBOURHOOD DEVELOPMENT PLAN – DECISION TO MAKE PLAN			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Following the recent Referendum result (90% of residents voted 'Yes' to using the Bryning with Warton Neighbourhood Plan to help decide planning applications in the neighbourhood area), the Local Planning Authority (LPA), should within 8 weeks of a positive referendum 'make' the said Plan. Once 'made' the Bryning with Warton Neighbourhood Development Plan (the Plan) will then form part of the Development Plan, meaning it will be a material consideration when considering development proposals.

RECOMMENDATION

1. That Planning Committee 'make' the Bryning with Warton Neighbourhood Development Plan and bring it into force as part of the Development Plan for Fylde.

SUMMARY OF PREVIOUS DECISIONS

Full Council – 06 February 2017 – Bryning with Warton Neighbourhood Development Plan – Examiner's Report and Progression to Referendum

Members of Full Council agreed to accept the Independent Examiner's modifications and draft Decision Statement and proceed the Bryning with Warton Neighbourhood Development Plan to Referendum on 04 May 2017.

Development Management Committee – 18 January 2017 – Bryning with Warton Neighbourhood Development Plan – Examiner's Report and Progression to Referendum

Development Management Committee agreed to accept the Independent Examiner's modifications and recommend to Full Council to agree to the draft Decision Statement and proceed the Bryning with Warton Neighbourhood Development Plan to Referendum.

Development Management Committee 20 January 2012 – Neighbourhood Development Plan Update

For information purposes the planning policy team produced an indicative timetable for the five emerging Neighbourhood Development Plans in the Fylde Borough.

Development Management Committee 19 December 2012 – Delegated Powers for Neighbourhood Area Applications

Development Management Committee resolved the following powers to be delegated to the Director of Strategic Development:

Power to designate an area as a Neighbourhood Area under section 61G(1) of the Town and Country Planning Act 1990 where the relevant body that has applied for the designation is a parish council, the designation is in accordance with that application and the area to be designated consists of the whole of the area of that Council.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

INTRODUCTION

1. Under the Town and Country Planning Act 1990 (as amended), Fylde Borough Council as the LPA has a statutory duty to assist communities in the preparation of Neighbourhood Development Plans and Orders and to take plans through a process of consultation, examination and referendum. The Localism Act 2011 (Part 6 Chapter 3) sets out the LPA's responsibilities under Neighbourhood Planning.
2. Once a Neighbourhood Development Plan has successfully passed all stages of preparation, including Independent Examination and positive Referendum, it is 'made' by the LPA and forms part of the local authority's Development Plan, meaning the policies contained within it are a material consideration when determining planning applications.

BACKGROUND

3. On the 17 July 2013, Bryning with Warton Parish Council requested that, their parish boundary be designated as a Neighbourhood Area. Following a six week consultation the Neighbourhood Area application was approved on the 25 October 2013. The Submission version of the Plan was submitted to the Council and was subject to a six week consultation period, but was delayed pending the outcome of the Blackfield End Farm planning appeal. After receiving the appeal decision (which was significantly delayed) Fylde Council, an Independent Examiner was appointed, his final report concluded that subject to the suggested modifications the Plan was capable of meeting the legal requirements, including meeting with the Basic Conditions, and should therefore proceed to Referendum.
4. A Referendum must take place within 56 working days of the Decision Statement being agreed and published, with an additional 65 working days if the poll can be combined with another poll. The Referendum took place within 60 days of the Decision Statement being agreed and in combination with the County Council elections. A majority of residents who turn out to vote, must vote in favour of the Neighbourhood Development Plan (50% plus one vote) before it can be 'made'. After a successful Referendum the LPA within eight weeks must bring the Plan into legal force.
5. Therefore on Thursday 04 May 2017, a Referendum on the Bryning with Warton Neighbourhood Plan took place with residents being asked '**Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?**'.

Do you want Fylde Borough Council to use the Neighbourhood Plan for Bryning with Warton to help it decide planning applications in the neighbourhood area?		
Response	Votes	% of total
Yes	943	90%
No	103	10%
Turnout	35.77%	

6. Once a Neighbourhood Development Plan has been positively supported by a majority of those voting within a Referendum, a Local Authority under The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, paragraph 18A, must 'make' the Plan within 8 weeks of the date of the Referendum. Residents voted overwhelmingly to 'make' the Plan (see table above), and as such the Bryning with Warton Neighbourhood Development Plan now needs to be formally 'made' by Fylde Borough Council to come into full legal force, and thereby enable it to become part of the Development Plan for the area it covers.

CONCLUSION

7. The Neighbourhood Development Plan meets the basic conditions and its consultation and promotion process is compliant with legal and procedural requirements. The Council is satisfied that the making of the Bryning with Warton 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). Paragraph 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 requires the Council to 'make' the Plan if more than half of those voting in the Referendum upon the Plan have voted in favour of the Plan being used to help decide planning applications in the area. The Plan was endorsed by more than the required threshold in the Referendum held on Thursday 04 May 2017.
8. It is therefore recommended that the Planning Committee 'make' the Bryning with Warton Neighbourhood Development Plan, which will then form part of a suite of documents that make up the Development Plan, and will be used to help determine planning applications in the parish of Bryning with Warton.

IMPLICATIONS	
Finance	There is provision for the cost of the development of Neighbourhood Plans within the Council's approved revenue budget, funded by specific government grants for this purpose. However this may not cover the full cost of all emerging neighbourhood plans. As is usually the case additional costs will be met, where possible, from existing approved budgets. However, should this not be possible a subsequent funded budget increase to the Council's current approved budget may be necessary.
Legal	The Local Planning Authority is required to accord with the Regulations at relevant stages of the process. There will be a potential need for a legal officer input at relevant stages, which will have time resource issues. There is a potential for judicial review if the Council do not agree with all the modifications suggested by the Examiner.
Community Safety	None arising directly from the report.
Human Rights and Equalities	None arising directly from the report.
Sustainability and Environmental Impact	The Neighbourhood Development Plan should promote the principles of sustainable development. The submitted Neighbourhood Development Plan is also supported by a Sustainability Report.
Health & Safety and Risk Management	None arising directly from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Declaration of Poll Result	May 2017	http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/
Notice of Referendum	April 2017	http://www.fylde.gov.uk/council/elections-and-electoral-registration/elections/neighbourhood-planning-referendum/
Information Statement	April 2017	http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/
Bryning with Warton Neighbourhood Plan	March 2017	http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/warton-neighbourhood-plan/

Attached documents

Appendix 1: Notice of Referendum

Appendix 2: Declaration of Result of Poll